

## SCHEDULES

### SCHEDULE 4

#### MINOR AMENDMENTS OF SOCIAL SECURITY ENACTMENTS

##### PART I

##### ENACTMENTS OF PARLIAMENT OF UNITED KINGDOM

###### *The National Insurance Act 1965*

- 1 In section 81 of the Insurance Act—
- (a) in subsection (4)(b), after " from other benefit" insert " or from any payment under the Old Cases Act ";
  - (b) for subsection (6) substitute—

“(6) In this section " benefit" includes benefit under Part II of the Industrial Injuries Act.”

###### *The National Insurance (Industrial Injuries) Act 1965*

- 2 In section 12 of the Industrial Injuries Act, omit subsection (4).
- 3 In section 17(1) of that Act, omit " either " , the words from " or receiving " to " faculty " and " amount or ".
- 4 In section 18(2) of that Act, omit " either " and the words from " or is receiving " to " faculty ".
- 5 Section 30A of that Act shall cease to have effect.
- 6 In section 58 of that Act—
- (a) in subsection (1), omit paragraph (d);
  - (b) for subsection (2) substitute—

“(2) In respect of byssinosis, a person shall not (unless regulations otherwise provide)—

    - (a) be entitled to injury benefit; or
    - (b) be entitled to disablement benefit unless he is found to be suffering, as the result of byssinosis, from loss of faculty which is likely to be permanent.”
- 7 In section 62 of that Act, substitute the following for subsections (2) and (3)—
- “(2) Where the Secretary of State proposes to make any regulations to which this subsection applies he shall (unless it appears to him that by reason of the urgency of the matter it is inexpedient to do so) refer the proposals in the

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form of draft regulations or otherwise to the said Council for consideration and advice.

(3) Subsection (2) of this section applies to all regulations made under this Act, the Insurance Act, Part I of the Social Security Act or Part IV of that Act so far as relating to Part I, being regulations which relate only to benefit under Part II of this Act or the administration of such benefit, but does not apply to—

- (a) regulations under section 83 of this Act; or
- (b) any such regulations as are specified in paragraphs (a) to (e) of section 94(9) of the Social Security Act or in paragraphs 12A to 19 of Schedule 12 to that Act.

(3A) The Secretary of State may from time to time refer to the Council for consideration and advice such questions as he thinks fit relating to benefit under Part II of this Act and the administration of such benefit.”

8 For section 66 of that Act substitute—

“66 Without prejudice to section 90 of the Social Security Act, stamp duty shall not be charged on any of the documents specified in Schedule 6 to this Act.”

9 In section 71 of that Act, in subsection (1) omit " and methods of prevention ".

10 Sections 73 and 77 of that Act shall cease to have effect.

11 Part I of Schedule 1 to that Act shall cease to have effect.

12 In Schedule 6 to that Act, in paragraph 4 omit " this Act or of " and the words from " or otherwise " to the end.

*The National Insurance Act 1966*

13 In section 11(1) of the National Insurance Act 1966, after "claim for " insert " unemployment benefit or ".

*The Supplementary Benefit Act 1966 (The Ministry of Social Security Act 1966)*

14 In Schedule 2 to the Ministry of Social Security Act 1966, in paragraph 24—

- (a) for sub-paragraph (2)(c) substitute—
  - “(c) any increase of an allowance payable under section 21 of the National Insurance (Industrial Injuries) Act 1965, being an increase payable under section 21(2) in respect of—

- (i) an only, or the elder or eldest, qualifying child, or
- (ii) the second qualifying child.”;

- (b) for sub-paragraph (3)(b) substitute—
  - “(b) any increase of an allowance payable under section 21 of the National Insurance (Industrial Injuries) Act 1965, being an increase payable under section 21(2) in respect of any additional child beyond the first two.”

*The Industrial Injuries and Diseases (Old Cases) Act 1967*

15 In section 9 of the Old Cases Act, after subsection (2) add the following—

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“(3) Any sum due from a person by virtue of any provision made by or under this Act may be recovered from him by reduction of any payment under this Act or from benefit under the Social Security Act 1973 or Part II of the Industrial Injuries Act.”

- 16 In section 14(1) of that Act in the definition of "prescribed" for "insured persons employed in insurable employment" substitute "earners employed in employed earner's employment".

*The National Insurance Act 1972*

- 17 In section 4 of the National Insurance Act 1972, in subsection (2) omit the words from "but, if the deceased" to "section 19(1)".
- 18 In section 8(4) of that Act, for "or instrument" substitute "instrument or document".

*The Social Security Act 1973*

- 19 In section 15(5) of the Social Security Act 1973, in paragraph (b) after "in pursuance of" insert "those enactments or of".
- 20 In section 26(2) of that Act, for "this Part, as it applies" substitute "the provisions of this Part, those of Part IV below as it relates to this Part, or those of Part IV of the former principal Act, as those provisions apply".
- 21 In section 35 of that Act, at the end of subsection (4) add "or in such other cases as may be prescribed".
- 22 In section 39(5)(b) of that Act, in sub-paragraph (iii) for the words from "rate of injury" to "adult dependant)" substitute "benefit in respect of adult dependant, where no entitlement to unemployability supplement), 8A (the same, where there is entitlement to the supplement)".
- 23 In section 47(1) and (2) of that Act, for "the Treasury" substitute "the Secretary of State".
- 24 In section 48 of that Act—  
(a) after subsection (1) insert—  
    “(1A) References in subsection (1) above to this Act and this Part of it do not include any operation of the Act or Part in relation to benefit under Part U of the Industrial Injuries Act or the administration of such benefit.”;
- (b) in subsection (2) omit the words "Subject to the provisions of this section" and for the words from "such" to the end substitute "regulations made under Part I of this Act, or Part IV of this Act so far as relating to Part I, or under Part IV of the former principal Act or the Industrial Injuries Acts, but does not apply to any such regulations as are specified in Part III of Schedule 12 to this Act".
- 25 In section 49(2) of that Act, for "shall" substitute "or, where the Secretary of State's order is made under section 8(4), the Department of Manpower Services for Northern Ireland may".
- 26 In section 90 of that Act, after "Act" insert "Part IV of the former principal Act or the Industrial Injuries Acts or the corresponding Northern Ireland legislation" and for "that Part" substitute "those enactments, or that legislation".

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- 27 In section 94 of that Act—
- (a) in subsection (1) omit the words " but not Part I of Schedule 1 to that Act (insurable employments) ";
  - (b) for subsection (3) substitute—
    - “(3) Regulations under the Industrial Injuries Acts may provide for an employment prescribed by the regulations not to be treated for the purposes of those Acts as employed earner's employment notwithstanding that it would be so treated apart from the regulations.”;
  - (c) in subsection (9), for paragraph (d) substitute—
    - “(d) regulations contained in a statutory instrument which states that it contains only regulations to which section 48(2) of this Act applies ;
    - (dd) regulations contained in a statutory instrument which states that it contains only regulations making with respect to benefit under Part II of the Industrial Injuries Act or the administration of such benefit the same or substantially the same provision as has been, or is to be, made with respect to benefit under Part I of this Act, or the administration of such benefit;”.
- 28 In section 99(18) of that Act, for " or instrument" substitute " instrument or document ".
- 29 In Schedule 1 to that Act, in paragraph 6(1)(j), omit the words " where the employment is in continuation of employment in Great Britain ".
- 30 In Schedule 8 to that Act—
- (a) in paragraph 2(c), for " after that in which the husband died " substitute " following the husband's death (inclusive of the year in which he died) ";
  - (b) in paragraph 3(c), for sub-paragraph (ii) substitute—
    - “(ii) following the husband's death (inclusive of the year in which he died),”.
- 31 In Schedule 10 to that Act, in paragraph 1(2)(a), after " claim for " insert " unemployment benefit, ".
- 32 In Schedule 12 to that Act omit Part II and for paragraph 12 substitute—
- “12 Regulations relating only to benefit under Part II of the Industrial Injuries Act or the administration of such benefit.
  - 12A Regulations made by virtue of paragraph 4 of Schedule 10 to this Act.
  - 12B Regulations under paragraph 14(b) of Schedule 22 to this Act.”
- 33 In Schedule 15 to that Act—
- (a) in paragraph 2, at the end insert—
    - “(7) This paragraph in its application to Northern Ireland shall have effect with the substitution—
    - (a) for any reference to the Secretary of State (except the first reference in sub-paragraph (1) and the reference in sub-paragraph (3)) of a reference to the appropriate Northern Ireland department,

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- (b) for the enactments specified in sub-paragraph (4) and any reference to those enactments of a reference to Articles 9 to 12 of the Superannuation (Northern Ireland) Order 1972, and
    - (c) in sub-paragraph (5) for the words from " rules " to " 1948 " of the words " any provision such as is mentioned in paragraph 4 of Schedule 3 to the said Order of 1972, and for the purposes of this paragraph " the appropriate Northern Ireland department" in relation to any class of employment qualifying a person for benefit under any Article of the Superannuation (Northern Ireland) Order 1972 means the department which has power to make regulations under that Article.”;
  - (b) in paragraph 12(a), after " former principal Act" insert " or Part III of the National Insurance Act (Northern Ireland) 1966 ".
- 34 In Schedule 22 to that Act, in paragraph 14, for sub-paragraph (b) substitute—
- “(b) for the purposes of this Act, the Industrial Injuries Act or the Family Allowances Act, as to the circumstances in which—
    - (i) a marriage celebrated under a law which permits polygamy; or
    - (ii) any marriage during the subsistence of which a party to it is at any time married to more than one person,is to be treated as having or not having the consequences of a marriage celebrated under a law which does not permit polygamy;”.
- 35 In Schedule 23 to that Act, in paragraph 9(3), for " during the 2 years preceding the date of the offence " substitute " on the date of the offence or during the 2 years preceding that date ".
- 36 In Schedule 25 to that Act—
- (a) in paragraph 2(2)(a) after " 99(3)" insert " and paragraph 5(2) of Schedule 23 ";
  - (b) in paragraph 10 after sub-paragraph (b) insert—
    - “(bb) in paragraph 5(2) after " State" insert " or of the Northern Ireland Ministry ;”;
  - (c) in paragraph 15(1) after " section 12(3) or made" insert " by that department or the Department of Manpower Services for Northern Ireland ".
- 37 In Schedule 26 to that Act, in paragraph 2(3), for " 19" substitute " 16 ".
- 38 In Schedule 27 to that Act, in paragraph 103, for "The Ministry may, with the consent of the Ministry of Finance," substitute " The Department of Health and Social Services may, with the consent of the Department of Finance, " and for " the Ministry " in the second place where those words occur substitute " the Department of Health and Social Services ".
- 39 In Schedule 28 to that Act, in column 3 of the entry in Part II relating to the Social Services (Parity) Act (Northern Ireland) 1971, for "The National Insurance Acts 1965 to 1970" substitute " The National Health Service Contributions Act 1965 ".

*The National Insurance and Supplementary Benefit Act 1973*

- 40 In section 4 of the Act of 1973—

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- (a) for the words following paragraph (b) in subsection (1) substitute—
- “(1A) In this section "benefit" means—
- (a) any of the following benefits under Part I of the Social Security Act 1973, namely—
- sickness benefit, invalidity benefit, maternity allowance and earnings-related supplement under section 10(8) or 17(4) of that Act; and
- (b) injury benefit under the Industrial Injuries Act.”;
- (b) in subsection (2) for " the Insurance Act" substitute " Part I of the Social Security Act 1973 ";
- (c) in subsection (3) omit " and the Industrial Injuries Fund " and for " those Funds " substitute " that Fund ";
- (d) in subsection (7) for the words from " section 85(4) " onwards substitute " section 46(4) of the Social Security Act 1973 ".

41 In section 5(1) of that Act, after the second " 1972 " insert " and the Social Security Act 1973 " and after " Insurance Act" insert " and section 12(1)(a)(i) of the said Act of 1973.