

## SCHEDULES

### SCHEDULE 2

#### CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

#### PART II

ENACTMENTS OF THE PARLIAMENT OF NORTHERN IRELAND OR THE NORTHERN IRELAND ASSEMBLY: ORDERS IN COUNCIL APPLYING TO NORTHERN IRELAND

*Agricultural Wages (Regulation) Act (Northern Ireland) 1939 (c. 25)*

- 71 In section 2A(2)(e) of the Agricultural Wages (Regulation) Act (Northern Ireland) 1939 for the words from " benefits " to the end substitute " benefits payable under the Social Security (Northern Ireland) Act 1975 ".

*Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 (c. 23)*

- 72 In section 3 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 (as amended by the Social Services (Parity) Order (Northern Ireland) 1971, Schedule 5 paragraph 1)—

- (a) in subsection (1), for the words from " industrial injury " to " invalidity benefit" substitute—

“any of the following benefits under the Social Security (Northern Ireland) Act 1975 or the Social Security Act 1975, namely—

sickness benefit,  
invalidity benefit,  
non-contributory invalidity pension,  
injury benefit,  
disablement benefit”; and

- (b) for subsection (6) substitute—

“(6) For the purposes of this section disablement benefit in the form of a gratuity is to be treated as benefit for the period taken into account by the assessment of the extent of the disablement in respect of which it is payable.”

*Employment and Training Act (Northern Ireland) 1950 (c. 29)*

- 73 In sections 3(6) and 5(4) of the Employment and Training Act (Northern Ireland) 1950, for "Part I of the Social Security Act 1973 " substitute " the Social Security (Northern Ireland) Act 1975 ".

- 74 In section 5(3) of that Act for " the Social Security Act 1973 " substitute " the Social Security (Northern Ireland) Act 1975 ".

*Status: This is the original version (as it was originally enacted).*

*Judicial Pensions Act (Northern Ireland) 1951 (c. 20)*

75 The following section shall be substituted for section 3 of the Judicial Pensions Act (Northern Ireland) 1951—

**“3 Application of Part II.**

Without prejudice to section 2(6)(a) of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (application of certain provisions in respect of President of the Industrial Court or of the Industrial Tribunals), this Part shall apply in relation to service by a person as a National Insurance Commissioner remunerated by means of a salary ; but in its application to such a Commissioner this Part shall have effect subject to paragraph 7(3) and (4) of Schedule 10 to the Social Security (Northern Ireland) Act 1975, "serve" and " service " being construed accordingly”.

76 The following section shall be substituted for section 16 of that Act—

**“16 Departmental recommendation required in certain cases.**

The grant under this Part of this Act of a lump sum or widow's or children's pension conditional on eligibility for a pension for service as a National Insurance Commissioner shall require the recommendation of the Department of Health and Social Services”.

77 In section 22(1) of that Act for the definition of "National Insurance Commissioner" substitute the following—

“ National Insurance Commissioner ' means a National Insurance Commissioner appointed under section 97(3) of the Social Security (Northern Ireland) Act 1975 ;”

*Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955 (c. 29)*

78 In Schedule 2 to the Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955 at the end insert the following entry—

“The Social Security (Northern Ireland) Act 1975 (1975 c. 15)”.

*Companies Act (Northern Ireland) 1960 (c. 22)*

79 In section 287(1)(e) of the Companies Act (Northern Ireland) 1960 after " 1973 " insert " and those specified in section 144(2) of the Social Security (Northern Ireland) Act 1975 and section 153(2) of the Social Security Act 1975

*Companies (Amendment) Act (Northern Ireland) 1963 (c. 25)*

80 In section 3(6)(b) of the Companies (Amendment) Act (Northern Ireland) 1963 for the words from "for the purposes of" onwards substitute " for the purposes of the Social Security (Northern Ireland) Act 1975 or the Social Security Act 1975 as earnings paid in that period ".

*Industrial Training Act (Northern Ireland) 1964 (c. 18)*

81 In the Industrial Training Act (Northern Ireland) 1964, substitute the following for section 11—

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**“11 Industrial injuries benefit for accidents in training.**

- (1) In relation to accidents happening to employed earners (within the meaning of Chapter IV of Part II of the Social Security (Northern Ireland) Act 1975) who attend courses or avail themselves of other facilities provided or approved by an industrial training board, sections 52 to 54 of that Act have effect subject to the following modifications.
- (2) For the purposes of section 52 an act done by the employed earner for the purposes of and in connection with his training shall, if it is not done for the purposes of and in connection with his employer's trade or business, be deemed to be so done.
- (3) For the purposes of section 53, a vehicle (within the meaning of that section) which is operated by or on behalf of an industrial training board or some other person by whom it is provided in pursuance of arrangements made with an industrial training board shall, if not operated and provided as mentioned in subsection (1)(b)(i) of that section, be deemed to be so operated and provided.
- (4) For the purposes of section 54, any premises at which an employed earner is for the time being employed for the purposes of his training shall, if they are not premises at which he is for the time being employed for the purposes of his employer's trade or business, be deemed to be such premises”.

*Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964 (c. 32)*

82 In section 1 of the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964—

- (a) in subsection (1)—
  - (i) in paragraph (a)(ii) after " income tax " insert " or Class 4 contributions under Part I of the Social Security (Northern Ireland) Act 1975 or Part I of the Social Security Act 1975 ";
  - (ii) for paragraph (e) substitute—
    - “(e) all the debts specified in section 93(2) of the Social Security Act 1973 ;
    - (ee) the debts specified in section 144(2) of the Social Security (Northern Ireland) Act 1975 or section 153(2) of the Social Security Act 1975”;
- (b) in subsection (1)(3)(c) for the words from " for the purposes of" onwards substitute " for the purposes of the Social Security (Northern Ireland) Act 1975 or the Social Security Act 1975 as earnings paid in that period ".

*Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19)*

83 In sections 27(3) and (4A) and 501(1A)(a) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965. for " the day appointed for the coming into force of section 2 of the Social Security Act 1973 " substitute " 6th April 1975 ".

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*Status: This is the original version (as it was originally enacted).*

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- 84 In section 27 of that Act, in subsection (4A)(b) for " that Act" substitute " the Social Security (Northern Ireland) Act 1975 ", and in subsection (6)(b) for " the Social Security Act 1973 " substitute " the Social Security (Northern Ireland) Act 1975 ".
- 85 In section 41(4) of that Act for " section 45" substitute " section 128 " and for " the Social Security Act 1973 " (in both places) substitute " the Social Security (Northern Ireland) Act 1975 ".
- 86 In section 50(1A)(b) of that Act for "section 2(4)(a) of the said Act of 1973 " substitute " section 4(4)(a) of the Social Security (Northern Ireland) Act 1975 ".
- 87 In section 55(1) of that Act for " the Social Security Act 1973 " substitute " the Social Security (Northern Ireland) Act 1975 ".

*Family Allowances Act (Northern Ireland) 1966 (c. 8)*

- 88 For section 5 of the Family Allowances Act (Northern Ireland) 1966. (claims and determination of questions) substitute—

“5 (1) Subject to the provisions of this Act and section 80(1) of the Social Security (Northern Ireland) Act 1975 and in accordance with regulations made under this Act, all claims for or in respect of allowances shall be made to the Ministry.

- (2) Part III of the Social Security (Northern Ireland) Act 1975 shall apply in relation to the determination of any question arising under this Act, being—
- (a) a question as to the right to an allowance in respect of any person for any family ; or
  - (b) a question which by virtue of the Schedule to this Act falls to be decided by the Ministry in its discretion,

as it applies to the determination of questions as to the right to benefit under Chapters I to III of Part II of that Act or, as the case may be, to a question within paragraph (b) of this subsection arising under those Chapters, subject, in the case of a question within paragraph (a) of this subsection, to any modifications prescribed for the purposes of this subsection under section 114 of that Act.”

- 89 In section 8 of that Act—
- (a) substitute the following for subsection (1)—

“(1) Without prejudice to the provisions of section 86 of the Social Security (Northern Ireland) Act 1975, sections 82(3) and 119 of that Act shall apply—

- (a) in relation to an allowance and to sums paid on account of an allowance as they apply in relation to, or to sums paid by way of, benefit under Chapters I to III of Part II of that Act; and
- (b) in relation to the person to whom an allowance belongs as they apply in relation to a beneficiary under those Chapters ;

and any sums repaid to the Ministry by virtue of this subsection shall be paid by it into the Consolidated Fund”.

- (b) in subsection (2) for " section 80(3)" substitute " section 119(3) " and for " section 80(3) and (4) " substitute " section 119(3) and (4) ";

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(c) in subsection (3), for " section 80(3)" substitute " section 119(3) ", and for the words from "benefit" onwards substitute " benefit or payments under Part II of the Social Security (Northern Ireland) Act 1975 or from allowances under the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 ".

90 In section 11 of that Act, substitute the following for subsection (5)—

“(5) Where a person is entitled in respect of a child to a guardian's allowance under section 38 of the Social Security (Northern Ireland) Act 1975, any allowances payable under this Act for his family shall be such only as would be payable if that child were not included in the family.”

91 Before section 12 of that Act insert—

“**11A** Regulations under the Social Security (Northern Ireland) Act 1975 may provide, for the purposes of this Act, as to the circumstances in which—

- (a) a marriage celebrated under a law which permits polygamy ; or
- (b) a 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”.

92 In section 15(2) of that Act for " section 79 of the Insurance Act" substitute " paragraph 3 or 4 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 ".

93 In section 21(3) of that Act for " section 96(3) and (7) of the Social Security Act" substitute " section 155(3) and (7) of the Social Security (Northern Ireland) Act 1975 ".

*Supplementary Benefits &c. Act (Northern Ireland) 1966 (c. 28)*

94 In section 12(1) of the Supplementary Benefits &c. Act (Northern Ireland) 1966, for the words from " unemployment" to " refuses" substitute " unemployment benefit under Chapter I of Part II of the Social Security (Northern Ireland) Act 1975 refuses ".

95 In section 17(1) of that Act, for paragraphs (a) and (b) substitute—

“(a) benefit (other than a maternity grant or a death grant) under Part II of the Social Security (Northern Ireland) Act 1975”;

and for paragraph (d) substitute—

“(d) allowances under the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 ;”.

96 In section 18(1) of that Act the following shall be substituted for paragraph (e) (as set out in the Social Security Act 1973, Schedule 27, paragraph 158)—

“(e) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within such period as may be specified in the regulations, not being less than twelve months from the date on which the right is to be treated under the regulations as having arisen.”

97 In section 19(2) of that Act for the words from " the National" to " 67(3)(c)" substitute " Part III of the Social Security (Northern Ireland) Act 1975 in like manner as a reference under section 99(2)(c) ".

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*Status: This is the original version (as it was originally enacted).*

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98 In section 26 of that Act, substitute the following for subsection (4)—  
 “(4) Where any amount paid by way of benefit is recoverable under this section, it may, without prejudice to any other method of recovery, be recovered by deduction from benefit under Part II of the Social Security (Northern Ireland) Act 1975”.

99 After section 37 of that Act insert—

**“37A Inspectors.**

- (1) Every appointment of an inspector under section 135 of the Social Security (Northern Ireland) Act 1975 shall be an appointment also for the purposes of this Act.
- (2) In sections 135(2) to (5) and 136 of that Act references to that Act include this Act; and in section 136(1)(b) the reference to benefit includes benefit within the meaning of this Act.

**37B Reciprocity with other countries.**

- (1) For the purpose of giving effect to any agreement with the government of a country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to those of this Act, the Secretary of State may by order provide for modifying or adapting this Act in its application to cases affected by the agreement.
- (2) The modifications of this Act which may be made by virtue of subsection (1) include provision—
  - (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);
  - (b) for determining, in cases where rights accrue both under this Act and under the law of that country, which of those rights is to be available to the person concerned ;
  - (c) for making any financial adjustments.
- (3) In relation to the power to make orders which is conferred by this section, and to orders made in the exercise of the power, section 155(3) and (7) and section 157(4) of the Social Security (Northern Ireland) Act 1975 (additional matters which may be dealt with by Order in Council; power to revoke and vary etc.) apply as they do for the purposes of that Act.”

100 In section 40(1) of that Act, for the definitions of " place of employment" and " trade dispute " substitute—  
 ““ place of employment ' and ' trade dispute ' have the same meanings as in section 19 of the Social Security (Northern Ireland) Act 1975”.

101 In Schedule 2 to that Act—  
 (a) in paragraph 2(3) for the words from "any benefit" to " 1969" substitute " benefit under the Social Security (Northern Ireland) Act 1975 ";  
 (b) in paragraph 11 (formerly 10A) in sub-paragraph (1)(a) for the words preceding " (disqualification " substitute " he is disqualified for receiving

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- unemployment benefit under the Social Security (Northern Ireland) Act 1975 by virtue of section 20(1) of that Act";
- (c) in paragraph 12 (formerly 12A) substitute for sub-paragraphs (2) and (3)—
- “(2) In this paragraph—
- (a) " attendance allowance" means an attendance allowance under Chapter II of Part II of the Social Security (Northern Ireland) Act 1975 ;
- (b) " attendance requirements " in relation to a disabled person means that person's requirements, by reason of the severity of his physical or mental disablement, for such attention or supervision from another person as is referred to in section 35(1) of the Social Security (Northern Ireland) Act 1975 or, in relation to a disabled child, that subsection as modified by regulations made under subsection (5) of that section.
- (3) For the purposes of this paragraph, the provisions of regulations under Chapter VI of Part II of the Social Security (Northern Ireland) Act 1975 relating to overlapping benefits shall not be treated as affecting the rate of attendance allowance to which a person is entitled.”;
- (d) in paragraph 20, for sub-paragraphs (a) and (b) substitute—
- “(a) any maternity grant under section 21 of the Social Security (Northern Ireland) Act 1975 ;
- (b) any death grant under section 32 of that Act;”;
- (e) in paragraph 24 (as substituted by paragraph 5 of Schedule 3 to the Social Security Benefits Act 1975)—
- (i) in sub-paragraph (3) for "Part I of the Social Security Act 1973 " substitute " Chapters I to III of Part II of the Social Security (Northern Ireland) Act 1975 ";
- (ii) for sub-paragraph (4) substitute—
- “(4) This paragraph does not apply to income so far as it consists of injury benefit under Part II of the Social Security (Northern Ireland) Act 1975 or industrial death benefit under Part II of that Act except—
- (a) so much of—
- (i) any widow's pension payable at the higher permanent rate under section 68 of that Act, or
- (ii) any widower's pension under section 69 of that Act,
- as exceeds the rate specified in Part I of Schedule 4 to that Act for a widow's pension under section 26 of the Act;
- (b) £0.38 of any allowance under section 70 of that Act in respect of—
- (i) an only, or the elder or eldest qualifying child, or
- (ii) a second qualifying child ;

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- (c) £0.28 of any allowance under that section in respect of any additional qualifying child beyond the first two ;
- (d) any parent's pension under section 71. of that Act;
- (e) any relative's pension under section 72. of that Act.”

(iii) in sub-paragraph (5), for "the Social Security Act 1973 " substitute " the Social Security (Northern Ireland) Act 1975 ".

*Births and Deaths Registration Act (Northern Ireland) 1967 (c. 25)*

102 In Schedule 2 to the Births and Deaths Registration Act (Northern Ireland) 1967 at the end, insert the following entry—

“The Social Security (Northern Ireland) Act 1975 (1975 c. 15)”.

*Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

103 In section 119(3) of the Children and Young Persons Act (Northern Ireland) 1968 for the words from " under section " to the end substitute " under section 32 of the Social Security (Northern Ireland) Act 1975 ".

*Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (c. 7)*

104 In section 1(4) of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 for paragraph (d) substitute—

“(d) paragraphs 5 to 7 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 ;”.

*Welfare Services Act (Northern Ireland) 1971 (c. 2)*

105 In section 25(4) of the Welfare Services Act (Northern Ireland) 1971 for the words from " under section" to the end substitute " under section 32 of the Social Security (Northern Ireland) Act 1975 ".

*Family Income Supplements Act (Northern Ireland) 1971 (c. 8)*

106 In section 8(4) of the Family Income Supplements Act (Northern Ireland) 1971 for the words from " benefit" to " 1969 " (where it first occurs) substitute " benefit under the Social Security (Northern Ireland) Act 1975 ".

*Social Services (Parity) Act (Northern Ireland) 1971 (c. 21)*

107 In section 2 of the Social Services (Parity) Act (Northern Ireland) 1971 for the words from the beginning to " Fund " in the second place where it occurs substitute " Subject to the provision made by section 129(5) of the Social Security (Northern Ireland) Act 1975 for reimbursement out of the Northern Ireland National Insurance Fund ".

108 In Schedule 1 to that Act, after the entry for the Family Income Supplements Act 1970 insert—

“The Social Security Act 1975 The Industrial Injuries and Diseases (Old Cases) Act 1975”.



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*Status: This is the original version (as it was originally enacted).*

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*Pensions (Increase) Act (Northern Ireland) 1971 (c. 35)*

- 109 In Part I of Schedule 2 to the Pensions (Increase) Act (Northern Ireland) 1971 for paragraph 12 substitute—
- “12 A pension payable under paragraph 6 of Schedule 10 to the Social Security (Northern Ireland) Act 1975”.

*Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972 No. 1265 (N.I. 14))*

- 110 In Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 for the definition of " trade dispute " substitute—
- “ trade dispute ' has the same meaning as in section 19 of the Social Security (Northern Ireland) Act 1975 ;”.
- 111 In Article 39(2) of that Order for the words from " death grant in respect of that death" to the end substitute " death grant in respect of that death under section 32 of the Social Security (Northern Ireland) Act 1975 ".

*National Insurance Measure (Northern Ireland) 1974 (c. 4)*

- 112 In section 5(1) of the National Insurance Measure (Northern Ireland) 1974 for "or Part I of the Social Security Act 1973" substitute " the Social Security (Northern Ireland) Act 1975 or the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 ".