



# Social Security Act 1975

## 1975 CHAPTER 14

### PART IV

#### GENERAL PROVISIONS AS TO OPERATION AND ADMINISTRATION OF THIS ACT

##### *Review and re-rating of contributions*

#### **120 Annual review of contributions**

- (1) As soon as may be after 6th April 1975, the Secretary of State shall review the general level of earnings in Great Britain, taking into account changes in that level which have taken place in and since the tax year 1973-74, with a view to determining whether, in respect of contributions under this Act, an order should be made under this section to have effect in relation to the second year of operation of sections 2 to 10 of this Act.
- (2) In that year, and thereafter in each subsequent tax year, the Secretary of State shall carry out a further review of the general level of earnings, taking into account changes in that level which have taken place since his last review under this section, with a view to determining whether, in respect of contributions under this Act, an order should be made under this section, to have effect in relation to the next following tax year.
- (3) For the purposes of any review under this section, the Secretary of State—
  - (a) shall estimate the general level of earnings in such manner as he thinks fit; and
  - (b) shall take into account any other matters appearing to him to be relevant to his determination whether or not an order should be made under this section, including the current operation of this Act.
- (4) If the Secretary of State determines, as a result of a review under this section, that having regard to changes in the general level of earnings which have taken place, and to any other matters taken into account on the review, an order under this section should be made for the amendment of Part I of this Act, he shall prepare and lay before each House of Parliament a draft of such an order framed so as to give effect to his conclusions on the review.

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- (5) An order under this section may amend Part I by altering any one or more of the following figures—
- (a) the figures specified in section 4(1) as the lower and upper earnings limits for Class 1 contributions;
  - (b) the figure specified in section 7(1) as the weekly rate of Class 2 contributions;
  - (c) the figure specified in section 7(5) as the amount of earnings below which regulations under that subsection may except an earner from liability for Class 2 contributions;
  - (d) the figure specified in section 8(1) as the amount of a Class 3 contribution;
  - (e) the figures specified in section 9(2) as the lower and upper limits of profits or gains which are to be taken into account for the purposes of Class 4 contributions.
- (6) An order under this section, if it contains an amendment altering either of the figures specified in section 9(2), shall make the same alteration of the corresponding figure specified in section 10(1).
- (7) If the Secretary of State determines as a result of a review under this section that, having regard to his conclusions in respect of the general level of earnings and otherwise, no such amendments of Part I are called for as can be made for the purposes of subsection (5) above, and determines accordingly not to lay a draft of an order before Parliament, he shall instead prepare and lay before each House of Parliament a report explaining his reasons for that determination.

## **121 Orders under s.120 (supplementary)**

- (1) Where the Secretary of State lays before Parliament a draft of an order under section 120 above, he shall lay with it a copy of a report by the Government Actuary on the effect which, in the Actuary's opinion, the making of such an order may be expected to have on the National Insurance Fund ; and, where he determines not to lay a draft order, he shall with the report laid before Parliament under section 120(7) lay a copy of a report by the Government Actuary on the consequences for the Fund which may, in the Actuary's opinion, follow from that determination.
- (2) Where the Secretary of State lays before Parliament a draft of an order under section 120, then if the draft is approved by a resolution of each House, the Secretary of State shall make an order in the form of the draft.
- (3) An order under section 120 shall be made so as to be in force from the beginning of the tax year following that in which it received Parliamentary approval, and to have effect for that year and any subsequent tax year (subject to the effect of any subsequent order under that section or section 122 below); and for this purpose the order is to be taken as receiving Parliamentary approval on the date on which the draft of it is approved by the second House to approve it.

## **122 Additional power to alter contributions**

- (1) Without prejudice to section 120 of this Act, the Secretary of State may at any time, if he thinks it expedient to do so with a view to adjusting the level at which the National Insurance Fund stands for the time being and having regard to the sums which may be expected to be paid from the Fund in any future period, make an order amending Part I of this Act by altering any one or more of the following figures—

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- (a) the percentage rates for primary and secondary Class 1 contributions specified in section 4(6);
  - (b) the figure specified in section 7(1) as the weekly rate of Class 2 contributions;
  - (c) the figure specified in section 8(1) as the amount of a Class 3 contribution;
  - (d) the percentage rate for Class 4 contributions specified in section 9(2).
- (2) An order under subsection (1) above shall, if it contains an amendment altering the percentage rate for Class 4 contributions specified in section 9(2), make the same alteration of the percentage rate specified in section 10(1).
- (3) An order under subsection (1) above may—
  - (a) if it contains an amendment altering the figure specified in section 7(1) as the weekly rate of Class 2 contributions and the Secretary of State thinks it expedient in consequence of that amendment, amend section 7(5) by altering the figure there specified as the amount of earnings below which regulations under that subsection may except an earner from liability for Class 2 contributions;
  - (b) if the Secretary of State thinks it expedient in consequence—
    - (i) of any amendments of Part I made by the order, or
    - (ii) of any regulations under sections 127 to 132 which he has made or proposes to make with a view to adjusting the percentage rate of Class 1 contributions in the case of particular categories or descriptions of earners,amend section 134(4) of this Act by altering any one or more of the percentages there specified in relation to the appropriate national health service allocation and the appropriate allocation to the Redundancy Fund.
- (4) Without prejudice to the foregoing provisions, but subject to subsection (6) below, the Secretary of State may at any time, if he thinks it expedient to do so with a view to adjusting the level at which the Redundancy Fund stands for the time being and having regard to the sums which may be expected to be paid from that Fund in any future period, make an order amending section 4(6) of this Act by altering the percentage rate for secondary Class 1 contributions specified in that subsection.
- (5) Where the Secretary of State determines to make an order under subsection (4) above, the order shall also provide for the amendment of section 134(4) of this Act by increasing or reducing the percentage there specified in relation to the appropriate allocation to the Redundancy Fund by the same amount as that by which the order increases or reduces the percentage rate for secondary Class 1 contributions.
- (6) No order shall be made under this section so as to increase the percentage rate for primary or secondary Class 1 contributions, or for Class 4 contributions, to a percentage more than 0.25 per cent. higher than that which is specified in section 4(6) or, as the case may be, section 9(2) of this Act as for the time being amended by any other Act.

### **123 Orders under s.122 (supplementary)**

- (1) No order shall be made under section 122 above unless a draft of the order has been laid before, and approved by, a resolution of each House of Parliament.
- (2) Where the Secretary of State lays before Parliament a draft of an order under that section, he shall lay with it a copy of a report by the Government Actuary on the effect

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which, in the Actuary's opinion, the making of such an order may be expected to have on the National Insurance Fund:

Provided that no such report need be laid if the order is made by virtue only of section 122(4) or (5).

- (3) An order under section 122 shall be made so as to be in force from the beginning of the tax year following that in which it received Parliamentary approval, and to have effect for that year and any subsequent tax year (subject to the effect of any subsequent order under that section or under section 120 above); and for this purpose the order is to be taken as receiving Parliamentary approval on the date on which the draft of it is approved by the second House to approve it.

#### *Up-rating of benefits*

### **124 Power to increase rates of benefit**

- (1) The Secretary of State may by order increase any of the sums specified in—
- (a) Schedule 4 to this Act;
  - (b) Schedule 6 to this Act, paragraphs 3(1)(a)(i) and (ii) (calculation of earnings-related supplement and addition) ; and
  - (c) sections 2(6)(c) and 7(2)(b) of the Old Cases Act;
  - (d) sections 30(1) and (2), 45(3) and (4), 66(4) and (5) of this Act (earnings rules).
- (2) No order shall be made under this section unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (3) The Secretary of State shall lay with any draft order under this section a copy of a report by the Government Actuary giving the latter's opinion on the likely effect on the National Insurance Fund of the making of the order.

### **125 Duty to increase certain benefits**

- (1) The Secretary of State shall in the tax year 1975-1976 and each subsequent tax year review the sums specified in—
- (a) Schedule 4 to this Act, Parts I, III, IV and V (except the sum specified in Part III for age addition); and
  - (b) sections 2(6)(c) and 7(2)(b) of the Old Cases Act,
- for the purpose of determining whether those sums have retained their value in relation to the general level of earnings or prices obtaining in Great Britain.
- (2) For the purposes of any such review the Secretary of State shall estimate the general level of earnings and prices in such manner as he thinks fit and shall have regard either to earnings or prices according to which he considers more advantageous to beneficiaries, except that he shall have regard only to prices as respects the sums specified in—
- (a) Part I of Schedule 4 to this Act, paragraphs 1 and 4, and Part IV of that Schedule, paragraphs 1(a) and 3 (unemployment and sickness benefit and maternity allowance); and
  - (b) Part V of that Schedule, paragraphs 1, 9, 11 and 15(6) (injury benefit and lower rate allowance in respect of deceased's children).

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- (3) If on any such review the Secretary of State concludes that any of the sums in question have not retained their value as mentioned above, he shall prepare and lay before each House of Parliament the draft of an up-rating order increasing those sums at least to such extent as he thinks necessary to restore their value.
- (4) If a draft order laid before Parliament in pursuance of this section is approved by resolution of each House, the Secretary of State shall make the order in the form of the draft.

## **126 Supplementary provisions as to up-rating**

- (1) If on a review under section 125 above the Secretary of State determines that he is not required to prepare and lay the draft of an up-rating order, he shall instead lay before each House of Parliament a report explaining his reasons for arriving at that determination.
- (2) The Secretary of State shall with any report under subsection (1) above lay a copy of a report by the Government Actuary giving the latter's opinion on the likely effect on the National Insurance Fund of the Secretary of State's determination that no order is required.
- (3) Section 125(3) above shall not require the Secretary of State to provide for an increase in any case in which it appears to him that the amount of the increase would be inconsiderable.
- (4) The Secretary of State may, in providing for an increase in pursuance of section 125(3), adjust the amount of the increase so as to secure that the sums specified for any particular benefits continue to differ from each other by the same amount, or so as to round any sum up or down to such extent as he thinks appropriate having regard to the nature and the rate or amount of the benefit in question.
- (5) A draft order prepared under section 125(3) shall be framed so as to bring the increase of any sum to which it relates into force not later than the expiration of the period of 12 months beginning with the date on which the provision fixing the current amount of that sum came into force; but if since that date there have been laid before Parliament under subsection (1) of this section one or more reports, or one or more draft orders not increasing that sum, that period shall be extended by a further 12 months for each such report or draft order.
- (6) Schedule 14 to this Act has effect with respect to benefit under this Act or the Old Cases Act, where rates of benefit are altered—
  - (a) by an Act subsequent to this Act, or by an up-rating order; or
  - (b) in consequence of any such Act or order altering any maximum rate of benefit.

### *Special classes of earners*

## **127 Crown employment**

- (1) Subject to the provisions of this section, this Act applies to persons employed by or under the Crown in like manner as if they were employed by a private person.
- (2) This section does not apply to persons serving as members of Her Majesty's forces ; and employment as a member of those forces and any other prescribed employment

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under the Crown are not, and are not to be treated as, employed earner's employment for any of the purposes of Chapter IV or V of Part II of this Act.

### **128 Her Majesty's forces**

- (1) Subject to section 127(2) above and to this section, a person who is serving as a member of Her Majesty's forces shall, while he is so serving, be treated for the purposes of this Act as an employed earner in respect of his membership of those forces.
- (2) The Secretary of State may make regulations modifying Parts I, II and III of this Act, in such manner as he thinks proper, in their application to persons who are or have been members of Her Majesty's forces; and regulations under this section may in particular provide—
  - (a) in the case of persons who are employed earners in respect of their membership of those forces, for reducing the rate of the contributions payable in respect of their employment and for determining—
    - (i) the amounts payable on account of those contributions by the Secretary of State and the time and manner of payment, and
    - (ii) the deductions (if any) to be made on account of those contributions from the pay of those persons;
  - (b) for preventing a person who is discharged from Her Majesty's forces at his own request from being thereby disqualified for receiving unemployment benefit on the ground that he has voluntarily left his employment without just cause.
- (3) For the purposes of this Act, Her Majesty's forces shall be taken to consist of such establishments and organisations as may be prescribed, being establishments and organisations in which persons serve under the control of the Defence Council.
- (4) The Secretary of State's power under subsection (2) above to make regulations with respect to Her Majesty's forces and his corresponding power to make regulations under section 123 of the Social Security (Northern Ireland) Act 1975 together have the same extent as the former power under section 40(3) of the 1973 Act when made by the Social Security Amendment Act 1974. to extend to the whole of the United Kingdom.

### **129 Mariners, airmen, etc.**

- (1) The Secretary of State may make regulations modifying provisions of Parts I, II and III of this Act, in such manner as he thinks proper, in their application to persons who are or have been, or are to be, employed on board any ship, vessel, hovercraft or aircraft.
- (2) Regulations under subsection (1) above may in particular provide—
  - (a) for any such provision to apply to such persons, notwithstanding that it would not otherwise apply ;
  - (b) for excepting such persons from the application of any such provision where they neither are domiciled nor have a place of residence in any part of Great Britain ;
  - (c) for requiring the payment of secondary Class 1 contributions in respect of such persons, whether or not they are (within the meaning of Part I) employed earners ;

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- (d) for the taking of evidence, for the purposes of any claim to benefit, in a country or territory outside Great Britain, by a British consular official or such other person as may be prescribed ;
  - (e) for enabling persons who are or have been so employed to authorise the payment of the whole or any part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed.
- (3) Any secondary Class 1 contribution payable by an employer—
- (a) in respect of payments to a person employed on board a ship, vessel or hovercraft, where that person is by virtue of this section excepted from liability to pay a primary Class 1 contribution in respect of the payments ; or
  - (b) by virtue of this section in respect of a person so employed who is not an employed earner within the meaning of Part I,

shall be excluded from the contributions which under section 1(5) of this Act are to be taken into account for the purpose of arriving at the amount of any Treasury supplement and shall be administered and applied in such manner and for such purposes as may be prescribed.

### **130 Married women and widows**

- (1) The Secretary of State may make regulations modifying any of the following provisions of this Act, namely—
- Part I, and
  - Chapters I, II and III of Part II (except section 33 in Chapter I),
- in such manner as he thinks proper, in their application to women who are or have been married.
- (2) Regulations under this section shall provide (subject to any prescribed conditions and exceptions) for enabling a married woman or widow to elect that in any tax year—
- (a) her liability in respect of primary Class 1 contributions shall be a liability to contribute at the reduced, instead of the standard, rate ; or
  - (b) she shall be under no liability for Class 2 contributions,
- and to revoke any such election.
- (3) Regulations made for the purposes of subsection (2) above shall provide so that—
- (a) a woman's election for those purposes is not to be made or revoked otherwise than in respect of a complete tax year (whether the year in which the election is made, or any subsequent year); and
  - (b) an election made or revoked for either one of the purposes mentioned in subsection (2) is to be deemed to be made or revoked for the other purpose also ; and
  - (c) while an election has effect, the woman who made it is not entitled to pay any Class 3 contributions.

### **131 Persons outside Great Britain**

The Secretary of State may make regulations modifying Parts I, II and III of this Act, in such manner as he thinks proper, in their application to persons who are or have been outside Great Britain at any prescribed time or in any prescribed circumstances.

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### **132 Employment at sea (continental shelf operations)**

- (1) The Secretary of State may by regulations provide for modifying Parts I, II and III of this Act, in such manner as he thinks proper, in their application to persons in any prescribed employment (whether under a contract of service or not) in connection with continental shelf operations.
- (2) " Continental shelf operations" means the exploitation of resources mentioned in section 1(1) of the Continental Shelf Act 1964 or the exploration of the sea bed and subsoil in any area designated under section 1(7) of that Act.
- (3) In particular (but without prejudice to the generality of subsection (1) above), the regulations may provide for any prescribed provision of Parts I and II of this Act to apply to such a person notwithstanding that he does not fall within the description of an employed or self-employed earner, or does not fulfil the conditions prescribed under section 1(6) of this Act as to residence or presence in Great Britain.

### *Finance*

### **133 National Insurance Fund**

- (1) The National Insurance Fund shall continue to be maintained under the control and management of the Secretary of State.
- (2) Accounts of the National Insurance Fund shall be prepared in such form, and in such manner and at such times, as the Treasury may direct, and the Comptroller and Auditor-General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before Parliament.
- (3) Any money in the National Insurance Fund may from time to time be paid over to the National Debt Commissioners and be invested by them, in accordance with such directions as may be given by the Treasury, in any such manner as may be specified by an order of the Treasury for the time being in force under section 22(1) of the National Savings Bank Act 1971.
- (4) The National Debt Commissioners shall present to Parliament annually an account of the securities in which money in the National Insurance Fund is for the time being invested.
- (5) There shall be made out of the National Insurance Fund into the Consolidated Fund, or out of money provided by Parliament into the National Insurance Fund, such payments by way of adjustment as the Secretary of State determines (in accordance with any directions of the Treasury) to be appropriate in consequence of the operation of any enactment or regulations relating to the repayment or offsetting of benefit or other payments.
- (6) Where in other circumstances payments fall to be made by way of adjustment—
  - (a) out of the National Insurance Fund either to the Secretary of State or another government department, or into the Reserve Pension Fund or the Consolidated Fund; or
  - (b) into the National Insurance Fund out of the Reserve Pension Fund or out of money provided by Parliament,
 then, in such cases or classes of case as may be specified by the Secretary of State by order made with the consent of the Treasury, the amount of the payments to be made



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shall be taken to be such, and payments on account thereof shall be made at such times and in such manner, as may be determined by the Secretary of State in accordance with any directions given by the Treasury.

### **134 Destination of contributions and Treasury supplements**

- (1) Contributions received by the Secretary of State under Part I of this Act shall be paid by him into the National Insurance Fund after deducting—
  - (a) from contributions of any class, the appropriate national health service allocation in the case of contributions of that class ; and
  - (b) from secondary Class 1 contributions, the appropriate allocation to the Redundancy Fund.
- (2) The contributions referred to in subsection (1) above include those paid over to the Secretary of State by the Inland Revenue under section 9(4) of this Act and Schedule 1, paragraph 5(3); but subsection (1) is subject to section 9(6) as respects contributions from Northern Ireland.
- (3) The Treasury supplements shall be paid, in accordance with any directions given by the Treasury, into the National Insurance Fund.
- (4) In subsection (1) above, " the appropriate national health service allocation " means—
  - (a) in the case of primary Class 1 contributions, 0-4 per cent. of the amount determined to be that of the earnings in respect of which those contributions were paid;
  - (b) in the case of secondary Class 1 contributions, 0-6 per cent, of the amount determined to be that of the earnings in respect of which those contributions were paid;
  - (c) in the case of Class 2 contributions, 8 per cent. of the amount determined to be the total of those contributions ;
  - (d) in the case of Class 3 contributions, 8 per cent. of the amount determined to be the total of those contributions ; and
  - (e) in the case of Class 4 contributions, 0-6 per cent. of the amount determined to be that of the earnings in respect of which those contributions were paid ;and " the appropriate allocation to the Redundancy Fund ", in the case of secondary Class 1 contributions, means 0-2 per cent. of the amount determined to be that of the earnings in respect of which those contributions were paid; and in this subsection " determined " means determined by the Secretary of State in accordance with any directions given by the Treasury.
- (5) So much of any contributions as is to be deducted under subsection (1) above before payment of the remainder into the National Insurance Fund shall be dealt with as follows—
  - (a) from the national health service allocation in respect of contributions of any class there shall be deducted such amount as the Secretary of State may estimate to be the portion of the total expenses incurred by him or any other government department in collecting contributions of that class which is fairly attributable to that allocation, and the remainder shall, in the hands of the Secretary of State, be taken as paid towards the cost—
    - (i) of the national health service in England ;
    - (ii) of that service in Wales, and
    - (iii) of that service in Scotland,

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in such shares as the Treasury may determine ;

(b) from the appropriate allocation to the Redundancy Fund there shall be deducted such amount as the Secretary of State may estimate to be the portion of the total expenses incurred by him or any other government department in collecting secondary Class 1 contributions which is fairly attributable to that allocation, and the remainder shall be paid by the Secretary of State into that Fund ; and

(c) any amounts deducted in accordance with paragraphs (a) and (b) above shall be paid by the Secretary of State into the Consolidated Fund ;

and any estimate by the Secretary of State for the purposes of those paragraphs shall be made in accordance with any directions given by the Treasury.

(6) The Secretary of State may make regulations modifying this section, in such manner as he thinks proper, in relation to the contributions of persons referred to in—  
 section 128(2) (H.M. forces);  
 section 129(1) (mariners, airmen, etc.), and  
 section 132(1) (continental shelf workers).

### **135 General financial arrangements**

(1) Subject to subsection (2) below, all benefit under Part II of this Act shall be paid out of the National Insurance Fund.

(2) Subsection (1) does not apply to any of the following benefits, namely—

- (a) an attendance allowance;
- (b) a non-contributory invalidity pension ;
- (c) an invalid care allowance ;
- (d) a Category C or Category D retirement pension;
- (e) age addition payable—
  - (i) under section 40(1), in respect of a retirement pension of either of those categories, or
  - (ii) under section 40(2);
- (f) benefit payable under section 39(4) (benefits for old people payable under regulations and corresponding to Category C pension, etc.).

(3) There shall be paid out of money provided by Parliament—

- (a) any administrative expenses of the Secretary of State or other government department in carrying this Act and the Old Cases Act into effect; and
- (b) any of the benefits which by virtue of subsection (2) above are not payable out of the National Insurance Fund,

except in so far as they may be required by any enactment to be paid or borne in some other way.

(4) The administrative expenses referred to in subsection (3)(a) above include those in connection with any inquiry undertaken on behalf of the Secretary of State with a view to obtaining statistics relating to the operation of this Act or the Old Cases Act.

(5) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct, such sums as the Secretary of State may estimate (in accordance with any directions given by the Treasury) to

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- be the amount of the administrative expenses incurred as mentioned in subsection (3) (a) above, excluding—
- (a) expenses attributable to the carrying into effect of provisions of this Act relating to the benefits which by virtue of subsection (2) above are not payable out of the National Insurance Fund ; and
  - (b) any other category of expenses which the Treasury may direct, or any enactment may require, to be excluded from the Secretary of State's estimate under this subsection.
- (6) Any sums repaid to the Secretary of State in pursuance of section 119(1) (effect of adjudication) shall—
- (a) be paid by him into the Consolidated Fund in so far as they represent benefit which under this section is payable out of money provided by Parliament and not out of the National Insurance Fund; and
  - (b) otherwise, be paid by him into that Fund.

### **136 Payments for purposes of s.92**

- (1) The Secretary of State may, with the consent of the Treasury—
- (a) issue out of the National Insurance Fund sums equal to the respective amounts (as estimated in accordance with this section) which, but for any arrangement to which section 92 of this Act applies, would have been paid out of that Fund by way of benefit; and
  - (b) deal with those sums in accordance with the following provisions of this section.
- (2) Any such sum which is attributable to an arrangement relating to the members, officers and servants of the Post Office shall be paid to the Post Office; and, subject to this, any such sum shall be paid to such person or fund (including the Consolidated Fund) as the Treasury may direct.
- (3) The amounts mentioned in subsection (1)(a) above shall be estimated—
- (a) where the payment is to be made into the Consolidated Fund, by the Secretary of State; and
  - (b) in any other case in such manner as may be agreed between the person receiving the payment (or responsible for the fund to which the payment is made) and the Secretary of State acting with the consent of the Treasury.
- (4) Subsection (1) above shall not apply where the pay during absence from work covered by the relevant arrangement forms part of the expenses within section 135(5) above.

### **137 Financial review and report**

- (1) As from the end of the period of 5 years from 6th April 1975, or such shorter period as the Secretary of State may direct, the Government Actuary shall review the operation of this Act and the Old Cases Act during that period.
- (2) Thereafter as from the end of each period of 5 tax years, or such shorter period as the Secretary of State may direct in respect of any review, the Government Actuary shall review the operation (during the period since the end of the last period to be the subject of a review) of this Act and the Old Cases Act.

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- (3) It shall be the object of a review by the Government Actuary under this section to determine the extent to which the level at which the National Insurance Fund stands from year to year may be expected in the longer term to bear a proper relation to demands in respect of payments of benefit; and for this purpose the Actuary shall take into account current rates of contributions, the yield to be expected from contributions in the longer term, and such other matters as he considers to be relevant as affecting the present and future level of the Fund.
- (4) After completing his review, the Government Actuary shall report to the Secretary of State his opinion on the question referred to in subsection (3) above; and the Secretary of State shall lay a copy of the report before Parliament.

#### *Advisory bodies*

### **138 National Insurance Advisory Committee**

- (1) The National Insurance Advisory Committee constituted under section 88 of the former principal Act shall continue in being by that name—
  - (a) to give advice and assistance to the Secretary of State in connection with the discharge of his functions under this Act; and
  - (b) to perform such other duties as may be assigned to them by or under this Act.
- (2) Part I of Schedule 15 to this Act has effect with respect to the Committee's constitution and otherwise with respect to the Committee and its affairs.
- (3) The Secretary of State—
  - (a) may from time to time refer to the Committee for consideration and advice such questions relating to the operation of this Act as he thinks fit (including questions as to the advisability of amending it); and
  - (b) shall furnish to the Committee such information as they may reasonably require for the proper discharge of their functions under this Act.
- (4) References in subsections (1) and (3) above to this Act do not include its application in relation to industrial injuries benefit or its administration.

### **139 Committee to be consulted as to regulations**

- (1) Where the Secretary of State proposes to make regulations, 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 form of draft regulations or otherwise, to the National Insurance Advisory Committee.
- (2) Subsection (1) above does not apply to regulations specified in Part II of Schedule 15 to this Act.
- (3) The Committee shall consider any proposals referred to them under this section and make to the Secretary of State a report containing such recommendations with regard to the subject-matter of the proposals as they think appropriate.
- (4) If after receiving the report of the Committee the Secretary of State lays before Parliament any regulations or draft regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations or draft a copy of the Committee's report and a statement showing—

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- (a) the extent (if any) to which the Secretary of State has, in framing the regulations, given effect to the Committee's recommendations; and
  - (b) in so far as effect has not been given to them, his reasons why not.
- (5) In relation to regulations required or authorised to be made by the Secretary of State in conjunction with the Treasury, any reference in this section to the Secretary of State is to be construed as a reference to the authorities making or proposing to make the regulations.
- (6) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of sub-section (4) above shall be deemed to be satisfied as respects either House of Parliament if a copy of the report and statement there referred to are laid before that House not later than the second day on which the House sits after the laying of the regulations.

#### **140 Advisory functions in relation to attendance allowance**

The Attendance Allowance Board shall have (in addition to their other functions)—

- (a) the functions of advising the Secretary of State on such matters as he may refer to them relating to—
  - (i) the operation of provisions of this Act in relation to attendance allowance (including questions as to the advisability of amending those provisions),
  - (ii) the exercise, in relation to attendance allowance, of his powers under those provisions ; and
- (b) such other functions, if any, as the Secretary of State may determine.

#### **141 Industrial Injuries Advisory Council**

- (1) The Industrial Injuries Advisory Council constituted under section 62 of the former Industrial Injuries Act shall continue in being by that name; and Part I of Schedule 16 to this Act has effect with respect to the Council's constitution and otherwise with respect to the Council and its affairs.
- (2) Where the Secretary of State proposes to make 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 form of draft regulations or otherwise, to the Council for consideration and advice; and this subsection applies to all regulations relating only to industrial injuries benefit or its administration, except regulations specified in Schedule 16, Part II.
- (3) 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 industrial injuries benefit or its administration.

*Social security systems outside Great Britain*

#### **142 Co-ordination with Northern Ireland**

- (1) The Secretary of State may with the consent of the Treasury make arrangements with the Northern Ireland Department (" the joint arrangements ") for co-ordinating the operation of this Act and the Social Security (Northern Ireland) Act 1975 with a view

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to securing that, to the extent allowed for in the arrangements, those Acts provide a single system of social security for the United Kingdom.

- (2) The Joint Authority constituted under the former principal Act, and consisting of the Secretary of State and the Head of the Northern Ireland Department, shall continue in being by that name for the purposes of this Act and the Social Security (Northern Ireland) Act 1975; and Schedule 17 to this Act has effect with respect to the Joint Authority.
- (3) The responsibility of the Joint Authority shall include that of giving effect to the joint arrangements, with power—
  - (a) to make any necessary financial adjustments between the National Insurance Fund and the Northern Ireland National Insurance Fund; and
  - (b) to discharge such other functions as may be provided under the joint arrangements.
- (4) The Secretary of State may make regulations for giving effect to the joint arrangements; and any such regulations may for the purposes of the arrangements provide—
  - (a) for adapting legislation (including subordinate legislation) for the time being in force in Great Britain so as to secure its reciprocal operation with Northern Ireland;
  - (b) without prejudice to paragraph (a) above, for securing that acts, omissions and events having any effect for the purposes of the enactments in force in Great Britain have a corresponding effect in relation to Northern Ireland.
- (5) The following provisions of this Act, namely—
 

section 139 (consultation with National Insurance Advisory Committee); and  
 section 167 (Parliamentary control of statutory instruments),

as they apply to regulations made by the Secretary of State under section 128(2) or (3), apply also to regulations made by him under section 123(2) or (3) of the Social Security (Northern Ireland) Act 1975 (H.M. forces).
- (6) Subsections (2) and (5) of this section, and Schedule 17 to this Act, extend to Northern Ireland.

### **143 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—
  - (a) payments in respect of interruption of employment by unemployment, sickness or otherwise ;
  - (b) payments in respect of the need of handicapped persons for attendance, the confinement of women, widowhood, orphanhood, retirement, old age, or death ; or
  - (c) the payment of compensation or benefit to employed persons in respect of industrial or similar injuries,

Her Majesty may by Order in Council make provision 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) above include provision—

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- (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 necessary financial adjustments.

### *Enforcement*

#### **144 Appointment and powers of inspectors**

- (1) For the purposes of this Act, the Secretary of State may appoint such inspectors, and pay to them such salaries or remuneration, as he may determine with the consent of the Minister for the Civil Service.
- (2) An inspector appointed under this section shall, for the purposes of the execution of this Act, have the following powers—
  - (a) to enter at all reasonable times any premises liable to inspection under this Act;
  - (b) to make such examination and inquiry as may be necessary—
    - (i) for ascertaining whether the provisions of this Act are being, or have been, complied with in any such premises, or
    - (ii) for investigating the circumstances in which any injury or disease which has given or may give rise to a claim for industrial injuries benefit was or may have been received or contracted;
  - (c) to examine, either alone or in the presence of any other person, as he thinks fit, in relation to any matters under this Act on which he may reasonably require information, every person whom he finds in any such premises or whom he has reasonable cause to believe to be or to have been a person liable to pay contributions under this Act, and to require every such person to be so examined;
  - (d) to exercise such other powers as may be necessary for carrying this Act into effect.
- (3) The premises liable to inspection under this Act are any where an inspector has reasonable ground for supposing that—
  - (a) any persons are employed ; or
  - (b) there is being carried on any agency or other business for the introduction or supply to persons requiring them of persons available to do work or to perform services;but do not include any private dwelling-house not used by, or by permission of, the occupier for the purposes of a trade or business.
- (4) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises for the purposes of this Act shall, if so required, produce the certificate.
- (5) Where any premises are liable to be inspected by an inspector or officer appointed or employed by, or are under the control of, some other government department,

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the Secretary of State may make arrangements with that department for any of the powers or duties of inspectors under this Act to be carried out by an inspector or officer employed by that department; and, where such an arrangement is made, such inspectors or officers shall have all the powers of an inspector under this Act.

- (6) In this section and section 145 below " premises " includes any place ; and in subsection (2)(b) and (c) above the references to this Act include the former principal Act and the former Industrial Injuries Act.

#### **145 Duty to submit to inspection**

- (1) In accordance with this section, persons shall furnish to an inspector all such information, and produce for his inspection all such documents, as he may reasonably require for the purpose of ascertaining—
- (a) whether any contributions under this Act are or have been payable, or have been duly paid, by or in respect of any person; or
  - (b) whether benefit is or was payable to or in respect of any person.
- (2) The following persons are under the duty imposed by subsection (1) above—
- (a) the occupier of any premises liable to inspection under this Act;
  - (b) any person who is or has been employing another ;
  - (c) any person carrying on an agency or other business for the introduction or supply to persons requiring them of persons available to do work or perform services;
  - (d) the servants or agents of any such person as is specified in paragraph (a), (b) or (c) above ; and
  - (e) any person who is or has been liable to pay such contributions;
- but no one shall be required under this section to answer any questions or to give any evidence tending to incriminate himself or, in the case of a person who is married, his or her spouse.
- (3) If a person—
- (a) Wilfully delays or obstructs an inspector in the exercise of any power under this Act; or
  - (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this Act;
- he shall be liable on summary conviction to a fine not more than £50.
- (4) Where a person is convicted of an offence under subsection (3)(b) above and the refusal or neglect is continued by him after his conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not more than £10 for each day on which it is so continued.

#### **146 Offences and penalties**

- (1) If a person fails to pay, at or within the time prescribed for the purpose, any contribution which he is liable under Part I of this Act to pay, he shall be liable on summary conviction to a fine not more than £50.
- (2) Subsection (1) above does not apply to Class 4 contributions recoverable by the Inland Revenue.



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- (3) If a person—
- (a) buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn a contribution card or a used contribution stamp; or
  - (b) affixes a used contribution stamp to a contribution card; or
  - (c) for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act—
    - (i) knowingly makes any false statement or false representation, or
    - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,
- he shall be liable on summary conviction to a fine not more than £400, or to imprisonment for a term not more than 3 months, or to both.
- (4) In this Act " contribution card " means any card issued under regulations for the purpose of payment of contributions by affixing stamps to it; and in any proceedings under subsection (3) above with respect to used stamps a stamp shall be deemed to have been used if it has been affixed to a contribution card or cancelled or defaced in any way whatsoever and whether or not it has actually been used for the payment of a contribution.
- (5) Subject to other express provisions of this Act, regulations may provide for the recovery on summary conviction of penalties for offences under this Act of contravening or failure to comply with regulations; but penalties so provided shall not exceed—
- (a) for any one offence, £50 ; or
  - (b) for an offence of continuing any such contravention or failure after conviction, £10 for each day on which it is so continued;
- but this subsection does not apply to a contravention of, or failure to comply with, regulations requiring a person to submit himself to medical treatment.

#### **147 General provisions as to prosecutions**

- (1) Proceedings in England and Wales for an offence under this Act shall not be instituted except by or with the consent of the Secretary of State or by an inspector or other officer authorised for that purpose by special or general directions of the Secretary of State.
- (2) An inspector or other officer so authorised may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court any proceedings for such an offence.
- (3) Notwithstanding any enactment prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may in England and Wales be commenced at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to his knowledge, or within the period of 12 months after the commission of the offence, whichever period last expires.
- (4) In Scotland, proceedings for an offence under this Act may be commenced at any time within the period of 3 months from the date on which evidence sufficient in the opinion of the Secretary of State to justify a report to the Lord Advocate with a view to consideration of the question of prosecution comes to the knowledge of

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the Secretary of State, or within the period of 12 months after the commission of the offence, whichever period last expires.

Section 23(2) of the Summary Jurisdiction (Scotland) Act 1954 (time limits) shall apply for the purposes of this subsection as it applies for the purposes of that section.

- (5) For the purposes of subsections (3) and (4) above, a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which the evidence in question came to his knowledge is conclusive evidence of the date on which it did so.
- (6) In proceedings for an offence under this Act, the wife or husband of the accused is competent to give evidence, whether for or against the accused:

Provided that the wife or husband is not compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.

- (7) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this subsection applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## **148 Questions arising in proceedings**

- (1) Where in any proceedings—
- (a) for an offence under this Act; or
  - (b) involving any question as to the payment of contributions under Part I (other than a Class 4 contribution recoverable by the Inland Revenue); or
  - (c) for the recovery of any sums due to the Secretary of State or the National Insurance Fund,

any such question arises as is mentioned in section 93(1) of this Act, the decision of the Secretary of State shall be conclusive for the purposes of the proceedings.

- (2) If a decision of any such question is necessary for the determination of proceedings, and the decision of the Secretary of State has not been obtained or a question has been raised with a view to a review of the decision obtained, the question shall be referred to the Secretary of State for determination or review in accordance (subject to any necessary modifications) with Part III of this Act.
- (3) Subsection (1) above does not apply if an appeal under section 94 is pending, or the time for appealing has not expired, or a question has been raised with a view to a review of the Secretary of State's decision; and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

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### *Unpaid contributions*

#### **149 Evidence of non-payment**

- (1) Subsection (2) below applies with respect to any period during which, under regulations made by virtue of paragraph 5(1) of Schedule 1 to this Act (deduction with P.A.Y.E.), contributions fall to be paid in like manner as income tax.
- (2) A certificate of a collector of taxes that any amount by way of contributions which a person is liable to pay to that collector for any period has not been paid—
  - (a) to him ; or
  - (b) to the best of his knowledge and belief, to any other person to whom it might lawfully be paid,shall until the contrary is proved be sufficient evidence in any proceedings before any court that the sum mentioned in the certificate is unpaid and due.
- (3) A document purporting to be such a certificate shall be deemed to be such a certificate until the contrary is proved.
- (4) A statutory declaration by an officer of the Secretary of State that the searches specified in the declaration for a particular contribution card or for a record of the payment of a particular contribution have been made, and that the card in question or a record of the payment of the contribution in question has not been found, is admissible in any proceedings for an offence as evidence of the facts stated in the declaration.
- (5) Nothing in subsection (4) above makes a statutory declaration admissible as evidence in proceedings for an offence except in a case where, and to the extent to which, oral evidence to the like effect would have been admissible in those proceedings.
- (6) Nothing in subsections (4) and (5) above makes a statutory declaration admissible as evidence in proceedings for an offence—
  - (a) unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence in any manner in which a summons or, in Scotland, a citation in a summary prosecution may be served; or
  - (b) if that person, not later than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, gives notice to the prosecutor requiring the attendance at the trial of the person by whom the declaration was made.

#### **150 Recovery on prosecution**

- (1) Where a person has been convicted of the offence under section 146(1) of this Act of failing to pay a contribution at or within the time prescribed for the purpose and the contribution remains unpaid at the date of the conviction, he shall be liable to pay to the Secretary of State a sum equal to the amount which he failed to pay.
- (2) Where—
  - (a) a person is convicted of an offence under section 146(3)(b) of this Act, or of an offence under section 13 of the Stamp Duties Management Act 1891 as applied by regulations made under paragraph 6(3) of Schedule 1 to this Act, or of an offence of contravening or failing to comply with regulations ; and

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- (b) the evidence on which he is convicted shows that he, for the purpose of paying any contribution which he was liable or entitled to pay, has affixed to any contribution card any used contribution stamp ; and
  - (c) the contribution (not being a Class 3 contribution) in respect of which the stamp was affixed remains unpaid at the date of the conviction,
- he shall be liable to pay to the Secretary of State a sum equal to the amount of the contribution.

## **151 Proof of previous offences**

- (1) Subject to and in accordance with the following subsections, where a person is convicted of an offence mentioned in section 150(1) or (2)(a) above, evidence may be given of any previous failure by him to pay contributions under this Act, or reserve scheme contributions or premiums under the 1973 Act, within the time prescribed for the purpose; and in those subsections " the conviction " and " the offence " mean respectively the conviction referred to in this subsection and the offence of which the person is convicted.
- (2) Such evidence may be given only if notice of intention to give it is served with the summons or warrant or, in Scotland, the complaint on which the person appeared before the court which convicted him.
- (3) If the offence is one of failure to pay a Class 1 contribution, evidence may be given of failure on his part to pay (whether or not in respect of the same person) such contributions, or reserve scheme contributions or premiums, on the date of the offence, or during the 2 years preceding that date.
- (4) If the offence is one of failure to pay Class 2 contributions or is one of those mentioned in section 150(2)(a), evidence may be given of his failure to pay such contributions during those 2 years.
- (5) On proof of any matter of which evidence may be given under subsection (3) or (4) above, the person convicted shall be liable to pay to the Secretary of State a sum equal to the total of all amounts (whether contributions, premiums or both) which he is so proved to have failed to pay and which remain unpaid at the date of the conviction.

## **152 Provisions supplementary to ss.150, 151**

- (1) Where in England and Wales a person charged with an offence to which section 150(1) or (2)(a) applies is convicted of that offence in his absence under section 1(2) of the Magistrates' Courts Act 1957, then if—
  - (a) it is proved to the satisfaction of the court, on oath or in the prescribed manner, that notice under section 151(2) above has been duly served specifying the other contributions or premiums in respect of which the prosecutor intends to give evidence ; and
  - (b) the clerk of the court has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit failing to pay the other contributions or premiums so specified or any of them,
 section 151 above shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.

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In this subsection "prescribed" means prescribed by rules made under section 15 of the Justices of the Peace Act 1949.

- (2) In England and Wales, where a person is convicted of an offence to which section 150(1) or (2)(a) applies and an order is made under Part I of the Criminal Justice Act 1948 placing the offender on probation or discharging him absolutely or conditionally, sections 150 and 151 above, and subsection (1) of this section, shall apply as if it were a conviction for all purposes.
- (3) In Scotland, where a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence, and an order is made under Part I of the Criminal Justice (Scotland) Act 1949 discharging him absolutely or placing him on probation, sections 150 and 151 above shall apply as if—
  - (a) the conviction on indictment were a conviction for all purposes; or
  - (b) (as the case may be) the making of the order by the court of summary jurisdiction were a conviction.
- (4) Where a body corporate fails to pay any sum which it is liable to pay under sections 150 and 151 and subsection (1) of this section, that sum (or such part of it as remains unpaid) shall be a debt due to the Secretary of State jointly and severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contributions or premiums in question.
- (5) In England and Wales, any sum which a person is liable to pay under those provisions shall be recoverable from him as a penalty.
- (6) Sums recovered by the Secretary of State under those provisions, so far as representing contributions of any class payable under Part I of this Act, are to be treated for all purposes of this Act (including in particular the Treasury supplements and the application of section 134) as contributions of that class received by the Secretary of State.
- (7) Without prejudice to subsection (6) above, insofar as such sums represent primary Class 1 or Class 2 contributions, they are to be treated as contributions paid in respect of the person in respect of whom they were originally payable; and provisions of this Act relating to earnings factors shall apply accordingly.
- (8) Subsections (6) and (7) above, as they apply to sums recovered by the Secretary of State under the provisions mentioned in subsection (4), apply also to any sums recovered under paragraph 9 of Schedule 23 to the 1973 Act (recovery of contributions etc. for purposes of reserve scheme).

### **153 Priority in bankruptcy, etc.**

- (1) Subject to and in accordance with Schedule 18 to this Act, the debts specified in subsection (2) of this section shall be included among those accorded priority under the relevant enactments specified in that Schedule (being enactments relating to personal insolvency, companies' winding-up and the remedies of debenture holders and chargees).
- (2) The debts referred to above are any sums owed on account of Class 1 contributions (primary or secondary) or Class 2 contributions payable in either case under this Act or the Social Security (Northern Ireland) Act 1975 in the period of 12 months

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immediately preceding the date of the relevant event (which expression has the meaning indicated by Schedule 18).

- (3) Any priority accorded by the enactments relating to personal insolvency which are specified in Schedule 18 to this Act to debts consisting of income tax assessed and unpaid shall be accorded, to the same extent and subject to the same limitations, to debts consisting of Class 4 contributions (under this Act or the Social Security (Northern Ireland) Act 1975) assessed and unpaid, so far as owed to the Inland Revenue and not to the Secretary of State or the Northern Ireland Department.

*Matters particularly relating to industrial injuries and diseases*

**154 Research on industrial injuries, etc.**

- (1) The Secretary of State may promote research into the causes and incidence of accidents arising out of and in the course of employment, or injuries and diseases which—
- (a) are due to the nature of employment; or
  - (b) it is contemplated might be prescribed for the purposes of Chapter V of Part II of this Act,
- either by himself employing persons to conduct such research or by contributing to the expenses of, or otherwise assisting, other persons engaged in such research.
- (2) The Secretary of State may pay to persons so employed by him such salaries or remuneration, and such travelling and other allowances, as he may determine with the consent of the Minister for the Civil Service.

**155 Control of pneumoconiosis**

As respects pneumoconiosis, regulations may provide—

- (a) for requiring persons to be medically examined before, or within a prescribed period after, becoming employed in any occupation in relation to which pneumoconiosis is prescribed, and to be medically examined periodically while so employed, and to furnish information required for the purposes of any such examination;
- (b) for suspending from employment in any such occupation, and in such other occupations as may be prescribed, persons found on such an examination—
  - (i) to be suffering from pneumoconiosis or tuberculosis, or
  - (ii) to be unsuitable for such employment, having regard to the risk of pneumoconiosis and such other matters affecting their susceptibility thereto as may be prescribed;
- (c) for the disqualification for the receipt of benefit in respect of pneumoconiosis of any person who fails without good cause to submit himself to any such examination or to furnish information required by the regulations for the purposes thereof or who engages in any employment from which he has been suspended as aforesaid;
- (d) for requiring employers—
  - (i) to provide facilities for such examinations,
  - (ii) not to employ in any occupation a person who has been suspended as aforesaid from employment therein or who has failed without good cause to submit himself to such an examination,

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- (iii) to give to such medical board or officer as may be prescribed the prescribed notice of the commencement of any prescribed industry or process;
- (e) for the recovery on summary conviction of monetary penalties in respect of any contravention of or failure to comply with any such requirement as is mentioned in paragraph (d) above, so, however, that such penalties shall not exceed £5 for every day on which the contravention or failure occurs or continues ;
- (f) for such matters as appear to the Secretary of State to be incidental to or consequential on provisions included in the regulations by virtue of the foregoing provisions of this section or section 78(1).

## **156 Accidents in course of illegal employment**

- (1) Where under this Act—
  - (a) a claim is made for industrial injuries benefit in respect of an accident, or of a prescribed disease or injury; or
  - (b) an application is made under section 107 for a declaration that an accident was an industrial accident, or for a corresponding declaration as to a prescribed disease or injury,subsection (2) below has effect.
- (2) The Secretary of State may direct that for the purposes of this Act the relevant employment shall, in relation to that accident, disease or injury, be treated as having been employed earner's employment notwithstanding that by reason of a contravention of, or non-compliance with, some provision contained in or having effect under an enactment passed for the protection of employed persons or any class of employed persons, either—
  - (a) the contract purporting to govern the employment was void; or
  - (b) the employed person was not lawfully employed in the relevant employment at the time when, or in the place where, the accident happened or the disease or injury was contracted or received.
- (3) In subsection (2) above, " relevant employment" means—
  - (a) in relation to an accident, the employment out of and in the course of which the accident arises; and
  - (b) in relation to a prescribed disease or injury, the employment to the nature of which the disease or injury is due.

## **157 Persons treated as employers for certain purposes**

In relation to—

- (a) a person who is an employed earner for the purposes of Chapters IV and V of Part II of this Act otherwise than by virtue of a contract of service or apprenticeship ; or
- (b) any other employed earner—
  - (i) who is employed for the purpose of any game or recreation and is engaged or paid through a club, or
  - (ii) in whose case it appears to the Secretary of State there is special difficulty in the application of all or any of the provisions of Chapters IV to VI of Part II relating to employers,

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regulations may provide for a prescribed person to be treated in respect of industrial injuries benefit and its administration as the earner's employer.

### **158 Supplementary schemes**

- (1) A body of persons claiming to represent, or to be entitled to be treated as representing, employed earners of any class and their employers may submit to the Secretary of State a scheme (" a supplementary scheme ") for supplementing the rights conferred on those earners by Chapters IV and V of Part II of this Act, whether by providing for additional payments in cases for which benefit is provided by those Chapters, or by providing for payments in other cases, or otherwise.
- (2) Schedule 19 to this Act has effect with respect to supplementary schemes ; and the provisions of this Act other than this section, and the provisions of regulations, shall not (except in so far as they are applied by a supplementary scheme) apply to, or have effect in relation to or for the purposes of, the scheme.

### **159 Payments for pre-1948 cases**

- (1) This section applies to any person who is or has been at any time after 4th July 1948—
  - (a) entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts, or under any contracting-out scheme duly certified thereunder; or
  - (b) entitled to payments on account of an injury pension under or by virtue of any enactment in respect of an injury received or disease contracted by him before 5th July 1948 or in respect of his retirement in consequence of such an injury or disease.
- (2) In subsection (1) above—
  - (a) " the Workmen's Compensation Acts " means the Workmen's Compensation Acts 1925 to 1945 or the enactments repealed by the Workmen's Compensation Act 1925, or those repealed by the Workmen's Compensation Act 1906; and
  - (b) " injury pension " includes any pension or similar benefit payable in respect of a person's employment or former employment, being a pension or benefit which would not be payable or would be payable at a less rate but for an injury or disease referable to that employment.
- (3) Regulations may provide—
  - (a) for conferring on persons to whom this section applies who as a result of the injury or disease in question are, or could for the purpose of the provisions of this Act relating to unemployability supplement be treated as being, incapable of work and likely to remain permanently so incapable—
    - (i) the like right to payments under this Act by way of unemployability supplement, and
    - (ii) the like right to payments under this Act in respect of a child or adult dependant,
 as if the injury or disease were one in respect of which a disablement pension were for the time being payable ;
  - (b) for conferring on persons to whom this section applies who as a result of the injury or disease in question require constant attendance—



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- (i) the like right to payments under this Act in respect of the need for constant attendance, and
  - (ii) the like right to an increase for exceptionally severe disablement, as if the injury or disease were one in respect of which a disablement pension were for the time being payable in respect of an assessment of 100 per cent.;
  - (c) for applying in relation to payments under this section the provisions of this Act relating to industrial injuries benefit, and to the making of claims and the determination of claims and questions in so far as those provisions apply in relation to—
    - (i) an unemployability supplement,
    - (ii) an increase of a disablement pension in respect of a child or adult dependant, or
    - (iii) an increase of a disablement pension in respect of the need for constant attendance or exceptionally severe disablement,(as the case may be) subject to any additions or modifications.
- (4) All payments under this section shall be made out of the National Insurance Fund.

*Other administrative provisions*

**160 Provisions relating to age, death and marriage**

- (1) Regulations made by the Registrar General under section 20 of the Registration Service Act 1953 or section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 may provide for the furnishing by superintendent registrars and registrars, subject to the payment of such fee as may be prescribed by the regulations, of such information for the purposes of this Act, including copies or extracts from the registers in their custody, as may be so prescribed.
- (2) Where the age, marriage or death of a person is required to be ascertained or proved for the purposes of this Act, any person shall—
- (a) on presenting to the custodian of the register under the enactments relating to the registration of births, marriages and deaths, wherein particulars of the birth, marriage or death (as the case may be) of the first mentioned person are entered, a duly completed requisition in writing in that behalf; and
  - (b) on payment of a fee of 15 pence,
- be entitled to obtain a copy, certified under the hand of the custodian, of the entry of those particulars.
- (3) Requisitions for the purposes of subsection (2) above shall be in such form and contain such particulars as may from time to time be specified by the Registrar General, and suitable forms thereof shall, on request, be supplied without charge by superintendent registrars and registrars.
- (4) In this section as it applies to England and Wales, " Registrar General" means the Registrar General for England and Wales, and " superintendent registrar " and " registrar " mean a superintendent registrar or, as the case may be, registrar for the purposes of the enactments relating to the registration of births, deaths and marriages; and as it applies to Scotland—
- (a) " Registrar General" means the Registrar General of Births, Deaths and Marriages for Scotland ;

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- (b) references to superintendent registrars shall be omitted ; and
- (c) " registrar " means a district registrar, senior registrar or assistant registrar for the purposes of the enactments relating to the registration of births, deaths and marriages in Scotland.

#### **161 Furnishing of addresses for maintenance proceedings, etc.**

- (1) The Secretary of State may incur expenses for the purpose of furnishing the address at which a man or woman is recorded by him as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order for the making by the man or woman of payments—
  - (a) for the maintenance of the man's wife or former wife, or the woman's husband or former husband; or
  - (b) for the maintenance or education of any person as being the son or daughter of the man or his wife or former wife, or of the woman or her husband or former husband.
- (2) In subsection (1)(b) above " son or daughter " includes a son or daughter by adoption and an illegitimate son or daughter.

#### **162 Treatment of certain marriages**

Regulations may provide—

- (a) for a voidable marriage which has been annulled, whether before or after the date when the regulations come into force, to be treated for the purposes of such provisions of, or of any regulations under, this Act, subject to such exceptions or conditions as may be prescribed, as if it had been a valid marriage which was terminated by divorce at the date of annulment;
- (b) as to the circumstances in which, for the purposes of this Act—
  - (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;

and regulations made for the purposes of subsection (b) above may make different provision in relation to different purposes and circumstances.

#### **163 Exemption from stamp duty**

Stamp duty shall not be chargeable on any document authorised by virtue of this Act or otherwise required in order to give effect to this Act or in connection with any description of business thereunder.

#### **164 Disclosure of information by Inland Revenue**

- (1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to Inland Revenue shall prevent information obtained in connection with the assessment or collection of income tax under Schedule E from being disclosed to the Secretary of State or the Northern Ireland Department, or to an officer of either of them authorised to receive such information, in connection with the operation of any enactment relating to the calculation or collection of contributions under this Act or

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the Social Security (Northern Ireland) Act 1975, or the payment of benefit under either of those enactments.

- (2) Subsection (1) above extends only to disclosure by or under the authority of the Inland Revenue; and information which is the subject of disclosure to any person by virtue of that subsection shall not be further disclosed to any other person, except where the further disclosure is made—
- (a) to a person to whom disclosure could by virtue of this section have been made by or under the authority of the Inland Revenue ; or
  - (b) for the purposes of any proceedings (civil or criminal) in connection with the operation of any enactment relating to the calculation or collection of contributions under this Act or the Social Security (Northern Ireland) Act 1975, or the payment of benefit thereunder; or
  - (c) for any purposes of Part III of this Act or Part III of that Act.

#### **165 Deputy Government Actuary**

Anything which under any provision of this Act is authorised or required to be done by the Government Actuary may be done instead by the Deputy Government Actuary; and references to the Government Actuary shall be construed accordingly.