



# Social Security (Consequential Provisions) Act 1975

## 1975 CHAPTER 18

An Act to make provision consequential on, and in connection with, the Social Security Act 1975, the Industrial Injuries and Diseases (Old Cases) Act 1975, the Social Security (Northern Ireland) Act 1975 and the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975. [20th March 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Repeals; amendments of statute book**

- (1) In consequence of, and in connection with, the following consolidation Acts, namely—
  - the Social Security Act 1975,
  - the Industrial Injuries and Diseases (Old Cases) Act 1975,
  - the Social Security (Northern Ireland) Act 1975, and
  - the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975,(which Acts are together referred to in this Act as "the consolidations ") the following provisions of this section shall have effect.
- (2) The enactments specified in Schedule 1 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified.
- (4) Where this Act amends an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly, or an Order made under, or having the same effect as, an enactment of that Parliament or that Assembly, the enactment or Order as amended

shall be subject to the Interpretation Act (Northern Ireland) 1954 in the same way as an enactment of that Parliament or that Assembly is so subject.

## 2 Transitional provisions and savings

- (1) The provisions of Part I of Schedule 3 to this Act (which essentially reproduce those of Schedule 26 to the Social Security Act 1973) shall have effect with respect to the transition from the operation of the National Insurance Acts 1965 to 1974 and the corresponding Northern Ireland legislation, and the other enactments repealed by the 1973 Act, to the operation of—
  - (a) Parts II and III of the 1973 Act; and
  - (b) so much of the new Act as replaces by consolidation provisions of the 1973 Act and the legislation amending it.
- (2) In connection with the consolidations, and with the repeals made by this Act, the further transitional provisions and savings contained in Parts II and III of Schedule 3 to this Act shall have effect; but no specific provision in Part III is to be regarded as prejudicing any general provision elsewhere in this Act.
- (3) Where any provision of Schedule 3 to this Act confers power to make an Order in Council or regulations, then—
  - (a) in so far as the power is exercisable in relation to Great Britain, or to the United Kingdom as a whole, sections 166 and 167(3) of the Social Security Act 1975 apply to the power, and to any instrument by means of which the power is exercised, as if the provision were contained in that Act; and
  - (b) in so far as the power is exercisable in relation to Northern Ireland only, sections 155 and 156(4) to (6) of the Social Security (Northern Ireland) Act 1975 apply to the power, and to any instrument by means of which the power is exercised, as if the provision were contained in that Act.
- (4) Section 38 of the Interpretation Act 1889 (effect of repeals)—
  - (a) has effect in relation to any enactment repealed by this Act and re-enacted in any of the consolidations as if the repeal were made by the consolidation and not by this Act;
  - (b) has the same operation in relation to any repeal by this Act of an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly (or of any provision of an Order made under, or having the same effect as, such an enactment) as it has in relation to the repeal of an Act of the Parliament of the United Kingdom (references in section 38 of the 1889 Act to Acts and enactments being construed accordingly);

but nothing in this subsection or in Schedule 3 to this Act affects the general operation of section 38 of the 1889 Act with regard to the effect of repeals.

## 3 Entry into force of consolidations and this Act

- (1) Provisions of—
  - the 1973 Act,
  - the National Insurance Act 1974,
  - the National Insurance Measure (Northern Ireland) 1974,
  - the Social Security Amendment Act 1974, and
  - the Social Security Benefits Act 1975,

which are made (whether by the Act or Measure itself or by an instrument made under an enactment) to come into force on 6th April 1975 do so in that order, except that paragraph 39 of Schedule 4 to the National Insurance Act 1974 and section 8(7) of the Social Security Benefits Act 1975 (both of which make minor amendments of the repeals Schedule to the 1973 Act) come into force before that Act.

- (2) Subject to the following subsections, the consolidations and this Act come into force as soon as all the provisions mentioned in subsection (1) above have done so.
- (3) Nothing in the consolidations or this Act affects so much of any order under section 101 of the 1973 Act (commencement) or regulations under Schedule 26 to that Act (transition from old system of national insurance to new system of social security) as provides for an enactment repealed by that Act or this Act to continue wholly or partly in force on and after 6th April 1975 or has the effect of it so doing.
- (4) Where any provision of the 1973 Act is re-enacted in the consolidations with amendments made by the Social Security Benefits Act 1975, having come into force subject to any modification contained in an order under Part I of Schedule 5 to the said Act of 1975 (commencement etc.), the provision as re-enacted has effect subject to the same modification.
- (5) To the extent that any provision contained in the consolidations was, immediately before 6th April 1975, not yet in force and dependent for its entry into force—
  - (a) on an order under—
    - the 1973 Act, section 101 ;
    - the National Insurance Act 1974, Schedule 5, paragraph 1;
    - the National Insurance Measure (Northern Ireland) 1974, Schedule 5, paragraph 1 ;
    - the Social Security Amendment Act 1974, section 6(4); or
    - the Social Security Benefits Act 1975, Schedule 5, paragraph 1 ; or
  - (b) on any regulation made under the 1973 Act, Schedule 26,  
(not being an order or regulation of which the effect is to bring that provision into force on 6th April 1975), that provision shall continue so dependent notwithstanding that it is repealed and re-enacted (in the consolidations or this Act) and the order or regulation does not any longer apply to it in terms.

#### **4 Interpretation**

- (1) In this Act—
  - " enactment " includes an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly and an Order made under, or having the same effect as, such an enactment;
  - " the new Act " means the Social Security Act 1975 or, as this Act applies to Northern Ireland, the Social Security (Northern Ireland) Act 1975 ; and
  - " the Old Cases Act " means the Industrial Injuries and Diseases (Old Cases) Act 1975 or, as this Act applies to Northern Ireland, the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 ; and (except where otherwise stated) expressions defined in the new Act have the same meaning in this Act as in that Act.
- (2) In Schedule 3 to this Act, " the appointed day "—

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- (a) for the purposes of any provision of that Schedule which replaces one from Schedule 26 to the 1973 Act, has the same meaning as it there had by virtue of section 101 (2)(b) of that Act;
- (b) in relation to any provision of the consolidations entering into force on any later day than 6th April 1975, means that later day; and
- (c) otherwise means 6th April 1975 ; and

" the 1975 amending Act" means the Social Security Benefits Act 1975.

- (3) References in this Act to any enactment, except so far as the context otherwise requires, are to that enactment as amended or extended by or under any other enactment including an enactment contained in any of the consolidations or in this Act.

## **5 Extent**

- (1) Section 1 of, and Schedules 1 and 2 to, this Act extend to Northern Ireland so far as they operate to repeal or amend an enactment in force in Northern Ireland.
- (2) The remainder of this Act extends to Northern Ireland except where it is otherwise stated, and except so far as by its terms or effect it is capable of extending to Great Britain only or to England and Wales or Scotland only, or replaces provisions of earlier Acts not extending to Northern Ireland.

## **6 Citation**

This Act may be cited as the Social Security (Consequential Provisions) Act 1975.

## SCHEDULES

### SCHEDULE 1

Section 1(2).

#### REPEALS

#### PART I

#### ENACTMENTS OF THE PARLIAMENT OF THE UNITED KINGDOM

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 62.	National Insurance (Industrial Injuries) Act 1946.	The whole Act, so far as unrepealed.
10 & 11 Geo. 6. c. 41.	Fire Services Act 1947.	In section 26(2) the words "national insurance and".
11 & 12 Geo. 6. c. 39.	Industrial Assurance and Friendly Societies Act 1948.	In section 7, the words "national insurance and".
14 & 15 Geo. 6. c. 27.	Fire Services Act 1951.	In section 2(4), the words "national insurance and".
4 & 5 Eliz. 2. c. 19.	Friendly Societies Act 1955.	In section 9(1), the words "national insurance and".
7 & 8 Eliz. 2. c. 65.	Fatal Accidents Act 1959.	In section 2(2), the words "national insurance and".
7 & 8 Eliz. 2. c. 69.	Wages Councils Act 1959.	In section 14(1)(a), the words "national insurance and".
10 & 11 Eliz. 2. c. 12.	Education Act 1962.	In section 9, in the proviso to subsection (5), the words "national insurance and".
1964 c. 81.	Diplomatic Privileges Act 1964.	In section 2(4), the words "national insurance and".
1965 c. 51.	National Insurance Act 1965.	The whole Act.
1965 c. 52.	National Insurance (Industrial Injuries) Act 1965.	The whole Act.
1965 c. 53.	Family Allowances Act 1965.	In section 19(1) the definitions of "the Insurance Act" and "the Social Security Act".
1966 c. 6.	National Insurance Act 1966.	The whole Act, except section 13(2).

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Chapter	Short Title	Extent of Repeal
1966 c. 10.	Commonwealth Secretariat Act 1966.	In the Schedule, in paragraph 5(2), the words " national insurance and ".
1966 c. 20.	Supplementary Benefit Act 1966 (The Ministry of Social Security Act 1966).	In Schedule 2, in paragraph 11, sub-paragraph (3).
1967 c. 25.	National Insurance (Industrial Injuries) (Amendment) Act 1967.	The whole Act.
1967 c. 28.	Superannuation (Miscellaneous Provisions) Act 1967.	In section 13(2), the words " national insurance and ".
1967 c. 34.	Industrial Injuries and Diseases (Old Cases) Act 1967.	The whole Act.
1967 c. 73.	National Insurance Act 1967.	The whole Act.
1967 c. 90.	Family Allowances and National Insurance Act 1967.	In section 1, subsection (4). In section 2, subsection (3). In section 4, in subsection (1), paragraph (b); and in subsection (2), paragraphs (b) and (c). Schedule 2. In Schedule 3, paragraphs 1, 3, 5(2), 6 and 7.
1968 c. 18.	Consular Relations Act 1968.	In section 1(6), the words " national insurance and ".
1968 c. 40.	Family Allowances and National Insurance Act 1968.	The whole Act.
1968 c. 48.	International Organisations Act 1968.	In Schedule 1, in paragraph 13, the words " national insurance and ".
1969 c. 44.	National Insurance Act 1969.	Section 7. In section 8(2), paragraphs (b) and (g). In section 11, in subsection (1), all after the first " 1969"; subsection (2); and in subsection (3) the words from the beginning to "the paragraph". Schedule 6.

Chapter	Short Title	Extent of Repeal
1971 c. 50.	National Insurance Act 1971.	The whole Act.
1971 c. 73.	Social Security Act 1971.	Section 4. Section 4A. Section 6. Section 7(2). In section 11, paragraphs (a) and (b) of subsection (1), and subsections (4) and (5); in subsection (7), all the words preceding " this Act ", and the words " except section 10 thereof ".
1972 c. 57.	National Insurance Act 1972.	The whole Act.
1972 c. 80.	Pensioners' Payments and National Insurance Contributions Act 1972.	Section 2. In section 3(3), the words from " and section 2 " onwards.
1973 c. 15.	Administration of Justice Act 1973.	In Schedule 1, in paragraph 8(1), the words " national insurance and ".
1973 c. 38.	Social Security Act 1973.	In section 1, subsections (1) to (6) and (10). Sections 2 to 22. In section 23, subsections (2) to (6). Sections 24 to 50. Section 84. Section 87. In section 88, in subsection (1), the words " and the Industrial Injuries Acts " and the words from " (being" to " that section)"; in subsection (2), the words from " (being " to " 1971)" and from " and, to the extent " to the end of the subsection. In section 89(3)(c) the words " or Part III of the Industrial Injuries Act". Section 90.

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Chapter	Short Title	Extent of Repeal
		<p>In section 92, in subsection (2), paragraphs (a) and (b) and the words " benefit or other " in paragraph (c); in subsection (4) the words from " (being " to " 1966) " and from " and so much " onwards; in subsection (5) the words " or the Industrial Injuries Act", " the National Insurance Fund ", " section 84(1)(a) to (c) or (1A) (a) or", and "section 65 of the former principal Act or "; and subsection (8).</p> <p>In section 93, in subsection (2), paragraph (a); and subsection (3).</p> <p>Section 94.</p> <p>In section 95, in subsection (2) the words " 84(1) to (5)" and "94(1) to (8), (10) and (11)"; in subsection (3) the words "84(6), 87", "94(9)" and " Schedule 21 and ".</p> <p>In section 96, in subsection (2) the words " an Order in Council" and " Orders in Council"; in subsection (3), the words " an Order in Council", " Her Majesty or ", " as the case may be " and "Order in Council"; in subsection (4), the words " an Order in Council or ", " Order in Council or " and " Order in Council or, as the case may be"; subsection (5); in subsection (6) the words from " (other than " to "Act or of the Industrial Injuries Acts"; and subsections (7) and (8).</p> <p>In section 97, subsections (1) and (2); and in subsection (4) the words " 48(3) or ".</p>



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Chapter	Short Title	Extent of Repeal
		<p>In section 98(1), the words " Without prejudice to section 46(2) of this Act ".</p> <p>In section 99, in subsection (1) the definitions of " basic scheme ", " basic scheme contributions ", " basic scheme benefits " and similar expressions, "benefit year", " confinement ", " current ", " family allowance ", " the Family Allowances Act", " the former principal Act ", " incapable of work ", " the Industrial Injuries Act", " Industrial Injuries Acts ", " the Joint Authority ", " the Old Cases Act", " Old Cases Acts ", " week ", " year ", and the definitions added to subsection (1) by Schedule 1 to the Social Security Amendment Act 1974; in subsection (3), the words following " State " ; subsections (8) and (9), (11) and (12); and in subsection (17), the words " 48 " and " an Order in Council" (twice).</p> <p>Section 100(1).</p> <p>Schedules 1 to 14.</p> <p>Schedule 21.</p> <p>In Schedule 22, the words inserted at the end of paragraph 1(b) by the Social Security Amendment Act 1974, Schedule 1; in paragraph 2(1) the words from " or (b) whether " onwards; and paragraph 12.</p> <p>In Schedule 23, paragraph 8; in paragraph 9, in sub-paragraph (1) the words " or 8(a) ", in sub-paragraph (3), all the words preceding " evidence ", sub-paragraph (4) and in sub-paragraph (5)</p>

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Chapter	Short Title	Extent of Repeal
1973 c. 42.	National Insurance and Supplementary Benefit Act 1973.	<p>the words " or (4) "; in paragraphs 10(1) and 11(1), the words "or 8(a) "; in paragraph 14, subparagraph (2) and in subparagraph (4) the words " (2) and " and " (a) primary Class 1 or Class 2 contributions; or "; and paragraph 15.</p> <p>In Schedule 25, paragraphs 3 to 7; in paragraph 10(f), in the paragraph substituted for Schedule 23 paragraph 11, the words " or 8(a) " ; paragraphs 11 to 13, and 15(1), (2); in paragraph 15(3), the words " regulations and ", the words from " other than" to " 1966" and the words " and, in the case of those made under this Act"; in paragraph 15(3A) (inserted by Schedule 1 to the Social Security Amendment Act 1974) the words " or the Department of Manpower Services for Northern Ireland " and " regulations or "; and Parts III and IV.</p> <p>Schedule 26.</p> <p>In Schedule 27, paragraphs 1 to 5, 8, 11, 13, 23, 25 to 47, 49 to 52, 60 to 63, 65, 66, 68 to 71, 73 to 77, 79, 81 to 84, 86, 87, 89 to 95, 99, 102, 105, 106, 108, 113 to 116, 122, 124, 125, 127, 129 to 162, 164 to 166, 168 to 174 and 176.</p> <p>Sections 1 and 3 to 5.</p> <p>In section 8(1), the words from " but " to the end.</p> <p>In section 9, subsection (2); in each of subsections (3) and (4), paragraphs (a) to (c); and subsection (5).</p> <p>In Schedule 5, every entry in the Table in</p>

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Chapter	Short Title	Extent of Repeal
1973 c. 61.	Pensioners' Payments and National Insurance Act 1973.	<p>paragraph 2(1) except the entries for the Ministry of Social Security Act 1966 and the Supplementary Benefit (Determination of Requirements) Regulations 1972; paragraphs 2(2) and (3), and 3 to 6.</p> <p>Schedules 6 and 7.</p> <p>Sections 5, 6 and 8.</p> <p>In the Schedule, the first six entries (that is to say, down to but excluding the Social Security Act 1973).</p>
1974 c. 14.	National Insurance Act 1974.	<p>Sections 1 to 4.</p> <p>Section 6(2).</p> <p>Section 7.</p> <p>In section 8, subsections (2) to (4) and, in subsection (6), the words " (except Part I of that Act) " and " except subsections (2) and (3) ", paragraph (c), and the words from " but excluding " onwards.</p> <p>Schedule 2.</p> <p>In Schedule 4, paragraphs 1 to 32; in paragraph 36, subparagraphs (a) and (c); and paragraphs 37 and 39 to 56.</p> <p>Schedules 5 and 6.</p>
1974 c. 23.	Juries Act 1974.	<p>In section 19, in subsection (1)(b) the words " national insurance and"; and subsection (7).</p>
1974 c. 58.	Social Security Amendment Act 1974.	<p>The whole Act.</p>
1975 c. 11.	Social Security Benefits	<p>Sections 1 to 7.</p> <p>Section 8, except subsection (6).</p> <p>Section 9(2).</p> <p>Section 10.</p> <p>Section 12(2).</p>

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Chapter	Short Title	Extent of Repeal
		<p>Section 14(3).</p> <p>Schedules 1 and 2.</p> <p>In Schedule 4, in paragraph 1, the words " 2 " (twice) and " 10 "; in paragraph 2, in the Table, the entries (in both columns) from that beginning " Section 81 of that Act " to that beginning " The Industrial Injuries and Diseases (Old Cases) Act 1967 " and the entry beginning " the Consolidated Fund"; and paragraph 3.</p> <p>In Schedule 5, paragraphs 1 to 4.</p>

## PART II

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

Chapter	Short Title	Extent of Repeal
1945 c. 21 (N.I.)	Wages Councils Act (Northern Ireland) 1945.	In section 13(1)(a) the words " national insurance and ".
1946 c. 21 (N.I.)	National Insurance (Industrial Injuries) Act (Northern Ireland) 1946.	The whole Act.
1948 c. 22 (N.I.)	Industrial Assurance and Friendly Societies Act (Northern Ireland) 1948.	In section 7(1) the words " national insurance and ".
1955 c. 29 (N.I.)	Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955.	In Schedule 2 the entry relating to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946.
1959 c. 18 (N.I.)	Fatal Accidents Act (Northern Ireland) 1959.	In section 2(2) the word. " national insurance and ".
1966 c. 6 (N.I.)	National Insurance Act (Northern Ireland) 1966.	The whole Act.
1966 c. 8 (N.I.)	Family Allowances Act (Northern Ireland) 1966.	In section 18 the definitions of " the Insurance Act" and " the Social Security Act"

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Chapter	Short Title	Extent of Repeal
1966 c. 9 (N.I.)	National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.	The whole Act.
1966 c. 14 (N.I.)	Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966.	The whole Act.
1966 c. 16 (N.I.)	National Insurance (No. 2) Act (Northern Ireland) 1966.	The whole Act.
1966 c. 28 (N.I.)	Supplementary Benefits &c. Act (Northern Ireland) 1966.	In Schedule 2, in paragraph 1] (formerly paragraph 10A) sub-paragraph (3).
1967 c. 22 (N.I.)	National Insurance Act (Northern Ireland) 1967.	The whole Act.
1967 c. 25 (N.I.)	Births and Deaths Registration Act (Northern Ireland) 1967.	In Schedule 2 the entry relating to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.
1968 c. 1 (N.I.)	Family Allowances and National Insurance Act (Northern Ireland) 1968.	Sections 1(4) and 2(2). In section 4 in subsections (1) (2) and (3) (in each case) paragraphs (b) and (c). Schedule 2, Part II. In Schedule 3, paragraphs 1 3, 5(2) and 6.
1968 c. 16 (N.I.)	Family Allowances and National Insurance (No. 2) Act (Northern Ireland) 1968.	The whole Act.
1969 c. 19 (N.I.)	National Insurance &c. (No. 2) Act (Northern Ireland) 1969.	Section 7. In section 8(2), paragraphs (e) and (f). In section 11, in subsection (1) all after the first " 1969 " in subsection (2) the definitions of " the Insurant Act", " the Industrial Injuries Act" and "the Workmen's Compensation (Supplementation) Act"; and subsection (3). Schedule 6.
1969 c. 30 (N.I.)	Judgments (Enforcement) Act (Northern Ireland) 1969.	In Schedule 4 the entry relating to the National Insurance (Industrial In

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Chapter	Short Title	Extent of Repeal
1970 c. 31 (N.I.)	Friendly Societies Act (Northern Ireland) 1970.	juries) Act (Northern Ireland) 1966. In section 102(1) the words "national insurance and".
1971 c. 21 (N.I.)	Social Services (Parity) Act (Northern Ireland) 1971.	In Schedule 1, the entries for the National Insurance Acts 1965 to 1970, the National Insurance (Industrial Injuries) Acts 1965 to 1969, the National Health Service Contributions Act 1965 and the Industrial Injuries and Diseases (Old Cases) Acts 1967 and 1969.
S.R. & O. (N.I.) 1971 No. 224.	Social Services (Parity) Order(Northern Ireland) 1971.	The whole Order.
1971 c. 28 (N.I.)	Social Security Act (Northern Ireland) 1971.	Section 4. Section 4A. Section 6. Section 7(2). In section 9, in subsection (1) paragraphs (a) and (b), subsections (3) and (4) and in subsection (5) the definitions of " the Insurance Act" and " the Industrial Injuries Act".
S.I. 1972 No. 1263 (N.I. 12)	Education and Libraries (Northern Ireland) Order 1972.	In Article 36(5) the words "national insurance".
1974 c. 4 (N.I.)	National Insurance Measure (Northern Ireland) 1974.	Sections 1 to 4. In section 5, subsection (2) and in subsection (3) the words " or (2) ". Section 6(2) to (5). Schedule 2. In Schedule 4, in paragraph 1 sub-paragraph (a) and paragraph 2. Schedules 5 and 6.

SCHEDULE 2

Section 1(3).

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

PART I

ENACTMENTS OF THE PARLIAMENT OF THE UNITED KINGDOM

*Bankruptcy (Scotland) Act 1913 (c. 20)*

- 1 In section 118(1) of the Bankruptcy (Scotland) Act 1913—
- (a) in paragraph (a), after " income tax " insert " or Class 4 contributions under Part I of the Social Security Act 1975 or Part I of the Social Security (Northern Ireland) Act 1975 ";
  - (b) for paragraph (f) substitute—
    - “(f) all the debts specified in section 93(2) of the Social Security Act 1973 ;
    - (g) all the debts specified in section 153(2) of the Social Security Act 1975 or section 144(2) of the Social Security (Northern Ireland) Act 1975”.

*Bankruptcy Act 1914 (c. 59)*

- 2 In section 33 (1) of the Bankruptcy Act 1914—
- (a) in paragraph (a), after " income tax " insert " or Class 4 contributions under Part I of the Social Security Act 1975 or Part I of the Social Security (Northern Ireland) Act 1975 ";
  - (b) for paragraph (f) substitutes—
    - “(f) all the debts specified in section 93(2) of the Social Security Act 1973 ;
    - (g) the debts specified in section 153(2) of the Social Security Act 1975 or section 144(2) of the Social Security (Northern Ireland) Act 1975”.

- 3 In Schedule 2 to that Act, for paragraph 9 substitute—
- “9 Formal proof of debts in respect of contributions payable under the Social Security Act 1975 or the Social Security (Northern Ireland) Act 1975, or of contributions or premiums payable under Part III of the Social Security Act 1973 (to which contributions and premiums priority is given by this Act) shall not be required except where it may otherwise be provided by rules under this Act.”

*Road Haulage Wages Act 1938 (c. 44)*

- 4 In section 6(2) of the Road Haulage Wages Act 1938, for the words from " deductions under " to " or any " substitute " deductions under the Social Security Act 1975 or any ".

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*National Assistance Act 1948 (c. 29)*

- 5 In section 50(4) of the National Assistance Act 1948 for " section 30 of the Social Security Act 1973 " substitute " section 32 of the Social Security Act 1975 ".
- 6 In section 64(1) of that Act, for the definition of " trade dispute " substitute—  
 “ trade dispute ' has the same meaning as in section 19 of the Social Security Act 1975.”

*Companies Act 1948 (c. 38)*

- 7 In section 319 of the Companies Act 1948—
- (a) in subsection (1)(e), after " 1973 " insert " and those specified in section 153(2) of the Social Security Act 1975 and section 144(2) of the Social Security (Northern Ireland) Act 1975 ";
  - (b) in subsection (8)(c), for " 1973 " substitute " 1975 or the Social Security (Northern Ireland) Act 1975 ".

*Law Reform (Personal Injuries) Act 1948 (c. 41)*

- 8 In section 2 of the Law Reform (Personal Injuries) Act 1948—
- (a) In subsection (1) (as amended by the National Insurance Act 1971, Schedule 5, paragraph 1), for the words from "industrial injury" to "invalidity benefit" substitute—  
 “any of the following benefits under the Social Security Act 1975 or the Social Security (Northern Ireland) 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.”

*Children Act 1948 (c. 43)*

- 9 In section 18(2) of the Children Act 1948, for " section 30 of the Social Security Act 1973 " substitute " section 32 of the Social Security Act 1975 ".

*House of Commons Disqualification Act 1957 (c. 20)*

- 10 In the House of Commons Disqualification Act 1957—
- (a) in Schedule 1, Part II, in each of the entries beginning " A Medical Appeal Tribunal" and " A Medical Board ", for " the National Insurance (Industrial Injuries) Act 1965 or the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 " substitute " Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975 ";



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- (b) in Schedule 1, Part II, as substituted (and set out in Schedule 3) in relation to the Northern Ireland Assembly, in each of those entries for " the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 " substitute " Part III of the Social Security (Northern Ireland) Act 1975 ";
- (c) in Schedule 1, Part III, in the first entry beginning " Chairman or Deputy Chairman", for " 1967" substitute " 1975 ";
- (d) in Schedule 1, Part III, for the entry substituted by the Social Security Act 1973, Schedule 27, paragraph 18, substitute—

“Chairman of a Local Tribunal constituted under section 97(2) of, and Schedule 10 to, the Social Security Act 1975 or under section 97(2) of, and Schedule 10 to, the Social Security (Northern Ireland) Act 1975.”;
- (e) in the Part substituted for Part III of Schedule 1 in relation to the Northern Ireland Assembly, for the entry substituted by the Social Security Act 1973, Schedule 27, paragraph 18, substitute—

“Chairman of a Local Tribunal constituted under section 97(2) of, and Schedule 10 to, the Social Security (Northern Ireland) Act 1975”.

*Industrial Training Act 1964 (c. 16)*

11 In the Industrial Training Act 1964, substitute the following for section 10—

**“10 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 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.”

*Administration of Justice Act 1964 (c. 42)*

12 In section 17(2)(b) of the Administration of Justice Act 1964, for the words from " together " to the end substitute—

“together with—

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- (i) secondary reserve scheme contributions and reserve scheme premiums payable in respect of those officers under Part III of the Social Security Act 1973, and
- (ii) secondary Class 1 contributions so payable under Part I of the Social Security Act 1975.”

*Family Allowances Act 1965 (c. 53)*

13 For section 5 of the Family Allowances Act 1965 (claims and determination of questions) substitute—

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

(2) Part III of the Social Security 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 Secretary of State in his 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.”

14 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 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 Secretary of State by virtue of this subsection shall be paid by him into the Consolidated Fund;”

- (b) in subsection (2) for " section 81(3)" substitute " section 119(3) " and for " section 81(3) and (4) " substitute " section 119(3) and (4) " ;
- (c) in subsection (3), for " section 81(3)" substitute " section 119(3) ", and for the words from "benefit" onwards substitute " benefit or payment under the Social Security Act 1975 or the Industrial Injuries and Diseases (Old Cases) Act 1975 ; but this does not authorise the recovery of sums by deduction from benefit under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 in respect of the death of any person, or the abatement of such benefit. "

15 In section 11 of that Act, substitute the following for subsection (6)—

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“(6) Where a person is entitled in respect of a child to a guardian's allowance under section 38 of the Social Security 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.”

16 For section 12 of that Act substitute—

**“12 Age, marriage and death.**

(1) Section 160 of the Social Security Act 1975 shall apply for the purposes of this Act as it applies for those of that Act.

(2) Regulations under that Act 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.”

17 In section 16 of that Act, in subsection (2)(a), for " section 80 of the Insurance Act " substitute " paragraph 3 or 4 of Schedule 10 to the Social Security Act 1975 ".

18 In section 22 of that Act, in subsection (1B), for " section 96(2) to (4) and (7) of the Social Security Act " substitute " section 166(2) to (4) and (7) of the Social Security Act 1975. "

*Redundancy Payments Act 1965 (c. 62)*

19 In sections 17(3) and (4A) and 43(1A)(a) of the Redundancy Payments Act 1965, for the words " the day appointed for the coming into force of section 2 of the Social Security Act 1973 " substitute " 6th April 1975 ".

20 In section 17 of that Act, in subsection (4A)(b) for " that Act " substitute " the Social Security Act 1975 ", and in subsection (6)(b) for " 1973 " substitute " 1975 ".

21 In section 31(4) of that Act for " section 45 " substitute " section 134 " and for " 1973 " (in both places) substitute " 1975 ".

22 In section 43(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 Act 1975 ".

23 In section 49(1) of that Act, for " 1973 " substitute " 1975 ".

*Supplementary Benefit Act 1966 (c. 20) (Ministry of Social Security Act 1966)*

24 In section 12(1) of the Supplementary Benefit Act 1966, for the words from " unemployment " to " 1973 " substitute " unemployment benefit under Chapter I of Part II of the Social Security Act 1975 ".

25 In section 16(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 Act 1975 and in paragraph (d) for " 1967 " substitute " 1975 " ;”

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26 In section 18(2) of that Act, for the words from " the National" to " 68(3)(c) "  
 substitute " Part III of the Social Security Act 1975 in like manner as a reference  
 under section 99(2)(c) ".

27 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 Act 1975”.

28 After section 34 of that Act insert—

**“34A Inspectors.**

- (1) Every appointment of an inspector under section 144 of the Social Security Act 1975 shall be an appointment also for the purposes of this Act.
- (2) In sections 144(2) to (5) and 145 of that Act references to that Act include this Act; and in section 145(1)(b) the reference to benefit includes benefit within the meaning of this Act.

**34B 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, Her Majesty may by Order in Council 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) above 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 in Council which is conferred by this section, and to Orders made in the exercise of the power, section 166(2) to (4) and (7) and section 168(4) of the Social Security 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.”

29 In section 36(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 Act 1975”.

30 In section 40(1) of that Act, at the end insert " or as the Supplementary Benefit  
 Act 1966 ".

31 In Schedule 2 to that Act—

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- (a) in paragraph 11(1)(a), for the words preceding "(disqualification" substitute " he is disqualified for receiving unemployment benefit under the Social Security Act 1975 by virtue of section 20(1) of that Act ";
- (b) in paragraph 12, 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 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 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 Act 1975 relating to overlapping benefits shall not be treated as affecting the rate of attendance allowance to which a person is entitled.”
- (c) in paragraph 20, for sub-paragraphs (a) and (b) substitute—
  - “(a) any maternity grant under section 21 of the Social Security Act 1975 ;
  - (b) any death grant under section 32 of that Act”;
- (d) 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 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 Act 1975 or of industrial death benefit under that Part 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 Act 1975 ".

*Agriculture Act 1967 (c. 22)*

32 In section 67(3) of the Agriculture Act 1967, in paragraph (e), for the words following " benefits " substitute " payable under Part II of the Social Security Act 1975 ".

*Public Expenditure and Receipts Act 1968 (c. 14)*

33 In Schedule 3 to the Public Expenditure and Receipts Act 1968, for the entry at the end of paragraph 1(b) (inserted by the Social Security Act 1973, Schedule 27, paragraph 77) substitute—

“The <a href="#">Social Security Act 1975 (c.15)</a> , section 160(2)	The Secretary of State.”
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*Rent Act 1968 (c. 23)*

34 In section 40(3) of the Rent Act 1968, for the words from " and for the purposes " to the second " 1965 " substitute " and for the purposes of—

- (a) Part III of the Social Security Act 1973, and
- (b) the Social Security Act 1975 ".

*Social Work (Scotland) Act 1968 (c. 49)*

35 In section 28(2) of the Social Work (Scotland) Act 1968, for the words following " reimbursed under " substitute " section 32 of the Social Security Act 1975 ".

*Income and Corporation Taxes Act 1970 (c. 10)*

36 In section 8(2)(b) of the Income and Corporation Taxes Act 1970, for the words following " in the case of " substitute " a Category A retirement pension payable to the wife under the Social Security Act 1975 or the Social Security (Northern Ireland) Act 1975 no payment of benefit under those Acts shall be treated as earned income ".

37 In section 24(3) of that Act substitute for paragraphs (a) and (b)—

- “(a) to a widow's allowance, widowed mother's allowance, retirement pension or child's special allowance under the Social Security Act 1975 or the Social Security (Northern Ireland) Act 1975 ;
- (b) to an allowance under section 70 of the Social Security Act 1975 or section 70 of the Social Security (Northern Ireland) Act 1975, or”.

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- 38 In section 212 of that Act, substitute for subsection (1)—
- “(1) All income receivable from any source whatsoever for the purposes of any supplementary scheme under section 158 of the Social Security Act 1975 or section 149 of the Social Security (Northern Ireland) Act 1975, or under the enactments replaced by those sections, by the body charged with the administration of the scheme shall be exempt from income tax.”
- 39 In section 219 of that Act—
- (a) in subsection (1), substitute for paragraph (a)—
- “(a) payments of benefit under Chapters I to III of Part II of the Social Security Act 1975 or Chapters I to III of Part II of the Social Security (Northern Ireland) Act 1975, except unemployment benefit, sickness benefit, invalidity benefit, attendance allowance, maternity benefit and death grant, and”;
- (b) in subsection (3), for the words from the beginning to " allowable " in the proviso substitute—
- “(3) No relief or deduction shall be given or allowed in respect of any contribution paid by any person under—
- (a) Part III of the Social Security Act 1973 ;
- (b) Part I of the Social Security Act 1975 ; or
- (c) Part I of the Social Security (Northern Ireland) Act 1975;
- Provided that nothing in this subsection shall apply to any secondary Class 1 contribution within the meaning of either of the said Acts of 1975 or any secondary reserve scheme contribution within the meaning of the said Act of 1973 which is allowable in either case”.

*Administration of Justice Act 1970 (c. 31)*

- 40 In Schedule 4 to the Administration of Justice Act 1970, substitute for paragraph 3—
- “3 Reserve scheme contributions and premiums under Part III of the Social Security Act 1973.
- 3A Class 1, 2 and 4 contributions under Part I of the Social Security Act 1975”.

*Family Income Supplements Act 1970 (c. 55)*

- 41 In section 8(4) of the Family Income Supplements Act 1970, for the words from " benefit" to " 1969 " (where it first occurs) substitute " benefit under the Social Security Act 1975 ".

*Attachment of Earnings Act 1971 (c. 32)*

- 42 In Schedule 2 to the Attachment of Earnings Act 1971, for paragraph 3 substitute—
- “3 Reserve scheme premiums and contributions under Part III of the Social Security Act 1973.

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- 3A Class 1, 2 and 4 contributions under Part I of the Social Security Act 1975”.
- 43 In Schedule 3 to that Act, for paragraph 3(b) substitute—
- “(b) primary reserve scheme contributions under Part III of the Social Security Act 1973 ;
- (bb) primary Class 1 contributions under Part I of the Social Security Act 1975”.
- 44 For Schedule 4 to that Act substitute—

“SCHEDULE 4

ENACTMENTS PROVIDING BENEFITS WHICH ARE  
NOT TO BE TREATED AS DEBTOR'S EARNINGS

The [Family Allowances Act 1965 \(c. 53\)](#)

The [Supplementary Benefit Act 1966 \(c. 20\)](#)

The [Family Income Supplements Act 1970 \(c. 55\)](#)

The [Social Security Act 1975 \(c. 14\)](#)

The [Industrial Injuries and Diseases \(Old Cases\) Act 1975 \(c. 16\)](#)”.

*Pensions (Increase) Act 1971 (c. 56)*

- 45 In Schedule 2 to the Pensions (Increase) Act 1971, for paragraph 26 substitute—
- “26 A pension payable under Schedule 10 to the Social Security Act 1975 (National Insurance Commissioners)”.

*Tribunals and Inquiries Act 1971 (c. 62)*

- 46 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1971, after paragraph 30 insert—

“*Social Security.*

- 30A (a) Local tribunals constituted under section 97 of the Social Security Act 1975 or constituted under regulations made under section 114 of that Act;
- (b) a Commissioner appointed under section 97 of that Act and any tribunal presided over by a Commissioner so appointed ;
- (c) medical appeal tribunals constituted for the purposes of Part III of that Act.”

*Finance Act 1971 (c. 68)*

- 47 In Schedule 4 to the Finance Act 1971, in paragraph 1(b), for the words following " benefit under " substitute " the Social Security Act 1975 or the Social Security (Northern Ireland) Act 1975 which is payable to the wife otherwise than by virtue (wholly or partly) of her own contributions ".



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*Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)*

48 In Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1972, in paragraph 9(2)(r), for sub-paragraph (i) substitute—

“(i) a widow's pension (by way of industrial injuries benefit) payable at the initial rate or the higher permanent rate under section 68 of the Social Security Act 1975”, and for the words from “Schedule 3” to “that Act” substitute “Part I of Schedule 4 to the Social Security Act 1975 for a contributory widow's pension under Part II of that Act”.

*Housing (Finance) Act 1972 (c. 47)*

49 In Schedule 3 to the Housing (Finance) Act 1972, in paragraph 9(2)(j), for sub-paragraph (i) substitute—

“(i) a widow's pension (by way of industrial injuries benefit) payable at the initial rate or the higher permanent rate under section 68 of the Social Security Act 1975”, and for the words from “Schedule 3” to “that Act” substitute “Part I of Schedule 4 to the Social Security Act 1975 for a contributory widow's pension under Part II of that Act”.

*Social Security Act 1973 (c. 38)*

50 The Social Security Act 1973 shall be amended in accordance with the following 16 paragraphs.

51 In section 54(3)(a), for “Part I of this Act” substitute “the Social Security Act 1975 or the Social Security (Northern Ireland) Act 1975”.

52 At the end of section 63 add—

“(13) This section applies to persons employed by or under the Crown in like manner as if such persons were employed by a private person.”

53 In section 73(3), for paragraphs (a) and (b) substitute “the Social Security Act 1975 and the Social Security (Northern Ireland) Act 1975”.

54 In section 77—

(a) in subsection (1), for paragraph (b) substitute—

“(b) the amount paid is equal to or exceeds the current lower earnings limit under section 4 of the Social Security Act 1975 (or the equivalent prescribed under that Act in the case of earners paid otherwise than weekly)”;

(b) in subsection (2)(a), for “Chapter I of Part I of this Act” substitute “Part I of the Social Security Act 1975”;

(c) in subsection (2)(b), for “section 2(5) of this Act” substitute “section 4(5) of the said Act of 1975”;

(d) in subsection (4), for the words from the beginning to “Act” substitute “Section 11(1) and (3) of, and Schedule 1 to, the Social Security Act 1975”.

55 In section 81(3)(a) for “this Act” substitute “the Social Security Act 1975”.

56 In section 83, substitute for subsection (4)—

“(4) The following provisions of the Social Security Act 1975, namely—

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(a) section 81(1), (2)(a) and (4)(b), (c) and (e) (regulations as to payment of benefit); and

(b) section 82(3) and (4) (suspension of benefit),

shall, for the whole of the United Kingdom, have effect in relation to reserve scheme pensions as they have in relation to benefits under that Act; but in section 82(3) of that Act as applied by this subsection the Reserve Pension Board shall be substituted for the Secretary of State.”

57 In section 85—

(a) in subsection (4), for the words " Part IV " (where they first occur) to the end substitute " Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975, which legislation shall then apply as in the case of a question referred to in section 98(1) of the applicable Act ";

(b) in subsection (5), for the words from "Part IV" (where they first occur) to the end substitute " Part III of the Social Security Act 1975 or Part III of the Social Security (Northern Ireland) Act 1975 ; and any question so prescribed shall in accordance with the regulations be so referred, and the relevant legislation of 1975 shall then apply as in the case of a question referred to in section 98(1) of the applicable Act ";

(c) after subsection (6) insert—

“(7) Section 119(3) of the Social Security Act 1975 applies as if references to contributions under Part I of that Act included reserve scheme contributions and reserve scheme premiums.”

58 In section 89—

(a) in subsection (1), for " Minister " substitute " Ministry ", and for the words following the second " collection of" substitute " reserve scheme contributions or premiums, or the payment of reserve scheme pensions ";

(b) in subsection (3)(b), for the words following "collection of" substitute " reserve scheme contributions or premiums, or the payment of reserve scheme pensions. ".

59 In section 92—

(a) in subsection (1), for paragraphs (a) and (b) substitute " any reserve scheme contribution or premium which he is liable under Part III of this Act to pay ";

(b) in subsection (5), for paragraph (b) substitute—

“(b) involving any question as to the payment of reserve scheme contributions or a reserve scheme premium”;

(c) in subsection (6), for "Part IV of the former principal Act" substitute " Part III of the Social Security Act 1975 or, as the case may be, Part III of the Social Security (Northern Ireland) Act 1975 ".

60 In section 95—

(a) in subsection (2)(b) for "and 13 to 15 " substitute " 13 and 14 ", and for " Schedules 23 and 26 " substitute " Schedule 23 ";

(b) in subsection (4) for "Parts II, III and IV" substitute Part II".

61 In section 97, for subsection (3) substitute—

“(3) All regulations and orders made under this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House

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- of Parliament. and in subsection (4), omit " 48(3) or " and for "the relevant" substitute " that " .”
- 62 In section 99—
- (a) in subsection (6), for "this Act" substitute " of the Social Security Act 1975 or Part I of the Social Security (Northern Ireland) Act 1975 " ;
  - (b) in subsection (7), for the words from "whether or not" onwards substitute " are to the lower and upper limits respectively referred to in section 4(1) of the Social Security Act 1975 ; and references to the lower or upper earnings limit of an income tax year are to whatever is (or was) for that year the limit in force under section 4(1) of that Act " .
- 63 In Schedule 19, paragraph 6(c) for "basic scheme or reserve scheme contributions" substitute " reserve scheme contributions or contributions under the Social Security Act 1975 or the Social Security (Northern Ireland) Act 1975 " .
- 64 In Schedule 22—
- (a) for paragraph 3 substitute—

“3 In this Part of this Schedule, " contributions" means reserve scheme contributions and " premium" means a reserve scheme premium.”
  - (b) in paragraph 14, for sub-paragraph (b) substitute—

“(b) for the purposes of this Act, as to the circumstances in which—

    - (i) a marriage celebrated under a law which permits polygamy, or
    - (ii) 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.”
- 65 In Schedule 23—
- (a) in paragraph 5(1), for " this Act, basic scheme or " substitute " the Social Security Act 1975 " ;
  - (b) in paragraph 9(1), after "failure by him to pay" insert " contributions under Part I of the Social Security Act 1975 or Part I of the Social Security (Northern Ireland) Act 1975, or " ;
  - (c) in paragraph 14(4) for " this Act relating to earnings factors and" substitute " the Social Security Act 1975 and the Social Security (Northern Ireland) Act 1975 relating to earnings factors and those of this Act relating to " .
- 66 In Schedule 25—
- (a) for paragraph 2 substitute—

“2 For any reference to the Secretary of State (except in sections 96(6) and 99(3) and Schedule 23, paragraph 5) substitute the Northern Ireland Ministry, and for any reference to the Minister for the Civil Service substitute the Ministry of Finance”;
  - (b) for paragraph 8 substitute—

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- “8 In section 99(17) after ' 97' insert' or Schedule 25, paragraph 15(3) or (3A) '.”;
- (c) in paragraph 10(f), in the paragraph substituted for Schedule 23 paragraph 11, for " 7 to 9 " substitute " 7 and 9 " ; and in paragraph 10(fe) for " 7 to 9 " substitute " 7 and 9 " .

*National Insurance and Supplementary Benefit Act 1973 (c. 42)*

- 67 In paragraph 1 of Schedule 5 to the National Insurance and Supplementary Benefit Act 1973, for " sections 1 to 6" substitute " section 6 " .

*Employment and Training Act 1973 (c. 50)*

- 68 In section 11(3) of the Employment and Training Act 1973, for the words from "the National" to "that Act" substitute " Part II of the Social Security Act 1975 but for the fact that he or the other person was not at a relevant time an employed earner " .
- 69 In section 12(2)(a) of that Act, for the words from " National " (where it first occurs) to the end substitute " Social Security Act 1975 or the Industrial Injuries and Diseases (Old Cases) Act 1975 " .

*The National Insurance Act 1974 (c. 14)*

- 70 In section 6 of the National Insurance Act 1974, in subsection (1), for " or the Social Security Act 1973 " substitute " the Social Security Act 1973, the Social Security Act 1975 or the Industrial Injuries and Diseases (Old Cases) Act 1975 " .

**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,

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- 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 ".

*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)”.

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*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—

**“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 ;

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- (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 " .
- 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)—

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“(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) ";
- (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—



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- “(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) ".
- 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.

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- (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 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

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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 ;
- (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 ".

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*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”.

*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 ".

## SCHEDULE 3

Sections 2 and 4.

### TRANSITIONAL PROVISIONS AND SAVINGS

#### PART I

##### SUPERSESION OF NATIONAL INSURANCE ACTS

- 1       References in this Schedule to regulations refer to, or are to be construed as including, regulations under the 1973 Act, wherever the context is appropriate for that construction; and " prescribed " (meaning prescribed by regulations) is to be construed accordingly.
- 2       Subject to the following provisions of this Part of this Schedule, on and after the appointed day no person shall be insured under the former principal Act or entitled to benefit under that Act; and in respect of any period beginning on or after that day no contributions shall be payable under any of the enactments specified in section 1(6) of the 1973 Act.
- 3       Regulations may provide that, in relation to—
  - (a) persons who cease by virtue of paragraph 2 above to be insured under the former principal Act,
  - (b) persons to or in respect of whom benefit under that Act was, or but for a disqualification or forfeiture would have been, payable immediately before the appointed day, and
  - (c) persons who had a prospective right to, or expectation of, any benefit under that Act immediately before that day, the provisions of the 1973 Act and the new Act (so far as it replaces by consolidation provisions of the 1973 Act) shall have effect subject to such modifications as may be prescribed with a view to securing continuity between the new Act and the former principal Act.
- 4       Without prejudice to the generality of the powers conferred by paragraph 3 above, regulations under that paragraph may in particular provide for the taking into account, for such purposes and in such manner and subject to such conditions as may be prescribed, of contributions paid or credited or deemed to be, or treated as, paid or credited under the former principal Act or the National Insurance Act 1946 or any enactment repealed by the last-mentioned Act.
- 5       Regulations may provide that the 1973 Act, the new Act (so far as it replaces by consolidation provisions of the 1973 Act) and this Part of this Schedule (except this paragraph) shall have effect subject to prescribed modifications in relation to persons who attained the age of 16 before the appointed day and who, immediately before that day, were not insured under the former principal Act.
- 6       (1) Regulations may make such provision as the Secretary of State thinks appropriate for enabling unpaid contributions under the former legislation to be recovered and disposed of under sections 151 and 152 of the new Act (applying those sections by analogy and with the necessary modifications) in the case of a person being convicted of such an offence as is mentioned in section 150(1) or (2)(a) of that Act committed in the period of 2 years beginning with the appointed day.
  - (2) For this purpose—
    - (a) " the former legislation " means the former principal Act, section 1 of the National Health Service Contributions Act 1965, section 2(1)(c) of the

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National Insurance (Industrial Injuries) Act 1965 and section 27 of the Redundancy Payments Act 1965 ;

- (b) " contributions " includes payments in lieu of contributions for the purposes of Part III of the former principal Act.

7 Notwithstanding any repeal effected by the 1973 Act, provision may be made by regulations for continuing in force, with or without prescribed modifications, such provisions of the former principal Act or any other enactment specified in the third column of Schedule 28 to the 1973 Act (repeals) as the Secretary of State considers appropriate for the purpose of preserving rights to benefit under that Act or those enactments in those cases (if any) in which in his opinion adequate alternative rights to benefit under the new Act are not conferred in pursuance of paragraph 3 above, or for temporarily retaining the effect of those provisions for transitional purposes.

8 In the foregoing provisions of this Schedule, any reference to benefit under the former principal Act includes a reference to such other benefit, pension or allowance as is mentioned in paragraph 17(2)(b) of Schedule 11 to the former principal Act (pre-1948 beneficiaries).

9 (1) Without prejudice to the powers conferred by any provision of the 1973 Act, the new Act or this Part of this Schedule, regulations may make such provision as the Secretary of State thinks expedient—

- (a) for facilitating the introduction of (respectively)—
- (i) the scheme of social security contributions and benefits established by the new Act, and
  - (ii) the reserve pension scheme established by Part III of the 1973 Act and the provisions of Part II of that Act relating to the recognition of employments,
- (b) for modifying the system of insurance contained in the former principal Act (so far as it continues in force after the passing of the 1973 Act) so as to bring it into conformity with those schemes and provisions; and
- (c) for facilitating the winding up of that system of insurance or the disposal of matters connected with that system or with any enactment repealed or modified by the 1973 Act or the new Act so far as it replaces by consolidation the provisions of that Act.

(2) Regulations made by virtue of this paragraph may—

- (a) include provisions modifying any enactment specified in the third column of Schedule 28 to the 1973 Act or any instrument in force by virtue of such an enactment as respects any period during which the enactment continues in force after the passing of the 1973 Act;
- (b) provide for the repeal or modification of any enactment by the 1973 Act (or by the new Act so far as it replaces by consolidation provisions of the 1973 Act) to have effect subject to prescribed savings ;
- (c) include provisions for making such modifications of any enactment as the Secretary of State considers appropriate having regard to any modifications which, by virtue of paragraph 7 above, are made in provisions of the former principal Act continued in force by virtue of that paragraph.

10 Her Majesty may by Order in Council provide—

- (a) that an Order in Council under section 105 of the former principal Act (reciprocity agreements) shall for the purposes of section 143 of the new Act have effect with such modifications as may be specified in the Order

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- under this paragraph and shall have effect as if any reference in those sections to an agreement included a reference to a proposed agreement ;
- (b) that an Order in Council under section 84 of the former Industrial Injuries Act or section 143 of the new Act, and any regulations having effect by virtue of section 22(2) of the Family Allowances Act (which also relates to reciprocity agreements), shall have effect with such modifications as may be so specified.
- 11 (1) Any instrument (except regulations, an Order in Council or another order) and any appointment which is in force immediately before the appointed day and was made or has effect as if made under an enactment repealed by the 1973 Act shall, in so far as a corresponding instrument or appointment is capable of being made under any provision of the new Act replacing one in the 1973 Act, be deemed to be so made except to the extent that regulations otherwise provide ; and a reference in any document to an enactment repealed and re-enacted by the 1973 Act with or without modifications shall, in so far as the context permits, be construed as a reference to the new Act or the corresponding enactment therein.
- (2) Sections 139(1), 166(1) to (3) and 167(3) of the new Act (provisions about regulations, including reference to N.I.A.C. and Parliamentary control) apply to regulations under this Part of this Schedule as they apply to regulations under that Act, except that section 139(1) does not apply to such regulations made within a period of 12 months beginning with the appointed day.
- 12 (1) In this Part of this Schedule as it applies to Northern Ireland, for any reference specified in column 1 of the following Table there is to be substituted the reference specified in column 2.

TABLE

Provisions of the new Act for Great Britain:	Corresponding provisions of the new Act for Northern Ireland:
section 143	section 134
section 150	section 141
section 151	section 142
section 152	section 143
section 166(1) to (3)	section 155(1) to (3)
section 167(3)	section 156(4) to (6)
section 168	section 157
The former principal Act.	The National Insurance Act (Northern Ireland) 1966.
In that Act—	In that Act—
section 105	section 99
Schedule 11	Schedule 9
The National Health Service Contributions Act 1965.	The Health Service Contributions Act (Northern Ireland) 1966.

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Provisions of the new Act for Great Britain:	Corresponding provisions of the new Act for Northern Ireland:
The National Insurance Act 1946.	The National Insurance Act (Northern Ireland) 1946.
The former Industrial Injuries Act In that Act—	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966. In that Act—
section 84	section 79
The Redundancy Payments Act 1965, section 27.	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965, section 37.
The Secretary of State.	The Department of Health and Social Services for Northern Ireland (but subject to sub-paragraph (3) below).

- (2) In paragraph 2 of this Schedule as it applies to Northern Ireland, the reference to section 1(6) of the 1973 Act is to that subsection as adapted by paragraphs 2 and 3 of Schedule 13 to that Act.
- (3) In paragraph 9 of this Schedule as it applies to Northern Ireland, the reference to the Secretary of State—
- (a) for purposes of sub-paragraph (1)(a)(ii) of that paragraph stands without the substitution mentioned in the Table above;
  - (b) for purposes of sub-paragraph (2)(c) of that paragraph stands without that substitution, but includes the Department of Health and Social Services for Northern Ireland.
- (4) In paragraph 10(b) of this Schedule as it applies to Northern Ireland, omit " and any regulations having effect by virtue of section 22(2) of the Family Allowances Act ".

## PART II

### GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

- 13 (1) In so far as any Order in Council or other order, regulation, appointment or other thing made or done under an enactment repealed by this Act could have been made or done under a corresponding provision of one of the consolidations or of this Act, it shall not be invalidated by the repeal but shall have effect as if made, given or done under that corresponding provision.
- (2) Anything begun under an enactment repealed by this Act may be continued under whichever is the corresponding enactment in the consolidations or this Act, as if begun thereunder.
- (3) References in the consolidations to things done, suffered or occurring in the past shall, so far as the context requires for the purpose of continuity of operation between enactments repealed by this Act and the corresponding enactments in the consolidations, be construed as including references to things done, suffered or occurring before the appointed day.



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- (4) So much of any document as refers expressly or by implication to an enactment of which the effect is reproduced by an enactment comprised in the consolidations or this Act shall, if and so far as the context permits (and taking into account, as and where appropriate, the effect of the pre-consolidation amendments), be construed as referring to the last-mentioned enactment.
- The " pre-consolidation amendments " are those made by section 6(5) of, and Schedule 4 to, the National Insurance Act 1974 and section 5(6) of, and Schedule 1 to, the Social Security Amendment Act 1974.
- (5) References in this paragraph to the consolidations include references to other enactments remaining in force on and after the appointed day so far as (in consequence of amendments made by this Act) they make provision corresponding to provision made by an enactment repealed by this Act.
- 14 (1) Paragraph 13 above applies in particular to any claim for, or award of, benefit before the appointed day and to anything done or occurring in or for the purposes of adjudication proceedings before that day.
- (2) A question whether a person became or ceased to be entitled to benefit before the appointed day, and any other question with respect to benefit in respect of a period before that day, is to be determined in accordance with provisions with respect to those matters in force during that period.
- 15 The repeal by this Act of provisions for the entry into force of any enactment does not affect anything having effect or done under or by virtue of those provisions.
- 16 Nothing in this Act affects the permissible citation or joint citation of any other Act or group of Acts.

### **PART III**

#### **SPECIFIC TRANSITIONAL PROVISIONS AND SAVINGS (INCLUDING SOME RETAINED FROM PREVIOUS ACTS)**

##### *Great Britain*

- 17 Any right to disablement benefit claimed in respect of a period before 26th August 1953 shall be determined in accordance with sections 11(4) and 12(1) of the National Insurance (Industrial Injuries) Act 1946 (" the Act of 1946 ") as originally enacted, except that the date when the injury benefit period is to be treated as coming to an end shall be determined in accordance with section 56(4) of the new Act unless the claimant made an earlier claim in respect of the same accident before 26th August 1953 which was not withdrawn before its final determination.
- 18 In determining a woman's right to a pension or allowance in respect of a deceased person under sections 67 or 68 or section 71, 72 or 73 of the new Act for any period after 25th February 1962, or her right on her re-marriage after that date to a gratuity under section 67 of that Act, her cohabitation with a man at any time after the deceased's death but before that date shall be disregarded ; but a right to benefit arising by virtue of this paragraph shall not, under Schedule 9 to the new Act, affect the right of any other persons to benefit awarded before that date.
- 19 A claim in respect of a period before 1st March 1966 for an allowance under a scheme made under the Workmen's Compensation (Supplementation) Act 1951 or

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- the Pneumoconiosis and Byssinosis Benefit Act 1951 or for an allowance under the Workmen's Compensation and Benefit (Supplementation) Act 1956 may be made and, when made, shall be determined, and any award thereon in respect of such a period shall be made, as if the Workmen's Compensation and Benefit (Amendment) Act 1965, the Industrial Injuries and Diseases (Old Cases) Act 1967 and the Industrial Injuries and Diseases (Old Cases) Act 1975 had not been passed ; and if on any such claim an allowance is awarded section 9(2) of the said Act of 1975 shall apply as if the claimant had been receiving payment of that allowance immediately before the commencement of that Act, whether or not he was in fact doing so.
- 20 In section 110(4) of the new Act the reference to a final assessment does not include an assessment made for the purpose of section 12(1)(a) or (b) of the Act of 1946 as originally enacted and having the effect that benefit is not payable.
- 21 The Secretary of State shall continue to have power by regulations to make such transitional or consequential provisions as appear to him to be necessary or expedient having regard to the repeal by section 89 of the Act of 1946 of enactments in relation to diseases and to injuries not caused by accident, including provision for modifying or winding up any scheme made under an enactment repealed by that section; and for the avoidance of doubt, the provision which may be made by virtue of this paragraph for modifying such a scheme as is mentioned above includes provision for the union of any fund established under such a scheme with any other fund established for comparable purposes.
- 22 (1) Her Majesty shall continue to have power by Order in Council to make or authorise the making of such provision as appears to Her to be necessary or expedient having regard to the provisions of section 89 of the Act of 1946, for—
- (a) modifying or winding up any contracting-out scheme certified under section 31 of the Workmen's Compensation Act 1925 ;
  - (b) winding up any compensation trust established under the Workmen's Compensation (Coal Mines) Act 1934.
- (2) Provision in relation to deposits made under section 4 of the said Act of 1934 by mutual indemnity associations for any matters consequential on the passing of section 89 of the Act of 1946 may, notwithstanding the repeal of the said Act of 1934, continue to be made by rules under the said section 4,
- 23 The repeal of the Workmen's Compensation Act 1925 shall not affect any rules of court made under the Workmen's Compensation (Transfer of Funds) Act 1927, or the power to make new rules of court thereunder.
- 24 The repeal by this Act of Part II of Schedule 6 to the National Insurance Act 1969 does not affect any past operation of that Part of the Schedule in relation to increases of benefit.
- 25 The repeal by this Act of section 6(2) of the National Insurance Act 1974 (scope of revoking regulations relating to joint arrangements with Northern Ireland) does not affect the validity of anything which was made valid, or whose validity was continued, by regulations made under that subsection ; and—
- (a) the Secretary of State's power by regulations to revoke or vary any provision included by virtue of that subsection or this paragraph in other regulations shall continue, notwithstanding that repeal, and include power to revoke or vary any provision of regulations having effect by virtue of this paragraph ; and

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

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- (b) subsection (3) of section 6 of the National Insurance Act 1974 (regulation-making powers exercisable by statutory instrument etc.) applies to regulations made by virtue of sub-paragraph (a) above as it does to regulations under subsection (1) of that section.
- 26 The repeal by this Act of section 2(2) of the Social Security Amendment Act 1974 (vires for regulations made under section 40(4) of the 1973 Act) does not affect the validity of any regulations to which that subsection applies.

*Social Security Benefits Act 1975 : commencement and transitional provisions*

- 27 (1) So much of any order made under paragraph 1 of Schedule 5 to the 1975 amending Act (commencement) as makes any incidental, supplementary or other provision by virtue of sub-paragraph (2)(a) of that paragraph shall continue in force notwithstanding any repeal effected by this Act.
- (2) Insofar as such an order makes provision by reference to, or for the purposes of, an enactment repealed by this Act and replaced by a corresponding provision in the consolidations or this Act, that provision of the order shall continue in force by reference to, or for the purposes of, the said corresponding provision.
- (3) For the purpose of continuing the Secretary of State's power on and after the appointed day to make, vary and revoke orders under paragraph 1 of Schedule 5 to the 1975 amending Act, the references in that paragraph to that Act and provisions of it are to be construed as referring, or as including references, to this Act and the corresponding provisions of the consolidations.
- 28 Sections 139 and 141(2) of the new Act (consultation with N.I.A.C. and I.I.A.C.) shall not apply to regulations made, or to a draft of regulations laid before Parliament, if—
- (a) the instrument containing the regulations or, as the case may be, the draft states that they are made in consequence of any provision of the 1975 amending Act relating to non-contributory invalidity pension or invalid care allowance and the regulations are made, or the draft is laid, before the day appointed for the coming into force of that provision (or, as the case may be, for the coming into force of the corresponding provision in the new Act); or
- (b) the instrument containing the regulations or, as the case may be, the draft states that they are made in consequence of any other provisions of the 1975 amending Act (or, as the case may be, any other provisions of the new Act which correspond to those of the 1975 amending Act) and the regulations are made, or the draft is laid, before the expiration of the period of 6 months beginning with the passing of the 1975 amending Act.
- 29 (1) The affirmative procedure provisions shall not apply to any regulations, order or scheme if—
- (a) the instrument containing the regulations states that they are made, or the instrument containing the order or scheme states that it is made, in consequence of the 1975 amending Act or provisions of the consolidations replacing those of that Act; and
- (b) the regulations are made, or the order or scheme is made, before the expiration of 6 months beginning with the passing of the 1975 amending Act.

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

- (2) Where, apart from sub-paragraph (1) above, any of the affirmative procedure provisions would apply to an instrument, that instrument shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In this paragraph " the affirmative procedure provisions" means section 167(1) of the new Act and section 4(8)(a) of the Old Cases Act.
- 30 (1) The Secretary of State may by regulations provide that paragraph 15(b)(ii) of Part V of Schedule 4 to the new Act shall have effect, in relation to a child in respect of whom no allowance is payable under the Family Allowances Act, as if for "£1.60" there was substituted " £1.80 " in the case of a second qualifying child and " £1.70 " in the case of any additional qualifying child beyond the first two (being the rates that would have applied apart from the provisions of section 2 of the 1975 amending Act).
- (2) The power to make regulations under this paragraph shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Northern Ireland*

- 31 Paragraphs 17, 18, 20, 24, 26, 27, 29 and 30 above (but not paragraph 19, paragraphs 21 to 23, paragraph 25 or 28) apply to Northern Ireland with the substitution for any reference or words specified in column 1 of the following Table of the reference or words specified in relation thereto in column 2.

TABLE

A reference to the National Insurance (Industrial Injuries) Act 1946 (" the Act of 1946 ").	A reference to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946.
A reference to 26th August 1953	A reference to 21st October 1953.
A reference to the National Insurance Act 1969.	A reference to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969.
A reference to the Secretary of State.	A reference to the Department of Health and Social Services for Northern Ireland.
A reference to an instrument ...	A reference to a statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958.
The words "order or scheme" where they first occur in paragraph 29.	The words " or order ".
The words " order or scheme " in the second and third places where they occur in paragraph 29.	The word " order ".
The words from " subject to annulment " onwards (in paragraph 29(2)).	The words "laid before the Northern Ireland Assembly after being made ".
The words from " section 167(1) " onwards (in paragraph 29(3)).	The words " section 156(1) of the new Act".

- 32 (1) A claim in respect of a period before 10th May 1966 for an allowance under a scheme made under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1951 or under regulations made under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1956 may be made, and, when made, shall be determined, and any award thereon in respect of such a period shall be made, as if the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966 and the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 had not been passed; and if on any such claim an allowance is awarded, section 5(2) of the said Act of 1975 shall apply as if the claimant had been receiving payment of that allowance. immediately before 10th May 1966, whether or not he was in fact doing so.
- (2) Regulations made by the Department under the said Act of 1975 may include provision for the payment or award in respect of any period beginning on or after the appointed day of an allowance under that Act without any further award or, as the case may be, any further claim, in a case where evidence of the satisfaction of the conditions for that allowance is afforded by the awards before that day or under sub-paragraph (1) of an allowance under a scheme or regulation mentioned in that sub-paragraph.
- (3) An allowance paid under a scheme or regulation mentioned in sub-paragraph (1) in respect of any period commencing on or after the appointed day shall, except for the purposes of section 5(2) of the said Act of 1975, be treated as paid on account of an allowance under that Act and the amount of any allowance payable under that Act for that period shall be adjusted accordingly.
- 33 The Department shall continue to have power by regulations to make such transitional or consequential provisions as appear to it to be necessary or expedient having regard to the repeal by section 88 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 of any enactment in relation to diseases and to injuries not caused by accident, including provisions for modifying or winding up any scheme made under any enactment repealed by that section and for the union of any fund established under any such scheme with any other fund established for comparable purposes.
- 34 The repeal of the Workmen's Compensation Act (Northern Ireland) 1927 shall not affect any rules of court made under section 38 of that Act or the power to make new rules of court under that section.
- 35 The repeal by this Act of section 5(2) of the National Insurance Measure (Northern Ireland) 1974 (scope of revoking regulations relating to joint arrangements with Great Britain) does not affect the validity of anything which was made valid, or whose validity was continued, by regulations made under that subsection ; and—
- (a) the Department's power by regulations to revoke or vary any provision included by virtue of that subsection or this paragraph in other regulations shall continue notwithstanding that repeal, and include power to revoke or vary any provision of regulations having effect by virtue of this paragraph ; and
- (b) subsection (3) of section 5 of the National Insurance Measure (Northern Ireland) 1974 (regulations to be subject to negative resolution) applies to regulations made by virtue of sub-paragraph (a) above as it does to regulations under subsection (1) of that section.