

# Social Security Benefits Act 1975

#### **1975 CHAPTER 11**

An Act to make further provision with respect to basic scheme benefits and benefits in respect of industrial injuries and diseases; to increase family allowances and amend section 8 of the Family Allowances Act 1965, to amend Parts I and III of Schedule 2 to the Supplementary Benefit Act 1966; and for purposes connected with those matters.

[13th 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:—

Basic scheme and industrial injury benefits

# 1 Rates of basic scheme benefits

- (1) In the Social Security Act 1973 for Part I of Schedule 4 (weekly rates of basic scheme benefits) there shall be substituted the provisions set out in Part I of Schedule 1 to this Act and for Part III of Schedule 4 (weekly rates of increases for dependants) there shall be substituted the provisions set out in Part II of Schedule 1 to this Act.
- (2) In consequence of the amendments made by subsection (1) above in Part III of Schedule 4 to the said Act of 1973, that Act shall be further amended as follows—
  - (a) in section 31, in subsections (1) and (4) for the words " column (2), (3) or (4) " there shall be substituted the words " column (2) or (3) ", and in subsection (5) for the words " column (3) or (4)" there shall be substituted the words " column (3) ";
  - (b) in section 32(4)(a)(ii) for the words " either of the rates" there shall be substituted the words " the rate ";
  - (c) in sections 34(1) and (2) and 35(1), (3) and (6) for the words " column (5)" there shall be substituted the words " column (4) ".
- (3) In the following provisions of the said Act of 1973, that is to say—

- (a) section 26(1) (reduction of Category A or B retirement pension where beneficiary is under five years over pensionable age and his earnings for the preceding week exceeded £9.50); and
- (b) section 35(2) of that Act (reduction of increase of Category A or C retirement pension or invalidity pension where beneficiary is residing with his wife and her earnings for the preceding week exceeded £9.50);

for "£9.50" there shall be substituted "£20" and at the end there shall be inserted—

"With effect from such day as may be prescribed in the week containing 6th April in a year mentioned in the first column below, this subsection shall have effect with the substitution for "£20" of the amount specified in relation to that year in the second column below—

(4) In paragraphs (a) and (b) of the said section 35(2) (reduction to be 5p for each 10p of so much of the excess earnings as is less than £2 and 5p for each 5p of any further excess) for "£2.00" wherever it occurs there shall be substituted "£4.00".

# 2 Rates of benefit in respect of industrial injuries and diseases

- (1) In the National Insurance (Industrial Injuries) Act 1965 for the provisions of Schedule 3 (weekly rate or amount of benefit) there shall be substituted the provisions set out in Schedule 2 to this Act.
- (2) In section 18(3A) of the said Act of 1965 (reduction of increase of disablement pension where beneficiary is residing with his wife and her earnings for the preceding week exceeded £13) for "£13" there shall be substituted "£20" and at the end there shall be inserted—

"With effect from such day as may be prescribed in the week containing 6th April in a year mentioned in the first column below, this subsection shall have effect with the substitution for "£20" of the amount specified in relation to that year in the second column below—

- (3) In section 19(3) of the said Act of 1965 (higher permanent rate of widow's pension), in paragraph (a) after the words " is entitled " there shall be inserted the words " (or is treated by regulations as entitled) " and paragraph (d) shall be omitted.
- (4) In section 21 of the said Act of 1965 (children of deceased's family), in subsection (1) for the words " paragraph 11(a) " there shall be substituted the words " paragraph 11 " and for subsection (2) there shall be substituted—
  - "(2) The higher rate specified in paragraph 11(a) of that Schedule shall apply where the person to whom the allowance is payable is the widow of the deceased or such other person as may be prescribed and the widow is entitled to death benefit (other than a gratuity) under section 19 of this Act; and the lower rate specified in paragraph 11(b) of that Schedule shall apply in any other case."

- (5) In the following provisions of the Industrial Injuries and Diseases (Old Cases) Act 1967, that is to say—
  - (a) section 2(6)(c) (maximum weekly rate of a lesser in capacity allowance supplementing workmen's compensation); and
  - (b) section 7(2)(b) (industrial diseases benefit schemes: weekly rate of allowance payable where disablement is not total),

for "£6.05" there shall be substituted "£7.00".

#### 3 Power to increase rates of benefit

- (1) The Secretary of State may by order increase any of the sums specified in—
  - (a) Parts I and III of Schedule 4 to the Social Security Act 1973 (weekly rates of basic scheme benefits);
  - (b) Part II of that Schedule (amounts of basic scheme grants);
  - (c) Schedule 3 to the National Insurance (Industrial Injuries) Act 1965 and sections 2(6)(c) and 7(2)(b) of the Industrial Injuries and Diseases (Old Cases) Act 1967 (rates, maximum rates and amounts of benefit in respect of industrial injuries and diseases);
  - (d) sections 26(1) and 35(2) of the said Act of 1973, paragraph 3(1)(a)(i) and (ii) of Schedule 6 to that Act and section 18 (3A) of the said Act of 1965 (calculation of benefit in particular cases).
- (2) No order shall be made under this section unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (3) The Secretary of State shall lay with any draft order under this section a copy of a report by the Government Actuary giving the latter's opinion on the likely effect on the National Insurance Fund of the making of the order.
- (4) The provisions of this section and section 4 below replace section 39 of the said Act of 1973 (annual reviews) and references to that section in any enactment shall be construed as references to those provisions.

# 4 Duty to increase rates of certain benefits

- (1) The Secretary of State shall in the year 1975.76 and each subsequent year review the sums specified in the provisions mentioned in section 3(1)(a) and (c) above (except the sum specified for age addition) for the purpose of determining whether they have retained their value in relation to the general level of earnings or prices obtaining in Great Britain.
- (2) For the purposes of any such review the Secretary of State shall estimate the general level of earnings and prices in such manner as he thinks fit and shall have regard either to earnings or prices according to which he considers more advantageous to beneficiaries, except that he shall have regard only to prices as respects the sums specified in—
  - (a) paragraphs 1 and 5 of Part I, and paragraphs 1(a) and 3 of Part III, of Schedule 4 to the Social Security Act 1973 (unemployment and sickness benefit and maternity allowance); and
  - (b) paragraphs 1, 7, 8 and 11(b) of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965 (injury benefit and lower rate allowance in respect of deceased's children).

- (3) If on any such review the Secretary of State concludes that any of the sums in question have not retained their value as aforesaid he shall prepare and lay before each House of Parliament the draft of an order under section 3 above increasing those sums at least to such extent as he thinks necessary to restore their value; and if on any such review the Secretary of State determines that he is not required to prepare and lay the draft of an order as aforesaid he shall instead lay before each House of Parliament a report explaining his reasons for arriving at that determination.
- (4) Subsection (3) above shall not require the Secretary of State to provide for an increase in any case in which it appears to him that the amount of the increase would be inconsiderable; and the Secretary of State may, in providing for any increase in pursuance of that subsection, adjust the amount of the increase so as to secure that the sums specified for any particular benefits continue to differ from each other by the same amount or so as to round any sum up or down to such extent as he thinks appropriate having regard to the nature and the rate or amount of the benefit in question.
- (5) A draft order prepared under subsection (3) above shall be framed so as to bring the increase of any sum to which it relates into force not later than the expiration of the period of twelve months beginning with the date on which the provision fixing the current amount of that sum came into force; but if since that date there have been laid before Parliament under that subsection one or more reports, or one or more draft orders not increasing that sum, that period shall be extended by a further twelve months for each such report or draft order.
- (6) The Secretary of State shall lay with any report under subsection (3) above a copy of a report by the Government Actuary giving the latter's opinion on the likely effect on the National Insurance Fund of the Secretary of State's determination that no order is required.
- (7) If a draft order laid before Parliament in pursuance of this section is approved by resolution of each House the Secretary of State shall make the order in the form of the draft

# 5 Additional basic scheme benefits

- (1) There shall be included among the basic scheme benefits specified in section 9(1) of the Social Security Act 1973 the following additional benefits—
  - (a) non-contributory invalidity pension (payable without regard to contributions and with increase for adult and child dependants);
  - (b) invalid care allowance (payable without regard to contributions and with increase for adult and child dependants).
- (2) Those additional benefits shall be payable out of moneys provided by Parliament; and subsection (4) of section 46 of the said Act of 1973 (administrative expenses) shall have effect in relation to those benefits as it has effect in relation to the benefits which by virtue of subsection (1)(a) of that section are not payable out of the National Insurance Fund.

#### 6 Non-contributory invalidity pension

(1) Subject to the provisions of this section, a person shall be entitled to a non-contributory invalidity pension for any day on which he is incapable of work if he has been

incapable of work for a period of not less than one hundred and ninety-six consecutive days ending immediately before that day.

- (2) A person shall not be entitled to any such pension if he is under the age of sixteen or receiving full-time education; and a woman shall not be entitled to any such pension if—
  - (a) she is married and either—
    - (i) she is residing with her husband; or
    - (ii) he is contributing to her maintenance at a weekly rate not less than the weekly rate of such a pension; or
  - (b) she is cohabiting with a man as his wife, except where she is incapable of performing normal household duties.
- (3) A person shall not be entitled to any such pension unless he satisfies prescribed conditions as to residence or presence in Great Britain.
- (4) A person who has attained pensionable age shall not be entitled to a pension under this section unless he was entitled (or is treated by regulations as having been entitled) to such a pension immediately before attaining that age; and regulations may make provision whereby a person who has attained retiring age and was entitled to such a pension immediately before attaining that age continues to be entitled to such a pension notwithstanding that he is not incapable of work or no longer satisfies the requirements of subsection (1) above as to the period for which a person must have been incapable of work.
- (5) Regulations may make provision whereby, in the case of a person who has previously been entitled to a pension under this section, the requirements of subsection (1) above as to the period for which a person must have been incapable of work may be satisfied by reference to a period not ending immediately before the day there mentioned or not consisting of consecutive days.
- (6) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as incapable of work, as incapable of performing normal household duties or as receiving full-time education.
- (7) A pension under this section shall be payable at the weekly rate specified in relation thereto in Part I of Schedule 4 to the Social Security Act 1973; and that rate shall, in such circumstances as may be prescribed, be increased for child or adult dependants by the appropriate amount specified in relation thereto in Part III of that Schedule.
- (8) In this section "retiring age "means, in the case of a man, the age of seventy and, in the case of a woman, the age of sixty-five.
- (9) Section 14(3) of the Social Security Act 1973 and paragraph 1(2) of Schedule 10 to that Act (disqualification and claims for sickness and invalidity benefit) shall apply also in relation to a pension under this section; and in the following enactments, that is to say—
  - (a) section 2(1) of the Law Reform (Personal Injuries) Act 1948;
  - (b) section 3(1) of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948,

(effect of benefits on damages for personal injuries) for the words " or sickness or invalidity benefit" there shall be substituted the words ", sickness or invalidity benefit or non-contributory invalidity pension ".

#### 7 Invalid care allowance

- (1) Subject to the provisions of this section, a person shall be entitled to an invalid care allowance for any day on which he is engaged in caring for a severely disabled person if—
  - (a) he is regularly and substantially engaged in caring for that person; and
  - (b) he is not gainfully employed; and
  - (c) the severely disabled person is either such relative of his as may be prescribed or a person of any such other description as may be prescribed.
- (2) A person shall not be entitled to an allowance under this section if he is under the age of sixteen or receiving full-time education; and a woman shall not be entitled to any such allowance if—
  - (a) she is married and either—
    - (i) she is residing with her husband; or
    - (ii) he is contributing to her maintenance at a weekly rate not less than the weekly rate of such an allowance; or
  - (b) she is cohabiting with a man as his wife.
- (3) A person shall not be entitled to an allowance under this section unless he satisfies prescribed conditions as to residence or presence in Great Britain.
- (4) A person who has attained pensionable age shall not be entitled to an allowance under this section unless he was entitled (or is treated by regulations as having been entitled) to such an allowance immediately before attaining that age; and regulations may make provision whereby a person who has attained retiring age and was entitled to such an allowance immediately before attaining that age continues to be entitled to such an allowance notwithstanding that he is not caring for a severely disabled person or no longer satisfies the requirements of subsection (1)(a) or (b) above.
- (5) No person shall be entitled for the same day to more than one allowance under this section; and where, apart from this subsection, two or more persons would be entitled for the same day to such an allowance in respect of the same severely disabled person, one of them only shall be entitled, being such one of them as they may jointly elect in the prescribed manner or as may, in default of such election, be determined by the Secretary of State in his discretion.
- (6) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as engaged, or regularly and substantially engaged, in caring for a severely disabled person, as gainfully employed or as receiving fulltime education.
- (7) An allowance under this section shall be payable at the weekly rate specified in relation thereto in Part I of Schedule 4 to the Social Security Act 1973; and that rate shall, in such circumstances as may be prescribed, be increased for child or adult dependants by the appropriate amount specified in relation thereto in Part III of that Schedule.
- (8) In this section—
  - " severely disabled person " means a person in respect of whom there is payable either an attendance allowance or such other payment out of public funds on account of his need for attendance as may be prescribed;
  - "relative" includes a person who is a relative by marriage or adoption and a person who would be a relative if some person born illegitimate had been born legitimate;

" retiring age " has the same meaning as in section 6 above.

(9) Any question' which under subsection (5) above falls to be determined by the Secretary of State in his discretion shall be included among the questions to which subsection (1) of section 84 of the said Act of 1973 applies; and in subsection (3) of that section, section 66(2) of the National Insurance Act 1965 and section 65(2) of the National Insurance Act (Northern Ireland) 1966 references to questions within section 84(1)(d) shall include references to any such question as aforesaid.

#### **8** Minor amendments

- (1) In section 9(8) of the Social Security Act 1973 (calculation of earnings factor) after the word "tables" where it first occurs there shall be inserted the words "or rules" and for the words "and tables of earnings factors "there shall be substituted the words "and such tables and rules".
- (2) In section 14(6) of that Act (disqualification for unemployment benefit etc.)—
  - (a) in paragraph (c) the words " an employment exchange " shall be omitted;
  - (b) in paragraph (d) for the words from " an employment exchange" onwards there shall be substituted the words " the Employment Service Agency, a local education authority or the Secretary of State ";
  - (c) for paragraph (e) there shall be substituted " (e) ' local education authority', in relation to Scotland, means an education authority as defined in section 145(16) of the Education (Scotland) Act 1962 ".
- (3) In Part III of Schedule 7 to that Act (claims, reviews and appeals) in paragraph 15(a) after the word "sub-paragraph" there shall be inserted the words "or sub-paragraph (b) below ".
- (4) In Part III of Schedule 12 to that Act (regulations not requiring prior submission to the National Insurance Advisory Committee) after paragraph 12B there shall be inserted the following paragraph—
  - "12C Regulations made by virtue of section 26(1) or 35(2) of this Act for the purpose only of prescribing a day."
- (5) In paragraph 5 of Schedule 13 to that Act (application of section 14(6) to Northern Ireland) for sub-paragraph (2) there shall be substituted—
  - "(2) In section 14(6), in paragraph (c) for the words 'the Employment Service Agency, a local education authority 'and in paragraph (d) for the words from 'the Employment Service Agency' onwards there shall be substituted the words 'the Department of Manpower Services for Northern Ireland'."
- (6) In Article 36 of the Education and Libraries (Northern Ireland) Order 1972 after paragraph (5) there shall be inserted the following paragraph—
  - "(5A) In paragraph (5) ' enactment' includes an enactment of the Parliament of the United Kingdom".
- (7) In Part II of Schedule 6 to the National Insurance Act 1969 (provisions applying where rates of benefit are altered)—
  - (a) in paragraph 2(1) for the words "the National Insurance Act 1965 "there shall be substituted the words "the Social Security Act 1973 ";

- (b) in paragraph 2(2) there shall be added at the end the words " and references to an alteration by, or in consequence of the passing of, an Act include references to an alteration by, or in consequence of the making of, an order under section 3 of the Social Security Benefits Act 1975 ";
- (c) in paragraph 5(1)—
  - (i) for the words "the provisions referred to in sub-paragraph (2) below "there shall be substituted the words "the Social Security Act 1973, the National Insurance (Industrial Injuries) Act 1965 or the Industrial Injuries and Diseases (Old Cases) Act 1967 or regulations made by virtue of any provision of those Acts ";
  - (ii) at the end there shall be added the words " but this sub-paragraph has effect subject to such exceptions or conditions (if any) as may be prescribed by regulations made by the Secretary of State ";
- (d) paragraph 5(2) shall be omitted.
- (8) In Part II of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969 (corresponding provisions for Northern Ireland)—
  - (a) in paragraph 2(1) for the words "the Insurance Act" there shall be substituted the words "the Social Security Act 1973";
  - (b) in paragraph 2(2) there shall be added at the end the words " and references to an Act include references to an Act of the Parliament of the United Kingdom and references to an alteration by, or in consequence of the passing of, an Act include references to an alteration by or in consequence of the making of an order under section 49(2) of the said Act of 1973 ";
  - (c) in paragraph 5(1)—
    - (i) for the words "the provisions referred to in sub-paragraph (2)" there shall be substituted the words "the Industrial Injuries Act or the Social Security Act 1973 or regulations made by virtue of any provision of those Acts";
    - (ii) at the end there shall be added the words " but this sub-paragraph has effect subject to such exceptions or conditions (if any) as may be prescribed by regulations made by the Ministry ";
  - (d) paragraph 5(2) shall be omitted.
- (9) In section 4(4) of the National Insurance Act 1967 and section 5(4) of the National Insurance Act (Northern Ireland) 1967 (which define "benefit" for the purposes of provisions relating to overpayments under supplementary schemes), the repeal by the Social Security Act 1973 of the words "under the Insurance Act or "shall not have effect; and after those words there shall be inserted the words "under Part I of the Social Security Act 1973 or ".
- (10) In section 62(3) of the National Insurance (Industrial Injuries) Act 1965 (which makes provision as respects the submission of regulations to the Industrial Injuries Advisory Council) after paragraph (b) there shall be inserted the following paragraph—
  - "(c) regulations made by virtue of section 18 (3A) of this Act for the purpose only of prescribing a day.".

#### Family allowances

# 9 Increase of family allowances

- (1) The Family Allowances Act 1965 shall be amended as follows—
  - (a) in section 1 (allowance to be at the rate of 90p a week in respect of the first child other than the elder or eldest and £1 a week in respect of each other such child) for the words from " an allowance " to the end there shall be substituted the words " an allowance in respect of each child in the family other than the elder or eldest at the rate of £1.50 a week ":
  - (b) in section 3(2) and paragraph 1(1) of the Schedule (minimum weekly contribution required from a person towards the maintenance of a child not living with him if the child is to be included in a family as being issue or maintained by him) for the words "90 new pence" there shall be substituted "£1.50".
- (2) Section 99(8)(c) of the Social Security Act 1973 and section 86(2)(c) of the National Insurance (Industrial Injuries) Act 1965 (references in those Acts to a person having a family which includes a child or children or to a child of a person's family to be construed by reference to the operation of the Family Allowances Act 1965) shall have effect by reference to the operation of the Family Allowances Act 1965 as amended by this section.

# 10 Recovery of family allowances

In section 8(1) of the Family Allowances Act 1965 (application of section 81 of the National Insurance Act 1965 to recovery of allowances wrongly paid etc.) for the words "section 81(1) to (4) "there shall be substituted the words "section 81(1) and (2) to (4) "and for the words from "but" to the end there shall be substituted the words "and any sums repaid to the Secretary of State by virtue of this subsection shall be paid by him into the Consolidated Fund.

#### Supplementary benefit

#### 11 Amount of benefit and calculation of resources

Parts I and III of Schedule 2 to the Supplementary Benefit Act 1966 (amount of benefit and calculation of resources) shall be amended in accordance with Schedule 3 to this Act.

#### General

# 12 Financial provisions

- (1) There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other Act.
- (2) As respects any increase attributable to this Act in the expenses which under subsection (2) of section 46 of the Social Security Act 1973 are to be paid out of moneys provided by Parliament, subsection (1) above is without prejudice to the

provision made by subsection (4) of that section for reimbursement out of the National Insurance Fund.

#### 13 Northern Ireland

Schedule 4 to this Act shall have effect for adapting the provisions of this Act there mentioned in their application to Northern Ireland.

# 14 Short title, citation, interpretation, commencement and repeals

- (1) This Act may be cited as the Social Security Benefits Act 1975.
- (2) This Act may be cited with the Supplementary Benefit Acts 1966 to 1973 as the Supplementary Benefit Acts 1966 to 1975, and with the Family Allowances Acts 1965 to 1969 as the Family Allowances Acts 1965 to 1975.
- (3) Except as respects commencement, sections 3 to 7 of this Act and the Social Security Act 1973 shall have effect as if those sections were contained in Part I of that Act, and references to that Act in any other enactment shall be construed accordingly.
- (4) Except where the context otherwise requires, references in this Act to any enactment are references to that enactment as amended by or under any other enactment, including this Act.
- (5) Schedule 5 to this Act shall have effect with respect to the commencement of this Act and with respect to the transitional matters dealt with in that Schedule.
- (6) The enactments and Order mentioned in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

# SCHEDULES

#### SCHEDULE 1

Section 1(1).

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 4 TO SOCIAL SECURITY ACT 1973

# **PART I**

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 4 TO SOCIAL SECURITY ACT 1973

# "PART I

# WEEKLY RATES OF PERIODICAL BENEFITS

Description of benefit	Weekly rate
1. Unemployment or sickness benefit.	(a) higher rate £9.80
	(b) lower rate £6.90
	(the appropriate rate being determined in accordance with section 10(4) of this Act).
2. Invalidity pension	£11.60
3. Invalidity allowance	(a) higher rate £2.40
	(b) middle rate £1.50
	(c) lower rate £0.75
	(the appropriate rate being determined in accordance with section 11(6) of this Act).
4. Attendance allowance	(a) higher rate £9.20
	(b) lower rate £6.20
	(the appropriate rate being determined in accordance with section 15(2) of this Act).
5. Maternity allowance	£9.80
6. Widow's allowance	£16.20
7. Widowed mother's allowance.	£11.60
8. Widow's pension	£11.60
9. Guardian's allowance	£5.65
10. Category A retirement pension.	£11.60
11. Category B retirement pension.	(a) lower rate £6.90

Description of benefit	Weekly rate	
	(b) higher rate £11.60	
	(the appropriate rate being determined in accordance with section 25(7) of this Act).	
12. Category C or D retirement pension.	(a) lower rate £4.30	
	(b) higher rate £6.90	
	(the appropriate rate being determined in accordance with section 27(2) of this Act).	
13. Age addition	£0.25	
14. Child's special allowance	£5.65	
15. Non-contributory invalidity pension	£6.90	
16. Invalid care allowance	£6.90"	

PART II

PROVISIONS TO BE SUBSTITUTED FOR PART III OF SCHEDULE 4

"PART III
WEEKLY RATES OF INCREASES FOR DEPENDANTS

Benefit to which increase applies	Increase for only, elder or eldest qualifying child	Increase for each additional qualifying child	Increase for adult dependant
(1)	(2)	(3)	(4)
	£	£	£
1. Unemployment or sickness benefit—			
(a) where the beneficiary is under pensionable age	3.10	1.60	6.10
(b) where the beneficiary is over pensionable age	5.65	4.15	6.90
2. Invalidity pension	5.65	4.15	6.90
3. Maternity allowance	310	1.60	6.10
4. Widow's allowance	5.65	4.15	_

Where any unemployment or sickness benefit is payable at a weekly rate determined under section 10(7) of this Act, column (4) of this Part of this Schedule shall have effect subject to section 34(5)(b) of this Act; and where an invalidity pension is payable at a weekly rate determined under section 11(4) of this Act, the said column (4) shall have effect subject to section 35(7)(b) of this Act.

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Benefit to which increase applies	Increase for only, elder or eldest qualifying child	Increase for each additional qualifying child	Increase for adult dependant
(1)	(2)	(3)	(4)
5. Widowed mother's allowance	5.65	4.15	_
6. Category A or B retirement pension	5.65	4.15	6.90
7. Category C retirement pension	5.65	4.15	4.30
8. Child's special allowance	_	4.15	_
9. Non-contributory invalidity pension	5.65	4.15	4.30
10. Invalid care allowance	5.65	4.15	4.30"

Where any unemployment or sickness benefit is payable at a weekly rate determined under section 10(7) of this Act, column (4) of this Part of this Schedule shall have effect subject to section 34(5)(b) of this Act, and where an invalidity pension is payable at a weekly rate determined under section 11(4) of this Act, the said column (4) shall have effect subject to section 35(7)(b) of this Act.

# SCHEDULE 2

Section 2(1).

# PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 3 TO NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT 1965

#### "RATE OR AMOUNT OF BENEFIT ETC.

Description of benefit etc.	Amount
1. Injury benefit under s. 11 (weekly rate).	(a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant £12.55
	(b) for any period during which the beneficiary is not over the age of 18 and not entitled as aforesaid £9.80
2. Maximum disablement gratuity under s. 12(3).	£1,260
3. Disablement pension under s. 12(5) (weekly rate).	For the several degrees of disablement set out in column 1 of the following Table, the respective amounts in that Table, using—  (a) column 2 for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant;

# Description of benefit etc.

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#### Amount

(b) column 3 for any period during which the beneficiary is not over the age of 18 and not entitled as aforesaid:

**TABLE** 

Degree of disablement	Amount	
(1)	(2)	(3)
Per cent.	£	£
100	19.00	11.60
90	17.10	10.44
80	15.20	9.28
70	13.30	8.12
60	11.40	6.96
50	9.50	5.80
40	7.60	4.64
30	5.70	3.48
20	3.80	2.32

- 4. Unemployability supplement under s. 13 (increase of weekly rate of disablement pension).
- 4A. Increase under s. 13A of unemployability supplement (early onset of incapacity for work).

£11.60

- (a) if on the qualifying date the bene -ficiary was under the age of 35 or if that date fell before 5th July 1948
- £ 2.40
- (b) if head (a) above does not apply and on the qualifying date the bene -ficiary was under the age of 45
- £ 1.50
- (c) if heads (a) and (b) above do not apply and on the qualifying date the beneficiary was a man under the age of 60 or a woman under the age of 55.
- £ 0.75
- 5. Maximum increase under s. 14 of weekly rate of dis -ablement pension in cases of special hardship.
- £7.60 or the amount (if any) by which the weekly rate of the pension, apart from any increase under s. 15, 17 or 18 of this Act or under s. 6 of the National Insurance Act 1966, falls short of £19 00, whichever is the less.

# Description of benefit etc.

# 6. Maximum increase under s. 15 of weekly rate of dis -ablement pension where con - stant attendance needed.

- 6A. Increase under s. 6(1) of National Insurance Act 1966 of disablement pension (ex -ceptionally severe disable -ment).
- 7. Increase under s. 17 of weekly rate of injury benefit in respect of children.
- 7A. Increase under s. 17 of weekly rate of disablement pension in respect of children where beneficiary is entitled to unemployability supple -ment.
- 8. Increase under s. 18 of weekly rate of injury benefit in respect of adult dependant.
- 8A. Increase under s. 18 in respect of adult dependant of weekly rate of disablement pension falling to be increased by unemployability supplement.
- 9. Widow's pension under s. 19:
- (a) initial rate
- (b) higher permanent rate
- (c) lower permanent rate
- 10. Widower's pension under s. 20 (weekly rate)
- 11. Allowance under s. 21 in respect of children of deceased's family:
- (a) weekly rate of allowance at higher rate.
- (b) weekly rate of allowance at lower rate.
- 12. Maximum under s. 29(1)(a) of aggregate of weekly benefit payable for successive accidents.

#### Amount

- (a) except in cases of exceptionally severe disablement £ 7.60
- (b) in any case £15.20

£7.60

- (a) in respect of only, elder or eldest child of beneficiary's family £3.10
- (b) in respect of each additional child of beneficiary's family £ 1.60
- (a) in respect of only, elder or eldest child of beneficiary's family £5.65
- (b) in respect of each additional child of beneficiary's family £4.15

£6.10

£6.90

£16.20

£12.15

30 per cent, of the weekly rate for the time being of a widow's pension under the Social Security Act 1973 as specified in Part I of Schedule 4 to that Act.

£12.15

- (i) in respect of only, elder or eldest qualifying child £5.65
- (ii) in respect of each additional qualifying child £4.15
- (i) in respect of only, elder or eldest qualifying child. £3.10
- (ii) in respect of each additional qualifying child £1.60
- (a) for any period during which the beneficiary is over the age of 18 or is entitled

#### Description of benefit etc.

#### Amount

to an increase of benefit in respect of a child or adult dependant £19.00

(b) for any period during which the beneficiary is not over the age of 18 and not entitled as aforesaid £11.60"

#### SCHEDULE 3

Section 11.

AMENDMENTS OF PARTS I AND III OF SCHEDULE 2 TO SUPPLEMENTARY BENEFIT ACT 1966

# Negligible and fractional amounts

- 1 In paragraph 2 of Schedule 2 to the Supplementary Benefit Act 1966—
  - (a) sub-paragraph (2) (rounding of benefit to multiple of 5p) shall be omitted;
  - (b) for sub-paragraph (3) (cases where benefit is combined with other payments) there shall be substituted—
    - "(3) Sub-paragraph (1) of this paragraph shall not apply where the person claiming or in receipt of benefit is entitled to such other payments as may be specified for the purposes of this paragraph by regulations made by the Secretary of State and the circumstances are such as may be specified in the regulations."

# Capital resources

- In paragraph 21 of that Schedule (capital (resources under £300 to be disregarded) for "£300" there shall be substituted "£1,200".
- In paragraph 22 of that Schedule (capital resources treated as equivalent to weekly income of 5p for each complete £25 between £300 and £800 and 12 p for each complete £25 of excess over £800) for the words from " as equivalent to a weekly income of" onwards there shall be substituted the words " as equivalent to a weekly income of 25p for each complete £50 of the excess of the value of the capital resources over £1,200. "

#### Earnings

- 4 (1) In paragraph 23(1) of that Schedule (weekly earnings to be treated as reduced by £1 in case of a person subject to section 11 of that Act or person under the age of sixteen and by £2 in other cases) for paragraphs (a) and (b) there shall be substituted—
  - "(a) if he is the person claiming or in receipt of benefit and his right thereto is subject to the condition of section 11 of this Act, by £2;
  - (b) in any other case, by £4.";

and the words " and any amount by which those weekly earnings exceed a multiple of 5 new pence shall be disregarded " shall be omitted.

- (2) In paragraph 23 of that Schedule—
  - (a) in subparagraph (1) for the words " subparagraph (2)" there shall be substituted the words " subparagraphs (1A) and (2) ";

- (b) after subparagraph (1) there shall be added—
  - "(1A) The weekly earnings of—
    - (a) a child; and
    - (b) a person disentitled to benefit by virtue of section 9 of this Act:

whose resources are aggregated by virtue of paragraph 3(2) of this Schedule with those of the person having to provide for his requirements, shall be wholly disregarded."

# Disregards

- 5 For paragraphs 24 and 25 of that Schedule there shall be substituted—
  - "Disregard of £4 a week of certain income
  - 24 (1) Subject to the provisions of this paragraph and of paragraph 25 of this Schedule, there shall be disregarded £4 a week of the income taken into account except so far as it consists of earnings or of any sum taken into account under paragraph 22 of this Schedule.
    - (2) This paragraph does not apply to income so far as it consists of—
      - (a) allowances under the Family Allowances Act 1965;
      - (b) any family income supplement under the Family Income Supplements Act 1970;
      - (c) any graduated retirement benefit under section 36 of the National Insurance Act 1965;
      - (d) any payment for the maintenance of a person whose requirements are taken into account in ascertaining the amount of benefit, being a payment made under the order of a court or a payment made by a person who for the purposes of this Act is liable to maintain the first mentioned person.
    - (3) This paragraph does not apply to income so far as it consists of any benefit under Part I of the Social Security Act 1973 except—
      - (a) £0.38 of—
        - (i) any increase of widow's allowance or widowed mother's allowance, being an increase in respect of an only, or the elder or eldest, qualifying child or a second qualifying child; or
        - (ii) any child's special allowance or any increase thereof in respect of a second qualifying child;
      - (b) £0.28 of—
        - (i) any increase of a widow's allowance or widowed mother's allowance, being an increase in respect of any additional qualifying child beyond the first two; or
        - (ii) any increase of a child's special allowance in respect of any additional qualifying child beyond the second.
    - (4) This paragraph does not apply to income so far as it consists of industrial injury benefit under the National Insurance (Industrial Injuries) Acts 1965 to 1974 or of industrial death benefit under those Acts except—

- (a) so much of—
- (i) any widow's pension payable at the higher permanent rate under section 19 of the National Insurance (Industrial Injuries) Act 1965; or
  - (ii) any widower's pension under section 20 of that Act, as exceeds the rate specified in Part I of Schedule 4 to the Social Security Act 1973 for a widow's pension under that Act;
- (b) £0.38 of any allowance under section 21 of the said Act of 1965 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 section 21 of that Act in respect of any additional qualifying child beyond the first two;
- (d) any parent's pension under section 22 of that Act;
- (e) any relative's pension under section 23 of that Act.
- (5) This paragraph does not apply to income so far as it consists of any pension or allowance for a widow or widower or in respect of children granted in respect of a death due to service or war injury under powers conferred by or under any of the Acts mentioned in paragraph (a) of sub-paragraph (b) of this paragraph or under any such scheme as is mentioned in paragraph (b) of that sub-paragraph except—
  - (a) so much of any pension or allowance for a widow or widower as exceeds the rate specified in Part I of Schedule 4 to the Social Security Act 1973 for a widow's pension under that Act;
  - (b) £0.38 of any allowance in respect of an only, or the elder or eldest, child or a second child;
  - (c) £0.28 of any allowance in respect of any additional, child beyond the first two.
- (6) The Acts and schemes mentioned in sub-paragraph (5) of this paragraph are—
  - (a) the Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, the Home Guard Act 1951 and the Ulster Defence Regiment Act 1969;
  - (b) any scheme made under the Injuries in War (Compensation) Act
     1914, or the Injuries in War Compensation Act
     1914 (Session
     2) and any War Risk Compensation Scheme for the Mercantile Marine;

and that sub-paragraph applies in relation to a pension or allowance for a woman who was living with a deceased person as his wife as it applies in relation to a pension or allowance for a widow.

(7) In this paragraph any reference to an allowance, pension, benefit or other payment of any description includes a reference to any analogous allowance, pension, benefit or payment.

Limited disregard of occupational pensions etc.

- 25 (1) There shall not be disregarded under paragraph 24 of this Schedule more than £1 a week of any income so far as it consists of one or more payments of any kind to which this paragraph applies.
  - (2) This paragraph applies to—
    - (a) any pension or other periodical sum paid to, or to the widow of, a person by reason of any service or employment in which he was formerly engaged;
    - (b) any periodical sum paid to a person on account of his employment having terminated by reason of redundancy.
  - (3) Paragraphs (a) and (b) of sub-paragraph (2) above apply whether or not the payment is made by a former employer and whether or not there is any right to receive it; but paragraph (a) shall not be construed as applying to—
    - (a) any pension or allowance mentioned in paragraph 24(4) or (5) of this Schedule or any other payment by way of compensation for injury, disease, disablement or death suffered by a person by reason of the service or employment in which he was engaged; or
    - (b) any payment out of a trust fund established for relieving hardship in particular cases and made at the discretion of the trustees of the fund.".
- In paragraph 25A(1) of that Schedule for the words "paragraph 25 of this Schedule" there shall be substituted the words "paragraph 24 of this Schedule".

# SCHEDULE 4

Section 13.

### APPLICATION TO NORTHERN IRELAND

- In sections 2, 9, 10, 11 and 14 and Schedules 2, 3 and 5, as they apply to Northern Ireland, there shall be made the adaptations provided for by this Schedule.
- Subject to the following provisions of this Schedule, for any such reference as is specified in column 1 of the Table set out below there shall be substituted the reference specified in column 2.

#### **TABLE**

Reference	Substituted reference
The National Insurance Act 1965.	The National Insurance Act (Northern Ireland) 1966.
Section 36 of that Act.	Section 35.
Section 81 of that Act.	Section 80.
The National Insurance (Industrial Injuries) Act 1965.	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.

#### Reference Substituted reference Section 12(3), 12(5) or 86(2)(c) of that Section 12(4), 12(6) or 81(2)(c). The National Insurance (Industrial The National Insurance (Industrial Injuries) Acts 1965 to 1974. Injuries) Measures (Northern Ireland) 1966 to 1974. The National Insurance Act 1966. The National Insurance (No. 2) Act (Northern Ireland) 1966. The Industrial Injuries and Diseases The Workmen's Compensation (Old Cases) Act 1967. (Supplementation) Act (Northern Ireland) 1966. The Family Allowances Act 1965. The Family Allowances Act (Northern Ireland) 1966. Paragraph 1(1) of the Schedule to that Paragraph 1(2) of the Schedule. Act. The Family Allowances Acts 1965 to The Family Allowances Acts (Northern Ireland) 1966 to 1969. 1969. The Family Allowances Acts 1965 to The Family Allowances Acts (Northern 1975. Ireland) 1966 to 1975. The Supplementary Benefit Act 1966. The Supplementary Benefits &c. Act (Northern Ireland) 1966. The Supplementary Benefit Acts 1966 The Supplementary Benefits Acts (Northern Ireland) 1966 to 1973. to 1973. The Supplementary Benefit Acts 1966 The Supplementary Benefits Acts

The Consolidated Fund.

The Secretary of State.

Section 2(5)(b) shall be omitted.

The Family Income Supplements Act

- In section 14 " enactment" includes an enactment of the Parliament of Northern Ireland or the Northern Ireland Assembly.
- 5 In Schedule 5—

3

to 1975.

1970

(a) in paragraphs 1(3) and 4(2), in each case, for the word from "by statutory instrument" onwards there shall be substituted the words "by statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958; and any statutory rule containing any such order shall be laid before the Northern Ireland Assembly after being made ";

Ireland.

- (b) paragraph 2 shall be omitted; and
- (c) in paragraph 3—
  - (i) the words " or scheme ", wherever occurring, shall be omitted;

(Northern Ireland) 1966 to 1975.

(Northern Ireland) 1971.

Services for Northern Ireland.

The Family Income Supplements Act

The Department of Health and Social

The Consolidated Fund of Northern

- (ii) for the word " instrument", wherever occurring, there shall be substituted the words " statutory rule ";
- (iii) in sub-paragraph (2) for the words from "be subject to annulment" onwards there shall be substituted the words "be laid before the Northern Ireland Assembly after being made"; and
- (iv) in sub-paragraph (3) for the words from "means" onwards there shall be substituted the words "means the provisions of paragraph 15(1) of Schedule 25 to the Social Security Act 1973".

#### SCHEDULE 5

Section 14(5).

#### COMMENCEMENT AND TRANSITIONAL PROVISIONS

#### PART I

#### COMMENCEMENT

- 1 (1) The provisions of this Act shall come into force on such date or dates as the Secretary of State may by order appoint for those provisions or any of them.
  - (2) Different dates may be appointed under this paragraph for different purposes of those provisions or for the same purposes in relation to different cases or classes of case; and if that is done, or different dates are appointed for different provisions, then—
    - (a) an order under this paragraph may contain such incidental or supplemental provisions as appear to the Secretary of State to be necessary or expedient as respects the period, or any part of the period, when any provisions of this Act are to have a partial operation only and, in particular, may contain provisions modifying and supplementing, in relation to the period to which the order is to apply, any provisions of this Act or of any Act amended thereby; and
    - (b) any provision made in pursuance of paragraph (a) above may be varied or revoked by a subsequent order of the Secretary of State.
  - (3) The power to make an order under this paragraph shall be exercisable by statutory instrument; and any statutory instrument containing any such order shall be laid before Parliament after being made.

#### **PART II**

#### TRANSITIONAL PROVISIONS

# Basic scheme and industrial injury benefits

- 2 (1) The statutory consultation provisions 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 this 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

- (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 this Act and the regulations are made, or the draft is laid, before the expiration of the period of six months beginning with the passing of this Act.
- (2) In this paragraph " the statutory consultation provisions" means section 62(2) of the National Insurance (Industrial Injuries) Act 1965 and section 48 of the Social Security Act 1973.
- 3 (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 this Act; and
  - (b) the regulations are made, or the order or scheme is made, before the expiration of the period of six months beginning with the passing of this Act.
  - (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 85(4) of the National Insurance (Industrial Injuries) Act 1965, section 4(8)(a) of the Industrial Injuries and Diseases (Old Cases) Act 1967 and section 97(1) of the Social Security Act 1973.
- 4 (1) The Secretary of State may by regulations provide that paragraph 11(b)(ii) of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965 shall have effect, in relation to a child in respect of whom no allowance is payable under the Family Allowances Act 1965, as if for "£1.60" there were 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 this 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.

#### Family allowances

- 5 (1) As from the date on which section 9 of this Act comes into force any allowance under the Family Allowances Act 1965 awarded before that date shall, subject to any prescribed exceptions or conditions, become payable at the rate provided for by this Act and the award shall have effect accordingly.
  - (2) Accordingly any award of such an allowance made before that date (but after that date is appointed) either may provide for the allowance to be paid as from that date at the rate provided for by this Act or may be expressed in terms of the rates appropriate at the date of the award.
- Where for any purpose of the provisions amended by paragraph (b) of section 9(1) of this Act the weekly rate at which a person contributes to the cost of providing for a child is to be calculated for a period after that paragraph applies but account is taken of amounts referable to the period before it applies, those amounts shall be

treated as increased in proportion to the increase effected by that paragraph in the required rate of contributions.

# SCHEDULE 6

Section 14(6).

#### REPEALS

PART I

ENACTMENTS OF THE PARLIAMENT OF THE UNITED KINGDOM

Chapter	Short Title	Extent of Repeal
1965 c. 52.	The National Insurance (Industrial Injuries) Act 1965.	Section 19(3)(d).
		In section 21(4) the words following the semi-colon.
		In Schedule 5, in paragraph 1(a) the words " nor more than one to such an allowance at a rate applicable to a second child ", in paragraph 1(b) the words " or, as the case may be, the second " and in paragraph 1(c) the words " or the second ".
1966 c. 20.	The Supplementary Benefit Act 1966.	In Schedule 2, paragraph 2(2) and in paragraph 23(1) the words following paragraph (b).
1968 c. 40.	The Family Allowances and	Section 1(1).
	National Insurance Act 1968.	Section 2(1).
		Section 3(1)(a) and (2)(a).
		In Schedule 3, paragraphs 2 and 5.
1969 c. 44.	The National Insurance Act 1969.	In Schedule 6, paragraph 5(2).
1970 c. 55.	The Family Income Supplements Act 1970.	Section 13(3).
1971 c. 50.	The National Insurance Act 1971.	In Schedule 5, paragraph 9.
1973 c. 38.	The Social Security Act 1973.	In section 9(3) the words " (annual up-rating review) " and "from year to year".

Chapter	Short Title	Extent of Repeal
		In section 14(6), in paragraph (c) the words " an employment exchange ".
		In section 24(8) the words " (annual up-rating review) ".
		In section 25 (11) the words " (annual up-rating review)".
		In section 32(4)(a) the words "nor both to such an increase at the rate applicable to a second child "and "or, as the case may be, the second ".
		Section 39.
		Schedule 11.
		In Schedule 13, in paragraphs 4 and 9 the words " (annual up-rating review)" and in paragraph 4 the words " from year to year ".
		In Schedule 27, paragraphs 70(d) and (e) and 161(d) and (e).
		In Part I of Schedule 28, so much as relates to the National Insurance Act 1967, section 4(4).
		In Part II of Schedule 28, so much as relates to the National Insurance Act (Northern Ireland) 1967, section 5(4).
1973 c. 42.	The National Insurance and Supplementary Benefit Act 1973.	In Schedule 4, paragraph 8.
1974 c. 14.	The National Insurance Act	Section 1(1).
	1974.	Section 3(1) and (2).
		Section 5.
		Section 7(a).
		Schedules 1 and 3.
		In Schedule 4, paragraphs 14, 22 and 56.

# PART II NORTHERN IRELAND ENACTMENTS

Chapter	Short Title	Extent of Repeal
1966 c. 9 (N.I.).	The National Insurance (Industrial Injuries) Act	Section 19(3)(d). In section 21(4) the words
	(Northern Ireland) 1966.	following the semi-colon.
		In Schedule 5, in paragraph 1(a) the words " nor more than one to such an allowance at a rate applicable to a second child ", in paragraph 1(b) the words " or, as the case may be, the second " and in paragraph 1(c) the words " or the second ".
1966 c. 28 (N.I.).	The Supplementary Benefits &c. Act (Northern Ireland) 1966.	In Schedule 2, paragraph 2(2) and in paragraph 23(1) the words following paragraph (b).
1968 c. 16 (N.I.).	The Family Allowances and	Section 1(1).
	National Insurance (No. 2) Act (Northern Ireland) 1968.	Section 2(1).
		In section 3, in subsection (1) the words " as the Family Allowances Acts (Northern Ireland) 1966 and 1968, and among those that may be cited together", subsection (2)(a) and in subsection (3) the definitions of" the Family Allowances Act" and " the first Act of 1968 ".
		In Schedule 3, paragraphs 2 and 5.
1969 c. 19 (N.I.).	The National Insurance &c. (No. 2) Act (Northern Ireland) 1969.	In Schedule 6, paragraph 5(2).
1971 c. 8 (N.I.).	The Family Income Supplements Act (Northern Ireland) 1971.	Section 13(3).
S.R. & O. (N.I.) 1971 No. 224.	The Social Services (Parity) Order (Northern Ireland) 1971.	In Schedule 5, paragraph 10.

Chapter	Short Title	Extent of Repeal
1974 c. 4 (N.I.).	The National Insurance Measure (Northern Ireland) 1974.	Section 1(1). Section 3(1) and (2).
		Schedules 1 and 3.  In Schedule 4, paragraph 2(b) so far as it relates to paragraph 5(2) of
		Schedule 13 to the Social Security Act 1973.