



# National Insurance Act 1965

## 1965 CHAPTER 51

An Act to consolidate the National Insurance Acts 1946 to 1964, certain provisions made by statutory instrument thereunder, and certain related enactments. [5th August 1965]

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:—

### PART I

#### INSURED PERSONS AND CONTRIBUTIONS.

##### *Insured persons.*

#### **1 Description and classification of insured persons.**

- (1) Subject to the provisions of this Act—
  - (a) every person who—
    - (i) immediately before the date of commencement of this Act was insured under the Act of 1946; or
    - (ii) on or after the said date, being over school leaving age and under pensionable age, is in Great Britain, and fulfils such conditions as may be prescribed as to residence in Great Britain,shall be insured under this Act; and
  - (b) any person who at the said date is, or who subsequently becomes, insured under this Act shall thereafter continue throughout his life to be so insured.
- (2) For the purposes of this Act, insured persons shall be divided into the following three classes, namely—
  - (a) employed persons, that is to say, persons gainfully occupied in employment in Great Britain, being employment under a contract of service;

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- (b) self-employed persons, that is to say, persons gainfully occupied in employment in Great Britain who are not employed persons;
  - (c) non-employed persons, that is to say, persons who are neither employed nor self-employed persons.
- (3) Provision may be made by regulations for modifying the classification aforesaid in relation to cases where it appears to the Minister desirable by reason of the nature or circumstances of a person's employment or otherwise, and such regulations may in particular provide—
- (a) for treating as an employed contributor's employment—
    - (i) employment under a public or local authority constituted in Great Britain notwithstanding that it is not employment under a contract of service ;
    - (ii) employment outside Great Britain in continuation of any employed contributor's employment;
  - (b) for treating as not being an employed contributor's employment or for disregarding—
    - (i) employment which is of a casual or subsidiary nature or in which the insured person is engaged only to an inconsiderable extent;
    - (ii) employment in the service, or for the purposes of the trade or business, or as partner, of the insured person's husband or wife ;
    - (iii) employment by a relative in the common home of the insured person and the employer;
  - (c) for treating a person's employment as continuing during periods of holiday, unemployment or incapacity for work and in such other circumstances as may be prescribed.

### *Contributions.*

## **2 Source of funds.**

For the purpose of providing the funds required for paying benefit under this Act and for making any other payments which under this Act are to be made out of the National Insurance Fund, contributions shall be payable by insured persons, by employers and out of moneys provided by Parliament in accordance with sections 3 to 7 of this Act.

## **3 Flat-rate contributions by insured persons and employers.**

Subject to the provisions of this Act—

- (a) every employed person of any description set out in column 1 of Part I of Schedule 1 to this Act shall be liable to pay weekly contributions at the rate set out in relation to that description—
  - (i) unless his employment is a non-participating employment, in column 2 of the said Part I; or
  - (ii) if his employment is a non-participating employment, in column 3 of the said Part I;
- (b) every employer of an employed person of any description set out in column 1 of Part II of the said Schedule 1, or of any person of any such description who is to be treated by virtue of the said Part II as an employed person, shall

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be liable to pay weekly contributions in respect of that person at the rate set out in relation to that description—

- (i) unless that person's employment is a non-participating employment, in column 2 of the said Part II; or
  - (ii) if that person's employment is a non-participating employment, in column 3 of the said Part II;
- (c) every self-employed person of any description set out in column 1 of Part III of the said Schedule 1 shall be liable to pay weekly contributions at the rate set out in relation to that description in column 2 of the said Part III;
  - (d) every non-employed person of any description set out in column 1 of Part IV of the said Schedule 1 shall be liable to pay weekly contributions at the rate set out in relation to that description in column 2 of the said Part IV.

#### **4 Graduated contributions by employed persons and employers.**

- (1) Subject to the provisions of this Act, where in any income tax week there is made to or for the benefit of a person over the age of eighteen a payment on account of his remuneration in any one employment of an amount exceeding nine pounds (or the equivalent amount for remuneration not paid weekly), then if the employment was an employed contributor's employment and is not at the time of the payment a non-participating employment and that person either is under pensionable age or has not retired from regular employment—
  - (a) he shall be liable to pay a graduated contribution based on that payment; and
  - (b) his employer in the employment shall be liable to pay such a contribution in respect of him; and
  - (c) the amount of the graduated contribution payable by each of them shall be four and a quarter per cent. of the amount, up to nine pounds, by which that payment exceeds nine pounds (or of the equivalent amount for remuneration not paid weekly).
- (2) In relation to graduated contributions, references in this Act to remuneration shall be taken to include, and to include only, any emoluments assessable to income tax under Schedule E (other than pensions), being emoluments from which tax under that Schedule is deductible, but shall apply to a payment of any such remuneration whether or not tax in fact falls to be deducted from that payment.
- (3) Except in so far as regulations otherwise provide, the graduated contributions payable in any income tax week in respect of a person's remuneration shall be determined—
  - (a) by aggregating, and treating as a single payment of remuneration in one employment, all payments made in that week on account of remuneration in the same employment, or in any two or more employments under the same employer, except any employment such that graduated contributions are not payable in respect of it;
  - (b) by apportioning between the employments any single payment of remuneration in two or more employments under different employers, and (subject to the foregoing paragraph) treating as separate payments the parts apportioned to each employment.
- (4) Where a person in any income tax year is paid remuneration from two or more employments, and the graduated contributions paid by him in respect of that remuneration exceed the prescribed amount, the excess—

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- (a) shall for the purposes of the powers conferred by section 14 of this Act be treated as representing contributions of the wrong class paid in error; and
  - (b) shall for the purpose of any right under this Act to benefit be treated as not properly payable.
- (5) For the purpose of graduated contributions, any sums deducted (whether for contributions, for income tax or otherwise) from any payment of remuneration which is or would but for the deduction be made shall, except in so far as regulations otherwise provide, be treated as paid on account of the remuneration; and for the purpose aforesaid any payment of remuneration shall be disregarded in so far as it is directed by regulations to be treated as coming from sums comprised in a previous payment of remuneration or to be otherwise excluded from the computation of a person's remuneration.
- (6) Provision shall be made by regulations for determining the graduated contributions payable where the whole or part of a person's remuneration in any employment is not paid weekly (and accordingly for determining the equivalent amounts mentioned in subsection (1) of this section), and may include provision for modifying subsection (3) of this section; and regulations may also, for the purpose of graduated contributions, make provision as to the intervals at which a person's remuneration or any part of it is to be treated as paid where it is not all paid at the same intervals of a week or longer and in the amounts due for those or for corresponding intervals.
- (7) Regulations may also in relation to graduated contributions make provision—
- (a) for calculating the amounts payable according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or otherwise facilitate computation ; and
  - (b) for requiring that the liability in respect of a payment made in an income tax week, in so far as it depends on any conditions as to a person's age or retirement, shall be determined as at the beginning of the week or as at the end of it; and
  - (c) for securing that liability is not avoided or reduced by an employer following in the payment of persons employed any practice which is abnormal for their employments.

## **5 Automatic increases in contributions.**

- (1) Subject to subsection (2) of this section, in each of the three years 1970, 1975 and 1980 the rates of contribution payable by insured persons and employers shall be increased (for that and subsequent years) as follows:—
- (a) beginning with the first Monday in April—
    - (i) an addition of fivepence per week shall be made to the rate of each contribution payable under section 3(a)(i) or (b)(i) of this Act or payable by a boy or girl under the age of eighteen under section 3(c) or (d) of this Act; and
    - (ii) an addition of tenpence per week shall be made to the rate of any other contribution payable under the said section 3 ; and
  - (b) beginning with 6th April, an addition of a quarter percent, shall be made to the rate at which graduated contributions are calculated on the relevant amount of remuneration.

- (2) If the Minister with the consent of the Treasury by order so directs, the foregoing subsection shall have effect in relation to the increases to be made in any of the three years specified therein with the substitution for the references to fivepence, to tenpence and to a quarter of references to any less amounts specified by the order.

## **6 Variation of rates of flat-rate contributions to stabilise employment.**

- (1) Where it appears to the Treasury expedient so to do with a view to maintaining a stable level of employment, they may by order direct that contributions under section 3 of this Act, instead of being paid at the rates set out in Schedule 1 thereto, shall, for such periods as may be specified by or determined in accordance with the order, be paid at such higher or lower rates as may be so specified or determined, so, however, that an order under this section shall not provide for increasing or reducing the rate of any contribution as an employed person and the rate of the corresponding employer's contribution by different amounts.
- (2) Contributions payable in accordance with any order under this section shall be deemed for the purposes of this Act to be contributions payable in accordance with the relevant provisions of the said section 3 and Schedule 1.

## **7 Exchequer supplements.**

- (1) Subject to the provisions of this Act, there shall be paid out of moneys provided by Parliament, in such manner and at such times as the Treasury may determine, for each of the following contributions, being contributions under section 3 of this Act, the amount (hereafter in this Act referred to as "the Exchequer supplement") hereinafter respectively specified, that is to say—
- (a) for each contribution as an employed person of any description set out in column 1 of Part I of Schedule 1 to this Act, an amount equal to one quarter of the contribution for the time being set out in relation to that description in column 2 of the said Part I;
  - (b) for each contribution as the employer of an employed person of any description set out in column 1 of Part II of the said Schedule 1, or of any person of any such description who is to be treated by virtue of the said Part II as an employed person, an amount equal to one quarter of the contribution for the time being set out in relation to that description in column 2 of the said Part II;
  - (c) for each contribution as a self-employed or non employed person, an amount equal to one third of the contribution,
- so, however, that the aggregate amount paid in any financial year for the Exchequer supplements in respect of contributions paid in that year shall not be less than one hundred and seventy million pounds.
- (2) For the purposes of the foregoing subsection, the number of contributions of any class paid in any period shall be estimated in such manner as the Treasury may determine.

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*Supplementary provisions with respect to contributions.*

**8 Payment, number and class of contributions.**

- (1) Subject to the provisions of this Act and of any regulations, no person shall be entitled to pay any contribution under this Act other than a contribution which he is liable to pay.
- (2) If any employer or insured person fails to pay at or within the time prescribed for the purpose any contribution which he is liable under this Act to pay, he shall be liable on summary conviction to a fine not exceeding ten pounds.
- (3) Apart from any graduated contribution—
  - (a) a person shall not be liable to pay more than one contribution as an insured person for any contribution week; and
  - (b) not more than one employer's contribution shall be payable in respect of any person for any contribution week.
- (4) Subject to the subsequent provisions of this section, an insured person shall be deemed for the purposes of the provisions of this Part of this Act relating to contributions to be—
  - (a) an employed person as respects any contribution week during any part of which he is an employed person ;
  - (b) a self-employed person as respects any contribution week during any part of which he is a self-employed person and during no part of which he is an employed person;
  - (c) a non-employed person as respects any contribution week during no part of which he is either an employed or a self-employed person.
- (5) Where as respects any employed contributor's employment—
  - (a) no services are rendered by an employed person in any contribution week; and
  - (b) no remuneration is paid wholly or partly in respect of any day in that week other than a day on which he either—
    - (i) is incapable of work and would but for the incapacity have been working; or
    - (ii) does not work in a normal week,
 then that employment shall, in relation to that week, be disregarded for the purposes of subsections (3) and (4) of this section; and regulations may provide as respects any period during which no services are rendered by an employed person that for the purposes of this subsection any payments which he receives or is entitled (whether conditionally or not) to receive in any prescribed circumstances are or are not to be deemed to be remuneration paid in respect of any day in that period.
- (6) Regulations may provide for disregarding for the purposes of subsections (3) to (5) of this section any employment in which a person engages or continues to be engaged solely or mainly for the purpose of acquiring or preserving a right or a larger right to benefit.

## **9 Contributions by persons under age of sixteen.**

Any person who on his entry into insurance is or was under the age of sixteen shall not be liable to pay a contribution as a non-employed person for any period before his attaining the age of sixteen ; and—

- (a) regulations may provide for crediting contributions to him for periods before his attaining that age, being periods for which he would have been liable to pay contributions as a non-employed person but for this section or, in the case of a period of absence from Great Britain, but for this section and any regulations made under section 103 of this Act;
- (b) for the purpose of calculating the yearly average of the contributions paid by or credited to him—
  - (i) he shall not be deemed to attain or to have attained school leaving age before the date on which he attains the age of sixteen ;
  - (ii) there shall nevertheless be taken into account any contributions as an employed or self-employed person paid by him for periods before the beginning of the contribution year in which he attains the age of sixteen.

## **10 Exception from liability for, and crediting of, contributions.**

(1) Subject to the provisions of subsection (2) of this section, regulations may provide for—

- (a) excepting insured persons from liability to pay contributions under section 3 of this Act for periods—
  - (i) of unemployment or of incapacity for work;
  - (ii) of full-time education or of full-time unpaid apprenticeship;
  - (iii) when they are not in receipt (or are deemed in accordance with the regulations not to be in receipt) of an income exceeding two hundred and sixty pounds a year or such higher annual income as may from time to time be prescribed,and for such other periods as may be prescribed;
- (b) crediting such contributions to insured persons for—
  - (i) periods for which they are excepted from liability to pay them by virtue of the foregoing paragraph; and
  - (ii) the period between the beginning of the contribution year last preceding that in which they first became insured persons and their first entry into insurance.

(2) Regulations made under paragraph (a)(iii) of the foregoing subsection shall not provide for excepting a person from liability to pay contributions otherwise than on that person's own application, but may provide for so excepting a person with effect from any date not earlier than thirteen weeks before the date on which his application was made; and regulations made under paragraph (b) of that subsection shall not provide for crediting contributions to a person excepted from liability to pay them by virtue of the said paragraph (a)(iii) otherwise than for the purpose of entitling that person to unemployment benefit or sickness benefit for periods after he has ceased to be so excepted.

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## **11 Contributions of employed persons and employers.**

(1) Except where regulations otherwise prescribe, an employer liable to pay a contribution in respect of a person employed by him shall in the first instance be liable to pay also, on behalf and to the exclusion of that person—

- (a) where the said contribution is a contribution under section 3 of this Act, any contribution under that section as an insured person payable by that person for the same contribution week;
- (b) where the said contribution is a graduated contribution, any graduated contribution as an employed person payable by that person in respect of the same payment of remuneration;

and for the purposes of this Act contributions paid by an employer on behalf of an insured person shall be deemed to be contributions by the insured person.

(2) Notwithstanding any contract to the contrary, an employer shall not be entitled to deduct from the wages or other remuneration of a person employed by him, or otherwise to recover from such a person, any employer's contribution in respect of that person; and any employer who deducts or attempts to deduct the whole or any part of any employer's contribution in respect of any person from his wages or other remuneration shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) An employer shall be entitled to recover from an insured person—

- (a) in the case of a contribution under section 3 of this Act, subject to and in accordance with the provisions of section 12 of this Act and any regulations made under subsection (7) thereof; or
- (b) in the case of a graduated contribution, subject to and in accordance with regulations which shall include the like provision as is made by so much of section 12(2) of this Act as precedes the proviso thereto,

the amount of any contribution paid or to be paid by the employer on behalf of that person.

(4) The Minister may, in such cases and on such conditions as he may prescribe, make an arrangement with any employer who is liable to pay employer's contributions under this Act and whose practice it is to engage persons through an employment exchange or other agency approved by the Minister whereby, in respect of persons so engaged by that employer or in the employ of that employer on the date of the arrangement, the performance of all or any of the duties required under this Act to be performed in connection with the payment of contributions by the employer in respect of those persons, whether on his own behalf or on behalf of those persons, shall be undertaken on behalf of the employer by the employment exchange or other agency.

(5) For the purposes of this and the next following section, references to a person's remuneration shall be construed, in relation to any period, as including any payments which by virtue of regulations made under section 8(5) of this Act are deemed for the purposes of the said section 8(5) to be remuneration paid to him in respect of any day in that period.

## **12 Recovery by employer of insured person's flat-rate contributions.**

(1) The provisions of this section shall have effect with respect to the recovery by an employer from an insured person of the amount of any contribution under section 3 of this Act paid or to be paid by the employer on behalf of that person.



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- (2) Where the insured person receives from the employer any wages or other pecuniary remuneration in respect of an employed contributor's employment, the amount of any contribution paid or to be paid by the employer on behalf of the insured person shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from such wages or other remuneration due from the employer to that person and not otherwise:

Provided that—

- (a) no such deduction may be made from any wages or remuneration other than such as are paid wholly or partly in respect of the contribution week or part of the contribution week for which the contribution is payable or may become payable as the case may be; and
- (b) no such deduction may be made of any contribution not yet paid except where it is not payable until after the date when the said wages or remuneration are paid.

- (3) Where the wages or other pecuniary remuneration of an insured person are paid at calendar monthly intervals, then, notwithstanding the provisions of subsection (2) of this section, it shall be lawful for the employer, at his option, to recover from each such payment of wages or remuneration, in lieu of the amount authorised to be recovered by him in accordance with the said provisions, an amount equal to one-twelfth of the contributions paid or to be paid by the employer on behalf of the insured person during the calendar year :

Provided that—

- (a) where the employment commences after the beginning, or is to be terminated before the end, of a calendar year, the contributions paid or to be paid by the employer on behalf of the insured person during the calendar year shall be calculated for the purpose of ascertaining the said fraction of one-twelfth as though the employment continued throughout that year;
- (b) in calculating the said fraction of one-twelfth, fractions of a penny may be disregarded;
- (c) such adjustment (whether by way of repayment or increased or reduced deduction or otherwise) as may be necessary to secure that the amounts which have been recovered in accordance with this subsection are, when so adjusted, equal to the amounts which could have been recovered in accordance with the said subsection (2) shall be made between the employer and the insured person—
  - (i) on the termination of the employment, that is to say, subject to paragraph (d) of this proviso, on the day on which the employment actually comes to an end, whether the termination is in accordance with the terms of the contract or not and whether or not employment is to be resumed at a later date;
  - (ii) not later than three calendar months after any contribution week (being a week in respect of which an amount has been recovered by the employer under this subsection) during which the insured person is incapable of work and in respect of which, by virtue of section 8(5) of this Act, no contribution as an employed person was payable;
  - (iii) at intervals of not more than one year during the employment;
- (d) for the purposes of this subsection, an employment in relation to which—

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- (i) the employer begins, or ceases, to recover amounts in accordance with this subsection; or
  - (ii) contributions on behalf of the insured person cease to be payable or Become payable at a different rate,
- shall be treated as commencing, or terminating, upon that event.
- (4) The amount of any contribution not yet paid shall not be recoverable except under and in accordance with subsection (2) or (3) of this section; and if any person contravenes or fails to comply with subsection (2) or paragraph (a) or (c) of the proviso to subsection (3) of this section, he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds or, where the offence consists of continuing such a contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.
- (5) Where the insured person does not receive any wages or other pecuniary remuneration from the employer but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the insured person shall (without prejudice to any other means of recovery) be recoverable from the insured person summarily as a civil debt if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.
- (6) Where the insured person does not receive any wages or other pecuniary remuneration in respect of an employed contributor's employment either from his employer or from any other person, the employer shall be liable to pay the contributions payable both by himself and the insured person and shall not be entitled to recover any part thereof from the insured person.
- (7) Regulations with respect to such recovery as is mentioned in subsection (1) of this section may make provision additional to that made by this section and may vary or revoke any of the provisions of this section other than subsection (6) and so much of subsection (2) as precedes the proviso thereto.
- (8) In its application to Scotland, subsection (5) of this section shall have effect as if the word " summarily" were omitted.

### **13 Payment of contributions by Minister.**

Where a person is in receipt of a pension or allowance payable by the Minister by virtue of the Transfer of Functions (Ministry of Pensions) Order 1953, the Minister may with the consent of that person, notwithstanding anything in any Act, Royal Warrant, Order in Council, order or scheme, pay any contributions as a self-employed or non-employed person payable by that person, and deduct the amount so paid on his behalf from the pension or allowance payable to him.

### **14 General provisions as to payment and collection of contributions, etc.**

- (1) Regulations may provide—
- (a) for any matters incidental to the payment and collection of contributions under this Act, including the co-ordination thereof with the payment and collection of contributions under the Industrial Injuries Act and the modification in that behalf of that Act;

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- (b) for treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed, or as not having been paid;
  - (c) for treating, for the purpose of any right to benefit, contributions payable by an employer on behalf of an insured person, but not paid, as paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to any negligence on the part of, the insured person;
  - (d) for treating contributions of the wrong class or at the wrong rate as paid on account of the contributions properly payable or on account of contributions under the Industrial Injuries Act, and for treating contributions under that Act which were not payable as paid on account of contributions under this Act, notwithstanding anything in that Act;
  - (e) for the return of contributions under this Act paid in error.
- (2) Where under regulations made by virtue of subsection (1) of this section contributions under this Act, with or without contributions under the Industrial Injuries Act, are payable by means of adhesive stamps, those stamps (hereafter in this Act referred to as " insurance stamps ") shall be prepared and issued in such manner as the Postmaster General, with the consent of the Treasury, may direct; and the Postmaster General may—
- (a) provide for the sale of insurance stamps through any post office; and
  - (b) by regulations provide for applying, with the necessary adaptations as respects insurance stamps, all or any of the provisions (including penal provisions) of the Stamp Duties Management Act 1891, section 9 of the Stamp Act 1891 and section 63 of the Post Office Act 1953.
- (3) Regulations made by the Minister by virtue of this section providing for the payment of contributions, at the option of the persons liable to pay, either—
- (a) by means of adhesive stamps ; or
  - (b) by some alternative method, the use of which involves greater expense in administration to the government departments concerned than would be incurred if the contributions were paid by means of such stamps,
- may include provision for the payment to the Minister by any person who adopts any alternative method, and for the recovery by the Minister, of the prescribed fees in respect of the difference in the expense in administration.

## **15 Power to combine payment and collection of contributions with that of income tax.**

- (1) Regulations made under section 14(1) of this Act with the concurrence of the Commissioners of Inland Revenue may provide for graduated contributions to be paid, accounted for and recovered in like manner as, and with, income tax deducted from the emoluments of an office or employment by virtue of regulations under section 157 (pay as you earn) of the Income Tax Act 1952.
- (2) Any such regulations may—
- (a) make the like provision with respect to other contributions under this Act;
  - (b) apply or extend with or without modifications in relation to any contributions any of the provisions of the Income Tax Acts or of regulations under the said section 157;
  - (c) make provision for the appropriation of the payments made by any person between his liabilities in respect of income tax and contributions.

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- (3) Sections 46 and 47 of the Finance Act 1960 shall apply in relation to regulations made by virtue of this section as they apply in relation to regulations made under the said section 157; and if a person fails to pay at or within the time prescribed for the purpose any sums which he is required by regulations made by virtue of this section to pay, he shall be liable to be proceeded against and punished under section 8(2) of this Act as for a failure so to pay a contribution under this Act, without proof of his failure so to pay any particular contribution.
- (4) The Commissioners of Inland Revenue shall at such times and in such manner as the Treasury may direct account to the Minister for, and pay to him, the sums estimated by the Commissioners, in such manner as may be so directed, to have been received by them as contributions in accordance with regulations made by virtue of this section.
- (5) With a view to securing that contribution years begin in the case of all or any insured persons with the first Monday in April, regulations may provide for contribution years not so beginning to be on any occasion shorter than fifty-two or longer than fifty-three weeks so as to end immediately before that Monday, and may modify the contribution conditions for any benefit and any other provisions of this Act in such manner as appears to the Minister to be expedient to take account of the shorter or longer contribution year.

## **16 Persons to be treated as employers.**

- (1) In relation to persons who—
  - (a) are employed by more than one employer in any contribution week; or
  - (b) work under the general control or management of some person other than their immediate employer.

and in relation to any other cases for which it appears to the Minister that special provision is needed, regulations may provide that for the purposes of this Act the prescribed person shall be treated as their employer; and regulations made by virtue of paragraph (b) of this subsection may provide for adjusting the rights between themselves of the person prescribed as the employer, the immediate employer and the persons employed.

- (2) References in this Act to a person's employer shall not be construed as including his employer in any employment other than one which is an employed contributor's employment or, in the case of a person who is not, but would if he were under pensionable age be, an insured person, an employment which would be an employed contributor's employment in his case if he were under that age.

## **PART II**

### **BENEFIT.**

*Preliminary.*

## **17 Descriptions of benefit.**

Benefit shall be of the following descriptions, namely—

- (a) unemployment benefit;

- (b) sickness benefit;
- (c) maternity benefit, which shall include—
  - (i) maternity grant;
  - (ii) maternity allowance;
- (d) widow's benefit, which shall include:—
  - (i) widow's allowance;
  - (ii) widowed mother's allowance ;
  - (iii) widow's pension;
- (e) guardian's allowance;
- (f) retirement pension;
- (g) graduated retirement benefit;
- (h) child's special allowance ;
- (i) death grant.

**18 Appropriate classes and yearly average of contributions.**

- (1) Subject to subsection (4) of this section—
  - (a) references in this Act to contributions of the appropriate class in relation to benefit of a particular description shall be construed—
    - (i) in relation to unemployment benefit, as references to contributions as an employed person;
    - (ii) in relation to sickness benefit and maternity allowance, as references to contributions as an employed or self-employed person ;
    - (iii) in relation to any other description of benefit, as references to contributions as an insured person of any class;
  - (b) for the purposes of any reference in this Act to contributions of the appropriate class or their equivalent, there shall be treated as equivalent to a contribution of the appropriate class such number of contributions not of that class as may be prescribed.
- (2) Subject to the provisions of this Act, and in particular to section 9(b), paragraph 18(2) of Schedule 11 and subsections (3) and (4) of this section, any reference in this Act to the yearly average of the contributions paid by or credited to any person shall be construed as referring to contributions as an insured person only, and to that average (calculated in the prescribed manner) over the period—
  - (a) beginning with the beginning of the contribution year in which he attained school leaving age; and
  - (b) ending with the end of the last complete contribution year before the date as at which the average is to be ascertained.
- (3) For the purpose of calculating the yearly average of the contributions paid by or credited to a person who entered into insurance over the age of sixteen having attained that age after 5th July 1948, he shall not be deemed to have attained school leaving age before the date on which he attained the age of sixteen.
- (4) For the purposes of any such reference as is mentioned in subsection (1) or (2) of this section, there shall be left out of account any graduated contribution.

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

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*Unemployment benefit and sickness benefit.*

**19 Unemployment or sickness benefit.**

- (1) Subject to the provisions of this Act, a person who satisfies the requirements of subsection (2) or (3) of this section shall be entitled—
  - (a) to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment;
  - (b) to sickness benefit in respect of any day of incapacity for work which forms part of such a period,at the weekly rate provided for by the said subsection (2) or, as the case may be, the said subsection (3).
- (2) If the person claiming unemployment benefit or sickness benefit for any day—
  - (a) is under pensionable age on that day ; and
  - (b) satisfies the contribution conditions set out in paragraph 1 of Schedule 2 to this Act,the benefit shall be payable at the appropriate weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act.
- (3) If the person claiming unemployment benefit or sickness benefit for any day—
  - (a) is over pensionable age but has not retired from regular employment; and
  - (b) would on that day be entitled to a retirement pension if he had retired from regular employment on attaining pensionable age and made the necessary claim,the benefit shall be payable at the weekly rate at which, apart from any increase by virtue of any provision of this Act, the retirement pension would have been payable.
- (4) In determining for the purposes of subsection (3) of this section the rate at which a retirement pension would have been payable, section 30(7) of this Act shall be deemed not to apply.
- (5) In relation to a claimant or beneficiary who is a woman and is or has been married, the reference in subsection (3)(b) of this section to a retirement pension shall be construed as referring only to a retirement pension payable under section 30 of this Act by virtue of her own insurance.
- (6) A person shall not be entitled either to unemployment benefit or to sickness benefit for the first three days of any period of interruption of employment unless, within the period of thirteen weeks beginning with the first of those days, he has a further nine days of interruption of employment forming part of the same period of interruption of employment.
- (7) A woman who has been confined and is entitled to a maternity grant in respect of that confinement (or would be so entitled if she made the necessary claim) shall not be entitled to unemployment benefit or sickness benefit in respect of any day falling within the period of four weeks beginning with the date of the confinement; and this subsection shall apply in relation to a woman whose pregnancy is terminated otherwise than by confinement after she has become entitled to a maternity grant an expectation of her confinement as if she had been confined and the date of the confinement were the date on which her pregnancy is so terminated.

- (8) The amount payable by way of benefit under this section for any day of unemployment or of incapacity for work shall be one-sixth of the appropriate weekly rate.

**20 Determination of days for which unemployment or sickness benefit is payable.**

- (1) For the purposes of any provision of this Act relating to unemployment benefit or sickness benefit—
- (a) a day shall not be treated in relation to any person—
    - (i) as a day of unemployment unless on that day he is capable of work and is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employment;
    - (ii) as a day of incapacity for work unless on that day he is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement;
  - (b) where a person is employed in any employed contributor's employment which has not been terminated, then, in any period of seven days commencing with the midnight between Saturday and Sunday, a day on which in the normal course that person would not work in that or any other employed contributor's employment shall not be treated as a day of unemployment unless each other day in that period (other than the day referred to in paragraph (e) of this subsection) on which in the normal course he would so work is a day of interruption of employment;
  - (c) the expression " day of interruption of employment" means a day which is a day of unemployment or of incapacity for work;
  - (d) any two days of interruption of employment, whether consecutive or not, within a period of six consecutive days shall be treated as a period of interruption of employment, and any two such periods not separated by a period of more than thirteen weeks shall be treated as one period of interruption of employment;
  - (e) Sunday or such other day in each week as may be prescribed shall not be treated as a day of unemployment or of incapacity for work and shall be disregarded in computing any period of consecutive days.
- (2) Regulations may—
- (a) make provision (subject to subsection (1) of this section) as to the days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or of incapacity for work;
  - (b) prescribe respective circumstances in which, for the purposes of subsection (1) (b) of this section—
    - (i) an employed contributor's employment which has not been terminated may be treated as if it had been terminated; or
    - (ii) a day which falls during a period when a person's employment in an employed contributor's employment is suspended but does not fall to be treated as aforesaid and which, apart from the provisions of the regulations, would not fall to be treated as a day of interruption of employment may be treated as such a day.

## **21 Exhaustion of and requalification for benefit.**

- (1) A person who, in respect of any period of interruption of employment, has been entitled to unemployment benefit for one hundred and eighty days shall not thereafter be entitled to that benefit for any day of unemployment (whether in the same or a subsequent period of interruption of employment) unless before that day he has requalified for benefit:

Provided that, in the case of a person who before exhausting his right to unemployment benefit under this subsection has qualified in accordance with regulations for additional days of unemployment benefit (depending on the contributions of the appropriate class paid by him and the unemployment benefit to which he has been entitled), this subsection shall apply with the substitution for the reference to one hundred and eighty days of a reference to such greater number of days as may be allowed by the regulations.

- (2) A person who—
- (a) in respect of the period between his entry into insurance and any day of incapacity for work has paid less than one hundred and fifty-six contributions of the appropriate class; and
  - (b) before that day has been entitled, in respect of any period of interruption of employment (whether including that day or not), to sickness benefit for three hundred and twelve days,

shall not be entitled to sickness benefit for that day unless since the last of the said three hundred and twelve days and before that day he has requalified for benefit.

- (3) Where a person has exhausted his right to either of the said benefits—
- (a) he shall requalify therefor when he has paid thirteen contributions of the appropriate class in respect of contribution weeks begun or ended since the last day for which he was entitled to that benefit;
  - (b) on his requalifying therefor, subsection (1) or (2), as the case may be, of this section shall again apply to him, but, in a case where the period of interruption of employment in which he exhausted his right to that benefit continues after his requalification, as if the part before and the part after his requalification were distinct periods of interruption of employment.
- (4) Regulations may provide for treating a person for the purposes of this section as having been entitled to benefit for any day if he would have been so entitled but for any delay or failure to make or prosecute a claim or give a notice :

Provided that a person shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to avoid the necessity of requalifying for benefit under this section.

## **22 Disqualifications and special conditions.**

- (1) A person who has lost employment in an employed contributor's employment by reason of a stoppage of work which was due to a trade dispute at his place of employment shall be disqualified for receiving unemployment benefit so long as the stoppage of work continues, except in a case where, during the stoppage of work, he has become bona fide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation:

Provided that this subsection shall not apply in the case of a person who proves—



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- (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
  - (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.
- (2) A person shall be disqualified for receiving unemployment benefit for such period not exceeding six weeks as may be determined in accordance with Part IV of this Act if—
- (a) he has lost his employment in an employed contributor's employment through his misconduct, or has voluntarily left such employment without just cause;
  - (b) after a situation in any suitable employment has been notified to him by an employment exchange or other recognised agency, or by or on behalf of an employer, as vacant or about to become vacant, he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him ;
  - (c) he has neglected to avail himself of a reasonable opportunity of suitable employment;
  - (d) he has without good cause refused or failed to carry out any written recommendations given to him by an officer of an employment exchange with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances and to the means of obtaining that employment usually adopted in the district in which he resides; or
  - (e) he has without good cause refused or failed to avail himself of a reasonable opportunity of receiving training approved by the Minister of Labour in his case for the purpose of becoming or keeping fit for entry into or return to regular employment.
- (3) Regulations may provide for disqualifying a person for receiving sickness benefit for such period not exceeding six weeks as may be determined in accordance with Part IV of this Act if—
- (a) he has become incapable of work through his own misconduct; or
  - (b) he fails without good cause to attend for or to submit himself to such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.
- (4) Regulations may also provide for imposing in the case of any class of persons additional conditions with respect to the receipt of unemployment benefit or sickness benefit and restrictions on the rate and duration thereof, if, having regard to special circumstances, it appears to the Minister necessary so to do for the purpose of preventing inequalities, or injustice to the general body of employed persons or of employed and self-employed persons, as the case may be.
- (5) For the purposes of this section, employment shall not be deemed to be employment suitable in the case of any person if it is either—
- (a) employment in a situation vacant in consequence of a stoppage of work due to a trade dispute; or
  - (b) employment in his usual occupation in the district where he was last ordinarily employed at a rate of remuneration lower, or on conditions less favourable, than those which he might reasonably have expected to obtain having regard

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to those which he habitually obtained in his usual occupation in that district, or would have obtained had he continued to be so employed ; or

- (c) employment in his usual occupation in any other district at a rate of remuneration lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and of employees, or, failing any such agreement, than those generally recognised in that district by good employers;

but, after the lapse of such an interval from the date on which he becomes unemployed as in the circumstances of the case is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in his usual occupation if it is employment at a rate of remuneration not lower, and on conditions not less favourable, than those generally observed by agreement between associations of employers and of employees or, failing any such agreement, than those generally recognised by good employers.

(6) In this section—

- (a) the expression " place of employment" in relation to any person, means the factory, workshop, farm or other premises or place at which he was employed, so, however, that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall for the purposes of this paragraph be deemed to be a separate factory or workshop or farm or separate premises or a separate place, as the case may be ;
- (b) the expression " trade dispute" means any dispute between employers and employees or between employees and employees which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises or not.

*Maternity benefit.*

**23 Maternity grant.**

- (1) Subject to the provisions of this Act, a woman shall be entitled to a maternity grant of the amount specified in relation thereto in Schedule 4 to this Act if she has been confined and either—
- (a) she or her husband satisfies the contribution conditions set out in paragraph 2(1) of Schedule 2 to this Act; or
- (b) she satisfies either—
- (i) the contribution conditions for a maternity allowance; or
- (ii) any contribution conditions which she is required to satisfy in order to become entitled to a maternity allowance at a reduced rate by virtue of regulations under section 45 of this Act.
- (2) Except where regulations otherwise provide, a woman shall not be entitled to a maternity grant in respect of a confinement if on the date of the confinement she is outside Great Britain.
- (3) Regulations may provide that a woman confined of twins or a greater number of children shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled to a maternity grant for each of them.

- (4) Regulations may provide that the provisions of this section shall apply to a woman, in a case where her claim indicates that she so desires, with the substitution for the condition that she has been confined of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of contribution weeks before that in which it is to be expected that she will be confined, and may modify the contribution conditions for a maternity grant in their application to such a case.
- (5) Subject to the provisions of subsection (3) of this section, a woman shall not be entitled to more than one maternity grant in respect of any one confinement.
- (6) For the purposes of this section the expression " husband " includes a widow's late husband where the benefit is claimed in respect of a posthumous son or daughter of his.

## **24 Maternity allowance.**

- (1) Subject to the provisions of this Act, a woman shall be entitled to a maternity allowance at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if—
  - (a) she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of weeks before the week in which it is to be expected that she will be confined (in this section referred to as the " expected week of confinement"); and
  - (b) she satisfies the contribution conditions set out in paragraph 3(1) of Schedule 2 to this Act.
- (2) Subject to the following provisions of this section, the period for which a maternity allowance is payable shall be the period of eighteen weeks beginning with the eleventh week before the expected week of confinement.
- (3) A woman who has become entitled to a maternity allowance shall cease to be entitled thereto if she dies before the beginning of the period mentioned in subsection (2) of this section; and if such a woman dies after the beginning but before the end of that period the allowance shall not be payable for any week subsequent to that in which she dies.
- (4) Regulations may provide that a woman who has become entitled to a maternity allowance shall cease to be entitled thereto if her pregnancy is terminated otherwise than by confinement.
- (5) Regulations may make provision, as respects cases where the date of the confinement occurs after the end of the expected week of confinement, for extending the period referred to in subsection (2) of this section until the end of such week (not being later than the sixth week after that in which the date of the confinement occurs) as may be prescribed by the regulations.
- (6) Regulations may modify subsections (1)(a) and (b), (2) and (3) of this section in relation to cases where a woman has been confined and either—
  - (a) she has not made a claim for a maternity allowance in respect of expectation of that confinement (other than any claim which has been disallowed); or
  - (b) she has made a claim for a maternity allowance in respect of expectation of that confinement (other than a claim which has been disallowed) but the date of the confinement was more than eleven weeks before the expected week of confinement,

and may modify the contribution conditions set out in paragraph 3(1) of Schedule 2 to this Act in their application to such cases by substituting references to the week comprising the date of the confinement for references to the expected week of confinement.

- (7) Regulations may provide for disqualifying a woman for receiving a maternity allowance if—
- (a) during the period for which the allowance is payable she does any work as an employed or self-employed person or fails without good cause to observe any prescribed rules of behaviour ; or
  - (b) at any time before her confinement occurs she fails without good cause to attend for or to submit herself to any medical examination required in accordance with the regulations.
- (8) In this section the expression " week " means a contribution week.

## **25 Supplementary provisions as to maternity benefit, etc.**

- (1) In this Part of this Act—
- (a) the expression " confinement " means labour resulting in the issue of a living child, or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead, and the expression " confined " shall be construed accordingly ;
  - (b) references to the date of the confinement shall be taken as referring, where labour begun on one day results in the issue of a child on another day, to the date of the issue of the child or, if the woman is confined of twins or a greater number of children, to the date of issue of the last of them.
- (2) The fact that the mother of an illegitimate child is entitled to maternity benefit shall not be taken into consideration—
- (a) by any justices in England and Wales in deciding whether or not they shall make an order under the Affiliation Proceedings Act 1957 for the payment of the expenses incidental to the birth of the child; or
  - (b) by any court in Scotland in awarding inlying expenses in connection with the birth of the child.

### *Widow's benefit.*

## **26 Widow's allowance.**

- (1) Subject to the provisions of this Act, a widow shall be entitled to widow's allowance at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if—
- (a) the husband satisfied the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act; and
  - (b) at the husband's death either he was not entitled to a retirement pension or she was under pensionable age.
- (2) The period for which widow's allowance is payable to a widow shall be the thirteen weeks next following the husband's death:

Provided that the allowance shall not be payable for any period after the widow's death or remarriage or for any period during which she is cohabiting with a man as his wife.

- (3) In this section the expression " the husband ", in relation to a woman who has been married more than once, refers only to her last husband.

## **27 Widowed mother's allowance.**

- (1) Subject to the provisions of this Act, a widow shall be entitled to a widowed mother's allowance at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if the husband satisfied the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act and either—
- (a) the widow has a family which satisfies the condition specified in subsection (2) of this section; or
  - (b) subject to such exceptions and conditions as may be prescribed, the widow has residing with her a person who is under the age of nineteen years and is, has been, or would, but for the fact that at the husband's death that person had attained the upper limit of the compulsory school age or was not in Great Britain, be or have been, a child falling within paragraph (a), (b) or (c) of the said subsection (2); or
  - (c) the widow is pregnant by the husband.
- (2) The condition referred to in subsection (1)(a) of this section is that the widow's family includes a child with respect to whom one of the conditions specified in section 42(1) of this Act is for the time being satisfied and who either—
- (a) at the husband's death was, or could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as, a child of his family; or
  - (b) is a son or daughter of theirs ; or
  - (c) subject to such exceptions and conditions as may be prescribed, having at the death of a previous husband of the widow by a marriage which ended with that husband's death been a child of that husband's family, was at the death of the last husband a child of the widow's family.
- (3) The period for which a widowed mother's allowance is payable to a widow shall be any period during which she satisfies the requirements of subsection (1)(a), (b) or (c) of this section and for which she is not entitled to a widow's allowance:

Provided that the allowance shall not be payable for any period after the widow's remarriage or for any period during which she is cohabiting with a man as his wife.

- (4) In this section, the expression " the husband ", in relation to a woman who has been married more than once, refers only to her last husband.

## **28 Widow's pension.**

- (1) Subject to the provisions of this Act and in particular to paragraphs 2, 3 and 4 of Schedule 11 thereto, a widow shall be entitled to a widow's pension at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if the husband satisfied the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act and there are also satisfied either—
- (a) the conditions specified in subsection (2) of this section; or
  - (b) the conditions specified in subsection (3) thereof.
- (2) The conditions referred to in subsection (1)(a) of this section are that at the husband's death—

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- (a) he and the widow had been married for not less than three years; and
  - (b) she was over the age of fifty but under the age of sixty-five.
- (3) The conditions referred to in subsection (1)(b) of this section are that the widow ceases, or has since 20th December 1964 ceased, to be entitled to a widowed mother's allowance at a time when—
- (a) she is or was over the age of fifty but under the age of sixty-five; and
  - (b) three years have or had elapsed since the date of the marriage in respect of which the allowance is or was payable.
- (4) The period for which widow's pension is payable to a widow shall be any period during which she is under the age of sixty-five and for which she is not entitled to a widow's allowance or widowed mother's allowance:
- Provided that the pension shall not be payable for any period after the widow's remarriage or for any period during which she is cohabiting with a man as his wife.
- (5) Where a widow has been married more than once—
- (a) references in this section to the husband shall refer only to her last husband ; and
  - (b) regulations may relax, for the purpose of her right to a widow's pension in respect of her last marriage, the condition contained in subsection (2)(a) or (3)(b) of this section.

*Guardian's allowance.*

**29 Guardian's allowance.**

- (1) Subject to the provisions of this Act, and in particular to section 42(1) thereof, a person shall be entitled to a guardian's allowance at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act in respect of any child who is for the time being a child of his family if—
- (a) the parents of the child are dead ; and
  - (b) one at least of the parents was an insured person.
- (2) Regulations may modify paragraphs (a) and (b) of the foregoing subsection in relation to cases where—
- (a) a child has been adopted, or is illegitimate; or
  - (b) the marriage of a child's parents was terminated by divorce; or
  - (c) one of the child's parents is dead and the person claiming the allowance shows that he was at the date of the death unaware of, and has failed after all reasonable efforts to discover, the whereabouts of the other parent.
- (3) Regulations may provide for the payment of guardian's allowance under this section in respect of a child as if both parents of the child were dead in cases where one parent is dead and the surviving parent is serving (or is to be treated in accordance with the regulations as serving) a sentence of imprisonment of not less than the prescribed length or of imprisonment for life, or is (or is to be so treated as being) in legal custody in any other prescribed circumstances; and any such regulations may include provision—
- (a) for suspending payment of an allowance awarded by virtue of this subsection where the conviction, sentence or order in consequence of which it was

- awarded is subject to appeal, and for any matters arising from the decision of any such appeal; and
- (b) for requiring sums paid by virtue of this subsection by way of guardian's allowance in respect of a child for a period during which one of the child's parents is alive to be repaid by that parent to the National Insurance Fund.
- (4) Where subsection (1)(a) and (b) of this section have been modified by virtue of subsection (2) of this section so as to make guardian's allowance payable in respect of a child not on the death of the child's parents but on the death of two persons who are not the child's parents or of whom one is not the child's parent, subsection (3) of this section shall apply as if those persons were the child's parents.
- (5) In the case of a child who is a child of the family of a man and his wife, the wife only shall be entitled to a guardian's allowance, but subsections (2) to (6) of section 4 of the Family Allowances Act (which relate to the persons to receive an allowance under that Act payable in respect of such a child) shall apply in relation to a guardian's allowance as they apply in relation to an allowance under that Act.

*Retirement pensions.*

**30 Retirement pension by virtue of own insurance.**

- (1) Subject to the provisions of this Act, a person shall be entitled to a retirement pension at the appropriate weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if—
- (a) he is over pensionable age and has retired from regular employment; and
- (b) he satisfies the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act.
- (2) For the purposes of this Act, a person may, subject to subsection (3) of this section, be treated as having retired from regular employment at any time after he has attained pensionable age—
- (a) whether or not he has previously been engaged in a gainful occupation;
- (b) notwithstanding that he is engaged or intends to engage in a gainful occupation, if he is engaged or intends to engage therein only occasionally or to an inconsiderable extent or otherwise in circumstances not inconsistent with retirement, or if his earnings can be expected not to exceed, or only occasionally to exceed, the amount any excess over which would, under subsection (7) of this section, involve a reduction of the weekly rate of any retirement pension awarded to him.
- (3) For the purposes of this Act, but subject to subsection (4) of this section, a person shall not be treated as having retired from regular employment unless he has complied with the prescribed requirements as to notice of the date of his retirement and—
- (a) where the date of retirement specified in the notice falls before the date when the notice is given, that person shall not be treated as having so retired earlier than on the date of commencement of the prescribed period before the giving of the notice;
- (b) where the date of retirement specified in the notice falls after the date when the notice is given, an award of a retirement pension as from the date of retirement so specified may be made before that date but shall be conditional on that person's having retired on or before that date.

- (4) For the purposes of this Act a person who has not previously retired from regular employment shall be deemed so to retire on the expiration of five years from his attaining pensionable age.
- (5) References in this Act to the date of a person's retirement shall be construed in accordance with subsections (2) to (4) of this section.
- (6) Subject to the provisions of this Act, a retirement pension shall commence from the date of retirement and shall be payable for life.
- (7) Subject to any regulations under section 44(a) of this Act, where the earnings of a beneficiary who is less than five years over pensionable age have exceeded five pounds for the calendar week ending last before any week for which he is entitled to a retirement pension, the weekly rate of his pension shall for the last-mentioned week be reduced by sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceed six pounds:

Provided that this subsection shall not affect the rate of the pension for the first week after the date of the beneficiary's retirement.

### **31 Increase of pension under s. 30 for contributions after pensionable age.**

- (1) Subject to section 30(7) of this Act, paragraphs 7 and 9 of Schedule 11 thereto and any regulations under subsection (2) of this section, the weekly rate of a retirement pension under the said section 30 shall be increased by one shilling for every twelve contributions (not being graduated contributions) as an employed or self-employed person paid by the beneficiary in respect of the period after his attaining pensionable age.
- (2) Regulations may provide that, in such cases and subject to such exceptions as may be prescribed, a contribution paid by a woman over pensionable age in respect of any contribution week for the whole of which—
  - (a) she is entitled to widow's benefit or to a retirement pension by virtue of her husband's insurance ; or
  - (b) her husband is entitled in respect of her to an increase of the weekly rate of any benefit,shall be disregarded for the purposes of subsection (1) of this section.

### **32 Retirement pension by virtue of husband's insurance.**

- (1) Subject to the provisions of this Act, and in particular to paragraph 5 of Schedule 11 thereto, a woman over pensionable age shall be entitled to a retirement pension by virtue of her husband's insurance at the appropriate weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if there are satisfied—
  - (a) one of the conditions specified in subsection (2) of this section; and
  - (b) the conditions specified in subsection (3) thereof.
- (2) The conditions referred to in subsection (1)(a) of this section are—
  - (a) that the woman is married to the husband at the time when she attains pensionable age ; or
  - (b) that she has married the husband after attaining that age.
- (3) The conditions referred to in subsection (1)(b) of this section are—



- (a) that either—
    - (i) the husband is over pensionable age and both he and the woman have retired from regular employment; or
    - (ii) the husband is dead ; and
  - (b) that the husband satisfies the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act; and
  - (c) in a case where the woman has married the husband after attaining pensionable age, such further conditions as may be prescribed.
- (4) Subject to the provisions of this Act, a retirement pension payable to a woman by virtue of subsection (1) of this section shall commence from the date on which the provisions of that subsection are satisfied in relation to the pension and shall be payable for life.
- (5) Section 30(7) of this Act shall apply to a retirement pension payable to a woman by virtue of her husband's insurance as it applies to a pension payable by virtue of a person's own insurance.

### **33 Special provisions as to retirement pensions for women.**

- (1) A woman shall not be entitled for the same period to more than one retirement pension, but if she would be so entitled but for this subsection may, on such occasion and in such manner as may be prescribed, choose which she shall be entitled to.
- (2) Where on attaining pensionable age a woman is married, she shall not be entitled under section 30 of this Act to a retirement pension by virtue of her own insurance unless either—
- (a) the number of contributions paid by or credited to her in respect of the period between the date of the marriage and her attaining pensionable age is not less than one half of the number of complete contribution weeks in that period ; or
  - (b) the said period is less than three years.
- (3) Subject to paragraph 6 of Schedule 11 to this Act, where immediately before attaining pensionable age a woman is a widow, she may elect that, in calculating for the purpose of her right under the said section 30 to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited either—
- (a) for each contribution year falling wholly or partly before the death of her husband (being, if she has been married more than once, her last husband); or
  - (b) for each contribution year falling wholly or partly during the period of their marriage,
- a number of contributions equal to the yearly average (ascertained as at the date of his attaining pensionable age or dying under that age) of the contributions paid by or credited to him, instead of the number of contributions actually paid by or credited to her for that year.
- (4) Any reference in this section to contributions shall be construed as a reference to contributions other than graduated contributions.

**34 Increase in woman's retirement pension in certain cases.**

- (1) Subject to section 30(7) of this Act and to paragraph 8 of Schedule 11 thereto, in respect of any contributions as an employed or self-employed person paid by a man for any period after his attaining pensionable age—
  - (a) the weekly rate of any retirement pension under section 32 of this Act payable to his wife or widow by virtue of his insurance shall be increased by sixpence for every twelve contributions other than those paid for a period before she attains pensionable age ; and
  - (b) the weekly rate of any retirement pension payable to his widow under the said section 32 by virtue of his insurance or under section 30 of this Act by virtue of her own insurance shall be increased by sixpence for every twelve contributions (in addition to the increase, if any, under paragraph (a) of this subsection).
- (2) Subject to the said paragraph 8, where by virtue of such an election as is provided for by section 35 of this Act a woman pays or has paid contributions as an employed or self-employed person for a period after her attaining pensionable age, then in relation to a retirement pension under the said section 32 payable to her by virtue of her husband's insurance the contributions so paid by her for any period after his death shall be taken into account under subsection (1) of this section as if they were contributions paid by the husband as mentioned in that subsection.
- (3) In relation to a woman married after attaining pensionable age, the foregoing provisions of this section shall have effect subject to any prescribed modifications.
- (4) Any reference in this section to contributions shall be construed as a reference to contributions other than graduated contributions.

**35 Re-entry into regular employment after retirement.**

- (1) Regulations may provide that, in the case of a person of such description as may be prescribed who—
  - (a) has retired from regular employment or has otherwise become entitled to a retirement pension but is, in the case of a woman, under the age of sixty-five or, in the case of a man, under the age of seventy; and
  - (b) elects, in such manner and in accordance with such conditions as may be prescribed, that the regulations shall apply in his case,

this Act shall have effect as if that person had not retired or become entitled as aforesaid:

Provided that, where a husband and wife have both become entitled to retirement pensions by virtue of the husband's insurance, the husband shall not be entitled to elect as aforesaid without the consent of the wife, unless that consent is unreasonably withheld.

- (2) Any such regulations may make such modifications of this Act in its application in a case where a person elects as aforesaid as may appear to the Minister necessary or expedient, and may in particular provide for determining how contributions (other than graduated contributions) paid by that person, whether before or after that person's first retirement or, as the case may be, first becoming entitled to a retirement pension, are to be dealt with for the purposes of section 31(1) of, or paragraph 7 or 8(2) of Schedule 11 to, this Act.

*Graduated retirement benefit.*

**36 Graduated retirement benefit.**

- (1) Subject to the provisions of this Act, graduated retirement benefit shall be payable to any person who is over pensionable age and has retired from regular employment, and shall be an increase in the weekly rate of his retirement pension equal to sixpence for each unit, ascertained in accordance with subsections (2) and (3) of this section, of the graduated contributions properly paid by him as an insured person.
- (2) For the purpose of graduated retirement benefit the units of graduated contributions shall be as follows:—
  - (a) in the case of contributions calculated at the rate of four and a quarter per cent. specified in section 4(1)(c) of this Act, the units shall be seven pounds ten shillings for men and nine pounds for women; and
  - (b) in the case of contributions calculated at any rate having effect under section 5(1)(b) of this Act, the units shall be of such amounts as may be specified for men and women respectively by order of the Minister, being amounts which maintain the same proportions as under paragraph (a) of this subsection between the percentage used in calculating the contributions and the amount of the unit, except for adjusting the amount of a unit to the nearest shilling above, or to the nearest shilling below, the proportionate amount.
- (3) Where a person's graduated contributions calculated at any of the said rates do not make an exact number of units—
  - (a) the incomplete fraction of a unit and any similar fraction resulting from his contributions calculated at any of the other rates shall be added together to produce (so far as they go) a further unit or units;
  - (b) subject to the foregoing paragraph, any incomplete fraction of a unit (including a fraction resulting from the addition under that paragraph) shall, if it is one half or more, be treated as a complete unit.
- (4) Where a person does not retire from regular employment on attaining pensionable age, then for the purpose of calculating the graduated retirement benefit payable to him from the date of his retirement there shall be added to the amount of the graduated contributions properly paid by him one half of the aggregate graduated retirement benefit which would have been payable to him for the period before that date if he had retired from regular employment on attaining pensionable age and had received that benefit for the whole of the period without any interruption or abatement; and the number of units paid by him shall be determined as if the addition made in respect of benefit for any week had been a contribution paid at the rate appropriate to a payment of remuneration made in that week.
- (5) For the purposes of subsection (4) of this section, the Minister may by regulations provide for treating all or any of the graduated contributions paid by a person in the income tax year in which he attained pensionable age as having been paid before, or as having been paid after, the day on which he attained that age, whether or not the contribution in question was so paid.
- (6) Subject to any regulations under section 44(b) of this Act, the foregoing provisions of this section shall have effect subject to section 30(7) of this Act.

- (7) A person who has attained pensionable age and retired from regular employment, but is not entitled to a retirement pension, shall be treated for the purposes of the foregoing provisions of this section as receiving a retirement pension at a nominal weekly rate :

Provided that—

- (a) this subsection shall not confer any right to graduated retirement benefit on a person who would be entitled to a retirement pension but for some provision of this Act or of regulations disqualifying him for receipt of it; and
- (b) regulations may provide that any right by virtue of this subsection to benefit at less than a specified weekly rate shall be satisfied either altogether or for a specified period by the making of a single payment of the prescribed amount.

### **37 Special provisions as to graduated retirement benefit for widows.**

- (1) Subject to the provisions of this section, where a man, having paid graduated contributions as an insured person, dies leaving a widow, and she either has attained pensionable age at the time of his death or remains his widow when she attains that age, then section 36 of this Act shall apply as if the increase in the weekly rate of her retirement pension provided for by subsection (1) thereof were the amount there specified by reference to her graduated contributions plus sixpence for every shilling or part of a shilling of the weekly rate of his graduated retirement benefit.

- (2) For the purposes of subsection (1) of this section, the weekly rate of the husband's graduated retirement benefit shall (whether or not he was receiving or entitled to receive any such benefit) be taken to have been the weekly rate appropriate to the amount of graduated contributions paid by him together with any addition under section 36(4) of this Act; and where at his death he had attained pensionable age but had not retired from regular employment, that addition shall be computed as if he had retired from regular employment immediately before his death.

- (3) A woman's right to graduated retirement benefit by virtue of this section shall be brought into account under section 36(4) of this Act in determining the graduated retirement benefit payable to her under the said section 36:

Provided that, if the husband died after she attained pensionable age, she shall for the purposes of this subsection be treated as not having attained pensionable age until the date of his death.

- (4) A woman's right to graduated retirement benefit by virtue of this section in respect of a husband she marries after she attains pensionable age shall be subject to such additional conditions as may be prescribed; and except as may be provided by regulations a woman more than once married shall not be entitled for the same period to any graduated retirement benefit by virtue of this section in respect of more than one of the husbands.

- (5) Regulations may provide that where a woman is entitled to graduated retirement benefit and to a widowed mother's allowance the graduated retirement benefit shall be an increase in the weekly rate of that allowance; and where that benefit is such an increase, section 36(6) and (7) of this Act shall not apply.

*Child's special allowance.*

**38 Child's special allowance.**

Subject to the provisions of this Act, and in particular to section 42 thereof, a woman whose marriage has been terminated by divorce shall be entitled to child's special allowance at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if—

- (a) the husband of that marriage is dead and satisfied the contribution conditions set out in paragraph 4(1) of Schedule 2 to this Act; and
- (b) she has a family which includes a child who at that husband's death was, or but for the fact that the child was not then in Great Britain would have been, either a child of her family or, where the child is issue of theirs within the meaning of the Family Allowances Act, a child of that husband's family ; and
- (c) that husband had before his death been contributing at not less than the prescribed weekly rate to the cost of providing for that child:

Provided that the allowance shall not be payable for any period after her remarriage or for any period during which she is cohabiting with a man as his wife.

*Death grant.*

**39 Death grant.**

- (1) Subject to the provisions of this Act, and in particular to paragraph 10 of Schedule 11 thereto, a death grant of the amount specified in relation thereto in Schedule 4 to this Act shall be payable in respect of the death of any person (hereafter in this section referred to as " the deceased") if the deceased either himself satisfied the contribution conditions set out in paragraph 5(1) of Schedule 2 to this Act, or was at death the husband, wife, widower, widow, or a child of the family, of a person satisfying those conditions, or a child who—
  - (a) had immediately before the death of some other person satisfying those conditions, been a child of the family of that other person ; or
  - (b) was a posthumous son or daughter of a man satisfying those conditions.
- (2) With respect to cases where the deceased was at death a child but the requirements of the foregoing subsection are not satisfied, regulations may provide for death grant to be payable if the contribution conditions aforesaid were satisfied by such other person as may be prescribed.
- (3) Where at his death the deceased was not a child but was under the age of nineteen years and would, if he had been under the age of sixteen years, have been a child by virtue of section 2(1)(c) of the Family Allowances Act (which relates to persons incapacitated by reason of illness or disability of mind or body), then, for the purposes of the foregoing provisions of this section, the deceased shall be treated as if he had been a child at his death.
- (4) Except where regulations otherwise provide, a death grant shall not be payable in respect of a death occurring outside Great Britain.

*Benefit in respect of children.*

**40 Increase of benefit for children.**

- (1) Subject to subsections (5) and (6) of this section and to sections 41(4) and 42 of this Act, the weekly rate of unemployment benefit, sickness benefit, a maternity allowance, a retirement pension or a widow's allowance shall, for any period for which the beneficiary has a family which includes a child or children, be increased in respect of that child or each respectively of those children by the appropriate amount specified in relation to the benefit in question in column 3, 4 or 5 of Schedule 3 to this Act.
- (2) In the application of subsection (1) of this section to a maternity allowance, references therein to a child or children shall include references to any child or children born to the beneficiary on the occasion of the confinement by reason of whose actual or expected occurrence she became entitled to the allowance.
- (3) Subject to section 42 of this Act, the weekly rate of a widowed mother's allowance payable by virtue of subsection (1)(a) of section 27 of this Act shall be increased for any period in respect of the child or, if more than one, each respectively of the children falling within paragraph (a), (b) or (c) of subsection (2) of the said section 27 for the time being included in her family by the appropriate amount specified in relation to that allowance in the said column 3, 4 or 5.
- (4) Subject to section 42 of this Act, the weekly rate of a child's special allowance shall, for any period for which the beneficiary has a family which includes two or more children with respect to whom the conditions specified in section 38(b) and (c) of this Act are satisfied, be increased in respect of each respectively of those children other than the elder or eldest by the appropriate amount specified in relation to that allowance in the said column 4 or 5.
- (5) Where the beneficiary by whom an increase of benefit under this section is claimed is a married woman residing with her husband, it shall be an additional condition with respect to receipt of that increase that her husband is incapable of self-support.
- (6) Regulations may provide that subsection (1) of this section shall cease to apply to a maternity allowance or shall apply to such an allowance only in prescribed cases.

**41 Additional provisions with respect to increase of benefit for children.**

- (1) The provisions of this section shall have effect with respect to increases under section 40 of this Act of benefits other than a child's special allowance.
- (2) Subject to section 42 of this Act, a child of the family of any woman for the time being residing with the beneficiary shall be treated for the purposes of the said section 40 as a child of the beneficiary's family if the child—
  - (a) is an illegitimate son or daughter of theirs; or
  - (b) was born not less than six months before the day for which the increase provided for by that section is claimed and wholly or mainly maintained by the beneficiary throughout the six months ending immediately before that day.
- (3) Subject to the said section 42, where a man is entitled to unemployment benefit, sickness benefit or a retirement pension, there shall be treated for the purposes of the said section 40 as included in the beneficiary's family any child who, on the day for which the increase provided for by that section, is claimed, though not so included,

could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as so included, or could have been treated under that paragraph as so included but for the fact that the beneficiary is contributing to the cost of providing for the child at a weekly rate which, though not less than the prescribed rate, is less than the minimum rate for the time being required for the purposes of section 3(2) of that Act.

- (4) In the case of a retirement pension—
- (a) section 40(1) of this Act, so far as it relates to the amount of the increase, shall have effect subject to section 30(7) of this Act;
  - (b) where a man and his wife are both entitled to a pension by virtue of his insurance—
    - (i) they shall not both be entitled for the same period to an increase under the said section 40(1) in respect of the same child;
    - (ii) if they would both (but for this paragraph) be entitled for the same period to such an increase at the rate applicable to an only, elder or eldest child in respect of different children, one of them shall be entitled to an increase at that rate and the other (subject to subparagraph (i) of this paragraph) to an increase at the rate applicable to a child other than an only, elder or eldest child;
  - (c) for any reference in subsection (2) of this section to the day for which the increase provided for by the said section 40 is claimed there shall be substituted a reference to the date of retirement or, where the beneficiary is a woman who became entitled to the pension without having retired, the date when she so became entitled;

and where, but for paragraph (b) of this subsection, a man and his wife would both be entitled to an increase of a retirement pension under the said section 40(1), regulations may make provision as to their priority.

## **42 Limitations on payment of benefit in respect of children.**

- (1) Where, apart from this subsection, a person is entitled to receive, in respect of a particular child who is, or who falls to be treated for the purposes of the relevant provision as, a child of that person's family, payment of an amount by way of a guardian's allowance under section 29 or a child's special allowance under section 38 of this Act or of an increase under any of the provisions of section 40 of this Act of any benefit, that amount shall not be payable unless one of the following conditions is satisfied, that is to say—
- (a) that the child in question is living with the beneficiary ; or
  - (b) that contributions to the cost of providing for the child in question are being made at a weekly rate not less than that of the amount in question by the beneficiary, or, where the beneficiary is one of spouses living together, by those spouses taken together, being, if an allowance under the Family Allowances Act is payable in respect of the child as a child of the beneficiary's family, contributions over and above those required for the purposes of section 3(2) of that Act or, as the case may be, for the purposes of the proviso to paragraph 1(1) of the Schedule to that Act.
- (2) For the purposes of the foregoing subsection, a child's special allowance shall be treated as a payment in respect of an only, or the elder or eldest, child with respect to whom the conditions specified in section 38(b) and (c) of this Act are satisfied, without prejudice, however, to any payment by way of an increase of the allowance in respect of any other such child under section 40(4) of this Act.

- (3) Where a person is entitled in respect of a child to a guardian's allowance under section 29 of this Act, the amount, if any, payable to that or any other person by way of any other benefit under this Act in respect of children of any family shall be such, and such only, as would be payable if the first-mentioned child were not included or treated as included in any family.

*Benefit in respect of adult dependants.*

**43 Increase of benefit for adult dependants.**

- (1) Subject to the provisions of this section, the weekly rate of unemployment benefit, sickness benefit or a retirement pension shall be increased by the amount respectively specified in relation to the benefit in question in column 6 of Schedule 3 to this Act for any period during which—
- (a) the beneficiary is—
    - (i) residing with his wife ; or
    - (ii) contributing to the maintenance of his wife at a weekly rate of not less than the said amount; and
  - (b) his wife is not engaged in any gainful occupation or occupations from which her weekly earnings exceed that amount.
- (2) Subject to subsection (3) of this section, the weekly rate of unemployment benefit or sickness benefit shall, except in the case of a beneficiary entitled to an increase thereof in respect of his wife under subsection (1) of this section, be increased by the amount specified as aforesaid—
- (a) for any period during which the beneficiary is wholly or mainly maintaining her husband and he is incapable of self-support; or
  - (b) for any period during which the beneficiary has residing with him and is wholly or mainly maintaining such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled ; or
  - (c) for any period during which some female person (not being a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of section 40 of this Act, being a person in relation to whom such further conditions as may be prescribed are fulfilled:

Provided that a beneficiary shall not be entitled for the same period to an increase of benefit under this subsection in respect of more than one person.

- (3) Where a person is entitled to unemployment benefit or sickness benefit by virtue of section 19(3) of this Act—
- (a) paragraphs (a) and (b) of subsection (2) of this section shall not apply ; and
  - (b) if the beneficiary would have been entitled only by virtue of section 45 of this Act to the retirement pension by reference to which the weekly rate of the unemployment benefit or sickness benefit is determined, the amount of any increase under this section of that weekly rate shall be that which would have been applicable by virtue of the said section 45 in the case of such an increase of the weekly rate of that pension.



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- (4) The weekly rate of a retirement pension shall be increased by the amount specified as aforesaid for any period with respect to which the requirements of subsection (2)(c) of this section are satisfied in respect of the beneficiary:

Provided that this subsection shall not apply if the beneficiary—

- (a) is a man entitled to an increase in respect of his wife under subsection (1) of this section ; or
  - (b) is a man whose wife is entitled to a retirement pension by virtue of his insurance ; or
  - (c) is a woman entitled to the pension by virtue of her husband's insurance.
- (5) In the case of a retirement pension, this section, so far as it relates to the amount of the increase, shall have effect subject to section 30(7) of this Act.
- (6) Subject to subsection (7) of this section, the weekly rate of a maternity allowance shall be increased by the amount specified as aforesaid for any period such as is mentioned in subsection (2)(a), (b) or (c) of this section, but a woman shall not be entitled for the same period to an increase of benefit by virtue of this subsection in respect of more than one person.
- (7) The weekly rate of a maternity allowance shall not be increased under subsection (6) of this section in respect of any person for any such period as is mentioned in subsection (2) (b) or (c) of this section unless the beneficiary would, if she were entitled to sickness benefit for that period, be entitled for that period to an increase of sickness benefit in respect of that person if she had made the necessary claim ; and for the purpose of the application of the provisions of this subsection, any such period shall be deemed not to include any day which under section 20(1)(e) of this Act is to be disregarded in computing a period of consecutive days for the purposes of any provision of this Act relating to unemployment benefit or sickness benefit.
- (8) Regulations may provide that the weekly rate of a maternity allowance shall no longer be increased under subsection (6) of this section, or shall be so increased only in prescribed cases, and may vary or revoke the provisions of subsection (7) of this section.
- (9) In this section, the expression " relative" does not include any person who is a child, but 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.

*Additional rights to benefit.*

#### **44 Power to alter earnings rules.**

Regulations may—

- (a) alter—
  - (i) the amount of earnings which under section 30(7) of this Act is to be taken into consideration in calculating the weekly rate of the pension of any classes of beneficiary;
  - (ii) the sum by which under the said section 30(7) the weekly rate of the pension is to be reduced for each shilling of the excess ;
- (b) notwithstanding anything in section 36(6) of this Act, provide that the said section 30(7) shall not reduce the amounts payable as graduated retirement

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benefit, but that those amounts shall be payable as if that benefit were a separate benefit not subject to the said section 30(7).

#### **45 Partial satisfaction of contribution conditions.**

- (1) Subject to the provisions of this section, regulations may provide for entitling to unemployment benefit, sickness benefit, a maternity allowance, widow's benefit, a retirement pension or a death grant persons who would be entitled thereto but for the fact—
  - (a) in the case of benefit of any description other than maternity allowance, that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in a contribution year or the yearly average of contributions paid or credited ;
  - (b) in the case of maternity allowance, that the relevant contribution conditions, though satisfied as respects the twenty-six contributions required to have been actually paid, are not satisfied as respects the fifty contributions required to have been paid by or credited to the claimant.
- (2) The reference in subsection (1)(b) of this section to the relevant contribution conditions includes a reference to those conditions as modified by regulations in their application to cases falling within section 24(6) of this Act.
- (3) Regulations under this section shall provide that benefit payable by virtue of any such regulations shall be payable at a rate, or shall be of an amount, less than that specified in Schedule 3 or 4 to this Act, and the rate or amount prescribed by the regulations may vary with the extent to which the contribution conditions are satisfied:

Provided that the amount of—

- (a) any increase of benefit in respect of a child ; and
- (b) any increase of a retirement pension in respect of contributions paid after attaining pensionable age,

shall be the same as if the relevant contribution conditions had been fully satisfied.

- (4) Regulations under this section shall apply to child's special allowance in like manner as they apply to widow's benefit, except that the weekly rate of such an allowance payable by virtue of those regulations shall be the same as if the relevant contribution conditions had been fully satisfied.

#### **46 Supplementary schemes.**

- (1) Any body of persons claiming to represent, or to be entitled to be treated as representing, insured persons of any class and (if or in so far as the class is a class of employed persons) their employers may submit to the Minister a scheme (hereafter in this Act referred to as a " supplementary scheme ") for supplementing the rights conferred on those insured persons by this Act, whether by providing for additional payments in cases for which benefit is provided by this Act, or by providing for payments in other cases, or otherwise.
- (2) The Minister may by order approve, whether with or without amendment, any supplementary scheme if he is satisfied that it is expedient that the scheme should come into operation:

Provided that the Minister before approving a supplementary scheme shall take steps to ascertain so far as practicable the views of any insured persons or employers affected thereby who in his opinion are not represented by the body submitting the scheme.

- (3) Subject to the provisions of this section, a supplementary scheme may—
- (a) apply for the purposes of the scheme (including in particular the purpose of determining any question as to the application of the scheme to any person or class of persons) any of the provisions of this Act or of regulations, with or without modifications ;
  - (b) make such provision for the constitution of a body to be charged with the administration of the scheme and with respect to the supervision of the administration of the scheme and accounts as the Minister considers to be necessary for the purpose of giving effect to the scheme (including provision for the making of returns to the Minister as to matters affecting the operation of the scheme);
  - (c) provide for the participation of the Minister in the administration of the scheme to such an extent and for such purposes as may be therein specified;
  - (d) provide for the defraying, out of any funds which may be available for the purposes of the scheme, of such fees and other charges as may be determined by the Minister, with the concurrence of the Treasury, in respect of the participation of the Minister in the administration of the scheme as aforesaid ;
  - (e) contain such other provisions as the Minister considers to be necessary for the purpose of giving effect to the scheme.
- (4) A supplementary scheme may empower the body charged with the administration of the scheme to make, if the Minister so directs, such temporary modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as are, in the opinion of the Minister, sufficient to secure the solvency of the fund constituted under the scheme.
- (5) No part of the funds required for providing benefits under a supplementary scheme or otherwise in connection therewith shall be derived from moneys provided by Parliament:
- Provided that nothing in this subsection shall prevent the making, in respect of persons whose remuneration is or may be defrayed out of moneys provided by Parliament, of a scheme whereunder contributions are payable by employers.
- (6) The provisions of this Act other than this section and section 47 thereof, and the provisions of any regulations, shall not, except in so far as they are applied by a supplementary scheme, apply to or have effect in relation to or for the purposes of the scheme.
- (7) Subject to the said section 47, a supplementary scheme when approved by the Minister shall continue in force until determined in accordance with the provisions thereof.

#### **47 Amendment or consolidation of supplementary schemes.**

- (1) The Minister may by order—
- (a) vary or amend the provisions of a supplementary scheme in any manner and at any time if so requested by—

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- (i) the body by whom it was submitted, or any other body of persons which in his opinion is concerned as representing insured persons or employers ; or
  - (ii) the body charged with the administration of the scheme; and
- (b) where it appears to him that, having regard to any periodic audit and valuation, the fund constituted under the scheme—
  - (i) is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities ; or
  - (ii) is and is likely to continue to be more than reasonably sufficient to discharge its liabilities,

after consultation with the last-mentioned body make such modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as appear to him to be required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities.
- (2) An order under subsection (1) of this section with respect to any supplementary scheme may replace all or any of the provisions of the scheme (whether or not previously amended, varied or modified under that subsection) with new provisions consolidating those provisions as they are to have effect with the amendments, variations or modifications to be made by the order.
- (3) The Minister after consulting the body charged with the administration of a supplementary scheme may make an order under this subsection for the purpose of consolidating the provisions of the scheme as for the time being amended, varied or modified.
- (4) Any order made by virtue of subsection (2) or (3) of this section may revoke previous orders under this section relating to the scheme so far as they are superseded by the consolidation or have otherwise become obsolete or unnecessary.

*Miscellaneous provisions as to benefit.*

**48 Claims and notices.**

- (1) Subject to subsection (2) of this section and to paragraph 5(2) of Schedule 11 to this Act, it shall be a condition of any person's right to any benefit that he makes a claim therefor in the prescribed manner.
- (2) Any claim for any benefit under this Act may be treated—
  - (a) for the purposes of this section as a claim, in the alternative, for such other benefit thereunder as may be prescribed; or
  - (b) for the purposes of the Industrial Injuries Act as a claim, in the alternative, for such benefit under that Act as may be prescribed; or
  - (c) for the purposes of the Family Allowances Act (in any prescribed cases) as a claim, in the alternative, for a payment under that Act;

and any claim for benefit under the Industrial Injuries Act or a payment under the Family Allowances Act may be treated for the purposes of this section as a claim, in the alternative, for such benefit under this Act as may be prescribed.
- (3) For the purposes of this Part of this Act any claim or notice made or sent by post shall be deemed to have been made or given on the day on which it was posted.

#### **49 Disqualification for or suspension of benefit.**

- (1) Except where regulations otherwise provide, a person shall be disqualified for receiving any benefit, and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person—
  - (a) is absent from Great Britain; or
  - (b) is undergoing, imprisonment or detention in legal custody.
- (2) Regulations may provide for the suspension of payment to or in respect of any person during any such period as aforesaid of benefit which is excepted from the operation of subsection (1) of this section or which is payable otherwise than in respect of that period.
- (3) Regulations may provide for disqualifying a person—
  - (a) subject to paragraph 5(2) of Schedule 11 to this Act, for the receipt of any benefit if he fails to make his claim therefor within the prescribed time; and
  - (b) for the receipt of sickness benefit if he fails, on becoming or again becoming incapable of work, to give the prescribed notice of that fact within the prescribed time:

Provided that any such regulations shall provide for extending, subject to any prescribed conditions, the time within which the claim may be made or notice may be given in cases where good cause is shown for delay.

- (4) Notwithstanding any regulations made by virtue of the proviso to subsection (3) of this section, no sum shall be paid to any person—
  - (a) on account of maternity grant in respect of a confinement occurring more than six months before the date on which the claim for the grant is made ;
  - (b) on account of death grant in any case where the prescribed time for making a claim falls to be extended by virtue of the said proviso by more than six months ;
  - (c) subject to paragraph 5(2) of Schedule 11 to this Act, on account of any other benefit in respect of any period more than six months before the date on which the claim for the benefit is made;

but regulations made by virtue of subsection (3)(a) of this section may vary or revoke the provisions of this subsection with respect to any benefit.

- (5) Subject to subsection (6) of this section, where it appears to the Minister that a question has arisen whether—
  - (a) the conditions for the receipt of benefit payable under an award are or were fulfilled ; or
  - (b) an award of benefit ought to be revised in accordance with Part IV of this Act,he may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined:

Provided that this subsection shall not apply in any case where the question has arisen as to whether the claimant has ceased to be entitled to receive unemployment benefit by reason of any of the provisions of section 22(2)(b) to (e) of this Act.

- (6) Regulations may provide that subsection (5) of this section shall cease to apply to any case, or to cases of any specified description, to which it would otherwise apply, or shall apply to cases of any specified description to which it would not otherwise apply.

**50 Overlapping benefits, etc.**

- (1) Without prejudice to paragraph 11 of Schedule 11 to this Act, regulations may provide—
  - (a) for adjusting benefit payable to or in respect of any person, or the conditions for the receipt thereof, where—
    - (i) any pension or allowance payable out of public funds (excluding an allowance under the Family Allowances Act, but including any other benefit under this Act whether of the same or a different description) is payable to or in respect of that person or that person's wife or husband ; or
    - (ii) that person is undergoing medical or other treatment as an in-patient in a hospital or similar institution;
  - (b) for suspending payment of benefit to a person during any period during which he is undergoing medical or other treatment as aforesaid.
- (2) Where but for regulations made by virtue of subsection (1)(a) of this section two persons would both be entitled to an increase of benefit in respect of a third person, regulations may make provision as to their priority.

**51 Disqualifications, etc., to be disregarded for certain purposes.**

Regulations may provide that a person who would be entitled to any benefit but for the operation of section 49 or 50 of, or paragraph 11 of Schedule 11 to, this Act or of any provision of this Act disqualifying him for receipt of that benefit shall be treated as if entitled thereto for the purpose of any rights or obligations under this Part of this Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit:

Provided that regulations under this section shall not provide that a person disqualified for receiving unemployment benefit or sickness benefit by reason only of a delay or failure to make a claim or give a notice shall be treated as having been entitled thereto for the purpose of ascertaining whether his right to that benefit has been exhausted.

**52 Administration of benefit.**

- (1) Provision may be made by regulations as to the time and manner of payment of benefit, and as to the information and evidence to be furnished by beneficiaries when applying for payment, and regulations made jointly by the Minister and the Postmaster General may provide for payment through the Post Office.
- (2) Regulations made under this section as to the time of payment of benefit may provide—
  - (a) notwithstanding anything in this Act, for adjusting the commencement and termination of benefit, or of changes in the rate of benefit, so that, except in the case of unemployment benefit and sickness benefit, payments shall not be made in respect of periods less than a week or at different rates for different parts of a week;
  - (b) for extinguishing the right to any sum payable by way of benefit where payment thereof is not obtained within six months or such shorter period as may be prescribed from the time at which that sum is receivable in accordance with the regulations.

- (3) Regulations may also provide—
- (a) for enabling a person to be appointed to exercise, on behalf of a claimant or beneficiary who is a child or who may be or become unable for the time being to act, any right or power which the claimant or beneficiary may be entitled to exercise under this Act, and for authorising a person so appointed to receive and deal with any sum payable by way of benefit on behalf of the claimant or beneficiary ;
  - (b) in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his name, for authorising payment or distribution of benefit to or amongst persons claiming as his personal representatives, legatees, next of kin or creditors (or, in cases of illegitimacy of deceased persons, to or amongst others) and for dispensing with strict proof of the title of persons so claiming.
- (4) Regulations under paragraph (b) of subsection (3) of this section may make provision with respect to claims for, and the payment of, death grant as if it were a benefit due to the deceased at his death and as if the references in that paragraph to creditors included a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses; and for the purposes of the said paragraph (b) the expression " next of kin" shall be construed as referring—
- (a) in England and Wales, to persons who would take beneficially on an intestacy under the provisions of Part IV of the Administration of Estates Act 1925 ;
  - (b) in Scotland, to the persons entitled to the moveable estate of the deceased on intestacy.

### **53 Benefit to be inalienable.**

Subject to the provisions of this Act, every assignment of, or charge on, benefit, and every agreement to assign or charge benefit, shall be void, and, on the bankruptcy, or, in Scotland, on the sequestration of the estate, of a beneficiary, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

*Supplementary.*

### **54 Proceedings by employees for benefit lost by employer's default.**

- (1) Where an employer has failed or neglected—
- (a) to pay contributions which under this Act he is liable to pay on behalf of any employed person in his employment; or
  - (b) to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions,
- and by reason thereof that person has lost, in whole or in part, any unemployment benefit, sickness benefit, or maternity benefit to which he or she would have been entitled, that person shall be entitled to recover summarily from the employer as a civil debt a sum equal to the amount of the benefit so lost.
- (2) Where the employed person is a man, his wife or widow shall have the same right to recover under the foregoing subsection in respect of maternity benefit lost by her as if the employer's failure or neglect had been in respect of her.

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

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- (3) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Act in respect of the same failure or neglect.
- (4) Proceedings under this section may, notwithstanding any enactment to the contrary, be brought at any time within one year after the date on which the employed person or his wife or widow, but for the failure or neglect of the employer, would have been entitled to receive the benefit lost.
- (5) In the application of subsection (1) of this section to Scotland, the word " summarily " shall be omitted.

## **55 Provisions as to maintenance.**

- (1) Regulations may provide for determining the circumstances in which a person is or is not to be deemed for the purposes of this Part of this Act to be wholly or mainly maintaining, or to be contributing at any weekly rate to the maintenance of, another person or to be or have been contributing at any weekly rate to the cost of providing for a child.
- (2) Regulations under the foregoing subsection may provide, for the purpose of the provisions relating to an increase of benefit in respect of a wife or other adult dependant, that where—
  - (a) a person is partly maintained by each of two or more beneficiaries, each of whom would be entitled to such an increase in respect of that person if he were wholly or mainly maintaining that person ; and
  - (b) the contributions made by those two or more beneficiaries towards the maintenance of the person amount in the aggregate to sums which would, if they had been contributed by one of those beneficiaries, be sufficient to satisfy the requirements of regulations made by virtue of subsection (1) of this section,that person shall be deemed for the purpose of the said provisions to be wholly or mainly maintained by such of those beneficiaries as may be prescribed.
- (3) Regulations may provide for any sum or sums paid by a person by way of contribution towards either or both of the following, that is to say, the maintenance of his wife and the cost of providing for one or more children, to be treated for the purposes of section 38(c), 41(3), 42(1)(b) or 43(1)(a)(ii) of this Act as such contributions, of such respective amounts equal in the aggregate to the said sum or sums, in respect of such persons, as may be determined in accordance with the regulations so as to secure as large a payment as possible by way of benefit in respect of dependants.



## PART III

### NON-PARTICIPATING EMPLOYMENTS.

#### *Determination of nature of employment.*

#### **56 Non-participating employments.**

- (1) Subject to the provisions of this Act, an employed contributor's employment shall, in relation to any person employed in it who is over the age of eighteen and under pensionable age, be a non-participating employment for any period during which—
  - (a) his service in it, subject to paragraph 12 of Schedule 11 to this Act, is service qualifying him under a recognised superannuation scheme for retirement benefits by way of pension which are on the whole as favourable as the right to benefit to be derived from graduated contributions (in this Act referred to as "equivalent pension benefits"); and
  - (b) there is in force a certificate issued under this section to the employer that the employment is to be treated as a non-participating employment;and an employment which is a non-participating employment in relation to a person employed in it immediately before he attains pensionable age shall, if the conditions of this Part of this Act other than paragraph (a) of this subsection are satisfied, continue to be a non-participating employment in relation to him so long as he continues to be employed in it and has not retired from regular employment.
- (2) Where a person is in the same contribution week employed both in a non-participating employment and in another employed contributor's employment, then unless provision to the contrary is made by regulations, any contribution payable by or in respect of him for that week under section 3 of this Act shall be payable at the rate appropriate to a non-participating employment.
- (3) Subject to paragraph 13 of Schedule 11 to this Act, where a person is in any income tax year employed both in a non-participating employment and in another employed contributor's employment, then any question as to the amount (if any) by which the graduated contributions paid by him in respect of remuneration paid in that year exceed the amount prescribed under section 4(4) of this Act shall be determined as if (in addition to those contributions) on the first day of any contribution week in which he was employed in a non-participating employment he had paid a graduated contribution in respect of a weekly payment of remuneration of eighteen pounds made on that day:  
  
Provided that if he is treated under section 58 of this Act as having on any such day paid a graduated contribution or part of one, this subsection shall treat him as paying on that day only such contribution (if any) as is necessary in order to make up the amount he is treated as having paid to that of such a graduated contribution as aforesaid.
- (4) For the purpose of determining liability to graduated contributions, an employment shall be deemed to be a non-participating employment in relation to a person previously (but no longer) employed in it if—
  - (a) it was a non-participating employment in relation to him when he was last employed in it; or
  - (b) he ceased to be employed in it on or before attaining the age of eighteen, and on attaining that age was employed in a non-participating employment under the same employer in place of it.

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

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- (5) Regulations shall provide for the issue to employers of certificates specifying the employments which are to be treated either generally or in relation to any description of persons specified in the certificate as non-participating employments, and for the cancellation, variation or surrender of any certificate or issue of an amended certificate on any change of circumstances affecting the treatment of an employment as a non-participating employment, and (subject to the exclusion by subsection (1) of this section of persons under the age of eighteen or over pensionable age) any such certificate for the time being in force shall be conclusive that the employments included in it are non-participating employments:

Provided that—

- (a) except in such circumstances as may be prescribed, no such certificate or cancellation, surrender or variation of such a certificate shall have effect from a date earlier than the beginning of the contribution week following that in which it is issued or made ; and
- (b) subject to the provisions of this Act, an employment otherwise satisfying the conditions for inclusion in such a certificate shall be so included if and so long as the employer so elects, and not otherwise.

## **57 Equivalent pension benefits, etc.**

- (1) For the purposes of this Part of this Act, but subject to section 63(2) thereof and paragraph 14 of Schedule 11 thereto, equivalent pension benefits, in relation to any period of service in an employment, comprise, and comprise only, retirement benefits by way of pension as respects which the following conditions are satisfied, that is to say—
- (a) the benefits consist of or include a pension which (subject to any condition as to retirement) commences not later than pensionable age, and there is no condition postponing beyond pensionable age the age at which retirement on pension is allowed; and
  - (b) there is no provision for the surrender, commutation or assignment of the pension or, if there is, some part of the pension is excluded from the operation of it; and
  - (c) the pension or the said part of it is payable for life, and is not capable of being terminated or suspended except for such causes, if any, as may be prescribed; and
  - (d) apart from any period before pensionable age, the pension or the said part of it is of an amount not less, when expressed as an annual rate, than, in the case of a man, three pounds nine shillings and sevenpence a year, and, in the case of a woman, two pounds eighteen shillings a year, for each year of the period of service.
- (2) Where service in an employment contingently qualifies a person employed in it for retirement benefits by way of pension, then, in determining whether the employment can be treated as a non-participating employment in relation to the persons from time to time so employed or any of them, a person's service shall be treated as qualifying him for such pension benefits, as, in the existing circumstances, can reasonably be expected to accrue to him from a period of service of appropriate length, on the assumption that he remains in an employment qualifying him for those benefits until pensionable age (or as near to that age as the terms of the employment allow) but no longer.

- (3) In determining whether an employment can be treated as a non-participating employment in a case where a limit on the maximum amount of the benefits payable or any description of them operates to prevent service beyond a given length from qualifying a person for further benefits, the qualification arising from any period of service shall be determined on the assumption that the total service does not exceed that length.
- (4) Any scheme or arrangement having for its object or one of its objects to make provision in respect of persons serving in particular employments for providing them with retirement benefits by way of pension shall be a recognised superannuation scheme for the purposes of this Part of this Act—
- (a) if it is established by Act of Parliament or of the Parliament of Northern Ireland, or other instrument having the force of law ; or
  - (b) if the benefits for which service in those employments qualifies a person, or such part of them as has to be taken into account to constitute them equivalent pension benefits, are secured by irrevocable trust, contract of assurance or annuity contract satisfying such conditions as may be prescribed, or in such other manner as may be prescribed, and the provision made to enable benefits to be paid (taking into account any additional resources which could and would be provided by the employer, or any person connected with the employer, to meet any deficiency) is adequate to ensure payment in full of the benefits or part aforesaid.
- (5) Where the date for a person's retirement on pension under a superannuation scheme is fixed by reference to his attaining pensionable age and so as to fall not later than six months after he does so, but does not depend solely on age, this section shall apply in relation to his benefits under that scheme as if he did not attain pensionable age before that date.

*Payments in lieu of contributions.*

**58 Payments in lieu of contributions in certain circumstances.**

Subject to paragraphs 15 and 16 of Schedule 11 to this Act, where an insured person's period of service in a non-participating employment comes to an end otherwise than by his death, and at the end of it he is not assured of equivalent pension benefits in respect of it, then subject to the provisions of this Act there shall be due to the National Insurance Fund from his employer in that employment a payment in lieu of contributions equal to the difference between—

- (a) the aggregate amount of the contributions which would have been payable by or in respect of the insured person during that period if on the first day of each contribution week beginning in that period there had been payable by and in respect of him contributions (other than graduated contributions) at the rates applicable on that day to persons employed otherwise than in a non-participating employment and also graduated contributions in respect of a weekly payment of remuneration of eighteen pounds made on that day ; and
- (b) the aggregate amount of the contributions which would have been payable by or in respect of him for that period if for each such contribution week contributions had been payable at the rates applicable to non-participating employments;

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and on the making of any payment required by this subsection the insured person shall be treated for the purposes of this Act as having paid such graduated contributions payable by him as are referred to in paragraph (a) of this subsection or, if the payment is less than the full amount required, a proportionate part of such contributions.

## **59 Further provisions as to payments in lieu of contributions.**

- (1) Except as provided by this section, section 58 of this Act shall apply whether a person's period of service in a non-participating employment comes to an end by reason of the termination of his service in that employment or by reason of the employment ceasing to be a non-participating employment, and, subject to any regulations under section 63(1) of this Act, where that period is brought to an end by an employer's death, shall apply as if it had come to an end immediately before the death.
- (2) For the purposes of the said section 58, if an employment becomes or ceases to be a non-participating employment in the course of a person's service in it, his service before and after the time when it does so shall be treated as service in different employments.
- (3) For the purposes of the said section 58, a person having at the end of his service in a non-participating employment equivalent pension benefits in respect of it shall be deemed to be assured of those benefits if, and shall be deemed not to be assured of them unless, either—
  - (a) he is absolutely and indefeasibly entitled to them, and the manner in which they are secured and the provision made for their payment are such as may be prescribed ; or
  - (b) such other conditions as may be prescribed are satisfied ;and regulations may provide for treating as having effect from the end of a person's service in a non-participating employment any option exercised or other thing done within the prescribed period thereafter in relation to his retirement benefits in respect of it.
- (4) Where—
  - (a) a payment in lieu of contributions would, but for this subsection, fall to be made in respect of a person on the coming to an end of his service in a non-participating employment; and
  - (b) on the coming to an end of that service, or within the prescribed period thereafter, he enters another non-participating employment; and
  - (c) his service in the previous employment is service qualifying him for equivalent pension benefits under the recognised superannuation scheme relating to his new employment (on the like assumptions as are to be made under section 57(2) and (3) of this Act in relation to his service in the new employment); and
  - (d) if the scheme is a recognised superannuation scheme by virtue of paragraph (b) of section 57(4) of this Act, the conditions of that paragraph are satisfied in relation to the said benefits,

then for the purpose of any liability to make a payment in lieu of contributions in respect of him the two employments shall be treated as a single continuous employment (any interval being disregarded):

Provided that—

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- (i) this subsection shall not apply unless either both employments are under the same employer or such other conditions as may be prescribed are satisfied; and
  - (ii) regulations may direct that paragraph (c) of this subsection shall not apply in any prescribed cases in which provision is made by the recognised superannuation scheme relating to the new employment for taking into account in any manner the service in the previous employment.
- (5) Provision may be made by regulations for excluding or restricting the liability to make payments in lieu of contributions in cases where a person serves at the same time in more than one employment, and for modifying the operation of any provision of this Act in relation to any such payment of which the amount is reduced by virtue of this subsection; and regulations may also modify the operation of subsection (4) of this section in cases where a person serves as aforesaid or would, apart from the regulations, be treated by virtue of that subsection as so serving.
- (6) Where an insured person's period of service in a non-participating employment comes to an end otherwise than by his death, and at the end of it he is over pensionable age, then for the purpose of any liability to make a payment in lieu of contributions in respect of that service he shall be deemed to be assured at the end of it (in lieu of any pension benefits he then has) of the same pension benefits, save as provided by regulations under subsection (3) of this section, as those of which he would have been assured on the coming to an end of the service on his attaining pensionable age by his then retiring from the employment; and any question whether those benefits are equivalent pension benefits, and any question as to the amount of, or as to the graduated contributions attributable to, any payment in lieu of contributions, shall be determined as if the service had come to an end by his so retiring:
- Provided that where the date for his retirement on pension under the recognised superannuation scheme relating to the employment is fixed by reference to his attaining that age and so as to fall not later than six months after he does so, but does not depend solely on age, this subsection shall apply as if he did not attain that age before that date.
- (7) A payment in lieu of contributions shall become due at such time as may be prescribed after the end of the period of service to which it relates ; and if any person fails to make at or within the time prescribed for the purpose any such payment for which he is liable, he shall be liable to be proceeded against and punished under section 8(2) of this Act as for a failure so to make payment of a contribution.
- (8) Section 14(1) of this Act shall apply to payments in lieu of contributions as it applies to contributions, and for the purposes of paragraph (c) of the said section 14(1) any such payment shall be deemed to be payable by an employer on behalf of the insured person in respect of whom it is payable.

## **60 Employer's rights against insured person in respect of payment in lieu of contributions.**

- (1) Where on the coming to an end of an insured person's service in a non-participating employment—
- (a) he (or, by virtue of a connection with him, any other person) is entitled to a refund of any payments made under the recognised superannuation scheme by or in respect of him towards the provision of benefits under the scheme; and

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(b) a payment in lieu of contributions falls to be made in respect of him under this Act,

then, subject to the provisions of this section, the person liable for the payment in lieu of contributions shall be entitled on making that payment or any part of it to recover one half of the sum paid by him from the person liable for the refund :

Provided that the amount recoverable shall not exceed the amount of the refund, or so much of it as has not been made.

(2) Where the period taken into account in fixing the amount of a payment does not coincide with that in respect of which the refund is to be made, then (subject to subsection (3) of this section) the amount recoverable under this section shall be determined by reference to so much of the payment and of the refund as are referable to the same period.

(3) The amount which may be recovered under this section in respect of any payment in lieu of contributions shall be increased by such amount as may be prescribed where—

- (a) under section 59(4) of this Act the insured person's service in any previous employment is treated in fixing the payment in lieu of contributions as service in the employment in respect of which the refund is made; and
- (b) the refund includes any amount in respect of a payment made by or in respect of the insured person towards the provision for him of benefits under the scheme in respect of service in the previous employment.

(4) Where the person liable for the payment in lieu of contributions is himself liable for the refund, he shall be entitled to retain out of the refund the amount which he could recover under this section from another person who was liable for the refund.

(5) The amount of the refund shall be reduced by any amount recovered or retained under this section; and provision shall be made by regulations for requiring the making of refunds to be delayed for the purpose of enabling any right of recovery conferred by this section to be exercised, and shall have effect notwithstanding anything in any enactment relating to the making of the refund.

(6) Where on the coming to an end of an insured person's service in a non-participating employment—

- (a) he (or, by virtue of a connection with him, any other person) is entitled to a refund of any payments made by or in respect of him under the recognised superannuation scheme relating to a previous employment towards the provision of benefits under that scheme; and
- (b) a payment in lieu of contributions falls to be made in respect of him, and under the said section 59(4) his service in the two employments is treated as service in one employment in fixing that payment,

then in respect of that payment the person liable for it shall have the like right of recovery from that refund (so far as the payment is not recoverable out of a refund in respect of a later employment) as a person has under the foregoing provisions of this section where a payment in lieu of contributions and a refund fall to be made on the coming to an end of service in the employment in respect of which the refund is to be made; and subsection (5) of this section shall apply accordingly.

(7) Notwithstanding any contract to the contrary, a person shall not be entitled to recover any part of a payment in lieu of contributions made or to be made by him from the person in respect of whom it is payable or, except in accordance with this section, out of any moneys payable to or for the benefit of that person.

## **61 Recovery of payments in lieu of contributions in event of bankruptcy, etc.**

- (1) There shall be included among the debts which—
- (a) under section 33 of the Bankruptcy Act 1914 are to be paid in priority to all other debts in the distribution of the property of a bankrupt or a deceased debtor; or
  - (b) under section 118 of the Bankruptcy (Scotland) Act 1913 are to be paid in priority to all other debts in the division of a bankrupt's estate; or
  - (c) under section 319 of the Companies Act 1948 are to be paid in priority to all other debts in the winding-up of a company, or under section 94 of that Act are on an appointment of a receiver on behalf of debenture holders or taking of possession by or on behalf of debenture holders to be paid in priority to any claim for principal or interest in respect of the debentures,

any payment in lieu of contributions payable on the termination of a person's employment before or by the effect of the receiving order or death, the award of sequestration, the winding-up order or resolution, or the appointment of the receiver or taking of possession, as the case may be:

Provided that, where any such payment is payable in respect of a period of service of more than a year, the amount to be so paid in priority shall be limited to the amount of the payment in lieu of contributions which would have been payable if the service had been confined to the last year taken into account in fixing the actual amount of the payment.

- (2) Where—
- (a) by or by virtue of the foregoing subsection the whole or part of a payment in lieu of contributions is required to be paid in priority to other debts of the employer or his estate; and
  - (b) the person liable for that payment would be entitled to recover the whole or part of any sum paid by him on account of it from another person either under section 60 of this Act or under any provision made by the relevant superannuation scheme,

then that other person shall be liable for any part of the payment in lieu of contributions for the time being unpaid:

Provided that no person shall be liable by virtue of this subsection for an amount in excess of the sum which might be recovered from him as aforesaid if the payment in lieu of contributions had been paid in full by the employer, after deducting from that sum any amount which has been or may be recovered from him in respect of any part of that payment paid otherwise than under this subsection.

- (3) The payment under subsection (2) of this section of any amount in respect of a payment in lieu of contributions shall have the same effect upon the rights and liabilities of the person making it (other than his liabilities under that subsection) as if it had been a payment of that amount on account of the sum recoverable from him in respect of that payment in lieu of contributions as mentioned in paragraph (b) of that subsection.

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

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*Statutory superannuation schemes.*

**62 Special provisions for certain statutory superannuation schemes.**

- (1) In relation to employments of any class to which this section applies, the appropriate Minister may by regulations direct that elections with a view to the issue, variation, cancellation or surrender of certificates under this Part of this Act shall be made and revoked by him instead of by the employer.
- (2) Any such regulations may also make provision for other things which by or under this Part of this Act are required or authorised to be done by or to the employer to be done instead by or to the appropriate Minister, for treating employments of the class in question as employments under a single employer different from the employer in any other employment, and for the recovery from the employer of payments in lieu of contributions made by the appropriate Minister instead of by the employer.
- (3) Before making any regulations under this section the appropriate Minister shall consult with such bodies concerned with employments of the class in question as appear to him fairly to represent the interests of employers and employed persons in those employments.
- (4) Subject to subsections (5) and (6) of this section, the employments in which a person's service qualifies him for retirement benefits by way of pension under the enactments specified in any entry in Schedule 5 to this Act shall constitute a class to which this section applies, and in relation to that class the appropriate Minister shall be the Minister mentioned in the second column in that entry.
- (5) Where service in any employment would qualify a person as aforesaid under the enactments specified in any such entry but for rules having effect under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 (which relates to persons transferring to or from certain employments), the employment shall be treated as falling within the class to which that entry relates, and as not falling within any other class to which this section applies.
- (6) Where a local Act contains a provision for the payment of retirement benefits by way of pension for service which, but for the provision, would qualify a person for such benefits under the enactments specified in any entry in Schedule 5 to this Act, that provision shall be deemed to be included among the enactments specified in that entry.

*Additional powers to make regulations.*

**63 Regulations for purposes of Part III.**

- (1) Provision may for the purposes of this Part of this Act be made by regulations—
  - (a) for treating a person's employment, where it begins or ends in the course of a contribution week or of an income tax week, as doing so at the beginning or end of the week;
  - (b) for disregarding changes in a person's employment due to the death of an employer or other causes, and for treating employment under the new employer as a continuation of that under the former employer, and treating any certificate issued to or election made by the former employer as issued to or made by the new employer;



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- (c) for disregarding temporary interruptions in a person's employment, and for treating the employment as continuing during the interruption;
  - (d) generally as to the circumstances in which a person's employment is or is not to be treated as having come to an end.
- (2) Regulations may, in order to facilitate the computations needed to ascertain equivalent pension benefits for the purposes of section 58 or any other provision of this Act, convert the formula in section 57(1)(d) of this Act, as respects service before or service after 5th January 1964, or as respects both kinds of service, into a formula expressed in terms—
- (a) of a minimum annual rate of pension for a period of service expressed in terms of weeks, or
  - (b) of a minimum rate of pension, as a rate for a week or month or other period shorter than a year, for a period of service expressed in terms of weeks,
- adjusting the figures so as to admit of tabulation and so as to avoid fractional amounts or otherwise facilitate computation, and making special provision for a period of service which does not amount to a whole number of weeks and for a week of service which includes 5th January 1964.

## PART IV

### DETERMINATION OF CLAIMS AND QUESTIONS.

#### *Determination of certain questions by Minister.*

#### **64 Certain questions to be determined by Minister.**

- (1) Subject to the provisions of this Act, any question arising under this Act—
- (a) whether the contribution conditions for any benefit are satisfied, or otherwise relating to a person's contributions or payments under section 58 of this Act in lieu of contributions;
  - (b) which of two or more persons satisfying the conditions for an increase of benefit, whether of the same or a different description, shall be entitled to the increase where by virtue of some provision of this Act not more than one of them is so entitled;
  - (c) as to the class of insured persons in which a person is to be included ;
  - (d) as to the person to be treated as maintaining a child, or as to the family in which a child is to be treated as included, in a case where by virtue of the Schedule to the Family Allowances Act that question falls to be decided by the Minister in his discretion,
- shall be determined by the Minister; and a decision of the Minister on any question such as is mentioned in paragraph (d) of this subsection may be given so as to have effect with respect to a period before the date of the decision.
- (2) Subsection (1) of this section shall not apply—
- (a) to any question such as is mentioned in section 67(1)(b) of this Act;
  - (b) to any question to which section 74(1) of this Act applies.
- (3) The Minister may, if he thinks fit, before determining any question such as is mentioned in subsection (1)(a) to (c) of this section, appoint a person to hold an inquiry

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into the question or any matters arising in connection therewith and to report to him thereon.

## **65 Appeals from Minister's decisions.**

- (1) Any question of law arising in connection with the determination by the Minister of any question such as is mentioned in section 64(1)(a) to (c) of this Act may, if the Minister thinks fit, be referred for decision to the High Court.
- (2) In the event of the Minister determining in accordance with subsection (1) of this section to refer any question of law to the High Court, he shall send notice in writing of his intention so to do to the applicant and to any other person appearing to him to be interested therein.
- (3) Any person aggrieved by the decision of the Minister on any question of law such as is mentioned in subsection (1) of this section which is not referred in accordance with that subsection may appeal from that decision to the High Court.
- (4) The Minister shall be entitled to appear and be heard on any such reference or appeal as aforesaid.
- (5) The provision made by rules of court shall include provision for regulating references and appeals to the High Court under this section and for limiting the time within which such appeals may be brought.
- (6) So much of section 63(1) of the Supreme Court of Judicature (Consolidation) Act 1925 as requires an appeal from any person to the High Court to be heard and determined by a divisional court shall not apply to appeals under this section.
- (7) Notwithstanding anything in any Act, the decision of the High Court on a reference or appeal under this section shall be final, and on any such reference or appeal the court may order the Minister to pay the costs of any other person, whether or not the decision is in that other person's favour and whether or not the Minister appears on the reference or appeal.
- (8) In the application of this section to Scotland—
  - (a) for any reference to the High Court there shall be substituted a reference to the Court of Session ;
  - (b) subsection (6) shall be omitted;
  - (c) for the reference in subsection (7) to costs there shall be substituted a reference to expenses.

## **66 Review of Minister's decisions.**

- (1) The Minister may, on new facts being brought to his notice, or if he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact, review any decision given by him on any question such as is mentioned in section 64(1) (a) to (c) of this Act:

Provided that any such decision shall not be reviewed while an appeal under section 65 of this Act is pending against the decision of the Minister on a question of law arising in connection therewith, or before the time for so appealing has expired ; and the said section 65 shall apply with any necessary modifications to any case in which a question has been raised with a view to the review under this subsection of any such decision as aforesaid.

- (2) The Minister may at any time and from time to time reconsider the exercise of his discretion with respect to any question such as is mentioned in section 64(1)(d) of this Act and decide that question again with such other effect as may seem to him to be proper in the circumstances of the case.

*Determination of certain matters by insurance officers, local tribunals or Commissioner.*

**67 Certain questions to be determined by insurance officers, local tribunal or Commissioner.**

- (1) Subject to the provisions of this Act, any question arising under this Act—
- (a) as to the right to benefit; or
  - (b) whether a person would by reason of the provisions of, or of any regulations made under, section 22(2) or (3) of this Act have been disqualified for receiving either unemployment benefit or sickness benefit if he had otherwise had a right thereto,
- shall be determined in accordance with the provisions of sections 68 to 72 of this Act by an insurance officer, a local tribunal constituted under section 77 of this Act or the National Insurance Commissioner.
- (2) Subsection (1)(a) of this section shall not apply to any question to which section 64(1) or 74(1) of this Act applies.

**68 Submission of claims and questions to insurance officers.**

- (1) Insurance officers for the purposes of this Act shall be appointed by the Minister, subject to the consent of the Treasury as to number, to act for such areas or otherwise as the Minister directs, and may include officers of the Ministry of Labour appointed with the concurrence of the Minister of Labour and officers of the National Assistance Board appointed with the concurrence of that Board.
- (2) Any claim for benefit under this Act and any question to which section 67(1) of this Act applies shall be submitted forthwith to an insurance officer, who shall take the claim or question into consideration and, so far as practicable, dispose of it in accordance with this section and any regulations under section 75(2) of this Act within fourteen days of its submission to him.
- (3) Subject to section 71 of this Act, the insurance officer may in the case of any claim or question so submitted to him—
- (a) decide it in favour of the claimant; or
  - (b) decide it adversely to the claimant; or
  - (c) refer it to a local tribunal.
- (4) Where an insurance officer refers a case to a local tribunal in accordance with subsection (3)(c) of this section, notice in writing of the reference shall be given to the claimant.
- (5) Different aspects of the same claim or question may be submitted to different insurance officers under the foregoing provisions of this section, and for that purpose those provisions and the other provisions of this Part of this Act with respect to the determination of claims and questions shall have effect subject to any necessary modifications.

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## **69 Appeals from insurance officer to local tribunal.**

- (1) Where the insurance officer has decided any claim or question adversely to the claimant, the claimant may appeal to a local tribunal, and the claimant shall be notified in writing of the decision and the reasons therefor and of his right of appeal under this section:

Provided that where any question to which section 64(1) of this Act applies has arisen in connection with the decision of the insurance officer, and has been determined, and the insurance officer certifies that the decision on that question is the sole ground of his decision, no appeal shall lie without leave of the chairman of the local tribunal.

- (2) An appeal against a decision of an insurance officer shall be brought by giving notice of appeal at a local office within twenty-one days after the date of that decision or within such further time as the chairman of the local tribunal may for good cause allow.
- (3) A notice of appeal under this section shall be in writing and shall contain a statement of the grounds upon which the appeal is made.
- (4) In this and the next following section, the expression "local office" means any office appointed by the Minister as a local office for the purposes of this Act.

## **70 Appeals from local tribunal to National Insurance Commissioner.**

- (1) Subject to the provisions of this section, an appeal shall lie to the National Insurance Commissioner from any decision of a local tribunal at the instance of—
- (a) an insurance officer;
  - (b) the claimant;
  - (c) an association of employed persons, or any other association which exists to promote the interests and welfare of its members, where in either case—
    - (i) the claimant at the time of the appeal is a member of the association and was so immediately before the question at issue arose; or
    - (ii) the question at issue relates to the right to benefit by virtue of the insurance of a deceased person, and that person was a member of the association at the time of his death.
- (2) An appeal to the Commissioner must be brought within three months from the date of the decision of the local tribunal, or such further period as the Commissioner may in any case for special reasons allow, and such an appeal shall be brought by giving notice in writing in a form approved by the Minister stating the grounds of the appeal—
- (a) in the case of an appeal by an insurance officer, to the claimant; and
  - (b) in the case of an appeal by the claimant or an association such as is mentioned in subsection (1)(c) of this section, at a local office.
- (3) If it appears to the Commissioner that any appeal under this section involves a question of law of special difficulty, he may direct that the appeal shall be dealt with, not by the Commissioner alone, but by a tribunal consisting of any three of the Commissioner and the deputy Commissioners appointed under section 78 of this Act; and if the decision of any such tribunal is not unanimous, the decision of the majority shall be the decision of the tribunal.
- (4) If it appears to the Commissioner that any appeal under this section involves a question of fact of special difficulty, the Commissioner may direct that in dealing with the

appeal or any part thereof he shall have the assistance of an assessor or assessors specially qualified and selected from a panel appointed for that purpose.

- (5) The Commissioner may, if he thinks fit, refer any question arising for his decision to a registered medical practitioner for examination and report.

## **71 Reference of special questions.**

- (1) If on consideration of any claim or question an insurance officer is of opinion that there arises any question to which section 64(1) of this Act applies, he shall—
- (a) refer the latter question for determination in accordance (subject to any necessary modifications) with sections 64 to 66 of this Act; and
  - (b) deal with any other questions as if the question so referred had not arisen:

Provided that the insurance officer may—

- (i) postpone the reference of or dealing with any question until other questions have been determined;
  - (ii) in cases where the determination of any question disposes of a claim or any part thereof, make an award, or decide that an award cannot be made, as to the claim or that part thereof without referring or dealing with, or before the determination of, any other question.
- (2) Subsection (1) of this section shall apply to a local tribunal and the Commissioner as it applies to an insurance officer, except that a local tribunal or the Commissioner, instead of themselves or himself referring a question in accordance with subsection (1) (a) of this section, shall direct it to be so referred by an insurance officer.

## **72 Review of decisions of insurance officer, local tribunal or Commissioner.**

- (1) Any decision under sections 67 to 70 of this Act of an insurance officer, a local tribunal or the National Insurance Commissioner may be reviewed at any time by an insurance officer or, on a reference from an insurance officer, by a local tribunal, if—
- (a) he or they is or are satisfied, and, in the case of a decision of the Commissioner, satisfied by fresh evidence, that the decision was given in ignorance of, or was based on a mistake as to, some material fact; or
  - (b) there has been any relevant change of circumstances since the decision was given; or
  - (c) the decision was based on the decision of any question to which section 64(1) of this Act applies, and the decision of that question is revised in accordance with the provisions of section 66 of this Act.
- (2) A question may be raised with a view to such a review as aforesaid by means of an application in writing to an insurance officer, stating the grounds of the application.
- (3) On receipt of any such application, the insurance officer shall proceed to deal with or refer any question arising thereon in accordance with the provisions of the said sections 67 to 70.
- (4) Any decision given on a review under this section, and any refusal to review a decision under this section, shall be subject to appeal in like manner as an original decision, and the provisions of the said sections 67 to 70 shall, subject to the necessary modifications, apply in relation to any decision given on such a review as they apply to the original decision of a question.

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*Regulations as to determination of questions.*

**73 Regulations for determination of questions.**

- (1) Notwithstanding the provisions of sections 64 to 72 but subject to any other provision of this Act, in the case of any question arising under or in connection with this Act, including any claim for benefit, other than a question such as is mentioned in section 64(1)(d) of this Act, provision may be made by regulations for the determination of that question by the Minister or by a person or tribunal appointed or constituted in accordance with the regulations; and any such regulations may vary or revoke the provisions of sections 64, 65(1) to (4), 66 to 72 and 77 of this Act so far as they relate to any question to which the regulations relate.
- (2) As respects any question as to the right to benefit other than such a question as is mentioned in section 64(1) or 74(1) of this Act and other than a question as to entitlement to a death grant, regulations under subsection (1) of this section shall not provide for the determination of that question by the Minister but, subject to subsection (3) of this section, shall provide—
  - (a) for the submission of the question in the first instance to an officer appointed by the Minister;
  - (b) for authorising the said officer either himself to determine the question or to refer it to a local tribunal, and for enabling an appeal to be brought from the officer's decision to such a tribunal;
  - (c) for enabling an appeal to be brought from such a tribunal to, or to a tribunal presided over by, the National Insurance Commissioner or a deputy Commissioner appointed under section 78 of this Act.
- (3) Regulations made by virtue of subsection (2) of this section may provide for the submission of different aspects of the same question to different officers; and for that purpose paragraphs (a) and (b) of that subsection shall have effect subject to the necessary modifications.
- (4) Regulations under subsection (1) of this section may provide for the reference to the High Court for decision of any question of law arising in connection with the determination of a question by the Minister, and for appeals to the High Court from the decision of the Minister on any such question of law; and subsections (5) to (8) of section 65 of this Act shall apply to any reference or appeal under this subsection as they apply to any reference or appeal under subsections (1) to (3) of that section.
- (5) In the application of subsection (4) of this section to Scotland, for references to the High Court there shall be substituted references to the Court of Session.

**74 Determination of questions under Part III.**

- (1) Regulations under section 73(1) of this Act shall provide—
  - (a) for the determination by an officer appointed by the Minister (hereafter in this section referred to as "the registrar") of any question whether an employment is to be treated as a non-participating employment, or as to the persons in relation to whom or the period for which it is to be so treated, and for the issue, variation and cancellation by the registrar of the certificates under section 56 of this Act specifying the employments which are to be so treated ;
  - (b) for enabling any such question, instead of being determined as aforesaid, to be referred to an adjudicator (being a barrister or advocate of not less than

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- ten years' standing) appointed for the purposes of Part III of this Act, and for enabling appeals to be brought to such an adjudicator from decisions of the registrar;
- (c) for enabling the functions of the registrar to be exercised by officers appointed to act as his deputies by the Minister, and for enabling an adjudicator to have the assistance of one or more assessors in dealing with a case.
- (2) Regulations may also make provision for any incidental matters connected with the operation of the provisions of this Act relating to non-participating employments, including the information which may be required from any person, and in particular shall provide—
- (a) for enabling the registrar to cancel or vary any such certificate as aforesaid where he has reason to suppose that any employments to which it relates ought not to be treated as non-participating employments in accordance with the certificate and the employer does not show that they ought;
- (b) for regulating the manner in which employers are to make or revoke an election with a view to the issue, variation, cancellation or surrender of such a certificate, and requiring them to give notice for the purpose of informing employed persons and others of their intention to do so;
- (c) for enabling the registrar to defer the issue or variation of such a certificate so as to enable the relevant election to be further considered in the light of any representations made by persons to whom notice of the election is required by regulations to be given or by organisations representing any such persons ;
- (d) for requiring employers (except in such cases as may be prescribed) to give notice to the Minister when a person's period of service in a non-participating employment begins or comes to an end.
- (3) Any appointment for the purposes of Part III of this Act of an adjudicator, as required by subsection (1) of this section, shall be made by the Lord Chancellor, after consultation, if the person appointed is an advocate, with the Lord President of the Court of Session.

*Supplementary provisions as to determination of claims and questions.*

## **75 Supplementary provisions.**

- (1) Subject to the provisions of sections 64 to 72 of this Act, the decision of any claim or question in accordance with those provisions, and, subject to the provisions of any regulations under section 73 of this Act, the decision of any claim or question in accordance with the provisions of those regulations, shall be final.
- (2) Subject to the other provisions of this Part of this Act, regulations may, in relation to the determination of claims or questions in accordance with sections 64 to 72 or with regulations under section 73 of this Act, include provision—
- (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
- (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence;

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(c) for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses;

and except so far as it may be applied in relation to England and Wales by regulations made by virtue of this subsection the Arbitration Act 1950 shall not apply to any proceedings under sections 64 to 74 of this Act.

(3) It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not.

## **76 Determination of certain questions as to child or family.**

(1) Where any question such as is mentioned in subsection (3) of this section arises with respect to benefit under this Act (other than such a question as is mentioned in section 64(1)(d) thereof), that question shall be determined in accordance with the provisions of sections 67 to 73 of this Act in like manner, subject to any prescribed modifications and adaptations, as a corresponding question arising in respect of an allowance under the Family Allowances Act falls to be determined by virtue of section 5(2) of that Act.

(2) Any decision of any question such as is mentioned in subsection (3)(a) to (c) of this section given under this Part of this Act, whether given for the purposes of this Act, the Industrial Injuries Act or the Family Allowances Act, shall have effect also for the purposes of the others of those Acts.

(3) The questions referred to in subsections (1) and (2) of this section are questions—

- (a) whether any person is or was a child or is or was under school leaving age ;
- (b) whether any person has or had a family including a child or children, or is or was a child of some other person's family (but not whether a person is to be treated for the purpose of any provision of this Act as having a family including a child or children or as being a child of some other person's family);
- (c) whether any person could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as, or but for certain facts would have been, or could have been treated as aforesaid as, a child of any other person's family ;
- (d) whether, for the purposes of the payment to a beneficiary of any benefit under this Act in respect of a child, the child in question is living with the beneficiary.

*Provisions as to local tribunals, Commissioner, etc.*

## **77 Constitution of local tribunals.**

(1) A local tribunal for the purposes of sections 67 to 72 of this Act shall consist of—

- (a) one member drawn from a panel composed of persons representing employers and persons representing insured persons other than employed persons;
- (b) one member drawn from a panel of persons representing employed persons;
- (c) a person appointed by the Minister to act as chairman.

(2) The panels referred to in subsection (1) of this section shall be constituted by the Minister for the whole of Great Britain, and each panel shall relate to such area as the Minister thinks fit, and be composed of such persons as the Minister sees fit to appoint.



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- (3) Before appointing members to either of the panels, the Minister may take into consideration any recommendation from a local advisory committee constituted under section 89 of this Act or from any other local committee representing employers or insured persons or both, or from organisations concerned with the interests of employers or insured persons, including friendly societies or organisations representative of friendly societies.
- (4) The members of the panels shall hold office for such period as the Minister may direct:  
Provided that the Minister may at any time terminate the appointment of any member of a panel.
- (5) So far as practicable, each member of a panel shall be summoned to serve in turn upon a local tribunal:  
Provided that—
- (a) no member of a panel shall sit upon a local tribunal during the consideration of a case—
    - (i) in which he appears as the representative of the claimant; or
    - (ii) by which he is or may be directly affected ; or
    - (iii) in which he has taken any part as an official of an association, or as an employer, or as a witness, or as a person to whom any question arising thereon has been referred for examination and report in accordance with section 64(3) or with regulations under section 73(1) of this Act or otherwise;
  - (b) where the benefit claimed is unemployment benefit, the member chosen from the first panel shall, if practicable, be a representative of employers; and
  - (c) in any case in which the claimant is a woman, at least one of the members of the tribunal, if practicable, shall be a woman.
- (6) Any case may, with the consent of the claimant but not otherwise, be proceeded with in the absence of any member of the local tribunal other than the chairman, and in any such case the tribunal shall be deemed to be properly constituted and the chairman shall, if the number of the members of the tribunal is an even number, have a second or casting vote.
- (7) A person appointed to act as chairman of a local tribunal shall hold and vacate office in accordance with the terms of his letter of appointment.
- (8) Where several persons are appointed to act as chairmen for a particular area they shall as far as practicable be invited to preside over a tribunal in turn:  
Provided that this subsection shall not apply to a person expressly appointed to serve as a substitute when some other person may be unwilling or unable to act.

## **78 National Insurance Commissioner and deputy Commissioners.**

- (1) The National Insurance Commissioner shall be appointed by Her Majesty, and Her Majesty may appoint for the purposes of this Act such number of deputy Commissioners as Her Majesty thinks fit.
- (2) The Commissioner and deputy Commissioners shall be barristers or advocates of not less than ten years' standing.

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- (3) Unless the context otherwise requires, any reference in this Act to the National Insurance Commissioner shall include a reference to a deputy Commissioner and to any tribunal constituted under section 70(3) of this Act.

**79 Pension benefits of Commissioner and deputy Commissioners.**

- (1) Without prejudice to the pension benefits conferred by the Administration of Justice (Pensions) Act 1950, the Minister may from time to time recommend to the Treasury that there shall be paid out of moneys provided by Parliament to the National Insurance Commissioner or any deputy Commissioner appointed under section 78 of this Act an annual sum by way of superannuation allowance calculated in accordance with Schedule 6 to this Act if either—
- (a) he is at the time of his retirement over the age of seventy two or, where he retires after fifteen years' service, the age of sixty-five ; or
  - (b) the Minister is satisfied by means of a medical certificate that at the time of his retirement he is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (2) For the purposes of the foregoing subsection and the said Schedule 6—
- (a) service as National Insurance Commissioner or deputy Commissioner which is not remunerated by means of a salary shall be disregarded;
  - (b) service as deputy Commissioner shall, subject to the foregoing paragraph, count (in the case of a person retiring as National Insurance Commissioner) as service as National Insurance Commissioner;
  - (c) the Treasury may by regulations provide for counting as service as National Insurance Commissioner or as deputy Commissioner pensionable service in any other capacity under the Crown.
- (3) The decision of the Treasury shall be final on any question arising as to—
- (a) the amount of any superannuation allowance under this section; or
  - (b) the reckoning of any service for the purpose of calculating such an allowance.
- (4) Where the rate of the superannuation allowance payable to any person under subsection (1) of this section as National Insurance Commissioner or deputy Commissioner is or would be increased by virtue of regulations made under subsection (2)(c) of this section in respect of service in some other capacity, and a pension payable to him wholly in respect of service in that other capacity would have been paid and borne otherwise than out of moneys provided by Parliament, any pension benefits paid to or in respect of him as having been Commissioner or deputy Commissioner shall, to such extent as the Treasury may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.
- (5) In this section, the expression " pension" includes any superannuation or other retiring allowance or gratuity, and the expression " pensionable " shall be construed accordingly, and the expression " pension benefits " includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person's service or employment to other persons by way of widow's or orphan's pension or otherwise.

## **80 Remuneration and expenses of Commissioner and other persons.**

- (1) The Minister shall pay to the National Insurance Commissioner and any deputy Commissioner appointed under this Act such salary or other remuneration as the Treasury may determine and such expenses incurred in connection with the work of the Commissioner, a deputy Commissioner or any tribunal presided over by the Commissioner or a deputy Commissioner as may be so determined.
- (2) The Minister may pay—
  - (a) to any other person appointed under the foregoing provisions of this Part of this Act to determine questions or as a member of or assessor to any tribunal constituted under those provisions, such remuneration and such travelling and other allowances,
  - (b) to any person required to attend at any proceedings under this Part of this Act, such travelling and other allowances, and
  - (c) such other expenses in connection with the work of any person or tribunal appointed or constituted under any provision of this Part of this Act (other than a tribunal presided over by the Commissioner or a deputy Commissioner),  
as the Minister with the consent of the Treasury may determine.
- (3) The Minister may pay to any person required under this Act (whether for the purposes of the foregoing provisions of this Part of this Act or otherwise) to attend for or to submit himself to medical or other examination or treatment such travelling and other allowances as the Minister with the consent of the Treasury may determine.
- (4) In this section references to travelling and other allowances include references to compensation for loss of remunerative time :

Provided that such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this section.

## **81 Recovery of benefit wrongly paid, interim payments of benefit, and arrears.**

- (1) Where benefit is or has been paid in pursuance of a decision which is reversed or varied on appeal, or is revised on a review, then, subject to subsection (2) of this section, the decision given on the appeal or review shall require repayment to the National Insurance Fund of any benefit paid in pursuance of the original decision to the extent to which it—
  - (a) would not have been payable if the decision on the appeal or review had been given in the first instance; and
  - (b) is not directed to be treated as paid on account of the benefit awarded by the decision on appeal or review, or as having been properly paid.
- (2) A decision given on appeal or review shall not require repayment of benefit paid in pursuance of the original decision in any case where it is shown to the satisfaction of the person or tribunal determining the appeal or review that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.
- (3) Regulations may make provision as respects matters arising—
  - (a) pending the determination under this Act (whether in the first instance or on an appeal or reference, and whether originally or on review) of any claim for benefit or of any question affecting any person's right to benefit or to the receipt thereof or any person's liability for contributions ; or

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- (b) out of the revision on appeal or review of any decision under this Act on any such claim or question.
- (4) Without prejudice to the generality of subsection (3) of this section, regulations thereunder may include provision—
- (a) as to the date from which any decision on a review is to have effect or to be deemed to have had effect;
  - (b) for treating any benefit paid to any person under an award, or by virtue of any provision of the regulations, which it is subsequently decided was not payable, as properly paid or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit and the recovery thereof by deduction from other benefit or otherwise;
  - (c) modifying subsections (1) and (2) of this section in relation to sums paid by way of benefit in respect of a child of the family of a man and his wife living together where those sums would have been receivable, if properly paid, by either the man or the wife;
  - (d) making any such provision for the recovery of sums paid by way of benefit and required to be repaid by virtue of subsection (1) of this section as is authorised to be made in a case where repayment is required by the regulations.
- (5) Where in the case of any sums paid by way of benefit before 26th February 1962—
- (a) the decision in pursuance of which they were paid was before that date reversed or varied on an appeal, or revised on a review, in such a way that those sums or any part of them would not have been payable if the decision on appeal or review had been given in the first instance; and
  - (b) that decision on appeal or review is itself reversed or varied on an appeal, or revised on a review, under this Act,
- any question arising on the appeal or review under this Act as to the repayment of those sums or that part of them shall be determined in accordance with the provisions as to repayment in force immediately before that date.
- (6) Where, in the case of any person, any sum may by virtue of regulations under subsection (3) of this section be recovered by deduction from benefit under this Act, it may instead be recovered from him in whole or in part by deduction from any payment under the Industrial Injuries Act, and any amount so recovered shall be paid to the National Insurance Fund.
- (7) Regulations may provide for unemployment benefit of which repayment is required by virtue of subsection (1) of this section to be repaid to or through a local education authority administering unemployment benefit by virtue of section 11 of the Employment and Training Act 1948.
- (8) The provisions of Schedule 7 to this Act shall have effect to enable sums paid by way of benefit under this Act or the Industrial Injuries Act or by way of family allowance, and afterwards found not to have been payable, to be treated as paid on account of any sums properly payable to the same person by way of such a benefit or allowance, or to be treated as properly paid, and to provide for matters arising out of their being so treated.
- (9) Nothing in this Act shall prejudice the provisions of sections 13 and 14 of the National Assistance Act 1948 with respect to the abatement of payments in respect of arrears of benefit.

## **82 Saving for Tribunals and Inquiries Act 1958.**

The provisions of this Part of this Act shall have effect subject to the provisions of the Tribunals and Inquiries Act 1958.

### **PART V**

#### **FINANCE, ADMINISTRATION AND LEGAL PROCEEDINGS.**

##### *Finance.*

## **83 National Insurance Fund.**

- (1) The National Insurance Fund shall continue to be maintained under the control and management of the Minister, and—
  - (a) there shall be paid into that Fund all contributions payable under this Act by employers and insured persons and out of moneys provided by Parliament;
  - (b) there shall be paid out of that Fund—
    - (i) all claims for benefit;
    - (ii) any sums payable by virtue of paragraph 19(b) of Schedule 11 to this Act;
    - (iii) such sums as are necessary to make good to the Industrial Injuries Fund or the Treasury, as the case may be, the amount by which any payments to be made out of the National Insurance Fund are reduced by reference to sums borne by the Industrial Injuries Fund or by moneys provided by Parliament, as the case may be, by virtue of Schedule 7 to this Act;
    - (iv) any sums payable out of the National Insurance Fund by virtue of section 13(2) of the National Assistance Act 1948, section 3(6), 5(2) or 11(2) of the Employment and Training Act 1948 or section 8(5) of the Agriculture (Miscellaneous Provisions) Act 1949;
  - (c) there shall be included among the liabilities of the National Insurance Fund any liabilities to which the assets transferred to that Fund or the National Insurance (Reserve) Fund in pursuance of section 66 of the Act of 1946 would have been applicable but for that Act.
- (2) Where, under any enactment or otherwise, payments fall to be made by way of adjustment between the National Insurance Fund and the Industrial Injuries Fund, then, in such cases or classes of case as the Minister may with the consent of the Treasury determine, the amount due from either of those Funds to the other shall be taken to be such as may be so determined and payments on account thereof shall be made at such times and in such manner as the Minister may with the like consent direct.
- (3) Where in the opinion of the Minister any of the assets referred to in subsection (1) (c) of this section which for the time being form part of the assets of the National Insurance Fund are unsuitable for retention as assets of that Fund, they may be sold or otherwise disposed of in such manner as the Minister may, with the approval of the Treasury, determine.
- (4) Accounts of the National Insurance Fund shall be prepared in such form, in such manner and at such times as the Treasury may direct, and the Comptroller and Auditor

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General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before Parliament.

- (5) Any moneys forming part of the National Insurance Fund may from time to time be paid over to the National Debt Commissioners and by them invested, in accordance with such directions as may be given by the Treasury, in any securities which are for the time being authorised by Parliament as investments for savings banks funds.
- (6) The National Debt Commissioners shall present to Parliament annually an account of the securities in which moneys forming part of the National Insurance Fund are for the time being invested.

#### **84 National Insurance (Reserve) Fund.**

- (1) The National Insurance (Reserve) Fund shall continue to be maintained under the control and management of the Minister as a reserve for the National Insurance Fund.
- (2) Section 83(3) to (6) of this Act shall apply to the National Insurance (Reserve) Fund as they apply to the National Insurance Fund.
- (3) Any sums determined by the Treasury to be income of the National Insurance (Reserve) Fund shall be paid into the National Insurance Fund.
- (4) Subject to the foregoing provisions of this section, a payment out of the National Insurance (Reserve) Fund shall not be made otherwise than under the authority of a resolution of the Commons House of Parliament and shall be made subject to such conditions as to repayment or otherwise as may be specified in the resolution.
- (5) There may be transferred from time to time from the National Insurance Fund to the National Insurance (Reserve) Fund such assets as the Minister, with the approval of the Treasury, may determine.

#### **85 Expenses of Minister and other government departments.**

- (1) Without prejudice to subsection (4) of this section, any expenses incurred by the Minister or any other government department (except the Postmaster General) in carrying this Act into effect, including—
  - (a) such part of the sums referred to in subsection (2) of this section as is attributable to the execution of this Act;
  - (b) expenses in connection with any inquiry undertaken on behalf of the Minister with a view to obtaining statistics relating to the operation of this Act; and
  - (c) any expenses which under section 9(2) of the Friendly Societies Act 1955 are to be treated as expenses incurred in carrying this Act into effect,
 shall, unless required by or under some provision of this Act to be paid and borne in some other manner, be paid out of moneys provided by Parliament.
- (2) The Minister shall from time to time pay to the Postmaster General as part of the expenses of the Minister in carrying into effect the following enactments respectively, that is to say—
  - (a) this Act;
  - (b) the Industrial Injuries Act;
  - (c) the Family Allowances Act;
  - (d) section 89 of the Industrial Injuries Act of 1946 ;

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- (e) the Workmen's Compensation (Supplementation) Act 1951;
  - (f) the Industrial Diseases (Benefit) Acts 1951 and 1954;
  - (g) the Workmen's Compensation and Benefit (Supplementation) Act 1956,
- sums of such amounts as may be agreed between the Minister and the Postmaster General for work done by the Postmaster General in the execution of the said enactments; and any sums so paid shall, where necessary for the purpose of determining what part of those sums should be attributed to each respectively of those enactments, be apportioned between them in such manner as may be determined by the Minister in accordance with any directions given by the Treasury.
- (3) Without prejudice to any right of recovery or retainer under this Act, any expenses of a Minister of the Crown in making under section 62 of this Act payments in lieu of contributions shall be defrayed out of moneys provided by Parliament ; and any sums recovered or retained by a Minister of the Crown in respect of any such payments shall be paid into the Exchequer.
  - (4) There shall be paid to the Treasury out of the National Insurance Fund, at such times and in such manner as the Treasury may direct, such sum as the Minister may estimate in accordance with subsections (5) to (7) of this section and with directions given by the Treasury to be the amount of the expenses incurred as mentioned in subsection (1) thereof.
  - (5) Subject to subsections (6) and (7) of this section, in estimating for the purposes of subsection (4) of this section the expenses incurred as mentioned in subsection (1) thereof there shall be included—
    - (a) such amount in respect of any pension benefits which will or may become payable in respect of a person's service as National Insurance Commissioner or deputy Commissioner under this Act or in respect of a person's employment as officer, inspector or servant for the purposes of this Act as in the opinion of the Treasury approximately represents the amount of the accruing liability for the sums which will become payable out of moneys provided by Parliament for those pension benefits, after taking into account that person's contributions, if any;
    - (b) an amount determined by the Treasury with the consent of the Minister in respect of the use of any premises belonging to the Crown and used for the purposes of this Act, regard being had in making that determination to the rental value of the premises.
  - (6) There shall be left out of account in estimating for the purposes of subsection (4) of this section the expenses incurred as mentioned in subsection (1) thereof—
    - (a) any expenses incurred by virtue of section 62 or 112 of this Act;
    - (b) any sums paid for pension benefits in respect of a person's service as National Insurance Commissioner or deputy Commissioner and, so far as estimated by the Minister to be attributable to the operation of section 5(2) or 8(1) to (3) of the Family Allowances Act or section 36 of the Industrial Injuries Act, the accruing liability for such pension benefits.
  - (7) There shall be left out of account for the purposes of subsections (1) and (4) of this section any expenses, or amounts which under subsection (5) of this section would otherwise fall to be included in estimating expenses, in so far as they are treated—
    - (a) under section 61(1)(b) to (d) of the Industrial Injuries Act as expenses incurred in carrying that Act into effect; or

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- (b) under section 16 of the Family Allowances Act as expenses incurred in the administration of that Act; or
  - (c) for the purposes of section 3(1) of the Health Contributions Act as attributable to the collection and application of national health service contributions.
- (8) In subsection (2) of this section, the references to this Act, the Industrial Injuries Act and the Family Allowances Act shall (except so far as otherwise provided, whether expressly or by implication) respectively include references to any enactments which, under any Act passed after this Act, are included in any citation which uses the phrase " the National Insurance Acts ", " the National Insurance (Industrial Injuries) Acts " or " the Family Allowances Acts ", as the case may be; and in subsections (5)(a) and (6)(b) of this section, the expression pension benefits " includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person's service or employment to other persons by way of widow's or orphan's pension or otherwise.

## **86 Reports by Government Actuary.**

- (1) The Government Actuary shall—
- (a) review the operation of this Act during the period of five years ending with 31st March in 1969 and in every fifth year thereafter and, on each such review, make a report to the Treasury on the financial condition of the National Insurance Fund and the adequacy or otherwise of the contributions payable under this Act to support the benefits payable thereunder having regard to its liabilities under section 85(4) of this Act and any other liabilities under this Act;
  - (b) make an interim review of, and report to the Treasury on, the operation of this Act during the period of twelve months ending with 31st March in every year other than the year in which the period to be covered by a review and report under the foregoing paragraph ends:

Provided that the Treasury may at any time direct that the period to be covered by a review and report under paragraph (a) of this subsection shall be reduced and that the making of that and subsequent reviews and reports under that paragraph shall be accelerated accordingly, and may dispense with the making of a review and report under paragraph (b) thereof in any year.

- (2) The Treasury shall lay before Parliament a copy of every report made to them under this section.
- (3) Any function under this section of the Government Actuary may be performed by the Deputy Government Actuary.

## **87 Quinquennial reviews of rates of benefits.**

- (1) As soon as may be after a copy of any report under section 86(1)(a) of this Act is laid before Parliament, the Minister shall review the rates and amounts of benefit in relation to—
- (a) the circumstances at the time of insured persons in Great Britain, including in particular the expenditure which is necessary for the preservation of health and working capacity; and



- (b) any changes in those circumstances since the rates and amounts of benefits were laid down by this Act or any Act amending it and to the likelihood of future changes.
- (2) On the completion of any review under this section the Minister shall lay a report thereon before Parliament.

*Administration.*

**88 National Insurance Advisory Committee.**

- (1) There shall be a committee, which shall be known as the National Insurance Advisory Committee, to give advice and assistance to the Minister in connection with the discharge of his functions under this Act and to perform any other duties allotted to them under this Act.
- (2) The provisions of Schedule 8 to this Act shall have effect with respect to the constitution of the said Committee and other matters relating to the Committee.
- (3) The Minister may from time to time refer to the said Committee for consideration and advice such questions relating to the operation of this Act as he thinks fit (including questions as to the advisability of amending this Act).
- (4) The Minister shall furnish the said Committee with such information as they may reasonably require for the proper discharge of their functions under this Act.

**89 Local advisory committees.**

- (1) Regulations may provide for the reference to local committees representing employers or insured persons or both, for consideration and advice, of questions bearing upon the administration of this Act, and for the payment by the Minister to the members of any such committee, and to persons attending its meetings at the request of the committee, of such expenses and travelling and other allowances (including compensation for loss of remunerative time) as the Minister with the consent of the Treasury may determine.
- (2) The persons selected as members of any such committee may include persons put forward by organisations concerned with the interests of employers or insured persons, including friendly societies or organisations representative of friendly societies.

**90 Inspectors.**

- (1) For the purposes of this Act, the Minister may appoint such inspectors as he may with the consent of the Treasury determine, and pay to them such salaries or remuneration as may be so determined.
- (2) An inspector appointed under this Act, shall for the purposes of the execution of this Act, have power to do all or any of the following things, namely—
  - (a) to enter at all reasonable times any premises or place liable to inspection under this section;
  - (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act or any enactment re-enacted thereby are being or have been complied with in any such premises or place;

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- (c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act on which he may reasonably require information, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an insured person, and to require every such person to be so examined;
  - (d) to exercise such other powers as may be necessary for carrying this Act into effect.
- (3) The occupier of any premises or place liable to inspection under this section, and any person who is or has been employing any person, and the servants and agents of any such occupier or other person, and any insured person, shall furnish to an inspector all such information and produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are or have been payable, or have been duly paid, by or in respect of any person, or whether benefit is or was payable to or in respect of any person.
- (4) If any person—
- (a) wilfully delays or obstructs an inspector in the exercise of any power under this section; or
  - (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this section,
- he shall be liable on summary conviction to a fine not exceeding ten pounds in the case of a first offence under this subsection and not exceeding fifty pounds in the case of a second or subsequent such offence:
- Provided that no one shall be required under this section to answer any questions or to give any evidence tending to incriminate himself.
- (5) For the purposes of subsection (4) of this section, an offence shall be deemed not to be a first offence if the offender has previously been found guilty of an offence under section 64(4) of the Industrial Injuries Act or under section 49(4) of the Act of 1946 or section 62(4) of the Industrial Injuries Act of 1946.
- (6) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises or place for the purposes of this Act shall, if so required, produce the said certificate.
- (7) The premises and places liable to inspection under this section are any premises or places where an inspector appointed under this Act has reasonable ground for supposing that any persons are employed, except that they do not include any private dwelling-house not used by or by permission of the occupier for the purposes of a trade or business.
- (8) Where any premises or place are or is liable to be inspected by an inspector or officer appointed or employed by, or are or is under the control of, some other government department, the Minister may make arrangements with that department for any of the powers or duties of inspectors under this section being carried out by an inspector or officer employed by that department, and, where such an arrangement is made, such inspectors or officers shall have all the powers of an inspector under this section.

## **91 Information as to, and proof of, age, marriage or death.**

- (1) Regulations made by the Registrar General under section 20 of the Registration Service Act 1953 may provide for the furnishing by superintendent registrars and

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registrars, subject to the payment of such fee as may be prescribed by the regulations, of such information for the purposes of this Act, including copies or extracts from the registers in their custody, as may be so prescribed.

(2) Where the age, marriage or death of a person is required to be ascertained or proved for the purposes of this Act, any person shall—

- (a) on presenting to the custodian of the register under the enactments relating to the registration of births, marriages and deaths, wherein particulars of the birth, marriage or death, as the case may be, of the first-mentioned person are entered, a duly completed requisition in writing in that behalf; and
- (b) on payment of a fee, in the case of a birth certificate, of sixpence and, in the case of a marriage or death certificate, of one shilling,

be entitled to obtain a copy, certified under the hand of the custodian, of the entry of those particulars.

(3) Requisitions for the purposes of subsection (2) of this section shall be in such form and contain such particulars as may from time to time be specified by the Registrar General, and suitable forms thereof shall, on request, be supplied without charge by every superintendent registrar and registrar.

(4) In the application of this section to England and Wales, the expression " Registrar General" means the Registrar General for England and Wales, and the expressions " superintendent registrar" and "registrar" mean a superintendent registrar or, as the case may be, registrar for the purposes of the enactments relating to the registration of births, deaths and marriages.

(5) In the application of this section to Scotland—

- (a) the expression " Registrar General " means the Registrar General of Births, Deaths and Marriages in Scotland;
- (b) for the reference in subsection (1) to section 20 of the Registration Service Act 1953 there shall be substituted a reference to section 6 of the Registration of Births, Deaths and Marriages (Scotland) Act 1854;
- (c) references to a superintendent registrar shall be omitted ;
- (d) the expression " registrar" means a registrar for the purposes of the enactments relating to the registration of births, deaths and marriages in Scotland.

## **92 Exemption from stamp duty.**

Stamp duty shall not be chargeable upon such documents used in connection with business under this Act as are specified in Schedule 9 to this Act.

*Legal proceedings.*

## **93 General provisions as to offences and penalties.**

(1) If any person—

- (a) buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn any insurance card or any used insurance stamp; or
- (b) affixes any used insurance stamp to any insurance card ; or
- (c) for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act—

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- (i) knowingly makes any false statement or false representation; or
- (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

- (2) Regulations may provide for the recovery on summary conviction of monetary penalties in respect of any offence under this Act, being a contravention of or failure to comply with regulations, so, however, that such penalties shall not exceed ten pounds for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.
- (3) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (4) In this section the expression " insurance card " means any card issued under regulations for the purpose of the payment of contributions by affixing insurance stamps thereto ; and in any proceedings under subsection (1) of this section with respect to used stamps, a stamp shall be deemed to have been used if it has been affixed to an insurance card or cancelled or defaced in any way whatsoever and whether it has actually been used for the purpose of payment of a contribution or not.
- (5) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to the National Insurance Fund.

#### **94 General provisions as to prosecutions.**

- (1) Proceedings in England or Wales for an offence under this Act shall not be instituted except by or with the consent of the Minister or by an inspector or other officer authorised in that behalf by special or general directions of the Minister.
- (2) Any such inspector or other officer may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court any such proceedings as aforesaid.
- (3) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.
- (4) For the purposes of subsection (3) of this section, a certificate purporting to be signed by or on behalf of the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.
- (5) In the application of subsection (3) of this section to Scotland, the reference to evidence sufficient to justify a prosecution shall be construed as a reference to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution.

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- (6) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent to give evidence, whether for or against the accused:

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

## **95 Recovery of contributions on prosecutions under Act.**

- (1) In any case where an employer or an insured person has been convicted of the offence under section 8(2) of this Act of failing to pay a contribution at or within the time prescribed for the purpose and the contribution remains unpaid at the date of the conviction, he shall be liable to pay to the National Insurance Fund a sum equal to the amount which he failed to pay.

- (2) In any case where—

- (a) an employer or an insured person is convicted of an offence under section 93(1)(b) of this Act, or of an offence under section 13 of the Stamp Duties Management Act 1891 as applied by regulations made under section 14(2)(b) of this Act, or of an offence under regulations made under this Act; and
- (b) the evidence on which he is convicted shows that he, for the purpose of paying any contribution which he was liable or entitled to pay, has affixed to any insurance card any used insurance stamp within the meaning of the said section 93 ; and
- (c) the contribution in respect of which the stamp was affixed remains unpaid at the date of the conviction,

he shall be liable to pay to the National Insurance Fund a sum equal to the amount of that contribution.

- (3) On any such conviction as is mentioned in subsection (1) or (2) of this section, if notice of intention to do so has been served with the summons or warrant, evidence may be given—

- (a) in the case of an employer—
  - (i) of the failure on his part to pay at or within the time prescribed for the purpose on behalf or in respect of the same person other contributions under this Act during the two years preceding the date of the offence, or contributions under the Industrial Injuries Act on that date or during those two years; and
  - (ii) in the case of any such conviction as is mentioned in the said subsection (1), of the failure on his part so to pay on behalf or in respect of any other person employed by him any contributions under this Act or under the Industrial Injuries Act on that date or during those two years; and
- (b) in the case of an insured person (other than an employed person), of the failure on his part so to pay other contributions as such an insured person during those two years;

and on proof of such failure the employer or the insured person shall be liable to pay to the National Insurance Fund or, as the case may require, the Industrial Injuries Fund or each such Fund, a sum equal to the total of all the contributions under this Act or,

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as the case may be, the Industrial Injuries Act which he is so proved to have failed to pay and which remain unpaid at the date of the conviction.

- (4) Where in England or Wales an employer or an insured person charged with such an offence as is mentioned in subsection (1) or (2) of this section is convicted of that offence in his absence under section 1(2) of the Magistrates' Courts Act 1957, then if—
- (a) it is proved to the satisfaction of the court, on oath or in the prescribed manner, that such a notice as is mentioned in subsection (3) of this section has been duly served specifying the other contributions in respect of which the prosecutor intends to give evidence; and
  - (b) the clerk of the court has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit failing to pay the other contributions so specified or any of them,
- the said subsection (3) shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.
- (5) Where an employer or an insured person is convicted of any such offence as is mentioned in subsection (1) or (2) of this section, and an order is made under Part I of the Criminal Justice Act 1948 placing the offender on probation or discharging him absolutely or conditionally, the foregoing provisions of this section shall apply as if the conviction were deemed to be a conviction for all purposes.
- (6) In England or Wales, any sum ordered to be paid to the National Insurance Fund or the Industrial Injuries Fund under this section shall be recoverable as a penalty.
- (7) Any sum paid under the foregoing provisions of this section shall be treated as a payment in satisfaction of the unpaid contributions and no part of any such sum paid by an employer shall be recoverable by him from the insured person in respect of whom it is paid.
- (8) If the employer, being a body corporate, fails to pay to the National Insurance Fund or the Industrial Injuries Fund any sum which the employer has been ordered to pay under this section, that sum, or such part thereof as remains unpaid, shall be a debt due to the National Insurance Fund or the Industrial Injuries Fund, as the case may be, jointly and severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contribution or contributions in question.
- (9) Nothing in this section shall be construed as preventing the recovery of any sums due to the National Insurance Fund or the Industrial Injuries Fund by means of civil proceedings.
- (10) In this section, references to contributions include references to payments under section 58 of this Act in lieu of contributions and, except in subsections (1) and (2)—
- (a) references to contributions under this Act include references to contributions or payments in lieu of contributions under the National Insurance Acts 1946 to 1964 ;
  - (b) references to contributions under the Industrial Injuries Act include references to contributions under the National Insurance (Industrial Injuries) Acts 1946 to 1964.
- (11) In its application to Scotland, this section shall have effect as if—

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- (a) for the reference in subsection (3) to the summons or warrant there were substituted a reference to the complaint;
- (b) for subsection (5) there were substituted the following subsection:—

“(5) Where an employer or an insured person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence as is mentioned in subsection (1) or (2) of this section, and an order is made under Part I of the Criminal Justice (Scotland) Act 1949 discharging him absolutely or placing him on probation, the foregoing provisions of this section shall apply as if—

- (a) the conviction on indictment were deemed to be a conviction for all purposes; or, as the case may be,
- (b) the making of the order by the court of summary jurisdiction were a conviction”.

- (12) Regulations may make other provision for the recovery, on prosecutions brought under or by virtue of this Act, of such contributions as are referred to in this section, and any such regulations may vary or revoke any of the foregoing provisions of this section; and nothing in this section shall prejudice any other remedy for a failure to pay any such contribution.

## **96 Civil proceedings to recover sums due to National Insurance Fund.**

- (1) All sums due to the National Insurance Fund shall be recoverable as debts due to the Crown, and without prejudice to any other remedy may be recovered by the Minister summarily as a civil debt.
- (2) Proceedings for the summary recovery as civil debts of sums due to the National Insurance Fund may, notwithstanding anything in any Act to the contrary, be brought at any time within three years from the time when the matter complained of arose.
- (3) Proceedings for the summary recovery as civil debts of sums due to the National Insurance Fund may be instituted by an inspector or other officer authorised in that behalf by special or general directions of the Minister, and any such inspector or officer may, although not of counsel or a solicitor, conduct such proceedings.
- (4) In the application of this section to Scotland—
  - (a) the words " summarily " and " summary " wherever they occur shall be omitted ;
  - (b) nothing in subsection (2) shall be construed as limiting the period within which proceedings for the recovery of any sum may be brought.

## **97 Certain decisions to be conclusive for purposes of proceedings under Act.**

- (1) Where in any proceedings—
  - (a) for an offence under this Act; or
  - (b) involving any question as to the payment of contributions under this Act; or
  - (c) involving any question as to the making under section 58 of this Act of payments in lieu of contributions; or
  - (d) for the recovery of any sums due to the National Insurance Fund,any question arises such as is mentioned in section 64(1)(a) to (c) of this Act, then, unless an appeal therefrom under section 65 of this Act is pending, or the time for so

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appealing has not expired, or a question has been raised with a view to a review of the Minister's decision, the decision of the Minister shall be conclusive for the purpose of those proceedings.

- (2) If the decision of any such question is necessary for the determination of the proceedings, and the decision of the Minister has not been obtained or a question has been raised with a view to a review of the decision obtained, the question shall be referred to the Minister for determination or review in accordance (subject to any necessary modifications) with Part IV of this Act.
- (3) Where any such appeal as is mentioned in subsection (1) of this section is pending, or the time for so appealing has not expired, or where any question so mentioned has been referred to the Minister, the court dealing with the case shall adjourn the proceedings until such time as a final decision upon the question has been obtained.
- (4) Regulations with respect to such questions arising in such proceedings as are mentioned in subsection (1) of this section may vary or revoke any of the foregoing provisions of this section.

## PART VI

### MISCELLANEOUS AND GENERAL.

#### *Application to special classes of persons.*

#### **98 Crown service.**

This Act shall apply to persons employed by or under the Crown, subject to any special provision made by or by virtue of any other section thereof, in like manner as if the employer were a private person, with such modifications as may be made therein by Order in Council for the purpose of adapting the provisions of this Act to the case of such persons.

#### **99 Members of forces.**

- (1) Subject to any prescribed exceptions, any person who, being over school leaving age and under pensionable age, is serving as a member of any of the regular naval, military or air forces of the Crown shall, notwithstanding that he does not fulfil the conditions of section 1 of this Act, be an insured person, and any such person while he is serving as aforesaid shall, in respect of his membership of those forces, be an employed person.
- (2) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner, subject to the foregoing provisions of this section, as he thinks proper the provisions of this Act in their application in relation to persons who are or have been members of any of Her Majesty's forces.
- (3) Without prejudice to the generality of subsection (2) of this section, regulations thereunder may in particular provide—
  - (a) for the application of subsection (1) of this section in relation to any other of Her Majesty's forces in like manner as it applies in relation to the regular naval, military and air forces of the Crown;



- (b) for disregarding for the purposes of this Act employment as a member of Her Majesty's forces where the said subsection (1) does not apply;
  - (c) in the case of persons who are employed persons in respect of their membership of Her Majesty's forces, for reducing the rate of the contributions as an employed person and as employer and of the Exchequer supplement to those contributions, and for determining—
    - (i) the amounts payable on account of those contributions by the Secretary of State and the time and manner of payment; and
    - (ii) the deductions to be made on account of those contributions from the pay of those persons;
  - (d) for preventing a person who is discharged from any of Her Majesty's forces at his own request from being by reason thereof disqualified for receiving unemployment benefit on the ground that he has voluntarily left his employment without just cause.
- (4) For the purposes of subsections (2) and (3) of this section, any prescribed organisation in which persons serve under the control of the Defence Council shall be deemed to form part of Her Majesty's forces.

#### **100 Mariners and airmen.**

- (1) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner as he thinks proper the provisions of this Act in their application in relation to persons who are or have been employed on board any ship, vessel or aircraft.
- (2) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may in particular provide—
- (a) for the insurance under this Act of persons who are, or have at any time after 4th July 1948 been, employed on board ships, vessels or aircraft, notwithstanding that they do not fulfil the conditions of section 1 of this Act;
  - (b) for excepting from insurance by virtue of the said section 1, or from liability to pay contributions as insured persons, any persons employed as aforesaid who neither are domiciled nor have a place of residence in the United Kingdom ;
  - (c) for requiring payment of employers' contributions in respect of persons employed as aforesaid, whether or not they are insured persons or employed persons ;
  - (d) for the taking of evidence, for the purpose of any claim to benefit—
    - (i) in any country which is, or which at the date when regulations with respect to that country were first made under this section or section 58 of the Act of 1946 was, part of Her Majesty's dominions, before a judge or magistrate or by a superintendent within the meaning of the Merchant Shipping Act 1894;
    - (ii) in any other country, by a British consular officer;
  - (e) for enabling persons employed on board ships, vessels or aircraft to authorise the payment of the whole or any part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed.
- (3) The contribution, if any, payable by an employer—
- (a) by way of a contribution under section 3(b) of this Act in respect of a person employed on board a ship or vessel for any week for which that person is by

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virtue of this section excepted from liability to pay contributions as an insured person; or

- (b) by way of graduated contribution in respect of the remuneration of a person employed as aforesaid in respect of which that person is by virtue of this section excepted from liability to pay such a contribution as an employed person; or
- (c) by virtue of this section in respect of a person employed as aforesaid who is not an employed person,

shall not be taken into account for the purpose of estimating the contributions to be paid out of moneys provided by Parliament, and shall be administered and applied in such manner and for such purposes as may be prescribed.

#### **101 Persons employed in connection with exploitation or exploration of continental shelf.**

The Minister may by regulations make provision for modifying the provisions of this Act in their application in relation to persons in any prescribed employment (whether under a contract of service or not) in connection with the exploitation of the resources mentioned in section 1(1) of the Continental Shelf Act 1964 or with the exploration of the sea bed and subsoil in any area designated under section 1(7) of that Act, and in particular, but without prejudice to the generality of this section, for the insurance under this Act of persons in such employment notwithstanding that they do not fulfil the conditions of section 1 of this Act.

#### **102 Married women.**

- (1) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner, subject to the following provisions of this section, as he thinks proper the provisions of this Act in their application in relation to married women, and in relation to women who have been married:

Provided that, save as expressly authorised by the following provisions of this section, regulations thereunder shall not modify any provision of this Act which has any special application in relation to a married woman or widow as such.

- (2) Regulations under this section shall provide, subject to any prescribed conditions and exceptions, for excepting a woman, if she so elects or if she does not elect otherwise (as may be provided by the regulations) from liability to pay contributions under section 3 of this Act as an insured person for any period during which she is married.
- (3) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may in particular provide—
  - (a) for making it a condition for the receipt of benefit by a woman, or in respect of her insurance, that she shall have been an insured person at such time, or during such period, as may be prescribed;
  - (b) for determining the manner in which references to entry into insurance are to be construed in relation to a woman who has been an insured person for two or more distinct periods;
  - (c) for modifying in relation to a widow, in such circumstances as may be prescribed, the provisions of this Act with respect to entitlement to unemployment benefit and sickness benefit.

### **103 Insured persons outside Great Britain.**

- (1) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner, subject to subsection (2) of this section, as he thinks proper the provisions of this Act in their application in relation to persons who are or have been outside Great Britain while insured under this Act.
- (2) Regulations under this section shall provide that, where an insured person is throughout any contribution week outside Great Britain and is not in that week an employed person, he shall not be liable to pay any contribution as an insured person for that week.
- (3) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may in particular make provision for entitling a person to pay a contribution as a non-employed person, or, if the regulations so provide, as a self-employed person, for any week for which by virtue of subsection (2) of this section he is not liable to pay a contribution as an insured person.

#### *Corresponding systems outside Great Britain.*

### **104 Arrangements with Northern Ireland for unified system.**

- (1) The Minister may, with the consent of the Treasury, make reciprocal arrangements with the appropriate Northern Irish authority for coordinating the two systems of insurance provided for respectively by this Act and any legislation for similar purposes passed by the Parliament of Northern Ireland so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system.
- (2) There shall be a Joint Authority (hereafter in this Act referred to as "the Joint Authority") consisting of the Minister and of the appropriate Northern Irish authority, and the Joint Authority shall have power, in connection with the arrangements aforesaid—
  - (a) to make any necessary financial adjustments between the National Insurance Fund and any fund established under the Northern Irish legislation ; and
  - (b) to discharge such other functions for the co-ordination of the said two systems as may be provided by the arrangements.
- (3) The provisions of Schedule 10 to this Act shall have effect with respect to the constitution of the Joint Authority and other matters relating thereto.
- (4) The Minister may make regulations for giving effect in Great Britain to any such arrangements, and any such regulations may provide—
  - (a) that this Act shall have effect in relation to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provision—
    - (i) for securing that acts, omissions and events having any effect for the purposes of the Northern Irish legislation shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);
    - (ii) for determining, in cases where rights accrue both under this Act and under the Northern Irish legislation, which of those rights shall be available to the person concerned ;

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- (iii) for making any provisions as to administration and enforcement contained in this Act or in any regulations and the provisions of section 118(1)(f) of the Bankruptcy (Scotland) Act 1913, section 33(1)(f) of the Bankruptcy Act 1914 and section 319(1)(e) of the Companies Act 1948 applicable also for the purposes of the Northern Irish legislation;
  - (b) that the Joint Authority shall be substituted for the Minister in relation to the making of any regulations (other than regulations for the purposes of this paragraph) or orders.
- (5) In connection with any such legislation as is mentioned in subsection (1) of this section, any limitation of the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall not apply in so far as it would preclude that Parliament from enacting a provision corresponding to some provision of this Act, other than section 99 thereof.
- (6) Regulations made by the Joint Authority may provide for applying the said section 99 for the purposes of the Northern Irish legislation, with or without modifications, and for determining—
- (a) the persons who, being employed persons in respect of their membership of Her Majesty's forces, are to be treated as belonging to Northern Ireland ;
  - (b) the sums paid for any period on account of contributions as employed persons and of employers' contributions by and in respect of those persons;
- and the sums so determined shall be treated as paid on account of contributions under the Northern Irish legislation, and not on account of contributions under this Act, for the purposes—
- (i) of estimating the contributions to be paid under this Act out of moneys provided by Parliament;
  - (ii) of making adjustments under subsection (2)(a) of this section.

## **105 Reciprocal agreements with countries outside United Kingdom.**

- (1) For the purpose of giving effect to any agreement with the government of any country outside the United Kingdom providing for reciprocity in matters relating to payments in respect of interruption of employment by unemployment, sickness or otherwise, or payments in respect of the confinement of women, widowhood, orphanhood, retirement, old age or death, it shall be lawful for Her Majesty by Order in Council to make provision for modifying or adapting this Act in its application to cases affected by the agreement.
- (2) The modifications of this Act which may be made by virtue of the foregoing subsection shall 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 shall 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 the said country, which of those rights shall be available to the person concerned;
  - (c) for making any such provisions as are referred to in section 104(4)(a)(iii) of this Act applicable also for the purposes of the law of the said country;

- (d) for making any necessary financial adjustments by payments into or out of the National Insurance Fund.

*Orders in Council, orders and regulations.*

**106 Orders and regulations-general.**

- (1) Any power to make regulations or an order conferred by this Act shall be exercisable by statutory instrument.
- (2) Except in so far as this Act otherwise provides, any power conferred thereby to make an Order in Council, regulations or order may be exercised—
  - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case ; and
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
    - (ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes of this Act;
    - (iii) any such provision either unconditionally or subject to any specified condition.
- (3) Without prejudice to any specific provision in this Act, any power to make an Order in Council, regulations or order conferred by this Act shall include power to make thereby such incidental or supplementary provision as appears to Her Majesty or the authority making the regulations or order, as the case may be, to be expedient—
  - (a) for the purposes of the Order in Council, regulations or order; or
  - (b) in the case of regulations under section 12(7), 40(6), 43(8), 49(4), 49(6), 73(1), 95(12) or 97(4) of this Act, for the purposes of any provision of this Act so far as that provision relates to matters in respect of which provision might be made by such regulations.
- (4) Any power conferred by this Act to make an Order in Council, and the power to make an order conferred by section 5(2), 6(1) or 36(2)(b) of this Act, shall include power to vary or revoke any such Order in Council or order by a subsequent Order in Council or, as the case may be, order.
- (5) Any power conferred on the Minister or Joint Authority by any provision of this Act other than Schedule 7 to make any regulations or order shall, if the Treasury so direct, not be exercisable except in conjunction with the Treasury.
- (6) Any reference in this section to this Act (otherwise than as part of a reference to a particular provision thereof) shall include a reference to any enactment passed after this Act which is directed to be construed as one therewith, except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction.

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### **107 Parliamentary control of orders and regulations.**

- (1) No order shall be made under section 6, 46(2) or 47(1) of this Act, and, subject to subsection (3) of this section, no regulations shall be made wholly or partly by virtue of any of the following provisions of this Act, namely, sections 22(4), 44, 100 and 102 and paragraph 19(b) of Schedule 11, unless a draft of the order or regulations has been laid before Parliament and has been approved by resolution of each House of Parliament.
- (2) Where a draft of an order under the said section 6 is laid before Parliament, there shall be laid with it a report by the Government Actuary or the Deputy Government Actuary of the estimated consequences of the proposed order to the National Insurance Fund.
- (3) Subsection (1) of this section shall not apply to regulations to be made for the purpose only of consolidating regulations thereby revoked, nor to any other regulations which, in so far as they are made under the powers conferred by the provisions mentioned in that subsection, only replace provisions of previous regulations with new provisions to the same effect.
- (4) All orders made by the Minister or Joint Authority (whether alone or in conjunction with the Treasury) under this Act, and all regulations made under this Act, other than an order or regulations to which subsection (1) of this section applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any reference in subsection (4) of this section to this Act shall include a reference to any enactment passed after this Act which is directed to be construed as one therewith, except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction.

### **108 Consideration of regulations by Advisory Committee.**

- (1) Subject to subsection (9) of this section and, in the case of regulations made for the purposes of paragraph 2 of Schedule 7 to this Act, without prejudice to section 62(2) of the Industrial Injuries Act, before making any regulations under this Act or laying a draft thereof before Parliament, the Minister shall submit to the National Insurance Advisory Committee a draft thereof (hereafter in this section referred to as a "preliminary draft").
- (2) Where a preliminary draft is so submitted to them, the Committee shall publish, in such manner as they think best adapted for notifying persons affected, notice of the fact and of the place where copies of the draft may be obtained and of the time, which shall be not less than fourteen nor more than twenty-eight days, within which any objection made with respect to the draft by or on behalf of persons affected must be sent to them.
- (3) Every objection shall be in writing and shall state the portions of the preliminary draft which are objected to, the specific grounds of objection, and the omissions, additions or modifications asked for.
- (4) The Committee shall forthwith consider any preliminary draft submitted to them under this section and shall consider any objection made by or on behalf of any person appearing to them to be affected which is sent to them within the required time, and shall report on the draft to the Minister, and the Minister shall consider the report of the Committee and may then make the regulations, or (in the case of regulations to which section 107(1) of this Act applies) lay a draft thereof before Parliament, either in the form of the preliminary draft or with such amendments as he thinks fit:

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Provided that where the Minister certifies that on account of urgency or any special reason any regulations, not being regulations to which the said section 107(1) applies, should come into operation without delay, the Minister may, before receiving or considering the report of the Committee on the preliminary draft, make the regulations as provisional regulations, so, however, that no provisional regulations shall continue in force for longer than three months after the receipt by the Minister of the report.

- (5) Whenever any regulations, not being provisional regulations, or any draft regulations are laid before Parliament, there shall be laid together therewith the report of the Committee on the preliminary draft thereof and a statement—
- (a) showing what amendments (if any) have been made since the report of the Committee and what effect (if any) has been given to any recommendation of the Committee; and
  - (b) if effect has not been given to any recommendation, giving reasons for not adopting it.
- (6) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of subsection (5) of this section shall be deemed to be satisfied as respects either House of Parliament if the report and statement referred to in that subsection are laid before that House not later than the second day on which that House sits after the laying of the regulations.
- (7) In relation to any regulations required or authorised under this Act to be made by the Joint Authority, or by the Minister or Joint Authority in conjunction with the Treasury, any reference in the foregoing provisions of this section to the Minister shall be construed as a reference to the authority or authorities making or proposing to make the regulations.
- (8) Any reference in subsection (1) or (7) of this section to this Act shall include a reference to any enactment passed after this Act which is directed to be construed as one therewith, except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction.
- (9) This section shall not apply—
- (a) to regulations made by virtue of any of the following provisions of this Act, namely, sections 104 and 110, paragraph 1 of Schedule 7 and paragraphs 9(b), 17 and 19(a) to (c) of Schedule 11, without prejudice, however, to the power of the Minister to refer any proposal to make such regulations to the Committee for consideration and advice;
  - (b) to regulations made for the purposes of paragraph 2 of Schedule 7 to this Act, if so made in relation only to benefit under the Industrial Injuries Act;
  - (c) to regulations made for the purpose only of consolidating other regulations revoked thereby;
  - (d) to regulations made under Part IV of this Act which contain only provisions—
    - (i) with respect to the determination of a question such as is mentioned in section 64(1)(d) or 76(3) of this Act, section 35(2) or 36 of the Industrial Injuries Act or section 5(2) of the Family Allowances Act; or
    - (ii) having effect by virtue of section 8(1) to (3) of the Family Allowances Act.

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### **109 Extension of powers to make regulations, etc.**

Any power under sections 98 to 105 of this Act or under paragraphs 17 and 18 of Schedule 11 thereto, to prescribe modifications of, or exceptions or additions to, or to prescribe or make provision by Order in Council for modifications or adaptations of, the provisions of this Act shall be exercisable also in relation to the provisions of any enactment passed after this Act which is directed to be construed as one therewith, except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction.

*Miscellaneous.*

### **110 Modification of certain schemes.**

- (1) Where there is for the time being in force any scheme for the provision of pensions or other benefits, whether made before or after the passing of this Act (excluding any scheme established by any enactment repealed by the Act of 1946 but including any other scheme established by or under any enactment and any scheme evidenced only by one or more policies of insurance), provision for modifying or winding up that scheme in connection with—
  - (a) the passing of any of the enactments re-enacted in this Act;
  - (b) the operation of any provision of this Act relating to graduated contributions or graduated retirement benefit (and in particular the provisions under which employments become or cease to be non-participating employments); or
  - (c) the passing after this Act of any enactment which is directed to be construed as one with this Act (except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction),may be made by regulations made by such Minister of the Crown or government department as may be determined by the Treasury to be appropriate in relation to the scheme to which the regulations are to apply or, in default of any such determination, made by the Chief Registrar of Friendly Societies.
- (2) Any such regulations may authorise a scheme to be modified in any manner approved by an authority designated for the purpose by the regulations, or to be wound up on such terms as may be so approved.

### **111 Disclosure of information by Revenue officers.**

No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to Inland Revenue shall prevent information obtained in connection with the assessment or collection of income tax chargeable under Schedule E from being disclosed by or under the authority of the Commissioners of Inland Revenue in connection with the operation of any enactment or regulation relating to the calculation or collection of graduated contributions under this Act or under any corresponding legislation of the Parliament of Northern Ireland, or of other contributions collected in the same way as any such graduated contributions.

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

- (1) The Minister may incur expenses for the purpose of furnishing the address at which a man or woman is recorded in his department as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order



for the making by the man or woman of payments for the maintenance of the man's wife or former wife, or woman's husband or former husband, or for the maintenance or education of any person as being the son or daughter of the man or his wife or former wife, or of the woman or her husband or former husband.

- (2) In the foregoing subsection " son or daughter " includes a son or daughter by adoption and an illegitimate son or daughter.

### **113 Treatment of certain marriages.**

- (1) A marriage performed outside the United Kingdom under a law which permits polygamy shall be treated for any purpose of this Act as being and having at all times been a valid marriage if and so long as the authority by whom any question or claim arising in connection with that purpose falls to be determined is satisfied that the marriage has in fact at all times been monogamous.
- (2) Regulations may provide for a voidable marriage which has been annulled, whether before or after the date when the regulations come into force, to be treated for the purposes of such provisions of, or of any regulations under, this Act, subject to such exceptions or conditions as may be prescribed, as if it had been a valid marriage which was terminated by divorce at the date of the annulment.

#### *General.*

### **114 Interpretation.**

- (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—
- "the Act of 1946" means the National Insurance Act 1946;
  - "appropriate Northern Irish authority" means such authority as may be specified in that behalf in any legislation passed by the Parliament of Northern Ireland for purposes similar to any of the purposes of this Act;
  - "beneficiary " means a person entitled to benefit;
  - "benefit" means benefit under this Act or, as respects any period before the commencement of this Act, under the Act of 1946 ;
  - "benefit year" means, in relation to any person, such period of fifty-two or fifty-three contribution weeks as may be prescribed;
  - "claimant" in Part IV of this Act means a person who has claimed benefit or whose right to be excepted from liability to pay, or to be credited with, a contribution is in question;
  - "confinement" has the meaning assigned by section 25(1) of this Act;
  - "the Consequential Repeals Act" means the Statute Law Revision (Consequential Repeals) Act 1965 ;
  - "contract of service " means any contract of service or apprenticeship, whether written or oral and whether express or implied;
  - "contribution " means a contribution under this Act or, as respects any period before the commencement of this Act, under the Act of 1946, and shall be construed in accordance with section 2(1) of the Health Contributions Act or, as respects any such period as aforesaid, with section 3(1) of the Health Contributions Act of 1957;

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"contribution week" means a period of seven days beginning with midnight between Sunday and Monday;

"contribution year " in relation to any person means, subject to section 15(5) of this Act, such period of fifty-two or fifty-three contribution weeks as may be prescribed;

"earnings " includes any remuneration or profit derived from a gainful occupation;

"employed contributor's employment" means any employment by virtue of which an insured person is an employed person;

"employer's contribution " means a contribution payable by a person otherwise than as an insured person ;

"employment" includes any trade, business, profession, office or vocation and " employed " shall be construed accordingly except in the expression " employed person ";

"employment exchange " has the same meaning as in the Employment and Training Act 1948 ;

"entry into insurance " in relation to any person means the date on which he becomes or became an insured person, whether under this Act or under the Act of 1946;

"equivalent pension benefits " has the meaning assigned by sections 56(1) (a) and 57(1) of this Act;

"family allowance " means an allowance under the Family Allowances Act;

"the Family Allowances Act" means the Family Allowances Act 1965;

"friendly society " means a society registered as a friendly society under the Friendly Societies Act 1896, being a society which as part of its ordinary business provides benefits during sickness or other infirmity, or in old age, or in widowhood, or for orphans, and not being a collecting society within the meaning of the Industrial Assurance Act 1923 ;

"the Health Contributions Act" means the National Health Service Contributions Act 1965 ;

"the Health Contributions Act of 1957" means the National Health Service Contributions Act 1957;

"incapable of work " means incapable of work by reason of some specific disease or bodily or mental disablement or deemed, in accordance with regulations, to be so incapable;

"income tax week " means one of the successive periods in an income tax year beginning with the first day of that year and every seventh day thereafter (the last day of an income tax year, or, in the case of an income tax year ending in a leap year, the last two days thereof, being accordingly treated as a separate income tax week);

"income tax year" means the twelve months beginning with 6th April in any year;

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act 1965 ;

"the Industrial Injuries Act of 1946" means the National Insurance (Industrial Injuries) Act 1946;

"insured person" means a person insured under this Act or, as respects any period before the commencement of this Act, under the Act of 1946;

"the Minister" means the Minister of Pensions and National Insurance;

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"non-participating employment " has the meaning assigned by section 56(1) of this Act;

"pensionable age " means—

(a) in the case of a man, the age of sixty-five;

(b) in the case of a woman, the age of sixty;

"prescribed " means prescribed by regulations ;

"regulations" means regulations made by the Minister under this Act;

"relevant contribution conditions ", in relation to benefit of any description, means the contribution conditions for benefit of that description ;

"supplementary scheme" has the meaning assigned by section 46(1) of this Act.

(2) For the purposes of this Act—

(a) the expression " child " means a person who would be treated as a child for the purposes of the Family Allowances Act;

(b) a person shall be deemed to have attained or not to have attained school leaving age if he would be treated as being, as the case may be, over or under the upper limit of the compulsory school age for the purposes of that Act;

(c) a person shall be deemed to have a family which includes a child or children if that person (not being a child) and a child or children (with or without a wife or husband of that person) would be treated for the purposes of that Act as constituting a family, and references to a child of a person's family shall be construed accordingly.

(3) For the purposes of this Act, two persons shall not be deemed to have ceased to reside together by reason of any temporary absence of either or both of them, and in particular by reason of any such absence at school or while receiving medical treatment as an in-patient in a hospital or similar institution or by reason of any absence of either or both of them in such circumstances as may be prescribed.

(4) For the purposes of this Act—

(a) a person shall be deemed to be over or under any age therein mentioned if he has or, as the case may be, has not attained that age;

(b) a person shall be deemed to be between two ages therein mentioned if he has attained the first-mentioned age but has not attained the second-mentioned age;

(c) a person shall be deemed, according to the law in England as well as according to the law in Scotland, not to have attained a given age until the commencement of the relevant anniversary of the day of his birth ;

(d) regulations may provide that, for the purpose of determining whether a contribution is payable in respect of any person, or at what rate a contribution is payable, that person shall be treated as having attained at the beginning of a contribution week, or as not having attained until the end of a contribution week, any age which he attains during the course of that week.

(5) For the purposes of this Act, the amount of a person's earnings for any period, and the rate of a person's remuneration, shall be calculated or estimated in such manner and on such basis as may be prescribed by regulations; and any such regulations may prescribe that payments of a particular class or description made or falling to be made to or by a person shall, to such extent as may be prescribed, be disregarded or, as the case may be, be deducted from the amount of that person's earnings or remuneration.

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- (6) For the purposes of this Act, a person shall be deemed to be incapable of self-support if, but only if, he is incapable of supporting himself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period.
- (7) Any references in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment, including any enactment contained in this Act.

#### **115 Transitory provisions.**

This Act shall have effect subject to the transitory provisions contained in Schedule 11 thereto.

#### **116 Revocation of certain regulations.**

- (1) The regulations specified in Schedule 12 to this Act are hereby revoked, being the regulations reproduced by the following provisions of this Act, that is to say, sections 12, 40(1) and (2) (so far as relating to maternity allowance), 43(6) and (7), 49(4) and (5), 64 to 72, 77, 95 and 97.
- (2) Notwithstanding the reproduction of the regulations aforesaid as provisions of this Act, any question as to the validity of those provisions may be determined as though they were contained in regulations made under the powers under which the regulations they reproduce were respectively made.

#### **117 General savings, etc.**

- (1) Subject to section 116 of this Act, any instrument in force immediately before the commencement of this Act and made or having effect as if made under any enactment repealed by the Consequential Repeals Act but re-enacted in this Act, and, subject to paragraph 20 of Schedule 11 to this Act, any contribution paid, appointment, claim or award made, or other thing whatsoever done, under or by virtue of any such enactment or of any regulation specified in Schedule 12 to this Act, shall be deemed to have been made, paid or done, as the case may be, under or by virtue of the corresponding provision of this Act; and anything begun under any such enactment or regulation may be continued under this Act as if begun under this Act.
- (2) So much of any document as refers expressly or by implication to any enactment repealed and re-enacted as aforesaid or to any such regulation as aforesaid or to the Act or instrument containing that enactment or regulation shall, if and so far as the context permits, be construed as referring to the corresponding provision of this Act or, as the case may be, to this Act
- (3) The House of Commons Disqualification Act 1957 shall have effect subject to the following amendments, being, in the case of the amendment specified in paragraph (a) of this subsection, an amendment of that Act in its application both to the House of Commons of the Parliament of the United Kingdom and to the Senate and House of Commons of Northern Ireland and, in the case of the amendment specified in paragraph (b) of this subsection, an amendment of that Act in its application to the House of Commons of the Parliament of the United Kingdom, that is to say—

- (a) at the end of Part I of Schedule 1, in substitution for the entry beginning " Adjudicator " added by section 13(4) of the National Insurance Act 1959, there shall be added the entry—
    - “Adjudicator appointed for the purposes of Part III of the National Insurance Act 1965, and any corresponding judicial office under any Act of the Parliament of Northern Ireland passed for purposes similar to those of the said Part III”;
  - (b) in Part III of Schedule 1, in the entry beginning " Chairman or Reserve Chairman of a Local Tribunal or Local Appeal Tribunal ", for the words " National Insurance Act 1946 " there shall be substituted the words " National Insurance Act 1965 ".
- (4) In relation to any enactment repealed and re-enacted as aforesaid, section 38(1) of the Interpretation Act 1889 shall have effect as if the Consequential Repeals Act formed part of this Act; and nothing in subsections (1) to (3) of this section shall be taken as affecting the general application of the said section 38 as modified by this subsection with regard to the effect of repeals.

**118 Short title, extent and commencement.**

- (1) This Act may be cited as the National Insurance Act 1965.
- (2) This Act, except sections 104,109, 111 and 117, and except in so far as any other provision thereof expressly refers to Northern Ireland, shall not extend to Northern Ireland.
- (3) This Act shall come into force on such date as the Minister may by order appoint.

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

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## SCHEDULES

## SCHEDULE 1

Section 3.

## RATES OF FLAT-RATE CONTRIBUTIONS.

## PART I

*Employed Persons.*

Description of employed person	Weekly Rate of Contribution			
	Unless by virtue of a non- participating employment		If by virtue of a non- participating employment	
1	2		3	
	s.	d.	s.	d.
Men between the ages of 18 and 70 (other than men over the age of 65 who have retired from regular employment)—				
Earning remuneration at a weekly rate exceeding £5	10	2 ½	12	7 ½
Earning remuneration at a weekly rate of £5 or less	5	11 ½	7	2 ½
Women between the ages of 18 and 65 (other than women over the age of 60 who have retired from regular employment)—				
Earning remuneration	8	10 ½	10	4 ½

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

Description of employed person	Weekly Rate of Contribution			
	Unless by virtue of a non-participating employment		If by virtue of a non-participating employment	
1	2		3	
at a weekly rate exceeding £5				
Earning remuneration at a weekly rate of £5 or less	5	1 ½	5	10 ½
Boys under the age of 18	7	2 ½		
Girls under the age of 18	5	10 ½		

For the purposes of this Part and Part II of this Schedule a person shall be deemed to be earning remuneration at a weekly rate of £5 or less if, but only if, his remuneration does not include the provision of board and lodging by the employer and the rate of the remuneration neither exceeds, nor is deemed in accordance with regulations made under section 114(5) of this Act to exceed, £5 a week, and to be earning remuneration at a weekly rate exceeding £5 in any other case.

## PART II

### *Employers.*

Description of employed person	Weekly Rate of Contribution			
	Unless by virtue of a non-participating employment		If by virtue of a non-participating employment	
1	2		3	
Men over the age of 18—	s.	d.	s.	d.
Earning remuneration at a weekly rate exceeding £5 or not being liable to pay a contribution as an employed person	11	5 ½	13	10 ½
Earning remuneration at a weekly rate of £5 or	15	8 ½	19	3 ½

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

Description of employed person	Weekly Rate of Contribution			
	Unless by virtue of a non-participating employment		If by virtue of a non-participating employment	
1	2		3	
less and being liable to pay a contribution as an employed person				
Women over the age of 18—				
Earning remuneration at a weekly rate exceeding £5 or not being liable to pay a contribution as an employed person	9	11 ½	11	5 ½
Earning remuneration at a weekly rate of £5 or less and being liable to pay a contribution as an employed person	13	8 ½	15	11 ½
Boys under the age of 18	7	11 ½		
Girls under the age of 18	6	6 ½		

For the purposes of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.



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

**PART III**

*Self-Employed Persons.*

Description of self-employed person		Weekly Rate of Contribution	
1		2	
	s.		d.
Men between the ages of 18 and 70 (other than men over the age of 65 who have retired from regular employment)	15		10
Women between the ages of 18 and 65 (other than women over the age of 60 who have retired from regular employment)	13		2
Boys under the age of 18	9		0
Girls under the age of 18	7		6

**PART IV**

*Non-Employed Persons.*

Description of non-employed person		Weekly Rate of Contribution	
1		2	
	s.		d.
Men between the ages of 18 and 65	12		1
Women between the ages of 18 and 60	9		5
Boys under the age of 18	6		11
Girls under the age of 18	5		4

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

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## SCHEDULE 2

Sections 19, 23, 24, 26, 27, 28, 30, 32, 39.

## CONTRIBUTION CONDITIONS.

*Unemployment benefit and sickness benefit.*

- 1 The contribution conditions for unemployment benefit or for sickness benefit are that—
- (a) not less than twenty-six contributions of the appropriate class have been paid by the claimant in respect of the period between his entry into insurance and the day for which the benefit is claimed; and
  - (b) not less than fifty contributions of the appropriate class or their equivalent have been paid by or credited to him in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which the benefit is claimed.

*Maternity grant.*

- 2 (1) The contribution conditions for a maternity grant are—
- (a) that not less than twenty-six contributions of the appropriate class have been paid by the relevant person in respect of the period beginning with that person's entry into insurance and ending immediately before the relevant time; and
  - (b) that not less than twenty-six such contributions have been paid by or credited to that person in respect of the last complete contribution year before the beginning of the benefit year comprising the relevant time.
- (2) In this paragraph—
- (a) the expression "relevant person" means the person by whom the conditions are to be satisfied;
  - (b) the expression "relevant time" means the date of the confinement, or, where the relevant person is the husband and he was dead or over pensionable age on that date, the date of his attaining pensionable age or dying under that age;
  - (c) references to a contribution year and to a benefit year are references to periods which are respectively a contribution year and a benefit year in relation to the relevant person.

*Maternity allowance.*

- 3 (1) The contribution conditions for a maternity allowance are that—
- (a) not less than fifty contributions of the appropriate class or their equivalent have been paid by or credited to the claimant in respect of the fifty-two weeks immediately preceding the thirteenth week before the expected week of confinement (as defined for the purposes of section 24 of this Act); and
  - (b) of those contributions not less than twenty-six are contributions of the appropriate class actually paid.
- (2) For the purposes of this paragraph a woman shall not be credited with contributions by virtue of regulations made under section 102 of this Act.

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

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*Widow's benefit, retirement pension and child's special allowance.*

- 4 (1) The contribution conditions for widow's benefit, a retirement pension or a child's special allowance are that—
- (a) not less than one hundred and fifty-six contributions of the appropriate class have been paid by the relevant person in respect of the period between that person's entry into insurance and the relevant time; and
  - (b) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than fifty.
- (2) In this paragraph—
- (a) the expression "relevant person" means the person by whom the conditions are to be satisfied;
  - (b) the expression "relevant time" means the date of the relevant person attaining pensionable age or dying under that age.

*Death grant.*

- 5 (1) The contribution conditions for death grant are that—
- (a) not less than twenty-six contributions of the appropriate class have been paid by or credited to the relevant person in respect of the period between 5th July 1948 and the relevant time; and
  - (b) either—
    - (i) not less than forty-five such contributions have been paid by or credited to that person in respect of the last complete contribution year before the relevant time; or
    - (ii) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than forty-five.
- (2) No regulations under Part VI of this Act shall provide for taking into account for the purposes of death grant any contributions paid or treated as paid under the enactments repealed by the Act of 1946.
- (3) In this paragraph—
- (a) the expression "relevant person" means the person by whom the conditions are to be satisfied;
  - (b) the expression "relevant time" means the date of the deceased's death or, where immediately before that date the relevant person was dead or over pensionable age, the date of that person attaining pensionable age or dying under that age.



1		2		3			4		5		6		
Description of Benefit		Weekly rate		Increase for only, elder or eldest qualifying child			Increase for second qualifying child		Increase for each additional qualifying child		Increase for adult dependant (where payable)		
a	married woman—												
(i)	4 during any period during which that person is entitled to an increase of benefit in respect of a child of adult dependant	0	0	1	2	6	14	6	14	6	2	10	0
(ii)	2 during any other period	5	6	—	—	—	—	—	—	—	—	—	—
(c)	in the case of a married woman over the age of 18—												
(i)	4 during	0	0	1	2	6	14	6	14	6	2	10	0

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

1 Description of Benefit	2 Weekly rate	3 Increase for only, elder or eldest qualifying child				4 Increase for second qualifying child		5 Increase for each additional qualifying child		6 Increase for adult dependant (where payable)				
any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is not residing with her husband nor is he contributing to her maintenance at not less than the relevant rate														
(ii) during any	2 15 0	1 2 6	14 6	14 6	2	10	0							

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

1 Description of Benefit	2 Weekly rate	3 Increase for only, elder or eldest qualifying child				4 Increase for second qualifying child		5 Increase for each additional qualifying child		6 Increase for adult dependant (where payable)			
other period (d) in the case of a married woman under the age of 18—													
(i) 4 during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is entitled to an increase of benefit in	0	0	1	2	6	14	6	14	6	2	10	0	

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

1 Description of Benefit	2 Weekly rate	3 Increase for only, elder or eldest qualifying child						4 Increase for second qualifying child		5 Increase for each additional qualifying child		6 Increase for adult dependant (where payable)	
respect of a child or an adult dependant other than her husband and she is not residing with her husband nor is he contributing to her maintenance at not less than the relevant rate													
(ii) during any other period during which she is entitled to an	2 15 0	1 2 6	14 6	14 6	2	10	0						



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

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1	2	3			4			5			6			
Description of Benefit	Weekly rate	Increase for only, elder or eldest qualifying child			Increase for second qualifying child			Increase for each additional qualifying child			Increase for adult dependant (where payable)			
increase of benefit in respect of a child or adult dependant														
(iii) 2 during any other period	5	6	—			—			—			—		
2. Unemployment or sickness benefit at a weekly rate determined under s. 19(3)	—	1	2	6	14	6	14	6	2	10	0			
3. Maternity allowance	4	0	0	1	2	6	14	6	14	6	2	10	0	
4. Widow's allowance	5	12	6	2	0	0	1	12	0	1	10	0	—	
5. Widowed mother's allowance	4	0	0	2	0	0	1	12	0	1	10	0	—	
6. Widow's pension	4	0	0	—			—			—			—	

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

1	2	3			4		5		6					
Description of Benefit	Weekly rate		Increase for only, elder or eldest qualifying child			Increase for second qualifying child		Increase for each additional qualifying child		Increase for adult dependant (where payable)				
7. Guardian's allowance.	2	0	0	—			—		—					
8. Retirement pension—														
(a) where the pension is payable to a woman by virtue of her husband's insurance and he is alive	2	10	0	1	2	6	14	6	14	6	—			
(b) in any other case	4	0	0	1	2	6	14	6	14	6	2	10	0	
9. Child's special allowance	2	0	0	—			1	12	0	1	10	0	—	

- 1 In paragraphs 1(c)(i) and 1(d)(i) of this Schedule "the relevant rate " means a weekly rate equal to the difference under this Schedule between the rates of benefit applying if the husband is, and if he is not, contributing to the wife's maintenance at not less than the relevant rate.
- 2 In paragraph 2 of this Schedule, column 6 shall have effect subject to section 43(3) (b) of this Act.

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

SCHEDULE 4

Sections 23, 39.

AMOUNTS OF GRANTS.

Description of Grant	Amount		
	£	s.	d.
1. Maternity grant.	22	0	0
2. Death grant, where the person in respect of whose death the grant is paid was at his death—			
(a) under the age of 3 .	7	10	0
(b) between the ages of 3 and 6.	12	10	0
(c) between the ages of 6 and 18	18	15	0
(d) over the age of 18—			
(i) if on 5th July 1948 that person had attained the age of 55 in the case of a man or 50 in the case of a woman.	12	10	0
(ii) in any other case.	25	0	0

SCHEDULE 5

Section 62.

STATUTORY SUPERANNUATION SCHEMES FOR WHICH SPECIAL PROVISION IS MADE.

<i>Pension enactments</i>	<i>Appropriate Minister</i>
1. The Teachers Superannuation Acts 1918 to 1956.	The Secretary of State for Education and Science.
2. Section 102 of the Education (Scotland) Act 1962.	The Secretary of State for Scotland.
3. The Local Government Superannuation Acts 1937 to 1953.	The Minister of Housing and Local Government.
4. The Local Government Superannuation (Scotland) Acts 1937 to 1953.	The Secretary of State for Scotland.
5. Section 67 of the National Health Service Act 1946.	The Minister of Health.

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

<i>Pension enactments</i>	<i>Appropriate Minister</i>
6. Section 66 of the National Health Service (Scotland) Act 1947.	The Secretary of State for Scotland.
7. Section 26 of the Fire Services Act 1947, in its application to England and Wales.	The Secretary of State for the Home Department.
8. Section 26 of the Fire Services Act 1947, in its application to Scotland.	The Secretary of State for Scotland.
9. The Police Pensions Act 1948, in its application to England and Wales.	The Secretary of State for the Home Department.
10. The Police Pensions Act 1948, in its application to Scotland.	The Secretary of State for Scotland.

SCHEDULE 6

Section 79.

SCALE OF SUPERANNUATION ALLOWANCES OF  
 COMMISSIONER AND DEPUTY COMMISSIONERS.

When the number of completed years of service is as specified in the first column of the following table, the annual allowance shall not exceed the fraction of the last annual salary respectively specified in the second columns of that table :—

<i>Years of service</i>	<i>Fraction of salary</i>
Less than 5	Six-fortieths
5	Ten-fortieths
6	Eleven-fortieths
7	Twelve-fortieths
8	Thirteen-fortieths
9	Fourteen-fortieths
10	Fifteen-fortieths
11	Sixteen-fortieths
12	Seventeen-fortieths
13	Eighteen-fortieths
14	Nineteen-fortieths
15 or more	Twenty-fortieths

SCHEDULE 7

Section 81.

SET-OFF OF OVERPAYMENTS.

- 1 (1) Where a person has received on account of benefit or a family allowance sums to which, by virtue of any provision of, or of regulations under, this Act or the Industrial Injuries Act or by virtue of section 11(6) of the Family Allowances Act, he was disentitled by reason of his being entitled by virtue of a subsequent award to other benefit or, as the case may be, to guardian's allowance under section 29 of this Act, then, except in so far as regulations otherwise provide, the decision making that subsequent award shall direct that those sums shall be treated as having been paid on account of the benefit thereby awarded.
  - (2) Where on review or appeal a decision awarding a person benefit is revised, or is reversed or varied, but he retains any sums paid in pursuance of the original decision which would not have been payable if the decision on the review or appeal had been given in the first instance, then, except in so far as regulations otherwise provide, any decision awarding him other benefit or a family allowance, being a benefit or allowance to which a right to any of those sums would by virtue of any such provision as aforesaid or of the said section 11(6) have disentitled him, shall direct that that sum, up to the amount of the other benefit or allowance to which he would by his right to that sum have been so disentitled, shall be treated as having been paid on account of the other benefit or allowance.
  - (3) Where a sum paid on account of any benefit or of a family allowance is by virtue of this paragraph or any other enactment to be treated as having been paid on account of other benefit or such an allowance, it shall be so treated for all purposes, including the subsequent operation in relation to it of this paragraph or any other enactment relating to benefit or family allowance overpaid.
  - (4) For the purposes of this paragraph—
    - (a) a person shall be treated as retaining any sum which has been received by him and not repaid, except that he shall not be treated as retaining a sum if under any other enactment a direction has been given for it to be repaid ;
    - (b) in the case of sums paid by way of benefit under this Act in respect of a child of the family of a man and his wife living together or on account of a family allowance for such a family, the man shall be treated as having received any sum which, if properly paid, would have been receivable by him, and the wife any sum which, if properly paid, would have been receivable by her.
- 2 Regulations may provide for treating benefit paid to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant, of the first-mentioned person as having been properly paid for any period notwithstanding that under regulations relating to overlapping benefits it is not payable for that period by reason of a subsequent decision either—
- (a) that the said other person is himself entitled to benefit for that period ; or
  - (b) that a third person is entitled to benefit for that period in respect of the said other person in priority to the first-mentioned person,
- and for reducing or withholding accordingly any arrears payable for that period by virtue of the subsequent decision.
- 3 In this Schedule, the expression " benefit" means benefit either under this Act or under the Industrial Injuries Act; and in paragraph 1 of this Schedule any reference

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

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to a decision awarding benefit or a family allowance includes a decision making any benefit or family allowance payable at a higher rate.

## SCHEDULE 8

Section 88.

### CONSTITUTION ETC. OF NATIONAL INSURANCE ADVISORY COMMITTEE.

- 1       The National Insurance Advisory Committee (in this Schedule referred to as " the Committee") shall consist of a chairman appointed by the Minister and not less than four nor more than eight other members so appointed, and at least one member of the Committee shall be a woman.
  
- 2       The chairman and other members shall hold office for a period which, in the case of each of the members first appointed and of any member appointed to fill a casual vacancy, shall be of such duration not exceeding five years as may be determined by the Minister, and in the case of all other members shall be a period of five years :  
  
 Provided that any member may by notice in writing to the Minister resign office at any time and shall be eligible for re-appointment from time to time on or after the expiration of his term of office.
  
- 3       Of the said members, other than the chairman, there shall be appointed—
  - (a) one after consultation with organisations representative of employers;
  - (b) one after consultation with organisations representative of workers ;
  - (c) one after consultation with friendly societies or organizations representative of friendly societies ; and
  - (d) if and when reciprocal arrangements with the appropriate Northern Irish authority are in force under this Act, one after consultation with that authority.
  
- 4       If a member becomes, in the opinion of the Minister, unfit to continue in office or incapable of performing his duties, the Minister shall forthwith declare his office to be vacant and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.
  
- 5       The Minister shall appoint a secretary to the Committee, and may appoint such other officers and such servants to the Committee, and there shall be paid to them such salaries and allowances, as the Minister may with the consent of the Treasury determine.
  
- 6       The expenses of the Committee to such an amount as may be approved by the Treasury (including such salaries or other remuneration paid to all or any of the members as the Minister with the consent of the Treasury may determine and including salaries and allowances payable under paragraph 5 of this Schedule) shall be paid by the Minister.
  
- 7       There may be paid as part of the expenses of the Committee to persons attending its meetings at the request of the Committee such travelling and other allowances (including compensation for loss of remunerative time) as the Minister may, with the consent of the Treasury, determine.
  
- 8       The Committee may act notwithstanding any vacancy among the members of the Committee.

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

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- 9           The Committee may make rules for regulating the procedure (including the quorum) of the Committee.

## SCHEDULE 9

Section 92.

### DOCUMENTS EXEMPT FROM STAMP DUTY.

- 1           Draft or order or receipt given in respect of benefit payable under this Act or under any supplementary scheme, or in respect of any sums payable to the body charged with the administration of a supplementary scheme.
- 2           Letter or power of attorney granted by any person as trustee for the transfer of any money vested in his name in the public funds or in any other securities and forming part of any funds applicable for the purpose of any supplementary scheme.
- 3           Agreement, bond or other security made or given for the purpose of, or in connection with, any supplementary scheme.
- 4           Appointment or revocation of appointment of an agent, appointment of a new trustee, and any conveyance or transfer made for effectuating the appointment of a new trustee, and any other document authorised by or in pursuance of this Act or of any supplementary scheme or otherwise required in order to give effect to the provisions of this Act.
- 5           Receipt given in respect of a refund or return of contributions.

## SCHEDULE 10

Section 104.

### CONSTITUTION, ETC., OF JOINT AUTHORITY.

- 1           The Joint Authority shall be a body corporate by the name of the National Insurance Joint Authority, and shall have an official seal which shall be officially and judicially noticed, and the seal of the Authority may be authenticated by either member of, or the secretary to, the Authority, or by any person authorised by the Authority to act on behalf of the secretary.
- 2           Either member of the Joint Authority shall be entitled, subject to and in accordance with any rules laid down by the Authority, to appoint a deputy to act for him at meetings of the Authority at which he is unable to be present.
- 3           The Documentary Evidence Act 1868 shall apply to the Joint Authority as if that Authority were included in the first column of the Schedule to the said Act, and as if either member or the secretary, or any person authorised to act on behalf of the secretary, of the Authority were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Authority.

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

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## SCHEDULE 11

Section 115.

## TRANSITORY PROVISIONS.

*Special savings.*

- 1 (1) Where this Schedule provides that any provision shall be specially saved, then, notwithstanding that the provision in question is repealed by the Consequential Repeals Act and is not re-enacted in this Act, any regulations made under that provision and in force immediately before the commencement of this Act shall continue in force in like manner, subject to the like power of variation or revocation, as if that provision had been so re-enacted.
- (2) Any regulations having effect immediately before the commencement of this Act by virtue only of the proviso to section 6(4) of the National Insurance Act 1960 shall continue to have effect as if that proviso had not been repealed by the Consequential Repeals Act.

*Widow's pension.*

- 2 (1) Notwithstanding that neither the conditions specified in subsection (2) nor those specified in subsection (3) of section 28 of this Act are satisfied, a widow shall be entitled to a widow's pension in a case where she would have been so entitled if subsection (1)(b) of that section, instead of referring to the conditions specified in the said subsection (3), had referred either—
- (a) to the conditions specified in sub-paragraph (2) of this paragraph; or
  - (b) to the conditions specified in sub-paragraph (3) of this paragraph ; or
  - (c) to the conditions specified in sub-paragraph (4) of this paragraph.
- (2) The conditions referred to in sub-paragraph (1)(a) of this paragraph are—
- (a) that during her widowhood, and at a date within the period beginning with 5th July 1948 and ending with 4th July 1956, the widow had a family which included a child who either was at the husband's death a child of his family or was a son or daughter of theirs ; and
  - (b) that at a subsequent date during that period the widow ceased to have such a family at a time when—
    - (i) she was over the age of forty but under pensionable age ; and
    - (ii) three years had elapsed since the date of her marriage to the husband.
- (3) The conditions referred to in sub-paragraph (1)(b) of this paragraph are—
- (a) that during her widowhood, and at a date within the period beginning with 5th July 1956 and ending with 26th February 1964, the widow either—
    - (i) had a family which included a child who fell within paragraph (a), (b) or (c) of section 27(2) of this Act and who, if included in the widow's family only by virtue of her contributing to the cost of providing for the child, was so included by virtue of her so contributing at a weekly rate not less than the difference between the two weekly rates of widowed mother's allowance as set out in the second column of Part I of Schedule 2 to the Act of 1946 as in force at that date ; or
    - (ii) while not having such a family, satisfied the requirements of section 27(1)(b) of this Act with the substitution in the said



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- section 27(1)(b) for the reference to the age of nineteen years of a reference to the age of eighteen years; or
- (iii) satisfied the requirements of section 27(1)(c) of this Act; and
- (b) that at a subsequent date during that period the widow ceased to satisfy the condition specified in paragraph (a) of this sub-paragraph at a time when—
- (i) subject to paragraph 3 of this Schedule, she was over the age of fifty ; and
- (ii) either she was under pensionable age or, if that time was after 4th August 1957, being over pensionable age, she had not retired from regular employment; and
- (iii) three years had elapsed since the date of her marriage to the husband.
- (4) The conditions referred to in sub-paragraph (1)(c) of this paragraph are—
- (a) that during her widowhood, and at a date within the period beginning with 27th February 1964 and ending with 20th December 1964, the widow satisfied the requirements of section 27(1)(a), (b) or (c) of this Act; and
- (b) that at a subsequent date during that period the widow ceased to satisfy the requirements aforesaid at a time when the requirements of sub-paragraph (3) (b)(i), (ii) and (iii) of this paragraph were satisfied.
- (5) Subsection (5) of section 28 of this Act shall apply for the purposes of this paragraph as if references in the said subsection (5) to that section or to subsection (2)(a) or (3) (b) thereof included references respectively to this paragraph or to sub-paragraphs 2(b)(ii) or 3(b)(iii) thereof.
- 3 In the case of a widow whose husband or, if she has been married more than once, whose last husband died before 4th February 1957, section 28(3)(a) of this Act and paragraph 2(3)(b)(i) of this Schedule shall each have effect as if for the word "fifty" there were substituted the word " forty ".
- 4 (1) Section 18(3) of the Act of 1946 (by virtue of which a widow who would otherwise have ceased to be entitled to widow's benefit at a time when incapable of self-support by reason of infirmity may be granted a widow's pension), so far as it applies to a widow so ceasing before 7th January 1957, shall be specially saved ; and where a widow entitled to a widow's pension by virtue of the said section 18(3) ceases to be so entitled at a time when—
- (a) she is over the age of fifty ; and
- (b) three years have elapsed since the date of the marriage in respect of which the pension is payable,
- she shall for any subsequent period have the same right, if any, to a widow's pension in respect of that marriage as if the conditions specified in section 28(2) of this Act were satisfied.
- (2) Where a widow has been married more than once, regulations may relax, for the purpose of her right to a widow's pension in respect of her last marriage, the condition contained in sub-paragraph (1)(b) of this paragraph.
- Women's retirement pensions.*
- 5 (1) If in the case of any woman—
- (a) her husband died, and she attained pensionable age, before 5th August 1957 and she was immediately before attaining that age entitled to widow's benefit in respect of his death ;

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- (b) her husband died, and she attained pensionable age, before 21st August 1956 and she would, immediately before attaining that age, have been entitled if section 28 of this Act had then been in force to a widow's pension in respect of his death,

section 32 of this Act shall have effect in relation to that woman as if subsection (1)(a) of that section were omitted ; but a woman whose husband died, and who remarried, before 5th August 1957 shall not be entitled to payment of a retirement pension by virtue of that husband's insurance for any period after her remarriage.

- (2) Nothing in section 48(1) or 49(3)(a) of this Act relating to the making of claims shall affect any right of a widow to a retirement pension by virtue of sub-paragraph (1)(a) of this paragraph; and section 49(4)(c) of this Act shall not apply to such a pension.
- 6 Section 33(3) of this Act shall not apply to a woman who attained pensionable age before 5th August 1957 and who, immediately before attaining that age, was entitled to widow's benefit unless that benefit was a widow's pension in respect of a husband who died before 21st August 1956 to which she became entitled on or after that date.

*Increase of retirement pension for contributions after pensionable age.*

- 7 In relation to contributions for contribution weeks commencing before 3rd August 1959, section 31(1) of this Act shall have effect as if for the reference to one shilling for every twelve contributions there were substituted a reference—
- (a) in the case of contribution weeks commencing before 16th July 1951, to one shilling for every twenty-five contributions ;
- (b) in the case of contribution weeks commencing on or after 16th July 1951, to one shilling and sixpence for every twenty-five contributions.
- 8 (1) Section 34(1) and (2) of this Act shall not apply to contributions paid before 25th December 1961, and the said section 34(2) shall not apply where the husband's death took place before that date.
- (2) Where, in the case of any husband and his wife or widow, they were both over pensionable age on 25th December 1961 (whether then married or not), the said section 34(1) and (2) shall not apply except in so far as section 34(1)(b) may operate to increase in respect of the husband's contributions a retirement pension under section 30 of this Act payable to his widow by virtue of her own insurance ; but in any such case, and in any case where the husband died before 25th December 1961, the weekly rate of a retirement pension under section 32 of this Act payable to the wife or widow by virtue of the husband's insurance shall, subject to section 30(7) of this Act and to paragraph 9 of this Schedule, be increased for contributions as an employed or self-employed person paid by the husband in respect of any period after both he and she had attained pensionable age—
- (a) by one shilling for every twenty-five such contributions paid in respect of contribution weeks commencing before 16th July 1951 ;
- (b) for every twenty-five such contributions paid in respect of contribution weeks commencing on or after 16th July 1951 and before 3rd August 1959—
- (i) as respects any period during which the husband is alive, by one shilling ;
- (ii) as respects any period after the husband's death, by one shilling and sixpence ;

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- (c) for every twelve such contributions paid in respect of contribution weeks beginning on or after 3rd August 1959—
    - (i) as respects any period during which the husband is alive, by sixpence ;
    - (ii) as respects any period after the husband's death, by one shilling.
  - (3) Section 34(3) and (4) of this Act shall apply for the purposes of sub-paragraph (2) of this paragraph as they apply for the purposes of the said section 34(1) and (2).
- 9 The following provisions (which relate to the treatment of contributions which do not make up the number, or a multiple of the number, of contributions applicable for the purposes of section 20(4) or 21(3) of the Act of 1946 at the time when the contributions were paid), namely—
- (a) section 4(5) of the National Insurance Act 1951 ; and
  - (b) section 6(3) of the National Insurance Act 1959,
- shall be specially saved and have effect for the purposes of section 31(1) of this Act or paragraph 8(2) of this Schedule as they had effect for the purposes of the said section 20(4) or 21(3).

*Death grant.*

- 10 A death grant shall not be payable in respect of the death of any person who attained pensionable age before 5th July 1948.

*Overlapping benefits.*

- 11 (1) Regulations may provide for adjusting sickness benefit payable to any person in respect of any injury or disease, or the conditions for the receipt thereof, where that person is or has been entitled in respect of that injury or disease to a weekly payment under the Workmen's Compensation Acts or under any contracting out scheme duly certified thereunder.
- (2) In this paragraph, the expression "Workmen's Compensation Acts " means the Workmen's Compensation Acts 1925 to 1945, or the enactments repealed by the Workmen's Compensation Act 1925, or the enactments repealed by the Workmen's Compensation Act 1906.

*Non-participating employments.*

- 12 In determining whether a person's service in any employment in which he is employed after 5th January 1964 qualifies him as mentioned in section 56(1)(a) of this Act, no account shall be taken of any service by him in that employment before that date.
- 13 As respects service before 8th April 1963, section 56(3) of this Act shall have effect as if for the words "eighteen pounds" there were substituted the words " fifteen pounds ".
- 14 As respects service before 6th January 1964, section 57(1) of this Act shall have effect as if for paragraph (d) thereof there were substituted the following—
- “(d) apart from any period before pensionable age, the pension or the said part of it is of an amount not less, when expressed as a weekly rate, than the graduated retirement benefit which would be payable to the person employed in return for an amount of graduated contributions

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equal to one such contribution paid in each week of the period of service in respect of a weekly payment of remuneration of fifteen pounds.”

*Payments in lieu of contributions.*

- 15 For the purposes of section 58 of this Act—
- (a) as respects service before 6th January 1964, paragraph (a) of that section shall have effect as if for the words " eighteen pounds" there were substituted the words " fifteen pounds ";
  - (b) sections 1(1) and 3(1) of, and Schedule 1 to, the National Insurance Act 1963 shall be deemed not to have come into operation until 5th January 1964.
- 16 If a payment is made as required by section 58 of this Act in respect of a period—
- (a) falling partly before and partly after 5th January 1964 ; or
  - (b) falling partly before and partly after the date of any change in the percentage mentioned in section 4(1)(c) of this Act taking effect under section 5(1)(b) thereof; or
  - (c) falling partly before and partly after the date of any change in the said percentage or the sums of money mentioned in the said section 4(1)(c), or of any change in the rates of contributions set out in Schedule 1 to this Act effected by or in pursuance of any Act passed after this Act,
- and the amount of the payment is less than the full amount required, the Minister may allocate the payment as between the two parts of the period as he may think fit, and the said section 58 shall apply to the payment as if the two parts of the period were separate periods.

*Pre-1948 contributors and beneficiaries.*

- 17 (1) In relation to—
- (a) persons (in this paragraph and paragraph 18 of this Schedule referred to as " pre-1948 contributors ") who within the prescribed time before 5th July 1948 were, or were deemed to be or treated as, insured—
    - (i) under the Unemployment Insurance Act 1935 ; or
    - (ii) under the National Health Insurance Act 1936 ; or
    - (iii) under the Widows', Orphans' and Old Age Contributory Pensions Act 1936 ; and
  - (b) persons (hereafter in this paragraph referred to as " pre-1948 beneficiaries ")—
    - (i) to or in respect of whom, immediately before 5th July 1948, any benefit, pension or allowance was, or would but for any disqualification or forfeiture have been, payable under or by virtue of the enactments repealed by the Act of 1946 ; or
    - (ii) who immediately before 5th July 1948 had, otherwise than as pre-1948 contributors or in respect of the insurance of pre-1948 contributors, any prospective right to or expectation of any benefit, pension or allowance under or by virtue of the enactments so repealed,

the provisions of this Act shall have effect with such modifications, additions and exceptions as may be prescribed for securing the continuity of the enactments so

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repeated, the Act of 1946 and this Act, or otherwise for the preservation of rights conferred under or by virtue of the enactments so repealed, or which appear to the Minister to be necessary or expedient in consequence of the passing after this Act of any enactment directed to be construed as one therewith (except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction) ; and in this paragraph and in the said paragraph 18 any reference to the enactments repealed by the Act of 1946 shall include a reference to any corresponding enactments previously repealed.

- (2) Regulations under the foregoing sub-paragraph shall in particular provide—
- (a) as respects pre-1948 contributors—
    - (i) for the insurance under this Act of such of them as, on 5th July 1948, being under pensionable age, were outside Great Britain and continued in any employment outside Great Britain by virtue of which they were pre-1948 contributors ;
    - (ii) for modifying the conditions for receipt of benefit under this Act, whether by a pre-1948 contributor or in respect of his insurance by another, so as to take into account, for such purposes and in such manner and subject to such conditions as may be prescribed, contributions paid or deemed to be or treated as paid under the enactments repealed by the Act of 1946 and periods of insurance under those enactments ;
  - (b) as respects pre-1948 beneficiaries, either—
    - (i) for substituting for any right to any benefit, pension or allowance payable under or by virtue of the said enactments a right to such benefit under this Act as may be prescribed as corresponding thereto ; or
    - (ii) for preserving any such right and giving effect thereto (whether under this Act or by continuing in whole or in part the operation of the said enactments in relation thereto),

but in any case subject to any modifications appearing to the Minister to be appropriate, so, however, that the maximum rate of any such benefit, pension or allowance shall not be increased above the rate of the corresponding benefit under this Act as set out in Schedule 3 thereto.

*Insured persons over school leaving age on 5th July 1948.*

- 18 (1) In relation to insured persons who—
- (a) immediately before 5th July 1948 were over school leaving age and under pensionable age ; but
  - (b) either are not pre-1948 contributors or, being pre-1948 contributors, were, or were deemed to be or treated as, insured for the purposes of some only of the enactments repealed by the Act of 1946,

the provisions of this Act shall have effect with such modifications, additions and exceptions as may be prescribed for adjusting them to the case of such persons.

- (2) Subject to any prescribed exceptions, regulations under the foregoing sub-paragraph shall provide that the yearly average of the contributions paid by or credited to any such person as is mentioned in that sub-paragraph shall be calculated, in the case of a person over the age of sixteen on 5th July 1948, only over the period—

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- (a) beginning with the beginning of the contribution year in which that date occurred ; and
  - (b) ending with the end of the last complete contribution year before the date as at which that average is to be ascertained.
- (3) For the purposes of death grant, sub-paragraph (2) of this paragraph shall apply to all pre-1948 contributors.
- (4) The reference in sub-paragraph (1) of this paragraph to this Act shall include a reference to any enactment passed after this Act which is directed to be construed as one therewith, except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction.

*Miscellaneous special savings.*

- 19 The following provisions shall be specially saved, that is to say, in the Act of 1946—
- (a) section 66 (which relates to the transfer of assets and liabilities in consequence of the passing of the Act of 1946);
  - (b) section 67 (which relates to compensation for certain displaced employees) ;
  - (c) section 69(1)(f) (which relates to the continuing in force and administration of the scheme relating to the seamen's special fund established for the purposes of section 138 of the National Health Insurance Act 1936) ;
  - (d) section 71(1) (which provides for the insurance of certain persons who would not otherwise be insured persons) ;
  - (e) section 71(3) (which relates to the application of the Act of 1946 to certain persons who attained the age of 55, in the case of a man, or 50, in the case of a woman, before 5th July 1948, except that regulations under the said section 71(3) shall not apply to a woman who attained pensionable age after 4th August 1957 and who immediately before attaining that age was entitled to widow's benefit,
- and, in the Family Allowances and National Insurance Act 1961, paragraph 8 of Schedule 3 (which contains transitional provisions with respect to the amendment by section 8(b) of that Act of the definition of " apprentice " in section 23 of the Family Allowances Act 1945), so far as the said paragraph 8 relates to the National Insurance Acts 1946 to 1960.

*General provision as to past events.*

- 20 Any question whether a person became or ceased to be entitled to any benefit at a time before the date of commencement of this Act, and any question with respect to contributions, payments in lieu of contributions or benefit in respect of a period before that date, shall be determined in accordance with the provisions with respect to those matters respectively in force at that time or during that period.

SCHEDULE 12

Section 116.

REGULATIONS REVOKED.

- 1 In the National Insurance (Claims and Payments) Regulations 1948 ([S.I. 1948 No. 1041](#)), in Schedule 2 (as included by virtue of the National Insurance (claims

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- and Payments) Amendment Regulations 1952 ([S.I. 1952 No. 1207](#)), paragraph 2 of Part II.
- 2 In the National Insurance (Determination of Claims and Questions) Regulations 1948 ([S.I. 1948 No. 1144](#)), regulation 2, regulation 3(3) so far as it relates to the appointment of persons to hold inquiries and report thereon, and regulations 4(1), (2) and (4), 4(3) from the beginning to "High Court and", 5 to 11, 16(5), (5A) and (5B), 18 and 23.
- 3 In the National Insurance and Industrial Injuries (Collection of Contributions) Regulations 1948 ([S.I. 1948 No. 1274](#)), regulation 7.
- 4 In the National Insurance (General Benefit) Regulations 1948 ([S.I. 1948 No. 1278](#)), regulation 8(3).
- 5 In the National Insurance (Contributions) Regulations 1948 ([S.I. 1948 No. 1417](#)), regulation 19.
- 6 The National Insurance (Determination of Claims and Questions) Amendment Regulations 1951 ([S.I. 1951 No. 1208](#)).
- 7 In the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations 1954 ([S.I. 1954 No. 189](#)), regulations 12 and 19(3).
- 8 The National Insurance (Determination of Claims and Questions) Amendment Regulations 1955 ([S.I. 1955 No. 1788](#)).
- 9 In the National Insurance (Claims and Payments) Amendment Regulations 1957 ([S.I. 1957 No. 578](#)), regulation 2(2).
- 10 In the National Insurance (Claims and Payments) Amendment (No. 2) Regulations 1957 ([S.I. 1957 No. 1357](#)), regulation 3.
- 11 In the National Insurance (Determination of Claims and Questions) Amendment Regulations 1958 ([S.I. 1958, No. 701](#)), regulation 3 and Schedule 1.
- 12 In the National Insurance (Contributions) Amendment Regulations 1959 ([S.I. 1959 No. 847](#)), regulation 11.
- 13 In the National Insurance (Determination of Claims and Questions) Amendment Regulations 1959 ([S.I. 1959 No. 848](#)), regulation 3.
- 14 In the National Insurance (Determination of Claims and Questions) Amendment (No. 2) Regulations 1959 ([S.I. 1959 No. 1154](#)), regulations 3 to 6 and Schedules 1 to 3.
- 15 In the Family Allowances (Determination of Claims and Questions) Regulations 1959 ([S.I. 1959 No. 1157](#)), regulations 2(2) and 3(1) and so much of the Schedule as reproduces any of the regulations revoked by virtue of paragraph 2 of this Schedule.
- 16 In the National Insurance (Graduated Contributions and Non-participating Employments—Miscellaneous Provisions) Regulations 1960 ([S.I. 1960 No. 1210](#)), regulations 10 and 14(2).
- 17 In the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations 1961 ([S.I. 1961 No. 557](#)), in Schedule 2, paragraph 1 of Part II.