



# National Insurance Act 1965

## 1965 CHAPTER 51

### PART VI

#### MISCELLANEOUS AND GENERAL.

##### *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

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or, as respects any such period as aforesaid, with section 3(1) of the Health Contributions Act of 1957;

"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;

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"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;

"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

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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.

- (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

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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.