



National Insurance Act 1965

1965 CHAPTER 51

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;

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- (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

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.

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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;

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- (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.

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.

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

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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.

- (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—

Status: This is the original version (as it was originally enacted).

- (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.