CHAPTER 5

An Act to make provision until the end of the year nineteen hundred and sixty-two for financing any accumulated revenue deficit of the National Coal Board.

[20th December, 1961]

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:—

Finance for revenue deficit. 9 & 10 Geo. 6. c. 59.

1.—(1) The power of the Minister to make advances to the National Coal Board under subsection (1) of section twenty-six of the Coal Industry Nationalisation Act, 1946 (which enables him to make advances to the Board for capital purposes) shall include power to advance to the Board sums required before the end of the year nineteen hundred and sixty-two for financing to an amount not exceeding fifty million pounds any accumulated deficit on revenue account.

(2) In this section "the Minister" means the Minister of Power; and references to section twenty-six of the Coal Industry Nationalisation Act, 1946, are references to the section substituted for that section by section one of the Coal Industry Act, 1951, and amended by subsequent enactments. 14 & 15 Geo. 6. c. 41.

Short title, citation and extent.

2.—(1) This Act may be cited as the Coal Industry Act, 1961; and the Coal Industry Acts, 1946 to 1960, and this Act may be cited as the Coal Industry Acts, 1946 to 1961.

(2) This Act does not extend to Northern Ireland.

CHAPTER 6

ARRANGEMENT OF SECTIONS

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SCHEDULES:

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Second Schedule—Set-off of overpayments on account of benefit or family allowances.

Third Schedule—Commencement, transitional provisions, etc.

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An Act to improve and extend the allowances payable out of the Industrial Injuries Fund in respect of injury or disease arising out of pre-1948 employment; to amend the National Insurance (Industrial Injuries) Acts, 1946 to 1960, and the National Insurance Acts, 1946 to 1960, as regards the circumstances giving a right to or affecting the continuance or rate of certain benefits, as regards the references in certain provisions relating to contributions to an income not exceeding one hundred and fifty-six pounds a year or to remuneration not exceeding sixty shillings a week, and as regards matters connected with the administration of the Acts and the making and operation of orders and regulations thereunder; to make further provision as to sums wrongly paid by way of benefit under those Acts or by way of family allowance; to alter the meaning in those Acts and the Family Allowances Acts, 1945 to 1959, of the word " child "; to provide for certain expenses of the Minister of Pensions and National Insurance; and for purposes connected therewith.

[20th December, 1961]

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

INDUSTRIAL INJURIES

Improved allowances in respect of incapacities arising from pre-1948 employment.

1.—(1) The Workmen's Compensation and Benefit (Supplementation) Act, 1956 (which provides for the payment of allowances out of the Industrial Injuries Fund in cases of injury or disease arising out of pre-1948 employment and resulting in total disablement or incapacity for work), shall have effect with the substitution in section two of a rate of allowance of thirty-two shillings and sixpence a week for the rate of seventeen shillings and sixpence a week.

(2) The Workmen's Compensation (Supplementation) Act, 1951 (which authorises the making of schemes for the payment of allowances out of the Industrial Injuries Fund in cases of injury or disease arising out of pre-1924 employment), in relation to the payment of allowances for such periods of incapacity for work as are mentioned below in this subsection—

(*a*) shall be amended by the substitution in subsections (2) and (8) of section two of references to sixty-six shillings and to fifty shillings for the references to fifty-six shillings and forty shillings (which operate to limit the maximum weekly rate of allowance under any scheme); and

(*b*) subject to subsection (4) below, shall authorise the making and variation of schemes so as to provide for the payment of allowances at a weekly rate not exceeding ten shillings to persons who are or have since the passing of this Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening after the beginning of the year nineteen hundred and twenty-four.

This subsection shall have effect in relation to the payment of allowances to a person for any periods of incapacity for work resulting from the relevant injury or disease within the meaning of the Workmen's Compensation (Supplementation) Act, 1951, other than periods for which as a result of that injury or disease (with or without any other injury or disease) the Workmen's Compensation and Benefit (Supplementation) Act, 1956, applies to him, and other than periods before the coming into force of this subsection.

(3) The Industrial Diseases (Benefit) Acts, 1951 and 1954 (which authorise the making of schemes for the payment of allowances out of the Industrial Injuries Fund in cases of disease arising out of pre-1948 employment but not entitling the sufferer to workmen's compensation), shall have effect as if in subsection (2) of section three of the Pneumoconiosis and Byssinosis Benefit Act, 1951, after the words " the weekly rate of allowance in respect of disablement shall be forty shillings " there were

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inserted the words " or, if the disablement is not total, twenty-seven shillings and sixpence " (instead of the words " or, if the disablement is not total, twenty shillings " inserted by subsection (1) of section two of the Industrial Diseases (Benefit) Act, 1954); and any scheme under those Acts which is in force at the coming into force of this subsection shall have effect accordingly.

(4) In relation to the payment of allowances by virtue of paragraph (*b*) of subsection (2) above—

(*a*) the Workmen's Compensation (Supplementation) Act, 1951, shall have effect subject to the modifications mentioned in the First Schedule to this Act; and

(*b*) the references in that paragraph to workmen's compensation and to the happening of an accident shall be construed in accordance with subsection (5) of section one of that Act as so modified.

Extension of class of accidents treated as arising out of employment.

2. For the purposes of the National Insurance (Industrial Injuries) Acts, 1946 to 1960, an accident happening after the coming into force of this section shall be treated (where it would not be apart from this section) as arising out of a person's employment if—

(*a*) the accident arises in the course of the employment; and

(*b*) the accident either is caused by another person's misconduct, skylarking or negligence, or by steps taker in consequence of any such misconduct, skylarking or negligence, or by the behaviour or presence of an animal (including a bird, fish or insect), or is caused by or consists in the insured person being struck by any object or by lightning; and

(*c*) the insured person did not directly or indirectly induce or contribute to the happening of the accident by his conduct outside the employment or by any act not incidental to the employment.

Amendments as to certain increases in injury benefit or disablement pension (or corresponding benefits).

3.—(1) For the purposes of section fourteen of the National Insurance (Industrial Injuries) Act, 1946 (which as amended by and set out in the Schedule to the National Insurance (Industrial Injuries) Act, 1948, provides for increased disablement benefit for persons incapacitated from following their regular occupations or any suitable employment of equivalent standard), a person's regular occupation shall be treated as extending to and including employment in the capacities to which the persons in that occupation (or a class or description of them to which he belonged at the time of the relevant accident) are in the normal course advanced, and to which, if he had continued to follow that occupation without having suffered the relevant loss of faculty, he would have had at least the normal

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prospects of advancement; and so long as he is as a result of the relevant loss of faculty deprived in whole or in part of those prospects, he shall be treated as incapable of following that occupation.

(2) In section thirteen (unemployability supplement) of the National Insurance (Industrial Injuries) Act, 1946, the words "one hundred and four pounds" shall be substituted for the words "fifty-two pounds" in subsection (2) (which enables a person to be treated as incapable and likely to remain permanently incapable of work, if the relevant loss of faculty is likely to prevent his earnings exceeding fifty-two pounds in a year).

(3) A married woman shall not be entitled to any increase of benefit under section seventeen of the National Insurance (Industrial Injuries) Act, 1946 (which provides for increases in respect of children of the beneficiary's family), for any period during which she is residing with her husband and he is not incapable of self-support.

(4) Subsections (2) and (3) above shall have effect for the purpose of the powers conferred by reference to section thirteen or seventeen of the National Insurance (Industrial Injuries) Act, 1946, by section eighty-two of that Act (or by that section as extended by section six of the National Insurance (Industrial Injuries) Act, 1953), or by the Industrial Diseases (Benefit) Acts, 1951 and 1954, and any regulations or scheme made under those powers and in force at the coming into force of subsection (2) or (3) of this section shall have effect accordingly; and in subsection (3) of section one of the Workmen's Compensation and Benefit (Supplementation) Act, 1956 (which makes provision for the purposes of that Act similar to subsection (2) of section thirteen of the National Insurance (Industrial Injuries) Act, 1946), the words "one hundred and four pounds" shall be substituted for the words "fifty-two pounds".

Death benefit.

4.—(1) In section twenty-two of the National Insurance (Industrial Injuries) Act, 1946 (which relates to death benefit for the deceased's parents), in relation to deaths occurring after the coming into force of this subsection, the expression "parent" shall include a parent by adoption, and the expression "mother" shall be construed accordingly.

(2) Subsection (3) of section eighty-eight of the National Insurance (Industrial Injuries) Act, 1946 (by virtue of which, for the purpose of any provision of the Act providing that benefit shall not be payable to a woman after her marriage or re-marriage, references to marriage include cohabitation with a man), shall cease to have effect, but the benefits to which that subsection applied, that is to say,—

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(*a*) a pension payable under section nineteen to the deceased's widow; and

(*b*) a pension payable under section twenty-two to the deceased's mother (within the meaning of that section); and

(*c*) a pension payable under section twenty-three to a female relative of the deceased; and

(*d*) an allowance payable under section twenty-four to a woman having the care of a child of the deceased's family;

shall not be payable (except as provided by subsection (3) below) for any period during which the beneficiary is cohabiting with a man not her husband.

(3) A pension payable under section twenty-two of the National Insurance (Industrial Injuries) Act, 1946, to the deceased's mother (within the meaning of that section) shall—

(*a*) be payable notwithstanding her cohabitation with a man not her husband; and

(*b*) not terminate by reason of her marriage with a man;

if she was cohabiting with that man immediately before the deceased's death.

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NATIONAL INSURANCE, OTHER THAN INDUSTRIAL INJURY INSURANCE

Women's retirement pensions.

5.—(1) Subject to the provisions of this section, where a man pays contributions as an employed or self-employed person for a period after his attaining pensionable age and after the coming into force of this section, then in respect of those contributions—

(*a*) the weekly rate of any retirement pension 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 by virtue of his insurance or of hers shall be increased by sixpence for every twelve contributions (in addition to the increase, if any, under paragraph (*a*) above).

(2) Where by virtue of an election under section one of the National Insurance Act, 1957 (which enables a person to be treated as having re-entered regular employment after retiring from it or otherwise becoming entitled to a retirement pension), a woman pays contributions as an employed or self-employed person for a period after her attaining pensionable age and after the coming into force of this section, then in relation to a

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retirement pension payable 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) above as if they were contributions paid by him as mentioned in that subsection.

(3) Subject to subsection (4) below, this section, in relation to a retirement pension payable to a woman by virtue of her husband's insurance, shall have effect in place of subsection (4) of section twenty of the National Insurance Act, 1946, as applied by subsection (3) of section twenty-one of that Act.

(4) Subsections (1) to (3) above shall not apply in relation to a man and his wife who are both over pensionable age at the coming into force of this section (whether then married or not), except in so far as subsection (1) may operate to increase in respect of his contributions a retirement pension payable to her by virtue of her own insurance; nor shall subsection (2) or (3) apply in relation to a man and his wife, where he is dead at the coming into force of this section.

(5) In relation to a woman who marries (or has before the coming into force of this section married) after attaining pensionable age subsections (1) and (2) above shall have effect subject to any prescribed modifications.

Extension of guardian's allowance.

6.—(1) Regulations may provide for the payment of guardian's allowance under section nineteen of the National Insurance Act, 1946, 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.

(2) Regulations under this section may include provision—

(*a*) for suspending payment of an allowance awarded by virtue of this section 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 section 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.

(3) In a case for which the conditions for payment of guardian's allowance set out in subsection (1) of section nineteen of the National Insurance Act, 1946, are modified by virtue of the proviso to that subsection (which relates to adopted and

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illegitimate children, to children of divorced parents, and to certain other cases) 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, this section shall apply as if those persons were the child's parents.

Miscellaneous amendments.

7.—(1) The weekly rates of unemployment benefit and sickness benefit for married women set out in the Third Schedule to the National Insurance Act, 1960 (which include higher rates for certain periods when the woman is not residing with and is unable to obtain any financial assistance from her husband), shall be amended by substituting for the words " is not residing with and is unable to obtain any financial assistance from her husband ", in both places, the words " is not residing with her husband nor is he contributing to her maintenance at not less than the relevant rate " ; and for this purpose " the relevant rate " shall mean a weekly rate equal to the difference under that Schedule as so amended 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) Section five of the National Insurance Act, 1957 (which provides for payment of child's special allowance in respect of certain children to a woman after the termination of her marriage by divorce and the death of the husband of that marriage), shall, as respects the payment of allowances for periods after the coming into force of this subsection, be amended as follows:—

(*a*) the children of the woman's family in respect of whom the allowance is payable if at the husband's death they were, or but for the fact of their not then being in Great Britain would have been, children of his family shall include any child who at the husband's death was issue of his and hers within the meaning of the Family Allowances Act, 1945, and accordingly in paragraph (*b*) of subsection (2) of that section for the words " or such a child of that husband's family as could have been treated under paragraph 3 of the Schedule to the Family Allowances Act, 1945, as a child of her family " there shall be substituted the words " or, being (within the meaning of the Family Allowances Act, 1945) issue of theirs, a child of that husband's family " ; and

(*b*) in subsection (3) the words from " whichever of the following is the less " to the end of paragraph (*a*) (which limit the rate of the allowance by reference to the amount contributed by the husband before his death to the cost of providing for the child) shall cease to have effect.

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(3) In subsection (1) of section five of the National Insurance Act, 1946 (which as amended by section one of the National Insurance Act, 1955, authorises the making of regulations providing, among other things. for excepting insured persons from liability to pay contributions when their income does not exceed one hundred and fifty-six pounds a year), the words " two hundred and eight pounds " shall be substituted for the words " one hundred and four pounds " in the subsection as originally enacted, instead of the words " one hundred and fifty-six pounds " substituted by the said section one.

(4) In Parts I and II of the Second Schedule to the National Insurance Act, 1960 (which substitute in the First Schedule to the National Insurance Act, 1946, new contribution rates in respect of employed persons, and provide for the rates payable by employed persons over the age of eighteen and their employers to differ according as the weekly rate of remuneration does or does not exceed sixty shillings), for the words " sixty shillings " wherever occurring there shall be substituted the words " eighty shillings ".

PART III

GENERAL

Meaning of " child ".

8. The Family Allowances Acts, 1945 to 1959, the National Insurance (Industrial Injuries) Acts, 1946 to 1960, and the National Insurance Acts, 1946 to 1960, shall have effect as if in the Family Allowances Act, 1945 (as amended)—

(*a*) in subsection (1) of section two for the paragraph (*c*) inserted by section one of the Family Allowances and National Insurance Act, 1956 (which provides for a person to remain a child up to the age of sixteen, if incapacitated both for attendance at school and for employment by an illness or disability which has resulted in his or her never attending school or ceasing to do so while still of school age), there were substituted—

> " (*c*) during any period before he or she attains the age of sixteen years whilst he or she is by reason of illness or disability of mind or body incapacitated, and likely to remain for a prolonged period incapacitated, for regular employment " ;

(*b*) in section twenty-three, in the definition of " apprentice " for the words " not in receipt of earnings which provide him, wholly or substantially, with a livelihood " there were substituted the words " not in receipt of earnings exceeding forty shillings a week (the weekly amount of a person's earnings being for this purpose calculated or estimated

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in such manner and on such basis as may be prescribed) ".

Recovery etc. of benefit and allowances wrongly paid.

9.—(1) Where benefit is (or has before the coming into force of this section been) paid in pursuance of a decision which is reversed or varied on appeal, or is revised on a review, then, except as provided by this subsection, the decision given on the appeal or review shall require repayment to the 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 be treated as having been properly paid;

but 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.

(2) Subsection (1) above shall apply in relation to sums paid as on account of a family allowance as if a family allowance were benefit and the person to whom it belongs were the beneficiary, but with the substitution of a reference to the Minister for the reference to the Fund.

(3) Without prejudice to the generality of subsection (1) of section forty-seven of the National Insurance Act, 1946 (which, as extended by section one of the Family Allowances and National Insurance Act, 1959, enables provision to be made by regulations for, among other things, matters arising out of the revision on appeal or review of decisions, whether as respects benefit or as respects family allowances), regulations under that subsection may—

(*a*) modify subsection (1) above in relation to sums paid by way of benefit under the National Insurance Acts, 1946 to 1960, 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, where those sums would have been receivable (if properly paid) by either the man or the wife;

(*b*) make any such provision for the recovery of sums paid by way of benefit under the National Insurance Acts, 1946 to 1960, or on account of a family allowance, and required to be repaid by virtue of this section, as is authorised to be made by the regulations in a case where repayment is required by the regulations;

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and regulations may also provide for unemployment benefit of which repayment is required by virtue of this section to be repaid to or through a local education authority administering unemployment benefit by virtue of section eleven of the Employment and Training Act, 1948.

(4) The provisions of the Second Schedule to this Act shall have effect to enable sums paid by way of benefit or family allowance and afterwards found not to have been payable to be treated as paid on account of any sums properly payable by way of benefit or family allowance to the same person, or be treated as properly paid, and to provide for matters arising out of their being so treated.

(5) In subsection (1) of section fifty-two of the National Insurance (Industrial Injuries) Act, 1946 (which enables regulations to be made as respects matters arising between an application for the determination of a claim or question and the final determination of it, subject to a proviso requiring benefit to be payable in accordance with an award notwithstanding that an appeal is pending and to be treated as duly paid), the proviso shall not apply to benefit awarded for a period before the date of the award; and nothing in that proviso shall be taken to restrict the operation of subsection (1) above or of the Second Schedule to this Act.

(6) For the purposes of this section "benefit", unless the context otherwise requires, includes both benefit under the National Insurance (Industrial Injuries) Acts, 1946 to 1960, and benefit under the National Insurance Acts, 1946 to 1960 (and the reference in subsection (1) above to the Fund shall be taken as referring to the Industrial Injuries Fund or to the National Insurance Fund accordingly), and "family allowance" means an allowance under the Family Allowances Act, 1945.

Making and operation of regulations and orders.

10.—(1) Subject to subsection (2) below, in section seventy-six of the National Insurance Act, 1946, subsection (1) (which provides that regulations shall not be made under certain provisions of the Act unless a draft has been laid before Parliament and approved by resolution of each House) shall apply to any regulations to be made partly under the powers conferred by the provisions mentioned in that subsection, as well as to regulations to be made wholly under those powers; and accordingly regulations so made shall not be subject to annulment in pursuance of a resolution of either House of Parliament as provided by subsection (3) of that section (as amended by the Statutory Instruments Act, 1946) for regulations to which subsection (1) does not apply.

(2) Subsection (1) of section seventy-six of the National Insurance Act, 1946, shall not apply to regulations to be made for the

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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; and subsection (3) of that section shall have effect in relation to any such regulations accordingly.

(3) Subsections (1) and (2) above shall have effect in relation to subsections (1) and (2) of section eighty-seven of the National Insurance (Industrial Injuries) Act, 1946, as they have effect in relation to subsections (1) and (3) respectively of section seventy-six of the National Insurance Act, 1946.

(4) Nothing in section seventy-seven of the National Insurance Act, 1946 (which provides for proposals to make regulations under the Act to be considered by the National Insurance Advisory Committee), shall apply in relation to any regulations to be made for the purpose only of consolidating regulations thereby revoked; nor shall subsection (2) of section sixty-one of the National Insurance (Industrial Injuries) Act, 1946, require the reference to the Industrial Injuries Advisory Council of any proposals to make regulations under that Act if the regulations are to be made for the purpose only of consolidating regulations thereby revoked.

(5) The Minister after consulting the body charged with the administration of a supplementary scheme (that is to say, a scheme having effect under section twenty-seven of the National Insurance Act, 1946, or under section eighty-three of the National Insurance (Industrial Injuries) Act, 1946), 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; and any such order may revoke previous orders relating to the scheme so far as they are superseded by the consolidation or have otherwise become obsolete or unnecessary.

Any statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) An order of the Minister under section twenty-seven of the National Insurance Act, 1946, or under section eighty-three of the National Insurance (Industrial Injuries) Act, 1946, making any amendments, variations or modifications of a supplementary scheme may replace all or any of the provisions of the scheme (whether or not previously amended, varied or modified) with new provisions consolidating those provisions as they are to have effect with the amendments, variations or modifications to be made by the order; and any such order may revoke previous orders relating to the scheme so far as they are superseded by the consolidation or have otherwise become obsolete or unnecessary.

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Amendments as to expenses to be borne by Industrial Injuries and National Insurance Funds.

11.—(1) In estimating expenses for the purposes of subsection (2) of section sixty of the National Insurance (Industrial Injuries) Act, 1946, or subsection (2) of section thirty-eight of the National Insurance Act, 1946 (which provide for the repayment to the Treasury out of the Industrial Injuries Fund or the National Insurance Fund of expenses of government departments in carrying the Act into effect, including under paragraph (*a*) of the subsection an amount in respect of the accruing liability for superannuation allowances etc. under the Superannuation Acts, 1834 to 1943), there shall be included, in respect of any pension benefits which will or may become payable in respect of a person's service as Commissioner or deputy Commissioner under that Act or in respect of a person's employment as officer, inspector or servant for the purposes of the Act, such amount 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).

(2) For the purposes of subsection (1) above the accruing liability for pension benefits in respect of a person's service as Commissioner or deputy Commissioner under the National Insurance Act, 1946—

(*a*) in so far as it is estimated by the Minister to be attributable to the operation of subsections (1) and (2) of section one of the Family Allowances and National Insurance Act, 1959, in relation to the Family Allowances Act, 1945, shall be left out of account; and

(*b*) in so far as it is estimated by the Minister to be attributable to the operation of subsection (3) of section one of the Family Allowances and National Insurance Act, 1959, in relation to the National Insurance (Industrial Injuries) Act, 1946, shall be taken into account under subsection (2) of section sixty of the last mentioned Act, and not under subsection (2) of section thirty-eight of the National Insurance Act, 1946.

(3) No repayment shall be made to the Treasury under subsection (2) of section sixty of the National Insurance (Industrial Injuries) Act, 1946, or subsection (2) of section thirty-eight of the National Insurance Act, 1946, of sums paid for pension benefits in respect of a person's service as Commissioner or deputy Commissioner, and any such pension benefits shall be paid out of moneys provided by Parliament:

Provided that where the rate of the superannuation allowance payable to a Commissioner or deputy Commissioner under section fifty-four of the National Insurance (Industrial Injuries)

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Act, 1946, or under section forty-five of the National Insurance Act, 1946, is or would be increased by virtue of regulations made under that section in respect of service in some other capacity, 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 the manner in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.

(4) In the foregoing subsections "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.

(5) For the purposes of section thirty-eight of the National Insurance Act, 1946, there shall be treated as incurred in carrying that Act into effect any expenses incurred by the Minister or any other government department (except the Postmaster General) in connection with any inquiry undertaken on behalf of the Minister with a view to obtaining statistics relating to the operation of that Act as from time to time amended.

Expenses of Minister in furnishing addresses for maintenance proceedings, etc.

12.—(1) The Minister may out of moneys provided by Parliament defray any expenses incurred by him 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 this section "son or daughter" includes a son or daughter by adoption and an illegitimate son or daughter.

General financial provisions

13. There shall be defrayed out of moneys provided by Parliament (in addition to the sums required or authorised to be so defrayed by any other provision of this Act)—

(*a*) any increase attributable to paragraph (*a*) of section eight of this Act in the sums payable out of moneys provided by Parliament under the Family Allowances Act, 1945, whether on account of allowances or of the expenses of the Minister;

(*b*) subject to the provision made by section sixty of the National Insurance (Industrial Injuries) Act, 1946, for

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reimbursement out of the Industrial Injuries Fund, or by section thirty-eight of the National Insurance Act, 1946, for reimbursement out of the National Insurance Fund, any increase attributable to this Act in the expenses of the Minister which are payable out of moneys provided by Parliament by virtue of either of those sections as amended or applied by any subsequent enactment;

and any sums paid by the Minister under subsection (2) of section nineteen of the Post Office Act, 1961, in respect of work done by the Postmaster General in the execution of the Acts there mentioned shall for the purposes of those Acts and of this section be treated as expenses of the Minister in carrying those Acts respectively into effect, and (where necessary) be apportioned between those Acts in such manner as may be determined by the Minister in accordance with any directions given by the Treasury.

Citation, commencement, repeals, extent, etc.

14.—(1) This Act may be cited as the Family Allowances and National Insurance Act, 1961.

(2) This Act, so far as it relates to the subject matter of those Acts respectively, may be cited—

(*a*) together with the Family Allowances Acts, 1945 to 1959, as the Family Allowances Acts, 1945 to 1961; and

(*b*) together with the National Insurance (Industrial Injuries) Acts, 1946 to 1960, as the National Insurance (Industrial Injuries) Acts, 1946 to 1961; and

(*c*) together with the National Insurance Acts, 1946 to 1960, as the National Insurance Acts, 1946 to 1961.

(3) The Third Schedule to this Act shall have effect with respect to the commencement of this Act and to the transitional and other matters there dealt with.

(4) Subject to any transitional provision in the Third Schedule to this Act, the enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of the Schedule (which includes in Part I certain enactments already obsolete or unnecessary, to the extent mentioned, apart from the provisions of this Act).

(5) Without prejudice to the operation, in relation to any matters arising out of this Act, of any provision relating to Northern Ireland of the Acts referred to in subsection (2) above or of any other Act amended by this Act, this Act shall not extend to Northern Ireland, except as regards any repeal made by Part I of the Fourth Schedule to this Act of an enactment extending to Northern Ireland.

SCHEDULES

Section 1.

FIRST SCHEDULE

PROVISIONS AS TO NEW SUPPLEMENTATION OF WORKMEN'S COMPENSATION FOR POST-1923 CASES

1. In relation to the payment of allowances by virtue of paragraph (*b*) of subsection (2) of section one of this Act (in this Schedule referred to as " new allowances ") the Workmen's Compensation (Supplementation) Act, 1951, shall have effect subject to the following modifications:—

(*a*) a reference to the passing of this Act shall be substituted for any reference to the commencement of that Act;

(*b*) a reference to the Workmen's Compensation Acts, 1925 to 1945, shall be substituted in the definition of " workmen's compensation " in paragraph (*a*) of subsection (5) of section one for the Acts there mentioned;

(*c*) a reference to the Workmen's Compensation (Supplementary Allowances) Act, 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943, shall be substituted for any reference to the Workmen's Compensation (War Addition) Acts, 1917 and 1919;

(*d*) paragraph 2 of this Schedule shall apply in place of subsections (2) to (4) of section two, and in the case of a person entitled in respect of the same period to more than one new allowance the aggregate weekly rate of the new allowances shall not exceed ten shillings.

2.—(1) The weekly rate of the new allowance payable to any person shall not exceed the difference between two-thirds of the amount representing his weekly loss of earnings due to the relevant injury or disease and the amount of his workmen's compensation disregarding any supplementary allowance for a child, nor where the amount of the workmen's compensation includes the amount of any supplementary allowance for a child, exceed the difference between seven-eighths of the amount representing that loss of earnings and the amount of the workmen's compensation inclusive of the supplementary allowance.

In this sub-paragraph " supplementary allowance " means an allowance under the Workmen's Compensation (Supplementary Allowances) Act, 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943.

(2) For the purposes of this paragraph the amount representing a person's weekly loss of earnings due to the relevant injury or disease is the difference between the following amounts, that is to say,—

(*a*) the amount of his average weekly earnings before the happening of the accident; and

(*b*) the average weekly amount which he is earning or is able to earn in some suitable employment or business;

and the amounts referred to in paragraphs (*a*) and (*b*) above shall be calculated in like manner as for the purpose of ascertaining the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled by way of workmen's compensation in respect of the relevant injury or disease, and any decision as to those amounts made for that purpose may be adopted for the purpose of this paragraph unless there is reason to reconsider it.

(3) Subject to any modifications under paragraph 1 of this Schedule, subsections (5) and (6) and, so far as it relates to subsection (5), subsection (7) of section two of the Workmen's Compensation (Supplementation) Act, 1951 (which contain provisions for determining the amount of a person's workmen's compensation for the purposes of that section), shall apply in relation to sub-paragraph (1) above as they are expressed to apply in relation to that section, and subsection (7) (which confers power to adapt subsections (3) and (5) in relation to contracting out schemes) shall apply in relation to sub-paragraph (2) above as it is expressed to apply in relation to those subsections.

SECOND SCHEDULE

Section 9.

SET-OFF OF OVERPAYMENTS ON ACCOUNT OF BENEFIT OR FAMILY ALLOWANCES

1.—(1) Where a person has received on account of benefit sums to which, by virtue of any provision of the National Insurance (Industrial Injuries) Acts, 1946 to 1960, or of the National Insurance Acts, 1946 to 1960, or of regulations under those Acts, he was disentitled by reason of his being entitled to other benefit subsequently awarded, then, except in so far as regulations otherwise provide, the decision awarding the other benefit 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 to which a right to any of those sums would by virtue of any such provision as aforesaid have disentitled him shall direct that that sum, up to the amount of the other benefit 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.

(3) As regards benefit under the National Insurance (Industrial Injuries) Acts, 1946 to 1960, provision may be made by regulations under the National Insurance (Industrial Injuries) Act, 1946, for treating benefit paid to any person in pursuance of a decision which is afterwards revised on a review, or reversed or varied on an appeal, as paid on account of any benefit which it is decided is or was payable to him under those Acts in respect of the same accident or disease and, unless either benefit is a gratuity, in respect of the same period.

On the first coming into force of regulations made for the purposes of this sub-paragraph subsections (2) and (5) of section fifty-two of the National Insurance (Industrial Injuries) Act, 1946, shall cease to have effect.

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(4) Where a sum paid on account of any benefit is by virtue of this paragraph or any other enactment to be treated as having been paid on account of other benefit, 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 overpaid.

(5) In this paragraph—

(*a*) any reference to benefit includes a family allowance; and

(*b*) any reference to a decision awarding benefit includes a decision making benefit payable at a higher rate.

(6) For the purposes of this paragraph a person shall be treated as retaining any sum 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; and in the case of sums paid by way of benefit under the National Insurance Acts, 1946 to 1960, 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.

(7) This paragraph shall apply to sums paid before it comes into force in so far as that enables or requires them to be treated as paid on account of benefit awarded after it comes into force.

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.—(1) Where under this Schedule the payments to be made out of the Industrial Injuries Fund on account of any benefit are reduced by reference to sums borne by the National Insurance Fund or by moneys provided by Parliament, an amount equal to the reduction shall be made good out of the Industrial Injuries Fund to the National Insurance Fund or the Treasury, as the case may be.

(2) Where under this Schedule the payments to be made out of the National Insurance Fund on account of any benefit are reduced by reference to sums borne by the Industrial Injuries Fund or by moneys provided by Parliament, an amount equal to the reduction shall be made good out of the National Insurance Fund to the Industrial Injuries Fund or the Treasury, as the case may be.

(3) Where under this Schedule the payments to be made out of moneys provided by Parliament on account of family allowances

are reduced by reference to sums borne by the Industrial Injuries Fund or the National Insurance Fund, an amount equal to the reduction shall be made good to that Fund out of moneys provided by Parliament. 2ND SCH.

THIRD SCHEDULE

Section 14.

COMMENCEMENT, TRANSITIONAL PROVISIONS, ETC.

General provision for appointed days

1.—(1) The following provisions of this Act, that is to say:—

section one; subsection (3) and, so far as it relates to subsection (3), subsection (4) of section three; subsections (2) and (3) of section four; section five; subsections (1), (3) and (4) of section seven; paragraph (*b*) of section eight; section nine;

shall not come into force until such date as the Minister may by order appoint, and different dates may be appointed for different provisions.

(2) Any statutory instrument containing an order under this paragraph shall be laid before Parliament after being made.

Transitional provision for s. 1

2.—(1) Where an allowance under the Workmen's Compensation and Benefit (Supplementation) Act, 1956, or under the Industrial Diseases (Benefit) Acts, 1951 and 1954, is or has been awarded before the increase date, the allowance shall, without any claim being made, become payable (except as respects any period falling before the increase date) at the higher weekly rate provided for by section one of this Act, and the award shall have effect accordingly:

Provided that this sub-paragraph shall have effect subject to such exceptions or conditions as may be prescribed by regulations or, in the case of an allowance under the Industrial Diseases (Benefit) Acts, 1951 and 1954, by any scheme made under those Acts after the passing of this Act.

(2) Where any such award is made before the increase date, but after that date has been appointed, the award may provide for the allowance to be paid as from that date at the higher weekly rate.

(3) In this paragraph "the increase date" means the date appointed for the higher weekly rate to become effective under subsection (1) or (3), as the case may be, of section one of this Act.

Transitional provision for s. 3

3. For the purpose of any claim for an increase of a disablement pension under section fourteen of the National Insurance (Industrial Injuries) Act, 1946, for a period after the coming into force of subsection (1) of section three of this Act, the question whether the claimant as the result of the relevant loss of faculty has at all times since the end of the injury benefit period been incapable

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of following his regular occupation or any employment of an equivalent standard which is suitable in his case shall be determined as if that subsection had always had effect.

4. Subsection (3) and, so far as it relates to subsection (3), subsection (4) of section three of this Act shall have effect subject to such exceptions as may be prescribed by regulations for cases in which a woman is or has been awarded before the coming into force of the said subsection (3) an increase of benefit under section seventeen of the National Insurance (Industrial Injuries) Act, 1946, or a corresponding payment under any such regulations or scheme as mentioned in the said subsection (4).

Transitional provision for s. 4 (2) *and* (3)

5.—(1) Subject to the provisions of this paragraph, a woman's cohabitation with a man at any time after the deceased's death and before the coming into force of subsection (2) of section four of this Act shall be disregarded in determining her right for any period after that coming into force to any such pension or allowance as is there mentioned or her right on her re-marriage after that coming into force to a gratuity under section nineteen of the National Insurance (Industrial Injuries) Act, 1946; but a right to benefit arising by virtue of this sub-paragraph shall not, under the Fourth Schedule to that Act, affect the right of any other person to benefit awarded before that coming into force.

(2) Regulations may limit the periods for which a pension or allowance is payable by virtue of sub-paragraph (1) above to periods after the date it is awarded or any earlier date.

Transitional provision for s. 7 (2)

6. Where immediately before the coming into force of subsection (2) of section seven of this Act a child's special allowance is payable at the weekly rate provided for by paragraph (*a*) of subsection (3) of section five of the National Insurance Act, 1957, the allowance shall, without any claim being made, become payable (except as respects any period before that coming into force) at the weekly rate provided for by paragraph (*b*) of the said subsection (3).

Transitional provision for s. 8

7.—(1) Where immediately before the coming into force of paragraph (*a*) of section eight of this Act a person is entitled in respect of a dependant, not being that person's spouse or a child, to an increase in the weekly rate of a benefit—

(*a*) under section eighteen of the National Insurance (Industrial Injuries) Act, 1946 (which relates to injury benefit and disablement pension); or

(*b*) under subsection (2) of section twenty-four of the National Insurance Act, 1946 (which relates to unemployment benefit and sickness benefit), or under subsection (2A) of that section (which was inserted by section three of the National Insurance Act, 1957, and relates to retirement pensions); or

(*c*) under section eight of the National Insurance Act, 1953 (which relates to maternity allowances); 3RD SCH.

and that dependant becomes a child by virtue of that paragraph on its coming into force, then, during any period during which, had that paragraph not been passed, that person would have continued without a break to be entitled to that or another such benefit at a weekly rate increased by the like amount in respect of that dependant, he may be treated as being so entitled; and for any period during which he is so treated, the dependant shall be treated as not being a child for any purpose of the National Insurance (Industrial Injuries) Acts, 1946 to 1960, or the National Insurance Acts, 1946 to 1960, except as mentioned in sub-paragraphs (2), (3) and (4) below.

(2) Where apart from sub-paragraph (1) above the dependant would be treated as the elder or eldest child of a person's family, that sub-paragraph shall not prevent his being so treated for the purpose of determining what benefit, if any, is payable to that person in respect of other children of the family.

(3) Where apart from sub-paragraph (1) above a widow would become entitled to a widowed mother's allowance by reason of the dependant's having become a child as mentioned in that sub-paragraph, that sub-paragraph shall not prevent his being treated as a child for the purpose of that allowance:

Provided that for the purpose of determining the rate of the allowance it shall not by reason of this sub-paragraph be treated as payable by virtue of her having a family.

(4) Where apart from sub-paragraph (1) above a widow would be entitled in respect of the dependant as being a child of her family to an allowance under section twenty-one of the National Insurance (Industrial Injuries) Act, 1946, that sub-paragraph shall not prevent her being treated as so entitled for the purpose of determining the rate of any widow's pension payable to her under section nineteen of that Act.

8. Where immediately before the coming into force of paragraph (*b*) of section eight of this Act a person is entitled under the National Insurance (Industrial Injuries) Acts, 1946 to 1960, or under the National Insurance Acts, 1946 to 1960, to any benefit, his right to it or the rate of it depending on another person being a child, and the other person ceases to be a child by virtue of that paragraph on its coming into force, regulations may provide for that other person to continue, notwithstanding that paragraph, to be treated as a child for any purpose of those Acts.

Transitional provision for s. 9

9. Where—

(*a*) before the coming into force of subsection (1) of section nine of this Act—

(i) any sums have been paid by way of benefit or on account of a family allowance; and

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(ii) the decision in pursuance of which they were paid has been reversed or varied on 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*) after the coming into force of that subsection the decision given on that appeal or review is reversed or varied on appeal, or is revised on a review;

any question arising on the later appeal or review 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 the coming into force of that subsection.

10. Regulations made for the purposes of sub-paragraph (3) of paragraph 1 of the Second Schedule to this Act may, as respects cases where a decision given before the first coming into force of regulations so made is after their coming into force reversed or varied on appeal, or revised on a review, provide for questions arising on the appeal or review to be determined in accordance with the provisions as to benefit overpaid in force immediately before the first coming into force of regulations so made.

11. Any regulations which, immediately before the coming into force of subsection (4) of section nine of this Act, are in force under section forty-seven of the National Insurance Act, 1946, shall thereafter, in so far as the like regulations might be made under paragraph 2 of the Second Schedule to this Act, have effect as if made under that paragraph.

General transitional provision as to regulations

12. Subsection (2) of section sixty-one of the National Insurance (Industrial Injuries) Act, 1946 (which requires any proposal to make regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice), and section seventy-seven of the National Insurance Act, 1946 (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made or, in certain cases, before a draft is laid before Parliament), shall not apply to any regulations made, or to any draft of regulations laid before Parliament, before the expiration of the period of six months beginning with the date of the passing of this Act if the instrument containing the regulations or, as the case may be, the draft of that instrument states that the regulations are made in consequence of this Act.

Application and adaptation of existing Acts

13.—(1) Subject to paragraph 15 below, this Act—

(*a*) in so far as it relates to the subject matter of the National Insurance (Industrial Injuries) Act, 1946, shall be construed as one with that Act; and

(*b*) in so far as it relates to the subject matter of the National Insurance Act, 1946, shall be construed as one with that Act.

(2) Section thirty-three of the National Insurance (Industrial Injuries) Act, 1946 (which enables regulations to provide for treating

a person subject to certain disqualifications for receiving benefit as entitled to it for purposes other than the right to payment of that benefit), shall have effect in relation to subsection (2) of section four of this Act as it has effect in relation to the enactments mentioned in the said section thirty-three. 3RD SCH.

(3) In the National Health Service Contributions Acts, 1957 and 1961, the expression "the National Insurance Acts" shall be construed as including this Act so far as it amends enactments included in that expression.

14.—(1) Where any enactment is directed to be construed as one with the National Insurance Act, 1946, then (without prejudice to the generality of that direction) the following provisions shall apply, except in so far as the contrary intention appears, that is to say,—

(*a*) any regulations or orders made under or for the purposes of that enactment as so construed shall be treated as made under the National Insurance Act, 1946, for the purposes of any provision of that Act relating to regulations or orders so made, and for the purposes of the Statutory Instruments Act, 1946; and

(*b*) the enactment so construed shall be subject to the powers conferred by the National Insurance Act, 1946, or any enactment construed as one with it to prescribe modifications of, or exceptions or additions to, the provisions of that Act, and—

(i) the enactment shall be deemed to be included among the provisions of that Act referred to in subsection (2) of section sixty-five and among those referred to in subsection (2) of section seventy-one; and

(ii) the powers conferred by subsection (2) of section sixty-five shall include power to prescribe such modifications, additions and exceptions as appear to the Minister to be necessary or expedient in consequence of the passing of the enactment; and

(*c*) the powers conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, to make provision by regulations for modifying or winding-up in connection with the passing of that Act certain schemes for the provision of pensions or other benefits shall include power to make provision in connection with the passing of the enactment so construed.

(2) Sub-paragraph (1) above shall apply in relation to an enactment directed to be construed as one with the National Insurance (Industrial Injuries) Act, 1946, with the substitution of references to that Act for the references to the National Insurance Act, 1946, and with the omission of sub-paragraphs (i) and (ii) of paragraph (*b*) and paragraph (*c*).

(3) This paragraph shall apply for the interpretation of enactments passed after, as well as enactments passed before, this Act; and regulations in force at the passing of this Act under any previous enactment corresponding to any provision of this paragraph shall, notwithstanding the repeal of that enactment by this Act, have effect as if made by virtue of this paragraph.

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15.—(1) Regulations for the purposes of the Second Schedule to this Act (not being regulations described in that Schedule as regulations under the National Insurance (Industrial Injuries) Act, 1946), and regulations for the purposes of paragraphs, 2, 4, 5 and 8 of this Schedule, shall be regulations made by the Minister by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and, in relation to any such regulations, subsections (1) and (2) of section seventy-five of the National Insurance Act, 1946 (which make general provision as to the content of regulations under that Act), shall apply as they apply in relation to regulations under that Act; but, subject to that and to sub-paragraph (2) below, in relation to any such regulations the provisions of the National Insurance (Industrial Injuries) Act, 1946, or of the National Insurance Act, 1946, relating to regulations under that Act shall not apply, notwithstanding anything in paragraph 13 or 14 above.

(2) In relation to regulations made for the purposes of paragraph 2 of the Second Schedule to this Act—

(*a*) if the regulations relate to benefit under the National Insurance (Industrial Injuries) Acts, 1946 to 1960, subsection (2) of section sixty-one of the National Insurance (Industrial Injuries) Act, 1946 (which requires any proposal to make regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice), shall have effect as if the regulations were made under that Act; and

(*b*) if the regulations relate to benefit under the National Insurance Acts, 1946 to 1960, section seventy-seven of the National Insurance Act, 1946 (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made), shall have effect as if the regulations were made under that Act, but with the substitution in subsection (5) for the reference to the regulations being laid before Parliament in pursuance of section seventy-six of that Act of a reference to their being laid before Parliament in pursuance of this paragraph.

Section 14.

FOURTH SCHEDULE

REPEALS

PART I

REPEALS OF SPENT OR OBSOLETE ENACTMENTS

Session and Chapter	Short Title	Enactments repealed
3 & 4 Geo. 6. c. 56.	The Workmen's Compensation and Benefit (Byssinosis) Act, 1940.	Section two.
6 & 7 Geo. 6. c. 6.	The Workmen's Compensation Act, 1943.	Section two.

4TH SCH.

Session and Chapter	Short Title	Enactments repealed
8 & 9 Geo. 6. c. 41.	The Family Allowances Act, 1945.	In section two, in subsection (2), paragraph (*a*) from " or " onwards. Sections fourteen and fifteen. In section seventeen, in subsection (2), the words from " other than " to " of this Act ", and the words from " in reckoning " onwards, and subsection (3). In section twenty-eight, subsection (2).
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act, 1946.	In section six, paragraph (*b*) and the words from " or " to " may be ". In section fifty-nine, in subsection (1), in paragraph (*a*) the words from " during ", where first occurring, to " thereafter ". In section eighty-eight, in subsection (1), the definition of " hospital or similar institution ". In section eighty-nine, in subsection (3), paragraphs (*b*) and (*d*). In section ninety, in paragraph (*a*) the words " for any reference to a workhouse there shall be substituted a reference to a poorhouse ".
9 & 10 Geo. 6. c. 67.	The National Insurance Act, 1946.	In section six, in subsection (4) paragraph (*b*). In section thirty-six, in subsection (1), the words from " to which " to " Fund and ". In section thirty-nine, in subsection (1), in paragraph (*a*) the words from " during ", where first occurring, to " thereafter ". Section sixty-two. In section sixty-eight, subsection (4). In section sixty-nine, in subsection (1), paragraphs (*c*), (*e*) and (*g*). In section seventy, subsections (4) and (5). In section seventy-two, in subsection (1), paragraphs (*a*) and (*c*). Section seventy-three.

4TH SCH.

Session and Chapter	Short Title	Enactments repealed
9 & 10 Geo. 6. c. 67—*cont.*	The National Insurance Act, 1946—*cont.*	In section seventy-four, subsection (4). In section seventy-six, in subsection (1), the words " section sixty-two ". In section seventy-nine, paragraph (*d*) from " and " onwards. In the Eleventh Schedule, the entries relating to the Workmen's Compensation and Benefit (Byssinosis) Act, 1940, and the Workmen's Compensation Act, 1943.
9 & 10 Geo. 6. c. 76.	The Unemployment Insurance (Eire Volunteers) Act, 1946.	The whole Act.
11 & 12 Geo. 6. c. 42.	The National Insurance (Industrial Injuries) Act, 1948.	In section one, in subsection (1), the words from " be " to " accordingly ", and subsection (2).
11 & 12 Geo. 6. c. 46.	The Employment and Training Act, 1948.	In section twenty-one, subsections (3) and (5).
14 & 15 Geo. 6. c. 34.	The National Insurance Act, 1951.	In section one, in subsection (1), the words " set out in the first column of Part V of the said First Schedule ", the word " such " where next occurring, the words " hereafter in this Act " and the words from " respectively " to " that description " and subsection (3). In section two, in subsection (3), the words " commencing on or after the appointed day ". In section three, in subsections (2), (4), (5) and (6) the words " as from the appointed day ". Section seven. In section eight, subsection (1), paragraph (*d*) of subsection (2), and subsections (3), (4) and (5). In section nine, subsections (2) and (3).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 4.	The Pneumoconiosis and Byssinosis Benefit Act, 1951.	Section five.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 29.	The Family Allowances and National Insurance Act, 1952.	In sections one and six the words " as from the appointed day ". Sections eight, nine and eleven, so far as unrepealed.

4TH SCH.

Session and Chapter	Short Title	Enactments repealed
1 & 2 Eliz. 2. c. 29.	The National Insurance Act, 1953.	Sections one and two. In section three, the words " in accordance with the two preceding sections " and the words " as from the appointed day ". In section four, subsection (1). In section five, the words " in accordance with the last preceding section " and the words " as from the appointed day". Section six, except subsection (4), and subsection (4) from " and any " onwards. Section seven. In section nine, the words " in accordance with the three last preceding sections " and the words " as from the appointed day ". In section ten, in subsection (1), the words from " if " to " appointed day ". Sections eleven and twelve. Subsection (1) of section thirteen. In the First Schedule, paragraph 15. The Second Schedule.
1 & 2 Eliz. 2. c. 43.	The National Insurance (Industrial Injuries) Act, 1953.	In the Second Schedule, in paragraph 2, sub-paragraph (2) from the beginning to the word " but " and sub-paragraphs (3), (4) and (5); in paragraph 3, sub-paragraph (1) from " but " onwards; paragraph 4; in paragraph 7, in sub-paragraph (2) the words " and (5) ".
4 & 5 Eliz. 2. c. 50.	The Family Allowances and National Insurance Act, 1956.	In section two, subsection (1) from " being " onwards. Section six from the word " and ", where it first occurs in subsection (1), onwards. In the Schedule, paragraphs 15 to 17.
5 & 6 Eliz. 2. c. 26.	The National Insurance Act, 1957.	In section ten, subsection (3).
6 & 7 Eliz. 2. c. 1.	The National Insurance (No. 2) Act, 1957.	In section two, in subsection (2) the words " as from the appointed day." In section three, subsection (1), and in subsection (2) the words " as from the appointed day ", and the words from " that is to say " onwards.

4TH SCH.

Session and Chapter	Short Title	Enactments repealed
6 & 7 Eliz. 2. c. 1.—*cont.*	The National Insurance (No. 2), Act, 1957—*cont.*	In section four, in subsection (1), the words " the Industrial Injuries Act ", the words " and the National Insurance Act, 1953 ", and the words " as from the appointed day ". Section five. In section seven, subsection (2). In section eight, in subsection (3) the words " save as otherwise expressly provided and ", and subsection (4). The Sixth Schedule.
6 & 7 Eliz. 2. c. 56.	The Finance Act, 1958	Section ten.
9 & 10 Eliz. 2. c. 5.	The National Insurance Act, 1960.	In section four, subsection (3).

PART II

CONSEQUENTIAL REPEALS

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act, 1946.	In section fifty-two, subsections (2), (4), (5) and (7). In section fifty-four, subsection (4). In section sixty, in subsection (2), paragraph (*a*). In section eighty-eight, subsection (3).
9 & 10 Geo. 6. c. 67.	The National Insurance Act, 1946.	In section thirty-eight, in subsection (2), paragraph (*a*). In section forty-five, subsection (4). In section forty-seven, in subsection (2), paragraph (*d*), and subsection (3).
14 & 15 Geo. 6. c. 11.	The Administration of Justice (Pensions) Act, 1950.	In the Third Schedule, paragraph 3.
14 & 15 Geo. 6. c. 34.	The National Insurance Act, 1951.	In section eight, subsection (2), so far as not otherwise repealed.
1 & 2 Eliz. 2. c. 29.	The National Insurance Act, 1953.	In section thirteen, subsections (2) to (4).
1 & 2 Eliz. 2. c. 43.	The National Insurance (Industrial Injuries) Act, 1953.	In the Second Schedule, in paragraph 7, sub-paragraph (1).

4TH SCH.

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 16.	The Industrial Diseases (Benefit) Act, 1954.	In section two, subsection (1) from " and " onwards.
3 & 4 Eliz. 2. c. 29.	The National Insurance Act, 1955.	In section one, subsection (1). Section three from " and the expression " onwards.
4 & 5 Eliz. 2. c. 50.	The Family Allowances and National Insurance Act, 1956.	In section nine, subsection (2) from " and without prejudice " onwards.
5 & 6 Eliz. 2. c. 26.	The National Insurance Act, 1957.	In section five, in subsection (3), the words from " whichever " to the end of paragraph (*a*). In section seven, in subsection (1) the words from " by subsection (2) " to " 1956 " in subsection (3) of section twenty-two (as there set out) of the National Insurance Act, 1946. In section nine, subsection (2) from " and for the purposes " onwards. In section ten, subsection (2) from " and without prejudice " onwards.
6 & 7 Eliz. 2. c. 1.	The National Insurance (No. 2) Act, 1957.	In section seven, subsection (1). In section eight, subsection (2) from " and without prejudice " onwards.
7 & 8 Eliz. 2. c. 18.	The Family Allowances and National Insurance Act, 1959.	In section four, in subsection (1), the word " or " at the end of paragraph (*a*) and paragraph (*b*); in subsection (2) the words " or out of the Consolidated Fund "; in subsection (3) the words " or out of the Consolidated Fund ", the word " or " at the end of paragraph (*a*) and paragraph (*b*).
7 & 8 Eliz. 2. c. 47.	The National Insurance Act, 1959.	In section fourteen, subsections (2) and (3). In section sixteen, subsections (2) and (3).
9 & 10 Eliz. 2. c. 5.	The National Insurance Act, 1960.	In section four, subsection (1) from " and for the purposes " onwards, and subsection (2). In the Third Schedule, in paragraph 8, the words " if not in excess of weekly rate of contributions previously made by deceased husband ".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Workmen's Compensation (War Addition) Act, 1917.	7 & 8 Geo. 5. c. 42.
Workmen's Compensation (War Addition) Amendment Act, 1919.	9 & 10 Geo. 5. c. 83.
Workmen's Compensation (Supplementary Allowances) Act, 1940.	3 & 4 Geo. 6. c. 47.
Workmen's Compensation (Temporary Increases) Act, 1943.	6 & 7 Geo. 6. c. 49.
Family Allowances Act, 1945	8 & 9 Geo. 6. c. 41.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
National Insurance (Industrial Injuries) Act, 1946.	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
National Insurance (Industrial Injuries) Act, 1948.	11 & 12 Geo. 6. c. 42.
Employment and Training Act, 1948 ...	11 & 12 Geo. 6. c. 46.
Workmen's Compensation (Supplementation) Act, 1951.	14 & 15 Geo. 6. c. 22.
Pneumoconiosis and Byssinosis Benefit Act, 1951.	15 & 16 Geo. 6. & 1 Eliz. 2. c. 4.
National Insurance (Industrial Injuries) Act, 1953.	1 & 2 Eliz. 2. c. 43.
Industrial Diseases (Benefit) Act, 1954 ...	2 & 3 Eliz. 2. c. 16.
National Insurance Act, 1955	3 & 4 Eliz. 2. c. 29.
Family Allowances and National Insurance Act, 1956.	4 & 5 Eliz. 2. c. 50.
Workmen's Compensation and Benefit (Supplementation) Act, 1956.	4 & 5 Eliz. 2. c. 51.
National Insurance Act, 1957	5 & 6 Eliz. 2. c. 26.
National Health Service Contributions Act, 1957.	5 & 6 Eliz. 2. c. 34.
Family Allowances and National Insurance Act, 1959.	7 & 8 Eliz. 2. c. 18.
National Insurance Act, 1960	9 & 10 Eliz. 2. c. 5.
National Health Service Contributions Act, 1961.	9 & 10 Eliz. 2. c. 13.
Post Office Act, 1961	9 & 10 Eliz. 2. c. 15.