SUPPLIED FOR THE PUBLIC SERVICE



# CHAPTER 46.

An Act to establish a Ministry of National Insurance and for purposes connected therewith.

[17th November 1944.]

BE it enacted by the King'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 :—

Appointment and functions of Minister of National Insurance.

**1.** It shall be lawful for His Majesty to appoint a Minister of National Insurance, and there shall be transferred to that Minister, subject to and in accordance with the provisions of this Act,—

(*a*) the functions of the Minister of Health and of the Secretary of State with respect to national health insurance, old age pensions, widows', orphans' and old age contributory pensions and supplementary pensions ;

(*b*) the functions of the Minister of Labour and National Service with respect to unemployment insurance and unemployment assistance ; and

(*c*) the functions of the Secretary of State with respect to workmen's compensation.

Oath of allegiance and official oath. 31 & 32 Vict. c. 72.

**2.** The Minister of National Insurance (hereinafter referred to as " the Minister ") shall take the oath of allegiance and the official oath, and the Promissory Oaths Act, 1868, shall have effect as if the name of the Minister were included in the first Part of the Schedule to that Act.

Remuneration, appointment of officers, expenses, etc.

**3.**—(1) There shall be paid out of moneys provided by Parliament—

(*a*) to the Minister, an annual salary not exceeding five thousand pounds ;

(*b*) to a parliamentary secretary appointed by the Minister, an annual salary not exceeding fifteen hundred pounds.

(2) For the purpose of section six of the Ministers of the Crown Act, 1937 (which makes provision against duplicate salaries) any such salary shall be deemed to be a salary payable under that Act.

1 Edw. 8 & 1 Geo. 6. c. 38.

(3) The Minister may appoint such other secretaries and such officers and servants as he may with the consent of the Treasury determine and there shall be paid to the secretaries, officers and servants so appointed such salaries or remuneration as the Treasury may determine.

(4) The expenses of the Minister, including any salaries or remuneration payable under the last foregoing subsection, shall be paid out of moneys provided by Parliament, save in so far as those expenses are to be paid in some other manner by virtue of any enactment applied to the Minister under the following provisions of this Act.

Capacity to sit in House of Commons.

**4.** Neither the Minister, nor the parliamentary secretary appointed by the Minister, shall, by reason of his office as such, be incapable of being elected as a member of the Commons House of Parliament or of sitting or voting as such a member.

Seal, style and acts of Minister.

**5.**—(1) The Minister shall for all purposes be a corporation sole, and shall have an official seal which shall be authenticated by the signature of the Minister or of a secretary of the Ministry or of any person authorised by the Minister to act in that behalf.

(2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister, and to be sealed with the seal of the Minister authenticated in the manner provided by this section or to be signed by a secretary of the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

31 & 32 Vict. c. 37.

(4) The Documentary Evidence Act, 1868, shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary of the Ministry or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister.

Transfer of functions by Orders in Council.

**6.**—(1) The functions to be transferred to the Minister under this Act shall be transferred by such Orders in Council as may from time to time be made by His Majesty for transferring to the Minister, as from such dates as may be specified in the Order,—

(*a*) any of the powers conferred or duties imposed on the Minister of Health or Secretary of State by the National Health Insurance Acts, 1936 to 1941, other than powers or duties conferred or imposed under sections thirty-five to forty-three of the National Health Insurance Act, 1936 (which relate to the administration of medical benefit); 26 Geo. 5 & 1 Edw. 8. c. 32.

(*b*) any of the powers conferred or duties imposed on the Minister of Health or Secretary of State by the Old Age Pensions Act, 1936; 26 Geo. 5 & 1 Edw. 8. c. 31.

(*c*) any of the powers conferred or duties imposed on the Minister of Health or Secretary of State by the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941;

(*d*) any of the powers conferred or duties imposed on the Minister of Health or Secretary of State by Part II of the Old Age and Widows' Pensions Act, 1940; 3 & 4 Geo. 6. c. 13.

(*e*) any of the powers conferred or duties imposed on the Minister of Labour and National Service by the Unemployment Insurance Acts, 1935 to 1944, other than powers or duties conferred or imposed under sections seventy-six to seventy-nine of the Unemployment Insurance Act, 1935, (which relate to courses of instruction) or under section eighty-two or sections one hundred to one hundred and two of that Act (which relate to the promotion of employment); 25 & 26 Geo. 5. c. 8.

(*f*) any of the powers conferred or duties imposed on the Minister of Labour and National Service by the Unemployment Assistance Acts, 1934 to 1940;

(*g*) any of the powers conferred or duties imposed on the Secretary of State by the Workmen's Compensation Acts, 1925 to 1943.

(2) Where any power or duty conferred or imposed by any enactment mentioned in subsection (1) of this section is retained by an existing authority, and it appears to His Majesty in Council that any other power or duty so conferred or imposed should be exercised or discharged in connection with the power or duty retained, His Majesty may by Order in Council provide that that other power or duty shall be exercised or discharged either by the existing authority alone or by both the existing authority and the Minister, whether jointly or severally; and such provision

may be made at any time notwithstanding that that other power or duty has been transferred to the Minister by a previous Order in Council.

(3) His Majesty may also by Order in Council, to such extent as may appear to His Majesty to be necessary or expedient having regard to any transfer effected under the foregoing provisions of this Act—

(*a*) provide for the alteration of the constitution and functions of the National Health Insurance Joint Committee, and of any consultative council established under section four of the Ministry of Health Act, 1919, or section five of the Scottish Board of Health Act, 1919, to give advice in connection with matters relating to national health insurance;

9 & 10 Geo. 5. c. 21.
9 & 10 Geo. 5. c. 20.

(*b*) provide for the transfer to the Minister of any power or duty conferred or imposed on an existing authority by or under any enactment other than those mentioned in subsection (1) of this section, or for the exercise or discharge of any such power or duty by the Minister and the existing authority jointly.

(4) His Majesty may by Order in Council make such incidental consequential and supplemental provisions as appear to His Majesty to be necessary or expedient having regard to any provision included in an Order in Council by virtue of the foregoing provisions of this Act and in particular, but without prejudice to the generality of the foregoing provision, any such Order in Council may—

(*a*) repeal, modify or adapt any enactment, Order in Council, order, rule, regulation, scheme, deed, agreement or other instrument relating to an existing authority or the powers and duties thereof;

(*b*) provide for the transfer to a new authority, by virtue of the Order and without more, of any property of an existing authority;

(*c*) provide for treating anything done before the date when the Order takes effect by, to, before or under the authority of an existing authority, or any person appointed by an existing authority, as if it had been done by, to, before or under the authority of a new authority or any person appointed by a new authority, so far as may be necessary for the carrying on or completion thereof, and for the substitution of a new authority for an existing authority in any contract or legal proceeding made or begun before that date;

(*d*) provide for securing that any order, rule, regulation, scheme, arrangement or requirement made, certificate

issued, notice, decision, determination, direction or approval given, or thing done by an existing authority shall continue to have effect to the like extent and subject to the like conditions as if it had been duly made, issued, given or done by a new authority;

(*e*) authorise the Minister to exercise or discharge any power or duty transferred from an existing authority through that authority or other government department or other agency.

(5) The reference in paragraph (*a*) of the last foregoing subsection to an enactment shall include a reference to an enactment of the Parliament of Northern Ireland, and all other references in that paragraph and in paragraph (*d*) of that subsection to the instruments and things therein respectively specified shall include references to such instruments and things made, issued, given and done by virtue of an enactment of that Parliament; but nothing in this Act or in any Order in Council made thereunder shall affect the power of that Parliament to make laws in respect of any matter which would, apart from this Act and any such Order, be within that power.

(6) Any Order in Council made under this Act may be varied or revoked by any subsequent Order in Council made by His Majesty, and any such variation or revocation may be made to take effect as from the date of the Order in Council varied or revoked or any subsequent date.

(7) Every Order in Council made under this Act shall be laid before Parliament as soon as may be after it is made, but, notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, such an Order shall be deemed not to be a statutory rule to which that section applies. 56 & 57 Vict. c. 66.

(8) If either House of Parliament within the next twenty-eight days on which the House has sat after such an Order in Council as aforesaid is laid before it, resolves that the Order be annulled, the Order shall thereupon cease to have effect, except as respecting things previously done or omitted to be done, without prejudice, however, to the making of a new order.

(9) In this section—

(*a*) the expression "duties" includes liabilities and the expression "powers" includes rights;

(*b*) the expression "existing authority" means an authority from whom powers or duties are or have been transferred by Order in Council made under this Act, and the expression "new authority" means an authority to

whom powers or duties are or have been transferred by such an Order or, in a case where under such an Order such an authority is to act jointly with an existing authority, both those authorities;

and references in subsection (1) of this section to any enactment shall be construed as a reference to that enactment as amended by any other enactment.

Short title.

**7.** This Act may be cited as the Ministry of National Insurance Act, 1944.

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