STATUTORY INSTRUMENTS

1970 No. 399

SOCIAL SECURITY

The National Insurance and Industrial Injuries (Stamps) Regulations 1970

Made - - -	13*th March* 1970
Laid before Parliament	24*th March* 1970
Coming into Operation	25*th March* 1970

The Secretary of State for Social Services in exercise of his powers under section 14(2) of the National Insurance Act 1965(**a**) (as amended by section 121 of the Post Office Act 1969(**b**)) and under section 67(2) of the National Insurance (Industrial Injuries) Act 1965(**c**) and of all other powers enabling him in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them in accordance with section 108 of the National Insurance Act 1965, and after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations :—

Adaptation of Enactments

1. Those provisions of the Stamp Duties Management Act 1891(**d**) (as amended by any subsequent enactment), and of section 63 of the Post Office Act 1953(**e**) (as so amended) which, with the necessary adaptations for applying them to stamps prepared and issued for the purposes of the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965, are set out in the Schedule hereto, shall apply to the said stamps.

Provided that the provisions of section 13 of the Stamp Duties Management Act 1891, which are printed in italics in the said Schedule, shall only apply in Scotland.

Revocation

2. The National Insurance and Industrial Injuries (Stamps) Provisional Regulations 1969(**f**) are hereby revoked.

Commencement and Citation

3. These Regulations shall come into operation on 25th March 1970 and may be cited as the National Insurance and Industrial Injuries (Stamps) Regulations 1970.

(**a**) 1965 c. 51.
(**b**) 1969 c. 48.
(**c**) 1965 c. 52.
(**d**) 1891 c. 38.
(**e**) 1953 c. 36.
(**f**) S.I. 1969/1603 (1969 III, p. 5078).

Interpretation

4. The Interpretation Act 1889(**a**) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Signed by authority of the Secretary of State for Social Services.

David Ennals,
Minister of State,
Department of Health and Social Security.

13th March 1970.

SCHEDULE

STAMP DUTIES MANAGEMENT ACT 1891

Section of Act	Subject matter	Adapted provisions
3	Power to grant licences to deal in stamps.	(1) The Secretary of State may in his discretion grant a licence to any person to deal in stamps in such places and subject to such conditions as the Secretary of State may approve. ..... (4) One licence only shall be required for any number of persons in partnership, and the licence may at any time be revoked by the Secretary of State.
4	Penalty for unauthorised dealing in stamps etc.	(1) If any person who is not duly appointed to sell and distribute stamps deals in any manner in stamps, without being licensed so to do . . . .he shall for every such offence incur a fine of twenty pounds. (2) If any person who is not duly appointed to sell and distribute stamps, or duly licensed to deal in stamps, has, or puts upon his premises either in the inside or on the outside thereof, or upon any board or any material whatever exposed to public view, and whether the same be affixed to his premises or not, any letters importing or intending to import that he deals in stamps, or is licensed so to do, he shall incur a fine of ten pounds.

(**a**) 1889 c. 63.

Section of Act	Subject matter	Adapted provisions
5	Provisions as to determination of licence.	(1) If the licence of any person to deal in stamps expires or is revoked, or if any person licensed to deal in stamps dies or becomes bankrupt, and any such person at the expiration or revocation of his licence, or at the time of his death or bankruptcy, has in his possession any stamps, such person, or his executor or administrator, or the receiver or trustee or official assignee under his bankruptcy, may, within six months after the expiration or revocation of the licence, or after the death or bankruptcy, as the case may be, bring or send the stamps to the Secretary of State. (2) The Secretary of State may in any such case pay to the person bringing or sending stamps the amount of the duty thereon if proof to his satisfaction is furnished that the same were actually in the possession of the person whose licence has expired or been revoked, or so dying or becoming bankrupt, for the purpose of sale, at the time of the expiration or revocation of the licence, or of his death or bankruptcy, and that the stamps were purchased or procured by that person from the Secretary of State, or from some person duly appointed to sell and distribute stamps, or duly licensed to deal in stamps.
6	Penalty for hawking stamps.	(1) If any person, whether licensed to deal in stamps or not, hawks or carries about for sale or exchange any stamps, he shall, in addition to any other fine or penalty to which he may be liable, incur a fine of twenty pounds. (2) In default of payment of the fine, on summary conviction the offender shall be imprisoned for any term not exceeding two months. (3) All stamps which are found in the possession of the offender shall be forfeited, and shall be delivered to the Secretary of State to be disposed of as he thinks fit. (4) Any person may arrest a person found committing an offence against this section, and take him before a justice having jurisdiction where the offence is committed, who shall hear and determine the matter.

Section of Act	Subject matter	Adapted provisions
9	Procedure for obtaining allowance.	Subject to such regulations as the Secretary of State may think proper to make, and to the production of such evidence by statutory declaration or otherwise as the Secretary of State may require, allowance is to be made by the Secretary of State for stamps spoiled in the case hereinafter mentioned (that is to say):—..... (2) Any stamp which has been inadvertently and undesignedly spoiled or rendered unfit for use and has not in the opinion of the Secretary of State been affixed to any material; ..... Provided as follows:— (*a*) That the application for relief is made within two years after the stamp has been spoiled or become useless. .....
11	Allowance, how to be made.	In any case in which allowance is made for spoiled or misused stamps the Secretary of State may give in lieu thereof other stamps of the same denomination and value, or if required, and he thinks proper, stamps of any other denomination to the same amount in value, or in his discretion, the same value in money.
12	Stamps not wanted may be re-purchased.	When any person is possessed of a stamp which has not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Secretary of State may, if he thinks fit, repay to him the value of the stamp in money, upon his delivering up the stamp to be cancelled, and proving to the satisfaction of the Secretary of State that it was purchased by him. . . . from some person duly appointed to sell and distribute stamps or duly licensed to deal in stamps, within the period of two years next preceding the application and with a bona-fide intention to use it.
13	Certain offences in relation to stamps.	Every person who does, or causes or procures to be done, or knowingly aids, abets or assists in doing any of the acts following, that is to say:— (1) *Forges a die or stamp;* (2) *Prints or makes an impression upon any material with a forged die;* (3) Fraudulently prints or makes an impression upon any material from a genuine die;

Section of Act	Subject matter	Adapted provisions
13	Certain offences in relation to stamps.—contd.	(4) Fraudulently cuts, tears, or in any way removes from any material any stamp, with intent that any use should be made of such stamp or of any part thereof; (5) Fraudulently mutilates any stamp, with intent that any use should be made of any part of such stamp; (6) Fraudulently fixes or places upon any material or upon any stamp, any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn, or in any way removed from any other material, or out of or from any other stamp; (7) Fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing whatsoever thereon written, with intent that any use should be made of the stamp upon such material; (8) Knowingly sells or exposes for sale or utters or uses *any forged stamp or* any stamp which has been fraudulently printed or impressed from a genuine die; (9) Knowingly, and without lawful excuse (the proof whereof shall lie on the person accused) has in his possession *any forged die or stamp or* any stamp which has been fraudulently printed or impressed from a genuine die, or any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated or any stamped material out of which any name, sum, date or other matter or thing has been fraudulently erased or otherwise either really or apparently removed. shall be guilty of an offence and shall on conviction be liable to be imprisoned for any term not exceeding fourteen years.
16	Proceedings for detection of forged dies, etc.	On information given before a justice upon oath that there is just cause to suspect any person of being guilty of any of the offences aforesaid, such justice may, by warrant under his hand, cause every house, room, shop, building or place belonging to or occupied by the suspected person, or where he is suspected of being or having been in any way engaged or concerned in the commission of any such offence, or of secreting any machinery, implements, or utensils applicable to the commission of any such offence, to be searched, and if upon any such search any of the said several matters and things are

Section of Act	Subject matter	Adapted provisions
16	Proceedings for detection of forged dies, etc.—contd.	found, the same may be seized and carried away, and shall afterwards be delivered over to the Secretary of State.
17	Proceedings for detection of stamps stolen or obtained fraudulently.	(1) Any justice having jurisdiction in the place where any stamps are known or supposed to be concealed or deposited may, upon reasonable suspicion that the same have been stolen or fraudulently obtained, issue his warrant for the seizure thereof and for apprehending and bringing before himself or any other justice within the same jurisdiction the person in whose possession or custody the stamps may be found, to be dealt with according to law. (2) If the person does not satisfactorily account for the possession of the stamps, or it does not appear that the same were purchased by him. . . . from some person duly appointed to sell and distribute stamps or duly licensed to deal in stamps, the stamps shall be forfeited and shall be delivered over to the Secretary of State. (3) Provided that if at any time within six months after the delivery any person makes out to the satisfaction of the Secretary of State that any stamps so forfeited were stolen or otherwise fraudulently obtained from him, and that the same were purchased by him. . . .from some person duly appointed to sell or distribute stamps, or duly licensed to deal in stamps, such stamps may be delivered up to him.
18	Licensed person in possession of forged stamps.	(1) If any forged stamps are found in the possession of any person appointed to sell and distribute stamps, or being or having been licensed to deal in stamps, that person shall be deemed and taken, unless the contrary is satisfactorily proved, to have had the same in his possession knowing them to be forged and with intent to sell, use or utter them, and shall be liable to the punishment imposed by law upon a person selling, using, uttering or having in possession forged stamps knowing the same to be forged. (2) If the Secretary of State has cause to suspect any such person of having in his possession any forged stamps, he may by warrant under his hand authorise any person to enter between the hours of nine in the morning and seven in the evening into

Section of Act	Subject matter	Adapted provisions
18	Licensed person in possession of forged stamps.—contd.	any house, room, shop or building of or belonging to the suspected person, and if on demand of admittance, and notice of the warrant, the door of the house, room, shop or building, or any inner door thereof, is not opened, the authorised person may break open the same and search for and seize any stamps that may be found therein or in the custody or possession of the suspected person. (3) All officers of the peace are hereby required, upon request of any person so authorised, to aid and assist in the execution of the warrant. (4) Any person who— (*a*) Refuses to permit any such search or seizure to be made as aforesaid, or (*b*) Assaults, opposes, molests or obstructs any person so authorised in the due execution of the powers conferred by this section or any person acting in his aid or assistance, and any officer of the peace who, upon any such request as aforesaid, refuses or neglects to aid or assist any person so authorised in the due execution of his powers shall incur a fine of fifty pounds.
19	Mode of proceeding where stamps are seized.	Where stamps are seized under a warrant, the person authorised by the warrant shall, if required, give to the person in whose custody or possession the stamps are found an acknowledgment of the number, particulars and amount of the stamps, and permit the stamps to be marked before the removal thereof.
20	As to defacement of adhesive stamps.	Every person who by any writing in any manner defaces any stamp before it is used shall incur a penalty of five pounds. Provided that any person may, with the express sanction of the Secretary of State and in conformity with the conditions which the Secretary of State may prescribe, write upon or otherwise appropriate a stamp before it is used for the purpose of identification thereof.
24	Declarations, how to be made.	Any statutory declaration, affidavit or oath to be made in pursuance of or for the purpose of this or any other Act for the time being in force relating to stamps may be made before the Secretary of State or any officer or person authorised by him in that behalf,

Section of Act	Subject matter	Adapted provisions
24	Declarations, how to be made.—contd.	or before any commissioner for oaths or any justice or any notary public in any part of Great Britain, or at any place out of Great Britain before any person duly authorised to administer oaths there.
25	Mode of granting licences.	Any licence or certificate to be granted by the Secretary of State under this or any other Act for the time being in force relating to stamps may be granted by such officer or person as the Secretary of State may authorise in that behalf.
26	Recovery of fines.	All fines imposed by this Act or by any Act for the time being in force relating to stamps may be proceeded for and recovered in the same manner, and in the case of summary proceedings with the like power of appeal as any fine or penalty under any Act relating to the Excise.
27	Definitions.	In the provisions of this Act, unless the context otherwise requires:— The expression "Secretary of State" means Secretary of State for Social Services. ..... The expression "duty" includes any contribution payable under the National Insurance (Industrial Injuries) Act 1965, or the National Insurance Act 1965, and directed to be made by means of stamps. The expression "material" includes every sort of material upon which words or figures can be expressed. ..... The expression "die" includes any plate, type, tool or implement whatever used under the direction of the Secretary of State for expressing, or denoting any duty, or rate of duty, or the fact that any duty or rate of duty. . . .has been paid. . . .or for denoting any fee, and also any part of any such plate, type, tool or implement. The expressions "forge" and "forged" include counterfeit and counterfeited. The expression "stamp" means in relation to stamps prepared and issued for the purposes of the National Insurance Act 1965 an adhesive stamp, and, in relation to stamps prepared and issued for the purposes of the National Insurance (Industrial Injuries) Act 1965 an adhesive stamp or a stamp impressed by means of a die.

Section of Act	Subject matter	Adapted provisions
27	Definitions—contd.	The expression "stamped" is applicable as well to instruments and material impressed with stamps by means of a die as to instruments and material having adhesive stamps affixed thereto. The expression "justice" means justice of the peace.

Section of Act	Subject matter	Adapted provisions
		POST OFFICE ACT 1953
63	Prohibition of fictitious stamps.	(1) A person shall not:— (*a*) make, knowingly utter, deal in or sell any fictitious stamp; (*b*) have in his possession unless he shows a lawful excuse, any fictitious stamp; or (*c*) make or, unless he shows a lawful excuse, have in his possession any die, plate, instrument or materials for making any fictitious stamp. (2) A person shall not knowingly use for the purposes of payment of contributions under the National Insurance (Industrial Injuries) Act 1965, or the National Insurance Act 1965, any fictitious stamp. (3) If any person acts in contravention of the foregoing provisions of this section he shall be liable on summary conviction to a fine not exceeding twenty pounds. (4) Any stamp, die, plate, instrument or materials found in the possession of any person in contravention of subsection (1) of this section may be seized and shall be forfeited. (5) The importation into the United Kingdom— (*a*) of any facsimile, imitation or representation, whether on paper or otherwise, of any stamp; or (*b*) of any die, plate, instrument or materials for making such a facsimile, imitation or representation, is hereby prohibited. (6) In this section:— (*a*) the expression "fictitious stamp" means any facsimile, imitation or representation, whether on paper or otherwise, of any stamp, and (*b*) the expression "stamp" means in relation to stamps prepared and issued for the purposes of the National Insurance Act 1965, an adhesive stamp and, in relation to stamps prepared and issued for the purposes of the National Insurance (Industrial Injuries) Act 1965, an adhesive stamp or a stamp impressed by means of a die. .....

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations made by the authority of the Secretary of State for Social Services replace, with necessary adaptations, the National Insurance and Industrial Injuries (Stamps) Regulations 1967 which were made by the Postmaster General. They are made necessary by the passing of the Post Office Act 1969 which transferred to the Secretary of State the control of the system of distribution of national insurance stamps.

The regulations apply the provisions of the Stamp Duties Management Act 1891 (as amended by subsequent enactments) and section 63 of the Post Office Act 1953 to national insurance stamps. These are stamps by means of which contributions under the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965 are paid.

The Report of the National Insurance Advisory Committee on the preliminary draft of these regulations (described on its publication as the preliminary draft of the National Insurance and Industrial Injuries (Stamps) Regulations 1969) dated 15th January 1970 is contained in House of Commons Paper No. 202 (Session 1969-70) published by Her Majesty's Stationery Office.

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