1972 No. 1301

SOCIAL SECURITY

The National Insurance (Unemployment and Sickness Benefit and Miscellaneous Amendments) Regulations 1972

Made - - -	16*th August* 1972
Laid before Parliament	1*st September* 1972
Coming into Operation	2*nd October* 1972

The National Insurance Joint Authority, in exercise of powers conferred by section 20(2)(*a*) of the National Insurance Act 1965(**a**) as amended by section 14 of, and paragraph 3(*b*) of Schedule 5 to, the National Insurance Act 1971(**b**), and the Secretary of State for Social Services, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of his powers under sections 48(1), 75(2) and 81(3) of the said Act of 1965 and section 11(1)(*a*)—(*d*) of the National Insurance Act 1966(**c**), as amended by section 6(1) of the National Insurance Act 1972(**d**), in each case in exercise of all other powers enabling them in that behalf, hereby make the following regulations which, as they are made before the expiration of six months beginning with the passing of the said Act of 1972 and contain no provisions other than such as are made in consequence of the said Act of 1972 or operate with reference to the amount of a person's earnings under section 20(2) of the said Act of 1965, are exempt from the requirements of section 108 of the said Act of 1965 (reference to the National Insurance Advisory Committee) by virtue of paragraph 2(1) of Schedule 4 to the said Act of 1972:—

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (Unemployment and Sickness Benefit and Miscellaneous Amendments) Regulations 1972, shall come into operation on 2nd October 1972.

(**a**) 1965 c. 51.
(**b**) 1971 c. 50.
(**c**) 1966 c. 6.
(**d**) 1972 c. 57.

(2) The rules for construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply in relation to this instrument and in relation to any revocation effected by it as if this instrument and the regulations revoked by it were Acts of Parliament and as if each revocation were a repeal.

Amendments of the National Insurance (Unemployment and Sickness Benefit) Regulations 1967

2. In regulation 7 of the National Insurance (Unemployment and Sickness Benefit) Regulations 1967(b), as amended (c) (days not to be treated as days of unemployment or incapacity for work),—

(*a*) in paragraph (1)(*h*) for the words "are ordinarily less than £2·00 a week" there shall be substituted the words "are ordinarily not more than £4·50 a week"; and

(*b*) in paragraph (1)(*i*) for the words "do not exceed 33½ new pence" there shall be substituted the words "do not exceed 75 pence".

Amendments of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966

3. In regulation 2 of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966(d), as amended (e) (forward allowances and disallowances of sickness benefit and injury benefit),—

(*a*) in paragraph (1)(*a*), after the words "sickness benefit" there shall be inserted the words "or invalidity benefit";

(*b*) in paragraphs (1)(*c*) and (2), after the words "sickness benefit" there shall be inserted the words "invalidity benefit"; and

(*c*) after paragraph (3) there shall be inserted the following paragraph:—

"(4) Where a claim for invalidity benefit is disallowed on the ground that—

(*a*) the contribution condition in section 3(2) of the National Insurance Act 1971(f) has not been satisfied, or

(*b*) the claimant has not been entitled to sickness benefit for 168 days in the relevant period of interruption of employment,

the decision disallowing that claim shall, subject to the provisions of section 72 of the Act (review of decisions of insurance officer, local tribunal or Commissioner), be treated as a decision disallowing any further claim (being a continuation claim within the meaning of paragraph 2(*c*) of column (1) of Schedule 2 to the National

(a) 1889 c. 63.
(b) S.I. 1967/330 (1967 I, p. 1131).
(c) The relevant amending instrument is S.I. 1970/46 (1970 I, p. 243).
(d) S.I. 1966/1006 (1966 II, p. 2403).
(e) There is no amendment which relates expressly to the subject matter of these regulations.
(f) 1971 c. 50.

Insurance (Claims and Payments) Regulations 1971(a), as amended (b)) by that person for that benefit until the grounds for the original disallowance have ceased to exist.".

Amendment of the National Insurance (Determination of Claims and Questions) (No. 2) Regulations 1967

4. In regulation 15 of the National Insurance (Determination of Claims and Questions) (No. 2) Regulations 1967(c), as amended (d) (review of decisions involving payment or increase of benefit), for sub-paragraph (*d*) of paragraph (2) there shall be substituted the following sub-paragraph:—

"(*d*) The provisions of paragraph (2)(*a*) shall not apply to the review of a decision disallowing a claim for sickness benefit, invalidity benefit or unemployment benefit in so far as it is a decision which, under the provisions of regulation 2(3), regulation 2(4) or regulation 2A of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966, has been treated as a decision disallowing a further claim for any of those benefits."

Revocation of regulations

5. The regulations specified in column (1) of the Schedule to these regulations are hereby revoked to the extent mentioned in column (3) of that Schedule.

Given under the official seal of the National Insurance Joint Authority.

(L.S.)

F. B. Hindmarsh,
A person authorised by the
National Insurance Joint Authority
to act on behalf of the Secretary,
National Insurance Joint
Authority.

11th August 1972.

Keith Joseph,
Secretary of State for Social Services.

14th August 1972.

V. H. Goodhew,
Oscar Murton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

16th August 1972.

(a) S.I. 1971/707 (1971 I, p. 1908).
(b) There is no amendment which relates expressly to the subject matter of these regulations.
(c) S.I. 1967/1570 (1967 III, p. 4350).
(d) The relevant amending instruments are S.I. 1971/1419, 1972/166, (1971 II, p. 3964; 1972 I, p. 588).

SCHEDULE Regulation 5.

Regulations revoked (1)	Reference (2)	Extent of revocation (3)
The Family Allowances, National Insurance, Industrial Injuries and Miscellaneous Provisions (Decimalisation of the Currency) Regulations 1970.	S.I. 1970/46 (1970 I, p. 243).	Regulation 7(1).
The National Insurance (General Benefit and Claims and Payments) Amendment Regulations 1971.	S.I. 1971/1478 (1971 III, p. 4155).	The whole regulations.
The National Insurance (Claims and Payments and Miscellaneous Provisions) Regulations 1972.	S.I. 1972/166 (1972 I, p. 588).	Regulation 5.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations, having been made before the expiration of six months beginning with the passing of the National Insurance Act 1972 and containing no provisions other than such as are made in consequence of the said Act of 1972 or operate with reference to the amount of a person's earnings under section 20(2) of the National Insurance Act 1965, are not required to be, and have not been, referred to the National Insurance Advisory Committee.

Regulation 1 is formal; regulation 2 amends regulation 7 of the National Insurance (Unemployment and Sickness Benefit) Regulations 1967 by increasing the unemployment benefit subsidiary occupation earnings limit and the earnings limit for permitted work for sickness and invalidity benefit purposes; regulation 3 amends regulation 2 of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966 making provision for claims and decisions relating to invalidity benefit to operate prospectively; regulation 4 amends regulation 15 of the National Insurance (Determination of Claims and Questions) (No. 2) Regulations 1967 (review of decisions involving payment or increase of benefit) in consequence of the amendment to the 1966 Regulations effected by regulation 3 of these Regulations; and regulation 5 and the Schedule relate to revocations of regulations.