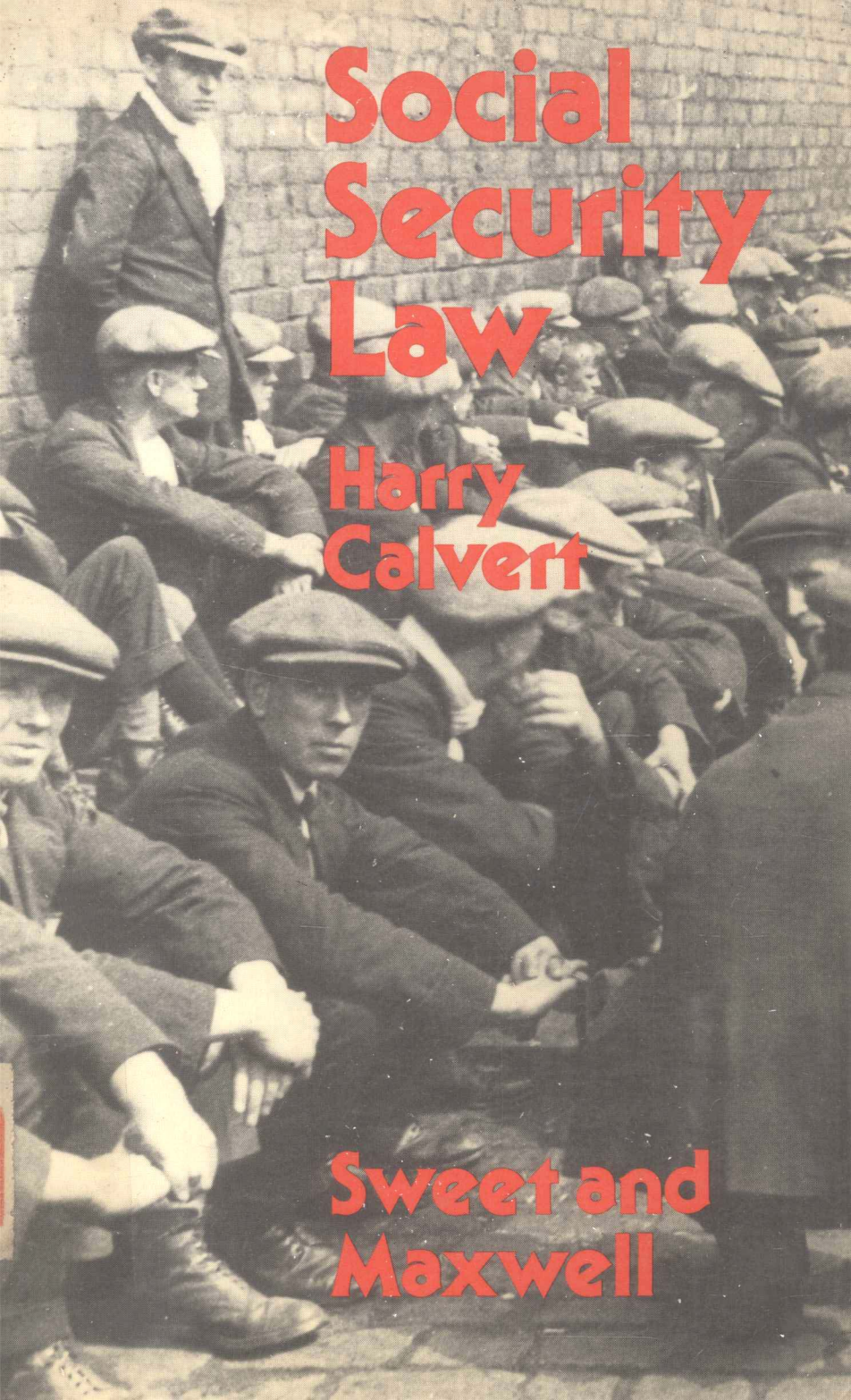




Social Security Law

**Harry
Calvert**

**Sweet and
Maxwell**

A black and white photograph of a large group of men, likely British World War II veterans, sitting on stone steps in front of a brick wall. They are all wearing flat caps and dark jackets. The man in the foreground is looking directly at the camera, while others look in various directions. The image has a historical, slightly grainy quality.

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PREFACE TO THE SECOND EDITION

WHEN the first edition of this book was nearing completion in 1973, new social security legislation altered many features of the scene. An attempt was made to advert to the effects of this legislation, the Social Security Act 1973, with a view to more comprehensive treatment in a new edition once the new law had settled down. This new edition now appears, little more than three years after the first, and already the 1973 Act is history. The intervening years have seen changes more comprehensive than ever before in the legislative sources of social security law and the task of incorporating them into this new edition has been appalling. The Social Security Act 1975, the Social Security Pensions Act 1975, the Child Benefit Act 1975 and the Supplementary Benefits Act 1976 have left not a single stone of reference unturned and already they, and their attendant subordinate legislation which has been comprehensively consolidated and amended, are being eroded by new legislation. The aim has been to state the law comprehensively as of the start of 1977 and to incorporate reference to such subsequent developments as has been feasible. Thankfully, from an author's if not necessarily a social point of view, many basic principles and much central doctrine remains unchanged.

In addition to these alterations, the book has been changed in other respects. Some sections have been completely and many others largely rewritten; and new chapters have been added. In the first edition, treatment of industrial injuries was excluded. It was a marginal decision; such benefits were nominally a part of the social security scheme, but they savoured largely of compensation rather than income provision, had separate legislation and their own fund, and have received greater attention at the hands of other authors, particularly those working in the field of labour law, than the rest of social security benefits. Some reviewers thought the omission unfortunate and some at least of the justification for omission has disappeared in the intervening years

with the merger of the legislation and funds. A chapter on Industrial Injury Benefits has therefore been included. A short chapter on Adjudication has also been added.

A very substantial contribution to the preparation of this edition has been made by Susan Naylor of the Law Department, University College of Wales, Aberystwyth. "Assistance" might seem to imply a rather menial role which is very far indeed from being the case. In addition to working on the book generally, Miss Naylor has become the prime begetter of the chapters on Retirement Pensions and Family Benefits and is responsible for much of the work in the chapters on Minor Benefits and Supplementary Benefits. Since the first edition of this book appeared, there has been a tremendous surge of literature in the field of social security law and the book now has, again thanks to Miss Naylor, an appendix of further reading in the field.

The book still purports to be what it originally was, a students' book, but in a rather special sense. The category of students, for this purpose, embraces all, and not just candidates for this examination or that, who need to study social security law, whether for academic, research, advisory or adjudicative purposes. For none of these purposes is it, or can it be, a comprehensive source; but, equally, for all it should be a useful point of reference for the job in hand.

Blades, September 6, 1977

H.C.

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TABLE OF DECISIONS

Note on Reported Decisions of the National Insurance Commissioners in National Insurance and Family Allowance cases

Reported decisions of the Commissioners, cited frequently throughout this book, are the chief source of doctrine in United Kingdom social security law. They are published by HMSO individually, as reported and in bound volumes, every four or five years.

A standard method of citation has been used in all Great Britain cases since 1950. All reported decisions bear the prefix "R." There follows next, in brackets, the series symbol. Decisions are now reported in six series. The original four series are indicated thus:

- (G) indicates the general series (Maternity benefit, Widow's benefit, Guardian's allowance, child's special allowance and death grant);
- (P) indicates the retirement pension series;
- (S) indicates the sickness benefit series; and
- (U) indicates the unemployment benefit series.
- (F) indicates the family allowance series (since 1960); and
- (A) indicates the recently-added attendance allowance series.

Within each series, reports are cited by reference to number and year, thus; *R(U) 7/62* indicates reported unemployment benefit decision number 7 of 1962.

In Northern Ireland decisions, the same type of symbol is used in different order. Thus: *R 7/62 (UB)* indicates reported Northern Ireland unemployment benefit decision number 7 of 1962. The Northern Ireland series are:

- D.G. Death Grant.
- F.A. Family Allowances.

M.B. Maternity benefits.

P. Retirement pensions, Widow's benefit, Guardian's allowance and child's special allowance.

S.B. Sickness Benefit.

U.B. Unemployment benefit.

Prior to 1951, various methods of citation were used in Great Britain. The prefix "R" did not come into use until 1951. The earliest decisions do not even bear a series indication but are cited solely by reference to case number and year, with the suffix "K" or "K.L.," thus: 652/48 (*KL*). Most decisions before 1951, do, however, bear a series indication, prefixed by "C," thus: *C.U.* 19/48, sometimes with the suffix "K" or "K.L." They are, however, reported in order of case number within each year. The only exception is in the case of Scottish and Welsh decisions, indicated by the symbols "S" or "W" in the prefix, thus: *C.S.U.* 14/48 (*K*). These Scottish and Welsh series are separately numbered and appear at the end of the annual list within each series. Thus, in the unemployment benefit series for 1948, *C.U.* 109/48 (*KL*) is followed by *C.S.U.* 14/48 (*K*) which is followed in turn by *C.W.U.* 6/48 (*KL*).

There is a complete set of reported Great Britain decisions in the custody of the clerk of each National Insurance Local Tribunal who should allow consultation by or on behalf of bona fide appellants at reasonable times.

The decisions referred to in this book are set out in the following pages.

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