(iii) where the licensed distributor on whose premises the milk was pasteurised is a member of a duly incorporated company operating a milk bottle pool, the name of such company.

(*b*) In addition, the bottle or other retail container may bear advertising matter intended to promote sales of liquid milk and cream as defined in Section 5 of the Sale of Cream Act (Northern Ireland), 1957(**a**), where the size and design of such matter has been approved by the Ministry under Section 3 of the Act."

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 15th day of September, nineteen hundred and sixty.

(L.S.) *W. A. V. Sanderson,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

This amendment to the Milk Regulations permits the marking of milk bottles used by members of a company operating a milk bottle pool with the name of that company.

1960. No. 140 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Benefit

REGULATIONS, DATED 15TH SEPTEMBER, 1960, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

The Ministry of Labour and National Insurance, in exercise of powers conferred by sub-section (1) of section 32 and section 85 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment (No. 2) Regulations (Northern Ireland), 1960, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948(**c**) (hereinafter referred

(a) 1957, c. 16 (**b**) 1946. c. 21.
(c) S.R. & O. (N.I.) 1948, No. 203 as amended by S.R. & O. (N.I.) 1949, No. 73; 1951, No. 102; 1951, No. 182; 1952, No. 140; 1952, No. 199; 1953, No. 132; 1953, No. 135; 1955, No. 15; 1955, No. 164; 1956, No. 139; 1957, No. 131; 1957, No. 243; 1957, No. 264; 1958, No. 114; 1959, No. 93 and 1960, No. 25.

to as "the principal regulations"), and shall come into operation on the 19th day of September, 1960.

Regulation substituted for regulation 22 *of the principal regulations*

2. For regulation 22 of the principal regulations (which regulation relates to exception from disqualification under sub-section (1) of section 32 of the Act) there shall be substituted the following regulation:

"Exception from disqualification under section 32(1) *of the Act*

22. Regulations 23 and 24 shall have effect to except benefit from the operation of sub-section (1) of section 32 of the Act which provides that (except where regulations otherwise provide) a person shall be disqualified for receiving any benefit, and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person is absent from Northern Ireland or is undergoing imprisonment or detention in legal custody."

Regulation substituted for regulation 24 *of the principal regulations*

3. For regulation 24 of the principal regulations (which regulation relates to exception from disqualification for receiving benefit during periods of imprisonment or detention in legal custody) there shall be substituted the following regulation:

"Exception from disqualification for imprisonment, etc.

24.—(1) A person shall not be disqualified for receiving any benefit, nor shall an increase of benefit not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person is undergoing imprisonment or detention in legal custody in connection with a charge brought, or intended to be brought, against him in criminal proceedings, or pursuant to any sentence or order for detention made by a court in such proceedings, unless, in relation to him, a penalty as defined in paragraph (4) is imposed at the conclusion of those proceedings.

(2) A person shall not be disqualified for receiving disablement benefit, other than any increase thereof, for any period during which he is undergoing imprisonment or detention in legal custody:

Provided that the amount payable by virtue of this paragraph by way of any disablement pension or pensions in respect of any period, other than a period in respect of which that person is excepted from disqualification by virtue of the provisions of paragraph (3), during which that person is and has continuously been undergoing imprisonment or detention in legal custody shall not exceed in the aggregate the amount of one hundred pounds or the total amount payable by way of such pension or all such pensions for a period of one year, whichever is the less.

(3) A person shall not be disqualified for receiving any benefit, nor shall an increase of benefit not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person is undergoing detention in legal custody after the conclusion of criminal proceedings if it is a period during which he is liable to be detained in a hospital or similar institution in Northern Ireland as a person suffering from mental disorder unless—

(*a*) pursuant to any sentence or order for detention made by the court at the conclusion of those proceedings, he has undergone detention by way of penalty in a prison, a Borstal institution, a remand home, or a training school; and

(*b*) he was removed to the hospital or similar institution while liable to be detained as a result of that sentence or order:

Provided that where, as respects a person in relation to whom each of the conditions specified in sub-paragraph (*a*) and (*b*) is satisfied, a certificate, given by or on behalf of the Prison Governor and furnished to the Ministry, shows the earliest date on which that person would have been expected to be discharged from detention pursuant to the said sentence or order if he had not been transferred to a hospital or similar institution, the said conditions shall be deemed not to be satisfied in relation to that person as from the day next following that date.

(4) For the purposes of paragraph (1), 'penalty' means a sentence of imprisonment, corrective training, preventive detention, Borstal training, or detention under section 55 of the Children and Young Persons Act (Northern Ireland), 1950(**a**), or an order for detention in a remand home or a training school, but does not include any sentence of imprisonment or order for detention in default of payment of a sum adjudged to be paid on conviction.

(5) For the purposes of paragraph (3)—

(*a*) 'hospital or similar institution' means any place (not being a prison, a Borstal institution, a remand home, or a training school and not being at or in any such place) in which persons suffering from mental disorder are or may be received for care or treatment;

(*b*) 'court' means any court in the United Kingdom, the Channel Islands or the Isle of Man or in any place to which the Colonial Prisoners Removal Act, 1884(**b**), applies or any naval court-martial, army court-martial or air force court-martial within the meaning of the Courts-Martial (Appeals) Act, 1951(**c**), as originally enacted or as subsequently amended, or the Court constituted by that Act;

(*c*) in relation to a person who is liable to be detained in Northern Ireland as a result of any order made under the Colonial Prisoners Removal Act, 1884, references to a prison shall be construed as including references to a prison within the meaning of that Act.

(6) In this regulation—

(*a*) references to a person suffering from mental disorder shall be construed as references to a person who is receiving care or treatment under the provisions of the Lunacy and Mental Health Acts (Northern Ireland), 1821 to 1953(**d**);

(*b*) 'training school' means a school approved under section 106 of the Children and Young Persons Act (Northern Ireland), 1950;

(*c*) criminal proceedings against any person shall be deemed to be concluded upon his being found insane in those proceedings so that he cannot be tried or his trial cannot proceed."

Amendment to regulation 25 of the principal regulations

4. For paragraph (2) of regulation 25 of the principal regulations (which paragraph relates to the suspension of payment of benefit during periods of imprisonment or detention in legal custody) there shall be substituted the following paragraph:

(**a**) 1950, c. 5.
(**b**) 47 & 48 Vict. c. 31.
(**c**) 14 & 15. Geo. 6. c. 46.
(**d**) 1948, c. 17 (Reprint to 1953).

"(2) The payment of any benefit payable to any person shall be suspended whilst that person is undergoing imprisonment or detention in legal custody:

Provided that—

(*a*) this paragraph shall not apply as respects a person who, although undergoing detention in legal custody, is excepted from disqualification for receiving benefit by virtue of paragraph (3) of the preceding regulation; and

(*b*) the payment to any person of any benefit payable otherwise than in respect of a period during which he is and has continuously been undergoing imprisonment or detention in legal custody shall not be suspended by virtue of this paragraph if another person (who is approved by the Ministry) is appointed by that person to receive such benefit on his behalf."

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 15th day of September, nineteen hundred and sixty.

(L.S.)

H. A. Lowry,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend regulations 22, 24 and 25 of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948, and extend the existing exceptions from the general disqualification for receiving benefit during periods of imprisonment or detention in legal custody imposed by section 32(1) of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, by providing that this disqualification shall not apply to a person detained in connection with criminal proceedings if at the conclusion of those proceedings no sentence or order entailing penal detention is imposed, or to a person who is liable to be detained in a hospital or similar institution as a person suffering from mental disorder unless he became so liable while undergoing penal detention and the period during which he would have been expected to have been undergoing such penal detention has not expired.

The provisions of the Regulations relating to suspension of payment of benefit while undergoing imprisonment or detention in legal custody are also amended so as not to apply in the case of a beneficiary who, although detained in a hospital or similar institution, is excepted from disqualification.

Other amendments are of a minor or consequential character.