SCHEDULE L Regulation 9

Regulations Revoked

Statutory Rules and Orders of Northern Ireland	Citation	Extent of Revocation
S.R. & O. (N.I.) 1948, No. 222	The National Insurance (Classification) Regulations (Northern Ireland) 1948.	Schedule 1 Part II paragraph 6.
S.R. & O. (N.I.) 1950, No. 25	The National Insurance (Classification) Amendment Regulations (Northern Ireland) 1950.	Regulation 3.
S.R. & O. (N.I.) 1953, No. 123	The National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1953.	Regulations 4 and 5.
S.R. & O. (N.I.) 1955, No. 72	The National Insurance (Maternity Benefit and Miscellaneous Provisions) Amendment Regulations (Northern Ireland) 1955.	The whole regulations.

EXPLANATORY NOTE

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

These Regulations which are made in consequence of the National Insurance &c. Act (Northern Ireland) 1964 increase the rates of benefit payable under certain regulations made under the National Insurance Act (Northern Ireland) 1946, in order to bring them into conformity with the higher rates of benefit payable directly under that Act by virtue of the Act of 1964. Provision is made in relation to the payment of additional benefit in the case of persons not residing in Northern Ireland, and as to certain matters arising under the graduated pension scheme. The remaining provisions are of a minor or consequential character.

1965. No. 12 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 22ND JANUARY, 1965, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1946 TO 1964.

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12(6), 14(5), 15(2), 18, 19(4) and 78(2) of the National Insurance

(Industrial Injuries) Act (Northern Ireland) 1946(**a**), and the Ministry of Health and Social Services, in exercise of powers conferred by section 16 of the said Act of 1946, section 52(1) of the said Act of 1946 (as extended by paragraph 18 of Schedule 6 to the National Insurance &c. Act (Northern Ireland) 1964(**b**)) and Schedule 7 to the said Act of 1964 and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1965, and shall come into operation on 25th January, 1965.

(2) In these regulations—

"the principal Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946;

"the Act of 1964" means the National Insurance &c. Act (Northern Ireland) 1964;

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1948(**c**);

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1948(**d**).

Increase in rates and amounts of benefit payable under regulations

2.—(1) The rates and amounts of benefit of the several descriptions specified in Schedule 1 shall be increased as from the dates respectively specified in paragraph (2) and accordingly the provisions of the Benefit Regulations set out in column (1) of that Schedule (which provisions relate to the said rates and amounts of benefit) shall be amended as from the appropriate date by substituting for the rates and amounts set out in column (3) of that Schedule the corresponding rates and amounts set out in column (4) thereof.

(2) The said increases shall operate in so far as they relate to injury benefit as from 27th January, 1965, in so far as they relate to widow's pension as from 29th March, 1965 and in so far as they relate to any other benefit as from 31st March, 1965:

Provided that the increased amount of a disablement gratuity shall be payable only where the period taken into account by the assessment of the extent of disablement in respect of which the gratuity is awarded begins on or after 31st March, 1965; but nevertheless the amendment made by this regulation to Schedule 3(**e**) to the Benefit Regulations (which Schedule, as applied by regulations 5 and 6A prescribes, in relation to awards of disablement gratuity, the weekly rate of pension payable in lieu thereof and the weekly amount by which increase of benefit during approved hospital treatment is reduced) shall have effect as from 31st March, 1965, whether the period taken into account by the assessment began before or after that date.

(**a**) 1946. c. 21. (**b**) 1964. c. 37 (N.I.).

(**c**) S.R. & O. (N.I.) 1948, No. 203 as amended by S.R. & O. (N.I.) 1949, No. 73; 1951, No. 102; No. 182; 1952, No. 140; No. 199; 1953, No. 132; No. 135; 1955, No. 15; No. 164; 1956, No. 139; 1957, No. 131; No. 243; No. 264; 1958, No. 114; 1959, No. 93; 1960, No. 25; No. 140; 1961, No. 2; No. 79; 1962, No. 27; 1963, No. 37 and 1964, No. 47

(**d**) S.R. & O. (N.I.) 1948, No. 204 as amended by S.R. & O. (N.I.) 1951, No. 101; 1952, No. 118; 1953, No. 132; 1960, No. 209; 1961, No. 79; 1962, No. 27 and 1964, No. 121.

(**e**) See Schedule to S.R. & O. (N.I.) 1963, No. 37.

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

3. Where an award of any benefit under the principal Act has been made before the day appointed or prescribed for the payment of benefit of the description to which the award relates at a higher weekly rate by virtue of the Act of 1964 or of these regulations, paragraph 2(1) of Schedule 7 to that Act (which relates to the effect of any such award) shall, if the period to which the award relates has not ended before that day, have effect subject to the following conditions:

(1) If the award has not been made in accordance with the provisions of sub-paragraph (2) of that paragraph (which sub-paragraph authorises the making of such an award providing for the payment of the benefit at the higher weekly rate as from that day) and a question arises as to—

(*a*) the weekly rate at which the benefit is payable by virtue of the Act of 1964 or of these regulations, or

(*b*) whether the conditions for the receipt of the benefit at the higher weekly rate are satisfied,

the benefit shall be or continue to be payable at the weekly rate specified in the award until the said question shall have been determined in accordance with the provisions of the principal Act.

(2) Notwithstanding the provisions of regulation 18 of the Claims and Payments Regulations(**a**) (extinguishment of the right to sums payable by way of benefit), the right to any sum which, by virtue of the said paragraph 2(1), becomes payable under the award by way of additional benefit shall, as respects the period beginning with that day and ending—

(*a*) in a case where a book of serial orders (as defined in regulation 1(2) of the said regulations(**b**)) for the payment of benefit to which the award relates has been issued to the beneficiary and is current on that day, with the date of the expiration of that book, or

(*b*) in any other case, with the expiration of 12 months from that day,

be extinguished if payment thereof is not obtained within the period of 18 months (or such longer period as the Ministry may determine in the circumstances of any particular case) from that day.

Miscellaneous amendments consequential upon the Act of 1964

4.—(1) As from 27th January, 1965, in regulations 7, 8, 9(**c**) and 9A(**d**) of the Benefit Regulations (increase of benefit in respect of a wife, a dependent relative and a female person having care of child and contributions to maintenance of adult dependants respectively) any reference (either direct or indirect) to the amount of the increase of benefit set out in section 18 of the principal Act shall have effect as if it were a reference to the amount of the increase of benefit set out in paragraph 8 of Schedule 4 to the Act of 1964.

(2) As from 29th March, 1965, in regulation 12(*b*) of the Benefit Regulations (higher rate of widow's pension payable for 13 weeks after the death of the deceased) for the words "the sums of seventy-five shillings and twenty shillings respectively" there shall be substituted the words "the amount specified in paragraph 9(*a*) of Schedule 4 to the National Insurance &c. Act (Northern Ireland) 1964 and the sum of twenty shillings respectively.".

(**a**) See Part I of Sch. B to S.R. & O. (N.I.) 1952, No. 118.
(**b**) See reg. 2 of S.R. & O. (N.I.) 1952, No. 118.
(**c**) See reg. 4 of S.R. & O. (N.I.) 1957, No. 243.
(**d**) See reg. 5 of S.R. & O. (N.I.) 1957, No. 243.

5.—(1) Regulation 12A(a) of the Claims and Payments Regulations (special provisions for injury benefit) shall be amended in accordance with the provisions of paragraph (2) and shall accordingly have effect as set out in Schedule 2.

(2) At the end of the proviso to paragraph (3) of the said regulation 12A there shall be added the following:

"and

(iii) if it is so shown that any such person was not entitled to injury benefit (including any increase thereof) for the period in respect of which the payment was made, but was entitled to some other benefit under the Act or the National Insurance Act (Northern Ireland) 1946 for such period, such payment (in so far as it does not exceed the amount of such other benefit) shall not be deemed to be a payment of the benefit in question but a payment of such other benefit duly made.".

Transitional provisions

6. Where—

(*a*) as respects any period on or after 27th January, 1965 (hereafter in this regulation referred to as "the appropriate date") it is a condition of a person's right to an amount by way of benefit in respect of an adult dependant that he is contributing to the maintenance of that adult dependant at a weekly rate calculated by reference to the weekly rate of that amount and that weekly rate was increased on the appropriate date by virtue (either directly or indirectly) of any provision of the Act of 1964 or any regulation made in consequence of that Act; and

(*b*) as respects any period ended before the appropriate date that person satisfied the said condition by reference to the weekly rate of benefit then in force;

that person shall, for the purpose of his right to the amount in question, be treated as if in any period referred to in sub-paragraph (*b*) he had satisfied the said condition by reference to the increased weekly rate.

Given under the Official Seal of the Industrial Injuries Joint Authority this 22nd day of January, 1965.

(L.S.) *D. J. Carter,*
Secretary.

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 22nd day of January, 1965.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

(a) See reg. 4 of S.R. & O. (N.I.) 1952, No. 118 and reg. 13 of S.R. & O. (N.I.) 1962, No. 27.

SCHEDULE 1 Regulation 2

Amendment of Provisions of the Benefit Regulations Relating to Rates and Amounts of Benefit

Amended provision (1)	*Description of rates and amounts of benefit* (2)	*Existing rate or amount* (3)	*New rate or amount* (4)
Regulation 4(2)	Weekly rates of injury benefit in respect of children under the upper limit of compulsory school age:		
	(*a*) where the employment or employments amounted to full time or substantially full time employment;	57s. 6d.	67s. 6d.
	(*b*) in any other case	20s.	22s. 6d.
Regulation 6	Weekly rates of allowance in respect of constant attendance:		
	(*a*) where to a substantial extent dependent on such attendance;	50s.	55s.
	(*b*) where entirely or almost entirely dependent on such attendance	100s.	110s.
Regulation 12(*b*)	Higher weekly rate of widow's pension payable for 13 weeks after death of the deceased	95s.	112s. 6d.
Schedule 2 (applied by Regulation 3)	Amount of gratuities for degrees of disablement of:		
	1 per cent.	£38	£45
	2 per cent.	£57	£67 10s.
	3 per cent.	£76	£90
	4 per cent.	£95	£112 10s.
	5 per cent.	£114	£135
	6 per cent.	£133	£157 10s.
	7 per cent.	£152	£180
	8 per cent.	£171	£202 10s.
	9 per cent.	£190	£225
	10 per cent.	£209	£247 10s.
	11 per cent.	£228	£270
	12 per cent.	£247	£292 10s.
	13 per cent.	£266	£315
	14 per cent.	£285	£337 10s.
	15 per cent.	£304	£360
	16 per cent.	£323	£382 10s.
	17 per cent.	£342	£405
	18 per cent.	£361	£427 10s.
	19 per cent.	£380	£450

Amended provision (1)	*Description of rates and amounts of benefit* (2)	*Existing rate or amount* (3)	*New rate or amount* (4)
Schedule 3 (applied by Regulations 5 and 6A)	Weekly rate of disablement pension payable in lieu of disablement gratuity for degree of disablement of:		
	less than 20 per cent., but not less than 16 per cent.;	23s.	27s.
	less than 16 per cent., but not less than 11 per cent.;	17s. 3d.	20s. 3d.
	less than 11 per cent., but not less than 6 per cent.;	11s. 6d.	13s. 6d.
	less than 6 per cent.	5s. 9d.	6s. 9d.

SCHEDULE 2 **Regulation 5**

Regulation 12A of the Claims and Payments Regulations as amended*

Special provisions for injury benefit

12A.—(1) Notwithstanding the provisions of the last foregoing regulation, where for the purposes of the provisions of the National Insurance (Industrial Injuries) (Medical Certification) Regulations (Northern Ireland), 1948, as amended, it has been certified that a person is incapable of work and will continue to be incapable of work for the period specified in the certificate, a claim for injury benefit or for an increase of injury benefit may, unless the Ministry otherwise directs, be made by that person in respect of the period of four weeks or such shorter period as the Ministry may in the circumstances determine, in either case commencing immediately after the date of the certificate.

(2) Any claim for injury benefit or for an increase of injury benefit made by any such person may, if it is made on the form containing the certificate, be treated by the Ministry as a claim also in respect of any days in the said period of four weeks or in any such shorter period, as the case may be.

(3) Where a claim for injury benefit (including any increase thereof) has been made in accordance with the foregoing provisions of this regulation, and under arrangements made by the Ministry with the consent of the Ministry of Finance payment by way of such benefit has been made to any person pending the determination of that claim, without due proof of the fulfilment of the relevant conditions or otherwise than in accordance with the provisions of the Act and the orders and regulations made thereunder, the payment so made shall, for the purposes of the said provisions, be deemed to be a payment of such benefit duly made:

Provided that—

*The words added by these regulations are shown in italics.

(i) this paragraph shall apply without prejudice to the operation of regulation 2 of the Family Allowances, National Insurance and Industrial Injuries (Consequential Provisions) Regulations (Northern Ireland), 1962 (which regulation provides for the set-off of benefit against earlier payment of dependency benefit); and

(ii) in any case in which the conditions for the receipt of the benefit were not fulfilled, and in so far as set-off under the said regulation 2 against payment of such benefit is not made, the person to whom any sum by way of such benefit has been paid shall be liable to repay that sum to the Northern Ireland Industrial Injuries Fund if it is shown to the satisfaction of an insurance officer, a local appeal tribunal or the Commissioner, as the case may be, that in the obtaining and receipt of that sum that person, or any person acting for him, has not throughout used due care and diligence to avoid overpayment; *and*

(iii) if it is so shown that any such person was not entitled to injury benefit (including any increase thereof) for the period in respect of which the payment was made, but was entitled to some other benefit under the Act or the National Insurance Act (Northern Ireland) 1946(a) *for such period, such payment (in so far as it does not exceed the amount of such other benefit) shall not be deemed to be a payment of the benefit in question but a payment of such other benefit duly made.*

EXPLANATORY NOTE

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

These Regulations, which are made in consequence of the National Insurance &c. Act (Northern Ireland) 1964, increase the rates of certain benefits payable under regulations made under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946, in order to bring them into conformity with the higher rates of benefit payable directly under that Act by virtue of the Act of 1964, and contain supplementary and transitional provisions following upon the passing of the last mentioned Act.

(a) 1946. c. 23.