1966. No. 216 **[C]**

NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Miscellaneous and Consequential Provisions

REGULATIONS, DATED 15TH SEPTEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by section 80(3) of the National Insurance Act (Northern Ireland) 1966(**a**) and section 11 of the National Insurance (No. 2) Act (Northern Ireland) 1966(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations (Northern Ireland) 1966 and shall come into operation on 6th October 1966.

(2) In these regulations—

"the Act" means the National Insurance Act (Northern Ireland) 1966;

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**c**);

"the Claims and Payments Regulations" means the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961(**d**);

"the Determination of Claims and Questions Regulations" means the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1948(**e**);

"the Medical Certification Regulations" means the National Insurance (Medical Certification) Regulations (Northern Ireland) 1965(**f**);

"the Industrial Injuries Medical Certification Regulations" means the National Insurance (Industrial Injuries) (Medical Certification) Regulations (Northern Ireland) 1965(**g**);

"the Unemployment and Sickness Benefit Regulations" means the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland) 1961(**h**).

Forward allowances and disallowances of sickness benefit and injury benefit

2.—(1) Subject to the provisions of paragraph (3), where for the purposes of the provisions of the Medical Certification Regulations(**i**) or the Industrial Injuries Medical Certification Regulations(**j**) it has been certified that a person is incapable of work and will continue to be so incapable for the period specified in the certificate—

(**a**) 1966. c. 6 (N.I.).
(**b**) 1966. c. 16 (N.I.).
(**c**) 1966. c. 9 (N.I.).
(**d**) S.R. & O. (N.I.) 1961, No. 221.
(**e**) S.R. & O. (N.I.) 1948, No. 185.
(**f**) S.R. & O. (N.I.) 1965, No. 79.
(**g**) S.R. & O. (N.I.) 1965, No. 80.
(**h**) S.R. & O. (N.I.) 1961, No. 222.
(**i**) As amended by S.R. & O. (N.I.) 1966, No. 13.
(**j**) As amended by S.R. & O. (N.I.) 1966, No. 14.

(*a*) a claim for sickness benefit under the Act or injury benefit under the Industrial Injuries Act based on the certificate shall be treated as if made by that person for that period;

(*b*) on any such claim such benefit may be awarded or disallowed for the whole or any part of that period after the date of the claim but not exceeding 13 weeks;

(*c*) if on any such claim such benefit is awarded or disallowed for part only of the period in respect of which the claim for sickness benefit or injury benefit is treated as if made, further decisions in accordance with sub-paragraph (*b*) awarding or disallowing such benefit may be given on the same claim.

(2) Any decision awarding sickness benefit or injury benefit under paragraph (1) shall be subject to the condition that the claimant continues to satisfy the requirements for payment thereof during the period to which the award relates and if the said requirements are found not to have been satisfied at some time during the said period the award shall be reviewed.

(3) Where a claim for sickness benefit is disallowed on the ground that—

(*a*) the contribution condition in paragraph 1(*a*) of Schedule 2 to the Act is not satisfied; or

(*b*) although that contribution condition is satisfied, neither the contribution condition in paragraph 1(*b*) of the said Schedule 2 nor the requirements of regulation 14 of the Unemployment and Sickness Benefit Regulations (partial satisfaction of contribution conditions) are satisfied; or

(*c*) under section 20 of the Act the claimant's right to sickness benefit is exhausted;

the decision disallowing that claim shall be treated as a decision disallowing any further claim (being a continuation claim within the meaning of paragraph 2(*c*) of column (1) of Part I of Schedule 2(**a**) to the Claims and Payments Regulations) by that person for that benefit until the grounds for the original disallowance have ceased to exist.

(4) The provisions of regulation 19(2)(*a*)(**b**) of the Determination of Claims and Questions Regulations (limitation of payment of benefit on review) shall not apply to the review of a decision disallowing a claim for sickness benefit on any of the grounds specified in paragraph (3) if such a decision has been treated as a decision disallowing a further claim.

Set-off of benefit against earlier payment of dependency benefit

3.—(1) Benefit under the Act or the Industrial Injuries Act paid to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant of the first-mentioned person shall, unless it is required to be repaid, be treated as having been properly paid for any period for which it is not in fact payable in cases where under a subsequent decision either—

(i) that other person is himself entitled to benefit under either of those Acts for that period; or

(ii) a third person is entitled to benefit under either of those Acts for that period in respect of that other person in priority to the first-mentioned person,

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(a) See Part I of Sch. to S.R. & O. (N.I.) 1964, No. 120.
(b) See Part II of Sch. 3 to S.R. & O. (N.I.) 1961, No. 86.

and any arrears of benefit payable for that period by virtue of the subsequent decision shall be reduced or withheld accordingly.

(2) Regulation 2 of the Family Allowances, National Insurance and Industrial Injuries (Consequential Provisions) Regulations (Northern Ireland) 1962(a) is hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 15th day of September 1966.

(L.S.) *J. E. Aiken,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 15th day of September 1966.

(L.S.) *R. R. Butler,*
Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations are made in consequence of the National Insurance (No. 2) Act (Northern Ireland) 1966.

They enable forward awards and disallowances of sickness benefit under the National Insurance Act (Northern Ireland) 1966 and of injury benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 to be made in certain circumstances and also deal with the set-off of benefit against the earlier payment of dependency benefit.

1966. No. 217 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Claims and Payments

REGULATIONS, DATED 15TH SEPTEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in exercise of powers conferred by sections 25(1) and 53 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations (Northern Ireland) 1966, shall be read as one with the National Insurance (Industrial

(a) S.R. & O. (N.I.) 1962, No. 27. (b) 1966. c. 9 (N.I.).