1969. No. 232 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 29TH AUGUST 1969, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1966 TO 1969.

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12(4), 14(7), 15(1), 19(4) and 73(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**a**), and the Ministry of Health and Social Services, in exercise of powers conferred by section 16 of that Act and paragraphs 3 and 4 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(**b**) 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) 1969 and shall come into operation on 1st September 1969.

(2) In these regulations—

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

"the Act of 1969" means the National Insurance &c. (No. 2) Act (Northern Ireland) 1969;

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(**c**);

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1969(**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 the Schedule 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 6th November 1969, in so far as they relate to widow's pension as from 3rd November 1969 and in so far as they relate to any other benefit as from 5th November 1969:

(**a**) 1966. c. 9 (N.I.).
(**b**) 1969. c. 19 (N.I.).
(**c**) S.R. & O. (N.I.) 1969, No. 8.
(**d**) S.R. & O. (N.I.) 1969, No. 7.

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 5th November 1969; but nevertheless the amendment made by this regulation to Schedule 4 to the Benefit Regulations (which Schedule, as applied by regulations 6 and 8 of those regulations, 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 hospital treatment is reduced) shall have effect as from 5th November 1969, whether the period taken into account by the assessment began before or after that date.

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 1969 or of these regulations, paragraph 3(1) of Schedule 6 to that Act (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 1969 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 20(e) of the Claims and Payments Regulations (extinguishment of the right to sums payable by way of benefit), the right to any sum which, by virtue of the said paragraph 3(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) 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 24 months (or such longer period as the Ministry may determine in the circumstances of any particular case) from that day.

(e) See reg. 2 of S.R. & O. (N.I.) 1969, No. 86.

Given under the Official Seal of the Industrial Injuries Joint Authority this 29th day of August 1969.

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

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 29th day of August 1969.

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

SCHEDULE 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;	£4	£4 10s.
	(*b*) in any other case.	£1 8s.	£1 11s.
Regulation 7	Weekly rates of allowance in respect of constant attendance:		
	(*a*) where to a substantial extent dependent on such attendance;	£3	£3 6s.
	(*b*) maximum payable where so dependent and attendance required is greater by reason of exceptionally severe disablement;	£4 10s.	£4 19s.
	(*c*) where entirely or almost entirely dependent on such attendance.	£6	£6 12s.
Regulation 19(*b*)	Higher weekly rate of widow's pension payable for 26 weeks after death of the deceased.	£6 7s.	£7
Schedule 3 (applied by Regulation 3)	Amount of gratuities for degrees of disablement of:		
	1 per cent. . . .	£50	£55
	2 per cent. . . .	£75	£82 10s.
	3 per cent. . . .	£100	£110
	4 per cent. . . .	£125	£137 10s.
	5 per cent. . . .	£150	£165
	6 per cent. . . .	£175	£192 10s.
	7 per cent. . . .	£200	£220
	8 per cent. . . .	£225	£247 10s.
	9 per cent. . . .	£250	£275
	10 per cent. . . .	£275	£302 10s.
	11 per cent. . . .	£300	£330
	12 per cent. . . .	£325	£357 10s.
	13 per cent. . . .	£350	£385
	14 per cent. . . .	£375	£412 10s.
	15 per cent. . . .	£400	£440
	16 per cent. . . .	£425	£467 10s.
	17 per cent. . . .	£450	£495
	18 per cent. . . .	£475	£522 10s.
	19 per cent. . . .	£500	£550

Amended provision (1)	Description of rates and amounts of benefit (2)	Existing rate or amount (3)	New rate or amount (4)
Schedule 4 (applied by Regulations 6 and 8)	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.;	£1 10s. 6d.	£1 14s.
	less than 16 per cent. but not less than 11 per cent.;	£1 2s. 9d.	£1 5s. 6d.
	less than 11 per cent. but not less than 6 per cent.;	15s. 3d.	17s.
	less than 6 per cent.	7s. 6d.	8s. 6d.

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. (No. 2) Act (Northern Ireland) 1969 increase the rates of certain benefits payable under regulations made under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, in order to bring them into conformity with the higher rates of benefit payable directly under that Act by virtue of the Act of 1969 and contain transitional provisions following upon the passing of the last mentioned Act.