**1969. No. 7** **[C]**

# NATIONAL INSURANCE (INDUSTRIAL INJURIES)

## Claims and Payments

REGULATIONS, DATED 17TH JANUARY 1969, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1966 AND THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, with the consent of the Ministry of Finance, so far as relates to matters with regard to which such consent is required, in exercise of powers conferred by sections 12(4), 22(4), 23(4), 25, 26, 27, 31(2), 32(1), 49(2) and 53 of, and paragraph 4(2) of Schedule 5 to, the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**a**), by section 89(2) of the National Insurance Act (Northern Ireland) 1966(**b**), as applied by section 64 of the first mentioned Act, and of all other powers enabling it in that behalf, hereby makes the following regulations:

## PART I

### GENERAL

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1969 and shall come into operation on 18th January 1969.

(2) In these regulations—

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

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

"benefit order" means an order for the payment of a weekly sum on account of benefit to which regulation 16 applies or of a weekly instalment of a gratuity;

"serial order" means one of a series of orders, including benefit orders, for the payment of a sum on account of benefit which is or has been contained in a book of such orders;

"draft" means a payable order or any other instrument whatsoever (except a serial order) for the payment of a sum on account of benefit;

"paying office" means such place as the Ministry may designate for the payment of benefit orders;

"appropriate paying office" means such paying office as the Ministry, after consultation with the beneficiary, may from time to time determine;

"claim for benefit" includes an application for a declaration that an accident was an industrial accident and an application for the review of an award or a decision for the purpose of obtaining any increase of benefit mentioned in Schedule 2 but does not include any other application for

(**a**) 1966. c. 9 (N.I.). (**b**) 1966. c. 6 (N.I.).

the review of an award or a decision; and the expression "claims benefit" and every reference to a claim shall be construed accordingly;

"determining authority" means, as the case may require, an insurance officer appointed under section 67 of the National Insurance Act or a local tribunal constituted under section 76 of that Act or the Commissioner.

(3) For the purposes of the provisions of these regulations relating to the making of claims, every increase of benefit mentioned in Schedule 2 shall be treated as a separate benefit.

*Notice of accidents*

**2.**—(1) Every insured person who suffers personal injury by accident in respect of which benefit may be payable shall give notice of such accident either in writing or orally as soon as is practicable after the happening thereof:

Provided that any such notice required to be given by an insured person may be given by some other person acting on his behalf.

(2) Every such notice shall be given to the employer, or (if there is more than one employer) to one of such employers, or to any foreman or other official under whose supervision the insured person is employed at the time of the accident, or to any person designated for the purpose by the employer, and shall give the appropriate particulars.

(3) Any entry of the appropriate particulars of an accident made in a book kept for that purpose in accordance with the provisions of regulation 3 shall, if made as soon as practicable after the happening of an accident by the insured person or by some other person acting on his behalf, be sufficient notice of the accident for the purposes of this regulation.

(4) In this regulation, the expressions "employer" and "employers" mean, in relation to any person to whom paragraph (1) applies, the employer or employers (as the case may be) of that person at the time of the accident.

(5) In this regulation and in regulation 3, the expression "appropriate particulars" means the particulars indicated in Schedule 1.

*Obligations of employers*

**3.**—(1) Every employer shall take reasonable steps to investigate the circumstances of every accident of which notice is given to him or to his servant or agent in accordance with the provisions of regulation 2 and, if there appears to him to be any discrepancy between the circumstances found by him as a result of his investigation and the circumstances appearing from the notice so given, he shall record the circumstances so found.

(2) Every employer who is required so to do by the Ministry shall furnish to an officer of the Ministry, within such reasonable period as may be required, such information and particulars as shall be required—

(*a*) of any accident or alleged accident in respect of which benefit may be payable to, or in respect of the death of, a person employed by him at the time of the accident or alleged accident; or

(*b*) of the nature of and other relevant circumstances relating to any occupation prescribed for the purposes of Part IV of the Act in which any person to whom, or in respect of whose death, benefit may be payable under that Part was or is alleged to have been employed by him.

(3) Every owner or occupier (being an employer) of any mine or quarry or of any premises to which any of the provisions of the Factories Act (Northern

Ireland) 1965(c), applies and every employer by whom 10 or more persons are normally employed at the same time on or about the same premises in connection with a trade or business carried on by the employer shall, subject to the following provisions of this paragraph—

(*a*) keep readily accessible a book or books in a form approved by the Ministry in which the appropriate particulars (as defined in regulation 2) of any accident causing personal injury to a person employed by the employer may be entered by that person or by some other person acting on his behalf; and

(*b*) preserve every such book, when it is filled, for the period of 3 years beginning with the date of the last entry therein.

*Obligations of claimants for, and beneficiaries in receipt of, injury benefit or disablement benefit*

**4.**—(1) Subject to the following provisions of this regulation, every claimant for, and every beneficiary in receipt of, injury benefit or disablement benefit shall comply with every notice given to him by the Ministry which requires him either—

(*a*) to submit himself to a medical examination by a medical authority (as defined in paragraph (4)) for the purpose of determining the effect of the relevant accident or the treatment appropriate to the relevant injury or loss of faculty; or

(*b*) to submit himself to such medical treatment for the said injury or loss of faculty as is considered appropriate in his case by the medical practitioner in charge of the case or by any medical authority to whose examination he has submitted himself in accordance with the foregoing provisions of this regulation; or

(*c*) to attend any vocational training course or industrial rehabilitation course provided under the Disabled Persons (Employment) Act (Northern Ireland) 1945(d), which, in the opinion of the Ministry, is appropriate in his case.

(2) Every notice given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing and shall specify the time and place of examination and shall not require the claimant or beneficiary to submit himself to examination—

(*a*) by a medical board, before the expiration of the period of 6 days beginning with the date of the notice or such shorter period as may be reasonable in the circumstances;

(*b*) in any other case, on a date earlier than the third day after the day on which the notice was sent.

(3) Every claimant and every beneficiary who, in accordance with the foregoing provisions of this regulation, is required to submit himself to a medical examination or to medical treatment—

(*a*) shall attend at every such place and at every such time as may be required; and

(*b*) may in the discretion of the Ministry, be paid such travelling and other allowances (including compensation for loss of remunerative time) as the Ministry may, with the consent of the Ministry of Finance, determine.

(4) In this regulation, the expression "medical authority" means a medical appeal tribunal, a medical board or any medical practitioner appointed or nominated by the Ministry.

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(c) 1965. c. 20 (N.I.). (d) 1945. c. 6.

*Obligations of beneficiaries to notify changes of circumstances*

**5.** Every beneficiary shall, as soon as may be practicable, notify the Ministry in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any benefit awarded to him or to the receipt thereof.

## PART II

## CLAIMS

*Claims to be made to the Ministry in writing*

**6.** Every claim for benefit shall be made in writing to the Ministry on the form approved by the Ministry for the purpose of the benefit for which the claim is made, or in such other manner, being in writing, as the Ministry may accept as sufficient in the circumstances of any particular case or class of cases.

*Supply of claim forms*

**7.** Forms of claim shall be supplied without charge by the Ministry or by such persons as the Ministry may appoint or authorise for that purpose.

*Claims not on appropriate forms*

**8.** Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Ministry may treat the claim as if it had been made on the appropriate form:

Provided that the Ministry may in any such case require the claimant to complete the appropriate form.

*Information to be given when making a claim for benefit*

**9.**—(1) Every person who makes a claim for benefit shall furnish to the Ministry or to an officer of the Ministry such certificates, documents, information and evidence for the purpose of determining the claim as may reasonably be required by the Ministry and, if so required, shall for that purpose attend at such office or place as the Ministry may direct.

(2) Every person who makes a claim for benefit, or for an increase of benefit, in respect of a child shall, in particular, furnish such certificate relating to the birth of the child and such other information to show that the child is or may be treated as included in that person's family, as the Ministry may require.

(3) Every person who makes a claim for an increase of benefit in respect of an adult dependant shall, in particular, furnish, if required, the following information concerning such dependant:

(*a*) his identity, date of birth, usual place of residence, occupation and relationship to the claimant;

(*b*) his position in regard to benefit under the Act and under the National Insurance Act, available sources of income and the amounts contributed by any person towards his maintenance; and

(*c*) in the case of an increase in respect of a wife or a husband, a certificate of the marriage;

together with a declaration signed by the dependant confirming the information given.

*Amendment of claim form*

**10.**—(1) If a claim is defective at the date of its receipt by the Ministry, the Ministry may, in its discretion, refer the claim to the claimant, and if the form is returned properly completed within one month from the date on which it is so referred, the Ministry may treat the claim as if it had been duly made in the first instance.

(2) Any person who has made a claim for benefit in accordance with the provisions of these regulations may amend his claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the Ministry, and any claim so amended shall be treated as if it had been made as so amended in the first instance.

*Claims made, and notices sent, by post*

**11.** A claim or notice (not being a notice withdrawing a claim) which was duly made or sent by post shall be deemed to have been made or given on the day on which it was posted:

Provided that, if there is any reasonable doubt as to the date of the posting of any claim or notice received by the Ministry, it shall be deemed to have been delivered in the ordinary course of post and to have been posted accordingly.

*Time for claiming benefit*

**12.**—(1) Every claim for any benefit specified in Schedule 2 column (1) shall be made within the appropriate prescribed time specified opposite to that benefit in column (2):

Provided that if in any case the claimant proves that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time for making that claim shall be extended to the date on which the claim is made.

(2) If a person fails to make his claim for any such benefit within the prescribed time, he shall be disqualified for the receipt of benefit to the extent specified opposite thereto in column (3) of the said Schedule 2:

Provided that if in any case the claimant proves—

(*a*) that on a date earlier than the date on which the claim was made he was entitled to the benefit; and

(*b*) that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim;

he shall not be disqualified for the receipt of any benefit to which he would have been entitled if the claim had been made on the said earlier date.

(3) In determining whether the proviso to either of the foregoing paragraphs has been satisfied by a person who is or has been an in-patient in a hospital, and who makes a claim for injury benefit, such proviso shall in relation only to that claim be deemed to have been satisfied by him in respect of that one of the following periods which is appropriate, in so far as it is relevant for the purpose thereof:

(*a*) where the person concerned has been discharged from the hospital, the period commencing on the date of his admission thereto as an in-patient and ending 13 weeks thereafter or 3 weeks after the date of his discharge, whichever period is the shorter; or

(*b*) where the person concerned has not been so discharged, the period of 13 weeks from the date of his admission to the hospital as an in-patient.

(4) For the purposes of paragraph (3):

(*a*) in ascertaining the date of admission to hospital of the person concerned, where that person has previously been an in-patient in one or more hospitals for one or more periods, any such period shall be taken into account, provided the interval, or (if there was more than one previous period as an in-patient) each interval, between the end of such period and the beginning of the appropriate period specified in that paragraph does not exceed 3 weeks;

(*b*) the expression "hospital" means any institution for the reception and treatment of persons suffering from illness or mental disorder and any maternity home and, for this purpose, "illness" includes any injury or disability requiring medical treatment or nursing and "mental disorder" includes any mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961(**e**); and

(*c*) the expression "in-patient" means a person admitted as an in-patient to a hospital for the purpose of receiving there treatment (not being treatment during convalescence) by or under the direction of a registered medical practitioner.

*Withdrawal of claims for benefit*

**13.** If a person who has made a claim for disablement benefit wishes, with a view to withdrawing his election to treat an injury benefit period as having come to an end, to withdraw the claim, he may send or deliver to the Ministry written notice signed by him withdrawing the claim, and such a notice so given shall, if it is received by the Ministry before the claim has been finally determined, operate to withdraw the claim on the date of its receipt by the Ministry.

## PART III

## PAYMENTS

*Time and manner of payment of injury benefit (including increases thereof) and certain increases of disablement pensions*

**14.**—(1) Subject to the provisions of these regulations, benefit to which this regulation applies shall be paid in accordance with an award thereof, as soon as is reasonably practicable after such an award has been made, by means of payable orders or by such other means as may appear to the Ministry to be appropriate in the circumstances of any particular case.

(2) This regulation applies to benefit by way of—

(*a*) injury benefit (including any increase of injury benefit);

(*b*) an increase of disablement benefit payable under section 16 of the Act by reason only of the fact that the beneficiary is receiving hospital treatment;

(*c*) an increase of disablement pension in respect of a child or an adult dependant payable under section 17 or 18 of the Act by reason only of the fact that the beneficiary is receiving hospital treatment;

(*d*) an increase of disablement pension under section 15 of the Act in respect of the need for constant attendance.

*Special provisions for injury benefit*

**15.** Where, under arrangements made by the Ministry with the consent of the Ministry of Finance, payment by way of injury benefit (including any

(**e**) 1961. c. 15.

increase thereof) has been made to any person pending the determination of a claim therefor 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—

(i) this regulation shall apply without prejudice to the operation of regulation 3(1) of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations (Northern Ireland) 1966(f) (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 3(1) 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 Industrial Injuries Fund if it is shown to the satisfaction of the determining authority 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 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.

*Time and manner of payment of pensions (including certain increases thereof) and allowances (except injury benefit)*

**16.**—(1) Subject to the provisions of these regulations, benefit to which this regulation applies shall be paid weekly in advance at the appropriate paying office by means of benefit orders payable in each case to the beneficiary.

(2) In every case in which there is an award of benefit to which this regulation applies, the Ministry shall cause arrangements to be made whereby, on furnishing such evidence as to identity and such other particulars as may be required, the beneficiary may obtain, either through the appropriate paying office or otherwise, a book of benefit orders, and the Ministry shall notify the beneficiary of the appropriate paying office and of the arrangements so far as they affect him.

(3) The Ministry shall arrange for the issue to every beneficiary entitled to benefit to which this regulation applies, either through the appropriate paying office or otherwise, of a fresh book of benefit orders on the expiration of the previous book.

(4) Weekly sums on account of benefit to which this regulation applies shall be payable on Wednesdays.

(5) Where by reason of any provision of the Act or of regulations made thereunder the date as from which any benefit to which this regulation applies would commence, or as from which a change in the rate of any such benefit (not being a change in the rate of a disablement pension by reason of any increase thereof to which regulation 14 relates) would take effect, is not a

(f) S.R. & O. (N.I.) 1966, No. 216.

Wednesday, that benefit shall commence only, or the change in the rate of that benefit shall take effect only, as from the next Wednesday.

(6) Where the date on which any benefit to which this regulation applies would cease to be payable is not a Tuesday, that benefit shall continue to be payable in respect of the days of the week up to but not including the next Wednesday.

(7) A book of benefit orders issued to any person shall remain the property of the Ministry.

(8) Any person having a book of benefit orders or any unpaid benefit order shall, on the termination of the benefit to which such book or order relates or when requested by the Ministry, deliver such book or order to the Ministry or to such person as it may direct.

(9) Notwithstanding anything contained in the foregoing provisions of this regulation, the Ministry may in any particular case or class of cases arrange for the payment of any benefit to which this regulation applies otherwise than weekly in advance or otherwise than by means of benefit orders payable to the beneficiary.

(10) This regulation applies to benefit by way of—

(*a*) a pension (including an increase of a pension, not being an increase of disablement pension to which regulation 14 applies);

(*b*) an allowance, not being injury benefit.

*Time and manner of payment of gratuities*

**17.**—(1) Subject to the provisions of paragraphs (2), (3) and (4), every gratuity shall be payable in one sum.

(2) A gratuity may be payable by instalments of such amounts and at such times as appear reasonable in the circumstances of the case to the person or tribunal awarding the gratuity, if—

(*a*) the beneficiary to whom the gratuity has been awarded is, at the date of the award, under the age of 18 years; or

(*b*) in any other case, the amount of the gratuity so awarded (not being a gratuity payable to the widow of a deceased person on her remarriage) exceeds 52 pounds and the beneficiary requests that payment thereof shall be made by instalments.

(3) An appeal shall not be brought against any decision that a gratuity shall be payable by instalments or as to the amounts of any such instalments or the time of payment thereof but any such decision may be varied by any person or tribunal by whom the award of that gratuity is varied.

(4) Subject to the provisions of regulation 18, a gratuity shall—

(*a*) if it is payable by equal weekly instalments, be paid in all respects in accordance with the provisions of regulation 16; or

(*b*) in any other case, be paid by such means as may appear to the Ministry to be appropriate in the circumstances.

*Suspension of payment of benefit pending appeals or references*

**18.**—(1) So much of a pension or of an allowance (other than injury benefit) or of an increase of disablement benefit as is awarded in respect of a period before the date of the award shall not be payable until after the expiration of a period of 21 days from that date, and if before the expiration of that period

an appeal from the award or from a decision on which the award was based is brought, until after the decision on that appeal is given; and a gratuity or any part thereof shall not be payable until after the expiration of the time limited for an appeal from the award thereof or from a decision on which the award was based, and where any such appeal is brought, until after the decision on that appeal is given:

Provided that—

(i) this paragraph shall not apply to an award made by an insurance officer of disablement benefit (including any increase thereof) based upon the decision of a medical appeal tribunal or of death benefit (other than a gratuity), or to any award of benefit made by the Commissioner;

(ii) during the period intervening between the award of a gratuity under section 22 or 23 of, or Schedule 5 to, the Act and the date when in accordance with the foregoing provisions of this paragraph such gratuity becomes payable, there shall be paid to the beneficiary on account of such gratuity weekly payments at a rate not exceeding the weekly rate of the contribution which the deceased at his death was, or would but for the relevant accident have been, making towards the maintenance of the beneficiary;

(iii) payment of benefit shall not be suspended under the provisions of this paragraph if in any case or class of cases the Ministry so directs.

(2) For the purposes of paragraph (1), the expression "appeal" shall be construed as including a reference of the decision of a medical board to a medical appeal tribunal.

*Disqualification for the receipt of benefit, suspension of proceedings on claims and suspension of payment of benefit*

**19.**—(1) If a person claiming or entitled to injury benefit in respect of any injury fails without good cause to comply with the requirements of section 25(4) of the Act (duty of such a person not to behave in any manner calculated to retard his recovery), he shall, subject to the following provisions of this regulation, if the determining authority so decides, be disqualified for the receipt of that benefit for such period as it may determine.

(2) If, without good cause—

(*a*) a claimant fails to furnish to the prescribed person any information required for the determination of the claim or of any question arising in connection therewith; or

(*b*) a beneficiary fails to give notice to the prescribed person of any change of circumstances affecting the continuance of the right to benefit or to the receipt thereof, or to furnish as aforesaid any information required for the determination of any question arising in connection with the award; or

(*c*) a claimant for, or a beneficiary in receipt of, injury benefit or disablement benefit fails to comply with any requirement of regulation 4;

he shall, subject to the following provisions of this regulation, if the determining authority so decides, be disqualified for the receipt of any benefit claimed in respect of the period of such failure.

(3) If a claimant or beneficiary wilfully obstructs, or is guilty of other misconduct in connection with, any examination or treatment to which he is required under regulation 4 to submit himself, or any course which he is so required to attend, or any proceedings under the Act for the determination of his right to benefit or to the receipt thereof, he shall, subject to the following

provisions of this regulation, be disqualified for the receipt of any benefit claimed for such period as the determining authority shall decide.

(4) In any case to which paragraph (1), (2) or (3) relates, proceedings on the claim or payment of benefit, as the case may be, may be suspended for such period as the determining authority may direct.

(5) Nothing in this regulation providing for the disqualification for the receipt of benefit for any of the following matters, that is to say:

(*a*) for failure to comply with the requirements of the said section 25(4);

(*b*) for failure to comply with the requirements of regulation 4;

(*c*) for obstruction of, or misconduct in connection with, medical examination or treatment;

shall authorise the disentitlement of a claimant or beneficiary to benefit for a period exceeding 6 weeks on any disqualification.

(6) No person shall be disqualified for the receipt of any benefit for refusal to undergo a surgical operation not being one of a minor character.

(7) A person who would be entitled to any benefit but for the operation of any of the foregoing provisions of this regulation shall be treated as if he were entitled thereto for the purpose of any rights or obligations under the Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit.

*Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time*

**20.**—(1) The right to any sum payable by way of benefit not being a gratuity shall be extinguished where payment thereof is not obtained within the period of 6 months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

Provided that in calculating the said period of 6 months no account shall be taken of—

(*a*) any period during which a serial order or draft containing the sum is in the possession of the Ministry or any paying office at which it is payable, other than a period after written notice has been given that the serial order or draft is available for collection;

(*b*) any period during which the Ministry has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen;

(*c*) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or

(*d*) any period during which the determination of any question as to such extinguishment is pending.

(2) For the purposes of this regulation, a sum payable by way of benefit shall, subject to the provisions of paragraph (3) and of regulation 25(3), be receivable—

(*a*) in the case of a sum contained in a serial order, on the date on which the order is due to be paid;

(*b*) in the case of a sum contained in a draft—

(i) if the draft is sent through the post, on the date on which it would be

delivered in the ordinary course of post; and

(ii) in any other case, on the date of issue of the draft;

(*c*) in the case of a sum not contained in a serial order or draft, where notice is given orally or in writing that the sum is available for collection—

(i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post; and

(ii) in any other case, on the date of the notice; and

(*d*) in any case to which none of the preceding sub-paragraphs of this paragraph applies, 6 months (or such longer period as the Ministry may determine in the circumstances of any particular case) after the date on which the sum became payable.

(3) In determining when a sum is receivable under the provisions of paragraph (2), the following provisions shall apply:

(*a*) If a person proves that through no fault of his own he did not receive any such serial order or draft or written notice until a date later than the appropriate receivable date determined in accordance with the provisions of paragraph (2), the sum contained in the order or draft or referred to in the notice shall be receivable—

(i) on that later date, or

(ii) on the date which is 6 months after the said appropriate receivable date,

whichever is the earlier.

(*b*) If a person proves that through no fault of his own he has not received any such serial order or draft or written notice, the sum contained in the original order or draft or referred to in the notice shall be receivable—

(i) on the date determined in accordance with the provisions of paragraph (2) on the basis of the issue of any further order or draft or notice in respect of that sum, or

(ii) on the date which is 6 months after the receivable date determined in accordance with the provisions of paragraph (2) on the basis of the original order or draft or notice,

whichever is the earlier.

(*c*) Subject to the provisions of regulation 25(3) and of the preceding sub-paragraph, a sum which in accordance with the foregoing provisions of this regulation was receivable on any date, shall remain receivable on that date notwithstanding the issue since that date of a serial order or draft or notice in respect of that sum or any part thereof.

(4) Any sum payable by way of benefit to a person who is for the time being unable to act shall be receivable in accordance with the foregoing provisions of this regulation, notwithstanding his inability to give a receipt therefor.

*Information to be given when obtaining payment of benefit*

**21.**—(1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Ministry may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Ministry may require, either as a condition on which any such sum or sums shall be receivable or otherwise.

(2) Where any sum is receivable on account of an increase of benefit for an adult dependant the beneficiary shall, in such cases or classes of cases as the

Ministry may direct, furnish a declaration signed by such dependant confirming the particulars respecting him furnished by the claimant.

*Deduction of benefit required to be repaid*

**22.** Where any benefit is required to be repaid by reason of a decision given on appeal or review under Part III of the Act, such benefit may, without prejudice to any other method of recovery, be deducted—

(*a*) from any benefit then or thereafter payable to the person by whom it is to be repaid;

(*b*) in the case of death, from any benefit due to the deceased;

and such deduction may be made at such a rate as the Ministry may determine.

*Commencement of payment on review*

**23.** Subject to the provisions of regulation 16, where on review a decision under Part III of the Act is revised so as to make benefit by way of a pension or allowance payable, or to increase the rate of such benefit, then, subject to the provisions of section 53 of the Act and Schedule 7 to the National Insurance Act, benefit shall be payable accordingly for the period from the date of the application for the review or from such earlier date (not being earlier than the date from which the benefit originally awarded was payable) as the person or tribunal determining the review may consider reasonable in the circumstances.

## PART IV

### MISCELLANEOUS PROVISIONS

*Persons unable to act*

**24.**—(1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit or by whom or on whose behalf a claim for benefit has been made, and who is a child or is unable for the time being to act, where no committee, guardian or receiver of his estate has been duly appointed, the Ministry may, upon written application being made to it, appoint a person to exercise on behalf of the child or person who is unable to act any right to which that child or person may be entitled under the Act and to receive and deal with any sums payable on behalf of such child or person:

Provided that—

(*a*) any such appointment by the Ministry shall terminate on the day immediately prior to the date on which the Ministry is notified that a committee, guardian or receiver has been appointed;

(*b*) a person who has not attained the age of 18 years shall not be capable of being appointed to act under this regulation;

(*c*) the Ministry may at any time in its absolute discretion revoke any appointment made under this regulation; and

(*d*) any person appointed under this regulation may, on giving the Ministry one month's notice in writing of his intention to do so, resign his office.

(2) Anything required by these regulations to be done by or to any such person as aforesaid who is a child or who is for the time being unable to act may be done by or to the committee, guardian or receiver, if any, or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person appointed under this regulation shall be a good discharge to the Ministry and the Industrial Injuries Fund for any sum paid, notwithstanding that such a person has not attained the age of 21 years.

*Payments on death*

**25.**—(1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, the Ministry may appoint such person as it may think fit to proceed with or to make a claim for the benefit, and the provisions of these regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to the provisions of paragraph (4), any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under paragraph (1) may be paid or distributed by the Ministry to or amongst persons claiming as personal representatives, legatees, next of kin or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation 20 shall apply to any such payment or distribution:

Provided that—

(*a*) the receipt of any such person who has attained the age of 16 years shall be a good discharge to the Ministry and the Industrial Injuries Fund for any sum so paid; and

(*b*) where the Ministry is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 16 years, it may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Ministry that he will apply the sum so paid for the benefit of the person under the age of 16 years.

(3) Subject as aforesaid, any sum payable by way of benefit to the deceased payment of which he had not obtained at the date of his death may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and the provisions of regulation 20 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose of regulation 20(1), the period of 6 months shall be calculated from the date on which the sum was receivable by any such person, and not from the date on which it was receivable by the deceased, and for this purpose the reference in regulation 20(2)(*d*) to the date on which the sum became payable shall be construed as a reference to the date of the application to the Ministry made in accordance with paragraph (4) of this regulation.

(4) Paragraphs (2) and (3) shall not apply in any case unless written application for the payment of any such sum is made to the Ministry within 6 months from the date of the deceased's death or within such longer period as the Ministry may allow in any particular case.

(5) The Ministry may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

*Breach of regulations*

**26.** If any person contravenes or fails to comply with any requirement of these regulations (not being a requirement to give notice of an accident or a requirement to submit himself to medical treatment or examination) in respect of which no special penalty is provided, he shall for such offence be liable on summary conviction to a penalty not exceeding 10 pounds, or where the offence consists of continuing any such contravention or failure after conviction thereof, 10 pounds together with a further 10 pounds for each day on which it is so continued.

*Revocations*

**27.** The regulations specified in column (2) of Schedule 3 are hereby revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 17th day of January 1969.

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

The Ministry of Finance for Northern Ireland hereby consents to regulation 4(3).

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of January 1969.

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

SCHEDULE 1 Regulations 2 and 3

**Particulars to be given of Accidents**

(1) Full name, address and occupation of injured person;
(2) Date and time of accident;
(3) Place where accident happened;
(4) Cause and nature of injury;
(5) Name, address and occupation of person giving the notice, if other than the injured person.

SCHEDULE 2 Regulation 12

**Showing the prescribed times for claiming benefit and the disqualifications for benefit arising by reason of late claims**

| Description of benefit (1) | Prescribed time for claiming benefit (2) | Benefit which a person is disqualified for receiving by failure to claim within the prescribed time (3) |
|---|---|---|
| 1. Injury benefit (not being an increase of benefit in respect of a child or adult dependant)— | | |
| (*a*) where the claim is an original claim, that is to say, where before making the claim the claimant has at no time made a claim for injury benefit under the Act or a claim for sickness benefit under the National Insurance Act. | (*a*) The period of 21 days from the earliest day in respect of which the claim is made. | (*a*) Benefit in respect of any day more than 21 days before the date on which the claim is made. |
| (*b*) where the claim is not an original claim but is the first claim made by the claimant after he has become or again become incapable of work. | (*b*) The period of 6 days from the earliest day in respect of which the claim is made. | (*b*) Benefit in respect of any day more than 6 days before the date on which the claim is made. |
| (*c*) where the claim is a continuation claim, that is to say, a claim to which neither sub-paragraph (*a*) nor sub-paragraph (*b*) applies. | (*c*) The period of 10 days from the earliest day in respect of which the claim is made. | (*c*) Benefit in respect of any day more than 10 days before the date on which the claim is made. |
| 2. Disablement benefit (not being an increase of benefit). | The period of 3 months from the first day on which the conditions for the receipt of that benefit are satisfied. | Benefit in respect of any period more than 3 months before the date on which the claim is made. |
| 3. Death benefit. | The period of 3 months from the date of the death of the deceased, or, where the conditions for the receipt of that benefit cannot be satisfied until some later date, from that date. | Benefit in respect of any period more than 3 months before the date on which the claim is made. |

| Description of benefit<br>(1) | Prescribed time for claiming benefit<br>(2) | Benefit which a person is disqualified for receiving by failure to claim within the prescribed time<br>(3) |
|---|---|---|
| 4. Increase of disablement benefit under section 13, 14, 15 or 16 of the Act or under section 6 of the National Insurance (No. 2) Act (Northern Ireland) 1966(g) on the grounds respectively of unemployability, special hardship, need of constant attendance, receipt of hospital treatment or exceptionally severe disablement. | The period of 3 months from the first day on which the conditions for the receipt of the relevant increase of benefit are satisfied. | Benefit in respect of any period more than 3 months before the date on which the claim is made. |
| 5. Increase, in respect of a child or adult dependant, of injury benefit. | The longer of the two following periods—<br>(*a*) the period of one month from the day in respect of which the claim is made; or<br>(*b*) the period beginning with that day and ending one month after the date of the claim (not being a claim made after the prescribed time therefor) for injury benefit (other than the increase) in respect of that day. | The benefit claimed. |
| 6. Increase, in respect of a child or adult dependant, of disablement benefit. | The longer of the two following periods—<br>(*a*) the period of 3 months from the first day on which the conditions for the receipt of that increase of benefit are satisfied; or<br>(*b*) the period beginning with that day and ending one month after the date of the claim (not being a claim made after the prescribed time therefor) for an increase of disablement benefit under the said section 13 or 16 of the Act, as the case may be, is made. | Benefit in respect of any period more than 3 months before the date on which the claim is made. |

(g) 1966, c. 16 (N.I.).

SCHEDULE 3 Regulation 27

**Regulations Revoked**

| Statutory Rules and Orders of Northern Ireland (1) | Citation (2) | Extent of Revocation (3) |
|---|---|---|
| S.R. & O. (N.I.) 1948, No. 204 | The National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1948. | The whole of the regulations. |
| S.R. & O. (N.I.) 1951, No. 101 | The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations (Northern Ireland) 1951. | The whole of the regulations. |
| S.R. & O. (N.I.) 1952, No. 118 | The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations (Northern Ireland) 1952. | The whole of the regulations. |
| S.R. & O. (N.I.) 1953, No. 132 | The National Insurance (Industrial Injuries) (Transitional Provisions and Consequential Amendments) Regulations (Northern Ireland) 1953. | In regulation 1(2), the definition of "the Claims and Payments Regulations"; regulation 5; the Schedule. |
| S.R. & O. (N.I.) 1956, No. 136 | The National Insurance (Industrial Injuries) (Widow's Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1956. | The whole of the regulations. |
| S.R. & O. (N.I.) 1962, No. 27 | The Family Allowances, National Insurance and Industrial Injuries (Consequential Provisions) Regulations (Northern Ireland) 1962. | Regulations 13 and 14. |
| S.R. & O. (N.I.) 1964, No. 121 | The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations (Northern Ireland) 1964. | The whole of the regulations. |
| S.R. & O. (N.I.) 1965, No. 78 | The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations (Northern Ireland) 1965. | The whole of the regulations. |
| S.R. & O. (N.I.) 1966, No. 217 | The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations (Northern Ireland) 1966. | The whole of the regulations. |

## EXPLANATORY NOTE

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

These regulations consolidate the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1948 and subsequent amending regulations which are set out in Schedule 3 and are revoked by regulation 27.

No amendments other than those of a drafting or consequential nature have been made.