1970. No. 273 [C]

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Benefit

REGULATIONS, DATED 26TH OCTOBER 1970, 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 paragraphs 1(*d*) and 2 of Schedule 4 to 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 31(1) and paragraph 1(*aa*) of Schedule 4 to that Act and of all other powers enabling them in that behalf, hereby make the following regulations being regulations subject to negative resolution in accordance with section 80(2) of the said Act:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations (Northern Ireland) 1970, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(**b**) (hereinafter referred to as "the principal regulations") and shall come into operation on 28th October 1970.

Regulation substituted for regulation 2 of the principal regulations

2. For the heading of regulation 2 of the principal regulations and for that regulation there shall be substituted respectively the following heading and regulation:

"*Further definition of the principles of assessment of disablement and prescribed degrees of disablement*

2.—(1) Schedule 4 (general principles relating to the assessment of the extent of disablement) to the Act shall have effect subject to the provisions of this regulation.

(2) In assessing the extent of disablement for the purposes of section 12 of the Act, any disabilities which, though resulting from the relevant loss of faculty, also result, or without the relevant accident might have been expected to result, from a cause other than the relevant accident (hereafter in this regulation referred to as 'the other effective cause') shall only be taken into account subject to and in accordance with the following provisions of this regulation.

(3) Any assessment of the extent of disablement made by reference to any disability to which paragraph (2) applies, in a case where the other effective cause is a congenital defect or is an injury or disease received or contracted before the relevant accident, shall take account of all such disablement except to the extent to which the claimant would have been subject thereto during the period taken into account by the assessment if the relevant accident had not occurred.

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

(4) Any assessment of the extent of disablement made by reference to any disability to which paragraph (2) applies, in a case where the other effective cause is an injury or disease received or contracted after and not directly attributable to the relevant accident, shall take account of all such disablement to the extent to which the claimant would have been subject thereto during the period taken into account by the assessment if that other effective cause had not arisen and where, in any such case, the extent of disablement would be assessed at not less than 11 per cent. if that other effective cause had not arisen, the assessment shall also take account of any disablement to which the claimant may be subject as a result of that other effective cause except to the extent to which he would have been subject thereto if the relevant accident had not occurred.

(5) Any disablement to the extent to which the claimant is subject thereto as a result both of an accident and a disease or two or more accidents or diseases (as the case may be) against which he is insured under the Act shall only be taken into account in assessing the extent of disablement resulting from one such accident or disease being the one which occurred or developed last in point of time.

(6) Where the sole injury which a claimant suffers as a result of the relevant accident is one specified in column (1) of Schedule 2, whether or not such injury incorporates one or more other injuries so specified, the loss of faculty suffered by the claimant as a result of that injury shall be treated, for the purposes of section 12 of, and Schedule 4 to, the Act, as resulting in the degree of disablement set against such injury in column (2) of Schedule 2 subject to such increase or reduction of that degree of disablement as may be reasonable in the circumstances of the case where, having regard to the provisions of the said Schedule 4 and to the foregoing paragraphs of this regulation, that degree of disablement does not provide a reasonable assessment of the extent of disablement resulting from the relevant loss of faculty:

Provided that, where the relevant injury is one so specified in the said column (1) against which there is set in the said column (2) the degree of disablement of 100 per cent. and the claimant suffers some disablement to which he would have been subject whether or not the relevant accident had occurred, no reduction of that degree of disablement shall be required if the medical appeal tribunal, the medical board or single medical practitioner acting instead of a medical board (as the case may be) is satisfied that, in the circumstances of the case, 100 per cent. is a reasonable assessment of the extent of disablement resulting from the relevant loss of faculty.

(7) For the purpose of assessing, in accordance with the provisions of the said Schedule 4, the extent of disablement resulting from the relevant injury in any case which does not fall to be determined under paragraph (6), the medical appeal tribunal, the medical board or single medical practitioner acting instead of a medical board (as the case may be) may have such regard as may be appropriate to the prescribed degrees of disablement set against the injuries specified in Schedule 2."

Amendment of regulation 31 *of the principal regulations*

3. After regulation 31(2)(*d*) of the principal regulations there shall be inserted the following sub-paragraph:

"(*e*) an increase of disablement pension in respect of special hardship under section 14 of the Act by reason of being temporarily absent from Northern Ireland during the period of 3 months from the date on which such absence commences or during such longer period as the Ministry may for special reasons allow:

Provided—

(i) that such absence or any part thereof is not for the purpose of or in connection with any employment, trade or business; and

(ii) that a claim as a result of which a decision is given awarding such increase in respect of such period of absence or part thereof was made before the commencement of such absence; and

(iii) that the period taken into account by an award made by such decision either includes the day of commencement of such absence or follows immediately a period which includes that day and which was taken into account by an award made by a decision given in respect of such increase to the same person."

Given under the Official Seal of the Industrial Injuries Joint Authority this 26th day of October 1970.

(L.S.) *D. G. Kelly,*
Secretary.

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 26th day of October 1970.

(L.S.) *C. G. Oakes,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations amend provisions in the principal regulations which further define the principles of assessment of disablement contained in Schedule 4 to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 in consequence of the variations made to those principles by the National Insurance &c. (No. 2) Act (Northern Ireland) 1969.

The regulations make provision as to the extent (if any) to which any disabilities are to be taken into account where they are disabilities which, though resulting from the relevant loss of faculty, also result, or without the relevant accident might have been expected to result, from a cause other than the relevant accident and they extend the provision which allows an assessment to take account of any additional disability resulting from an industrial injury because of some other disabling condition which develops after the relevant accident. An amendment is also introduced to make it clear that the fact that some of a claimant's disabilities cannot be treated as resulting from an industrial accident does not of itself prevent an assessment of 100 per cent. being given for disabilities which are attributable to the accident.

The regulations also provide that a person shall not be disqualified for receiving an increase of disablement pension in respect of special hardship by reason of temporary absence from Northern Ireland, otherwise than for employment, trade or business purposes, during limited periods provided that a claim for such increase was made before the period of absence commenced and an increase was payable at the commencement of that period.

1970. No. 274 **[C]**

TRANSFERRED EXCISE DUTIES

General Betting Duty (Amendment) Regulations

REGULATIONS, DATED 29TH OCTOBER 1970, MADE BY THE MINISTRY OF FINANCE UNDER PARTS I AND III OF SCHEDULE 2 TO THE FINANCE ACT (NORTHERN IRELAND) 1966.

The Ministry of Finance in exercise of the powers conferred upon it by Parts I and III of Schedule 2 to the Finance Act (Northern Ireland) 1966(**a**), and of all other powers enabling it in that behalf, hereby makes the following Regulations—

1.—(1) These regulations may be cited as the General Betting Duty (Amendment) Regulations (Northern Ireland) 1970, and shall come into operation on 16th November 1970.

(2) These regulations, the General Betting Duty Regulations (Northern Ireland) 1966(**b**) and the General Betting Duty (Amendment) Regulations (Northern Ireland) 1967(**c**) shall be construed as one and may be cited together as the General Betting Duty Regulations (Northern Ireland) 1966 to 1970.

(3) In these Regulations the following expressions have the meanings hereby assigned to them:

"the principal Regulations" means the General Betting Duty Regulations (Northern Ireland) 1966.

"Regulation" means a Regulation contained in the principal Regulations.

2. In Regulation 22(2)(*c*) of the principal Regulations after the words "shall be produced" there shall be inserted the words "or delivered".

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of October 1970.

(L.S.) *R. H. Kidd,*
Second Secretary.

EXPLANATORY NOTE

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

These Regulations amend the General Betting Duty Regulations (Northern Ireland) 1966 and 1967 by providing that an off-course bookmaker shall, on demand, deliver to an authorised officer all documents recording bets.

(**a**) 1966. *c.* 21 (N.I.).
(**b**) S.R. & O. (N.I.) 1966, No. 242.
(**c**) S.R. & O. (N.I.) 1967, No. 81.