1971. No. 288 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Hospital In-Patients

REGULATIONS, DATED 1ST SEPTEMBER 1971, 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 1971.

The Industrial Injuries Joint Authority, in exercise of powers conferred by section 33(2)(*a*) 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 30A(**b**) of 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:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Hospital In-Patients) Regulations (Northern Ireland) 1971 and shall come into operation on 20th September 1971.

(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(**c**);

"the In-Patients Regulations" means the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961(**d**);

"beneficiary" means, in relation to any benefit, the person to whom that benefit is or, but for the provisions of these regulations, would be payable;

"personal benefit" means that benefit which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

"dependency benefit" means that benefit which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant;

"prescribed accommodation" has the same meaning as in the In-Patients Regulations.

(3) For the purposes of these regulations a person shall be regarded as receiving or having received free in-patient treatment for any period during which he would be so regarded by virtue of regulation 1(3) of the In-Patients Regulations.

(a) 1966. c. 9 (N.I.).
(b) Added by Art. 10(1) of S.R. & O. (N.I.) 1971, No. 224.
(c) 1966. c. 6 (N.I.).
(d) S.R. & O. (N.I.) 1961, No. 179.

PART II

ADJUSTMENT OF BENEFIT

2. The provisions of this Part shall have effect subject to the provisions of Part III and Part IV.

Personal benefit

3.—(1) The provisions of regulations 3, 4 and 5 (save regulation 5(4)(*c*)) of the In-Patients Regulations (adjustment of personal benefit) shall apply to personal benefit by way of injury benefit, unemployability supplement, widow's pension under section 19(2)(*a*) of the Act and widower's pension under section 20 of the Act as if the reference to personal benefit under the National Insurance Act specified in those regulations included a reference to the personal benefit specified in this regulation, and in particular as if the reference in regulation 5(4)(*d*)(**e**) of those regulations to sickness benefit, invalidity benefit or a retirement pension included a reference to unemployability supplement under the Act.

(2) Where a person to whom personal benefit under the Act and personal benefit under the National Insurance Act, adjusted in accordance with the provisions of regulation 2 of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961(**f**) by reference to the personal benefit payable under the Act, are both payable for the same period then the following provisions shall apply:

(*a*) any reduction of personal benefit under these regulations shall be limited to the difference (if any) between any reduction made under the In-Patients Regulations and the amount or rate of the appropriate reduction specified in the In-Patients Regulations;

(*b*) in cases to which this paragraph applies, regulations 3(3) and 5(1) of the In-Patients Regulations shall have effect as if the rate of personal benefit there specified were the aggregate of the rates of personal benefit under the Act and the National Insurance Act.

Dependency benefit

4. The provisions in regulation 6 of the In-Patients Regulations (adjustment of dependency benefit) shall apply to dependency benefit under the Act as if any reference to dependency benefit under the National Insurance Act included a reference to dependency benefit under the Act, as if regulation 6(7)(*b*) were omitted and as if for the words "the Overlapping Benefits Regulations" there were substituted the words "Part VII of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(**g**)".

PART III

SUPPLEMENTARY PROVISIONS

5.—(1) Subject to paragraph (3), regulation 7 (adjustment or further adjustment, of benefit in certain cases), the provisions of regulation 8 (benefit payable on discharge from a hospital or similar institution), regulation 10 (persons constituting "dependants") and regulation 11 (two increases of the same benefit to be treated as separate benefits) of the In-Patients Regulations shall apply to benefit under the Act as if the reference to benefit in regulations 8 and 10 included a reference to benefit under the Act, the reference to dependency benefit in regulations 7, 10 and 11 included a reference to dependency benefit under the Act, and the reference to the personal benefits specified

(**e**) See reg. 8(4) of S.R. & O. (N.I.) 1971, No. 287.
(**f**) S.R. & O. (N.I.) 1961, No. 180.
(**g**) S.R. & O. (N.I.) 1969, No. 8.

in regulation 7 included a reference to personal benefit by way of injury benefit, unemployability supplement, widow's pension under section 19(2)(*a*) of the Act, widower's pension under section 20 of the Act.

(2) The provisions of regulation 12 (calculation of periods) and of regulation 14 (provisions as to residence) of the In-Patients Regulations shall apply for the purposes of these regulations as they apply for the purposes of the In-Patients Regulations.

(3) For the purposes of these regulations only, regulation 10 of the In-Patients Regulations shall apply as if modified in the following manner:

(*a*) for the references in paragraphs (*a*) and (*c*) to the Overlapping Benefits Regulations there shall be substituted references to Part VII of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969;

(*b*) after paragraph (*f*)(h) there shall be inserted the words:

"or

(*g*) an increase of disablement pension would, but for the operation of Part VII of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969 and the provisions of regulation 6, and subject as aforesaid, be payable to a beneficiary in respect of his wife for any period in respect of which a retirement pension or other personal benefit under the National Insurance Act (Northern Ireland) 1966(i), or personal benefit under the Act is payable to her, if any earnings of the wife were disregarded.";

(*c*) for the words "paragraph (*a*), (*b*) or (*c*)" there shall be substituted the words "paragraph (*a*), (*b*), (*c*) or (*g*)".

Priority of adjustments

6. Except in any case in which the provisions of regulation 6(7) of the In-Patients Regulations apply, where any benefit in relation to which these regulations apply falls to be adjusted in accordance with the provisions of section 29 of the Act or Part VII of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969 the benefit as so adjusted in accordance with those provisions shall be the relevant benefit for the purposes of the provisions of these regulations.

PART IV

TRANSITIONAL PROVISIONS

7. For the purposes of these regulations, any period prior to the date of their coming into operation during which a person has received free in-patient treatment or has resided in any prescribed accommodation shall be disregarded.

Given under the Official Seal of the Industrial Injuries Joint Authority this 1st day of September 1971.

(L.S.)

F. B. Hindmarsh,
a person authorised by the Industrial Injuries Joint Authority to act on behalf of the Secretary, Industrial Injuries Joint Authority.

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 1st day of September 1971.

(L.S.)

W. N. Drummond,
Assistant Secretary.

(h) Added by reg. 8(7)(*a*) of S.R. & O. (N.I.) 1971, No. 287.
(i) 1966. c. 6 (N.I.).

EXPLANATORY NOTE

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

These regulations apply the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961 to injury benefit, unemployability supplement, widow's and widower's pension and to all dependency benefit payable under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966. They provide for adjusting those benefits and the conditions for the receipt of those benefits where (after an initial period not affected by these regulations) the beneficiary or his dependant is being maintained free of charge in hospital.

The regulations also provide for the payment in certain circumstances of resettlement benefit after discharge from hospital of a beneficiary or his dependant following a stay there of more than a year.