EXPLANATORY NOTE

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

These Regulations amend certain provisions of the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948, so as to provide that an increase of benefit may be paid for a female relative if her weekly earnings from any gainful occupation do not exceed forty shillings. They also add to the regulations provisions affecting the right to certain benefits or increases of benefit in respect of adult dependants and children, and make certain amendments relating to days of incapacity for work and to night workers. They also make further amendments to those provisions of the regulations which require an adjustment of benefit to be made, by providing for excepting certain cases in which an increase of benefit is payable in respect of a woman having the care of a child or children; and they add to the list of prescribed relatives for whom increases of benefit may be payable or who may be entitled to death benefit.

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## 1957 No. 2074

# The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations, 1957

| | |
|---|---|
| *Made - - - -* | *29th November,* 1957 |
| *Laid before Parliament* | *6th December,* 1957 |
| *Coming into Operation* | *7th December,* 1957 |

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12 (6), 14 (5), 15 (2), 19 (4), 30 (1) and 79 (2) of, and paragraph 1 (2) (*b*) of the Fourth Schedule to, the National Insurance (Industrial Injuries) Act, 1946(**a**), and section 82 of that Act, as amended by section 6 of the National Insurance (Industrial Injuries) Act, 1953(**b**), and the Minister of Pensions and National Insurance, in exercise of powers conferred by section 16 (as amended by section 3 (3) of the said Act of 1953) and sections 27 (2) and 56 (2) of the said Act of 1946 and the Sixth Schedule to the National Insurance (No. 2) Act, 1957(**c**), 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, 1957, and shall come into operation on the 7th December, 1957.

(2) In these regulations, unless the context otherwise requires—

"the principal Act" means the National Insurance (Industrial Injuries) Act, 1946;

"the Act of 1957" means the National Insurance (No. 2) Act, 1957;

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(**d**);

"the Prescribed Diseases Regulations" means the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948(**e**);

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(a) 9 & 10 Geo. 6. c. 62. (b) 1 & 2 Eliz. 2. c. 43. (c) 6 Eliz. 2. c. 1.
(d) S.I. 1948/1372 (Rev. XVI, p. 441: 1948 I, p. 2918).
(e) S.I. 1948/1371 (Rev. XVI, p. 482: 1948 I, p. 3001).

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations, 1948(a);

and other expressions have the same meanings as in the principal Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*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 second column of Parts I and II of the First Schedule to these regulations shall, subject to the provisions of paragraph (4) of regulation 5, be increased as from the dates respectively specified in relation to those Parts in paragraph (2) of this regulation and accordingly the provisions of the Benefit Regulations and the Prescribed Diseases Regulations set out in the first column of the said First Schedule (which provisions relate to the said rates and amounts of benefit) shall be amended as from the appropriate date by substituting for the words and figures set out in the third column of that Schedule the corresponding words and figures set out in the fourth column thereof.

(2) The said increases shall operate in the case of Part I of the said First Schedule as from the 27th January, 1958, and in the case of Part II of the said First Schedule as from the 6th February, 1958:

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 the 6th February, 1958; but nevertheless the amendment made by this regulation to the Third Schedule to the Benefit Regulations (which Schedule, as applied by regulations 5 and 6A(c), 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 approved hospital treatment is reduced) shall have effect as from the 6th February, 1958, whether the period taken into account by the assessment began before or after that date.

*Exceptions and conditions to the operation of paragraph* 1 (1) *of the Sixth Schedule to the Act of* 1957

**3.**—(1) Sub-paragraph (1) of paragraph 1 of the Sixth Schedule to the Act of 1957 (which sub-paragraph relates to the effect of awards made before, or in respect of the period beginning before, the appointed or prescribed day) shall in its application to awards of benefit under the principal Act have effect subject to the exceptions and conditions contained in the following paragraphs of this regulation.

(2) If in connection with any award of benefit made before, or in respect of the period beginning before, the day appointed or prescribed for the payment of benefit of that description at a higher weekly rate by virtue of the Act of 1957 or of these regulations a question arises as to—

(*a*) what is the appropriate higher weekly rate which is so payable; or

(a) S.I. 1948/1362 (Rev. XVI, p. 505: 1948 I, p. 2942). (b) 52 & 53 Vict. c. 63.
(c) Inserted by S.I. 1953/1227 (1953 I, p. 1419).

(*b*) whether the conditions for the receipt of the benefit at any such higher weekly rate are satisfied;

then, notwithstanding the provisions of the said sub-paragraph (1), the benefit shall be or continue to be payable at the weekly rate specified in the award unless or until the said question shall have been determined in accordance with the provisions of the principal Act.

(3) Notwithstanding the provisions of paragraph (1) of regulation 18 of the Claims and Payments Regulations, as amended(**a**), (which paragraph relates to the extinguishment of the right to benefit) the right to any additional benefit which becomes payable by virtue of the said sub-paragraph (1) shall, as respects the period beginning, in the case of death benefit, on the 27th January, 1958, and in the case of any other benefit, on the 6th February, 1958, and ending in either case with the expiration of the beneficiary's book of serial orders(**b**) current on the appropriate date (or if there is no such book, the expiration of twelve months from that date), be extinguished if payment thereof is not obtained within the period of eighteen months (or such longer period as the Minister may determine in the circumstances of any particular case) from that date.

*Amendment of regulation 29 of the Benefit Regulations*

**4.**—(1) As from the appropriate date, for paragraph (1) of regulation 29 of the Benefit Regulations, as amended(**c**), (which relates to the adjustment of dependency benefit under the principal Act where personal benefit is payable) there shall be substituted the following paragraph:—

"(1) Subject to the provisions of paragraph (3) of this regulation, where for any period any one or more of the personal benefits specified in paragraph (2) of this regulation is or are payable to any person—

(*a*) if the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period (hereafter in this regulation called "the weekly rate of personal benefit") is equal to or exceeds the weekly rate of any dependency benefit under the Act which, apart from this regulation, is payable for that period (hereafter in this regulation called "the weekly rate of dependency benefit"), there shall not be paid in respect of that person for that period any dependency benefit under the Act; and

(*b*) in any other case, there shall not be paid in respect of that person for that period any dependency benefit under the Act at a weekly rate exceeding the difference between the weekly rate of personal benefit and the weekly rate of dependency benefit:

Provided that nothing in this paragraph shall require that any dependency benefit shall be adjusted by reason of any one or more personal benefits, in a case where the weekly rate of personal benefit is less than twenty-six shillings a week, below a weekly rate equal to the difference between the weekly rate of personal benefit and twenty-six shillings."

(2) In this regulation, the expression "the appropriate date" means, in relation to any dependency benefit under the principal Act, the date as from which the weekly rate of that benefit is increased by virtue of the Act of 1957, or of any regulations made in consequence of that Act.

(**a**) *See* regulation 5, S.I. 1952/1208 (1952 II, p. 2216).
(**b**) *See* regulation 2, S.I. 1952/1208 (1952 II, p. 2216).
(**c**) *See* regulation 9, S.I. 1957/1862 (p. 1722 above).

*Transitional provisions and consequential amendments*

**5.**—(1) In the provisions of the Benefit Regulations mentioned in the first column of the Second Schedule to these regulations (which relate respectively to the matters mentioned in the second column thereof) there shall be made the amendments specified in the third column thereof.

(2) The amendments referred to in the last foregoing paragraph shall have effect, in the case of the amendments to regulations 12 and 18, as from the 27th January, 1958, and, in the case of the amendment to regulation 33A, as from the 6th February, 1958.

(3) Where—

(*a*) as respects any period on or after the 27th January, 1958, or the 6th February, 1958, as the case may be (hereafter in this regulation referred to as "the appropriate date") it is a condition of a person's right to an amount by way of benefit in respect of a child or adult dependant that he is contributing to the cost of providing for that child, or to the maintenance of that adult dependant, at a weekly rate calculated by reference to the weekly rate of that amount, and that weekly rate was increased on the appropriate date by virtue (either directly or indirectly) of any provision of the Act of 1957 or any regulation made in consequence of that Act; and

(*b*) as respects any period before the appropriate date that person satisfied the said condition by reference to the weekly rate of benefit then in force;

that person shall, for the purpose of his right to the amount in question, be treated as if in any period referred to in paragraph (*b*) he had satisfied the said condition by reference to the increased weekly rate.

(4) Notwithstanding the provisions of regulation 14 of the Claims and Payments Regulations, as amended(**a**), (which relate to the time and manner of payment of certain benefits), where a beneficiary is or becomes entitled under section 15 of the principal Act, as amended(**b**), to an increased weekly rate of disablement pension in respect of the need of constant attendance, or under section 16 of the principal Act, as amended(**c**), to an increased weekly rate of disablement benefit in respect of approved hospital treatment, on any day in the period from the 6th to the 12th February, 1958, any change in such weekly rate, in so far as it is due only to the operation of the Act of 1957 or of that Act and these regulations, shall not take effect until the latter date.

Given under the official seal of the Industrial Injuries Joint Authority this twenty-ninth day of November, nineteen hundred and fifty-seven.

(L.S.)

*Ian G. Gilbert,*
Secretary,
Industrial Injuries Joint Authority.

Given under the official seal of the Minister of Pensions and National Insurance this twenty-ninth day of November, nineteen hundred and fifty-seven.

(L.S.)

*John Boyd-Carpenter,*
Minister of Pensions and National Insurance.

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(**a**) *See* S.I. 1951/743; regulation 5, S.I. 1953/1227 (1951 I, p. 1504; 1953 I, p. 1419).
(**b**) *See* National Insurance (No. 2) Act, 1957.
(**c**) *See* National Insurance (Industrial Injuries) Act, 1953.

## FIRST SCHEDULE

Regulation 2

AMENDMENT OF PROVISIONS OF THE BENEFIT REGULATIONS AND THE PRESCRIBED DISEASES REGULATIONS RELATING TO RATES AND AMOUNTS OF BENEFIT(a)

### PART I

*Death Benefit*

| Amended Provision | Description of rate | Existing rate | New rate |
|---|---|---|---|
| Regulation 12 (*b*) of the Benefit Regulations. | Higher weekly rate of widow's pension payable for thirteen weeks after death of the deceased. | 55 shillings. | 70 shillings. |

### PART II

*Benefits other than Death Benefit*

| Amended Provision | Description of rates and amounts of benefit | Existing rate or amount | New rate or amount |
|---|---|---|---|
| The Benefit Regulations—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; | 33 shillings and 9 pence. | 42 shillings and 6 pence. |
| | (*b*) in any other case. | 11 shillings and 6 pence. | 15 shillings. |
| Regulation 6 ... | Weekly rates of allowance in respect of constant attendance for beneficiary likely to be dependent thereon for a prolonged period— | | |
| | (*a*) to a substantial extent; | 30 shillings. | 35 shillings. |
| | (*b*) entirely or almost entirely. | 60 shillings. | 70 shillings. |
| Second Schedule (applied by Regulation 3). | Amounts of gratuities for degrees of disablement of— | | |
| | 1 per cent. ... ... | 22 pounds 10 shillings. | 28 pounds. |
| | 2 per cent. ... ... | 33 pounds 15 shillings. | 42 pounds. |
| | 3 per cent. ... ... | 45 pounds ... | 56 pounds. |
| | 4 per cent. ... ... | 56 pounds 5 shillings. | 70 pounds. |

(a) References to the various provisions are references to those provisions as amended by S.I. 1955/48 (1955 I, p. 1668) and any other regulations specifically mentioned.

| Amended Provision | Description of rates and amounts of benefit | Existing rate or amount | New rate or amount |
|---|---|---|---|
| Second Schedule (applied by Regulation 3) —*contd.* | Amounts of gratuities for degrees of disablement of— | | |
| | 5 per cent. ... ... | 67 pounds 10 shillings. | 84 pounds. |
| | 6 per cent. ... ... | 78 pounds 15 shillings. | 98 pounds. |
| | 7 per cent. ... ... | 90 pounds ... | 112 pounds. |
| | 8 per cent. ... ... | 101 pounds 5 shillings. | 126 pounds. |
| | 9 per cent. ... ... | 112 pounds 10 shillings. | 140 pounds. |
| | 10 per cent. ... ... | 123 pounds 15 shillings. | 154 pounds. |
| | 11 per cent. ... ... | 135 pounds ... | 168 pounds. |
| | 12 per cent. ... ... | 146 pounds 5 shillings. | 182 pounds. |
| | 13 per cent. ... ... | 157 pounds 10 shillings. | 196 pounds. |
| | 14 per cent. ... ... | 168 pounds 15 shillings. | 210 pounds. |
| | 15 per cent. ... ... | 180 pounds ... | 224 pounds. |
| | 16 per cent. ... ... | 191 pounds 5 shillings. | 238 pounds. |
| | 17 per cent. ... ... | 202 pounds 10 shillings. | 252 pounds. |
| | 18 per cent. ... ... | 213 pounds 15 shillings. | 266 pounds. |
| | 19 per cent. ... ... | 225 pounds ... | 280 pounds. |
| Third Schedule (applied by Regulations 5 and 6A (a)). | 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. | 13 shillings and 6 pence. | 17 shillings. |
| | less than 16 per cent. but not less than 11 per cent. | 10 shillings and 3 pence. | 12 shillings and 9 pence. |
| | less than 11 per cent. but not less than 6 per cent. | 6 shillings and 9 pence. | 8 shillings and 6 pence. |
| | less than 6 per cent. ... | 3 shillings and 6 pence. | 4 shillings and 3 pence. |
| The Prescribed Diseases Regulations— Regulation 33 (1)(b). | Weekly rate of disablement pension payable in respect of pneumoconiosis or byssinosis where the degree of disablement— | | |
| | does not exceed 10 per cent. | 6 shillings and 9 pence. | 8 shillings and 6 pence. |
| | exceeds 10 per cent. but is less than 20 per cent. | 13 shillings and 6 pence. | 17 shillings. |

(a) Regulation 6A was inserted by regulation 4, S.I. 1953/1227 (1953 I, p. 1419).
(b) As amended by S.I. 1954/5, 1956/118 (1954 I, p. 1440 ; 1956 I, p. 1693).

SECOND SCHEDULE Regulation 5

CONSEQUENTIAL AMENDMENTS OF THE BENEFIT REGULATIONS

| Amended Provision | Subject Matter | Amendments |
|---|---|---|
| Regulation 12 (*b*) ... | Higher weekly rate of widow's pension payable for thirteen weeks after the death of the deceased. | For the words "forty-five shillings" there shall be substituted the words "fifty-six shillings". |
| Regulation 18 ... | Priority of title to allowances under section 21 of the principal Act. | For the words "eleven shillings and sixpence" in both places where they occur there shall be substituted the words "fifteen shillings". |
| Regulation 33A (2) (a)... | Payment by way of unemployability supplement to certain former constables and firemen. | For the words "twenty shillings" there shall be substituted the words "thirty shillings". |

## 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 passing of the National Insurance (No. 2) Act, 1957, increase the rates and amounts of certain benefits payable under regulations made under the National Insurance (Industrial Injuries) Act, 1946, in order to bring them into conformity with the higher rates and amounts of benefit payable directly under that Act by virtue of the Act of 1957 and contain supplementary and transitional provisions following upon the passing of the last mentioned Act.

## EXTENSION OF INSURANCE

# 1957 No. 964

# The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1957

| | |
|---|---|
| *Made* - - - - | 3*rd June*, 1957 |
| *Laid before Parliament* | 11*th June*, 1957 |
| *Coming into Operation* | 12*th June*, 1957 |

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 56 and 86 of the National Insurance (Industrial Injuries) Act, 1946(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation, interpretation and commencement*

**1.** These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1957,

(a) As amended by S.I. 1955/48, 1956/1188 (1955 I, p. 1668; 1956 I, p. 1690).
(b) 9 & 10 Geo. 6. c. 62.