1960 No. 2430

The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations, 1960

Made - - - -	21*st December*, 1960
Laid before Parliament	4*th January*, 1961
Coming into Operation	9*th January*, 1961

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12 (6), 14 (5), 15 (2), 19 (4) 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 of the said Act of 1946 (as amended by section 3 (3) of the said Act of 1953), section 6 (3) of the National Insurance Act, 1957(**c**), and the Fifth Schedule to the National Insurance Act, 1960(**d**), and of all other powers enabling them in that behalf, hereby make in consequence of the said Act of 1960 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, 1960, and shall come into operation on the 9th January, 1961.

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

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

"the Act of 1960" means the National Insurance Act, 1960;

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

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

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

(3) References in these regulations to any enactment or regulation shall, except in so far as the context otherwise requires, include references to such enactment or regulation as amended or extended by or under any subsequent enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act, 1889(**g**), shall apply for the purpose of the interpretation of these regulations as they apply for the purpose of the interpretation of an Act of Parliament.

(**a**) 9 & 10 Geo. 6. c. 62. (**b**) 1 & 2 Eliz. 2. c. 43.
(**c**) 5 & 6 Eliz. 2. c. 26. (**d**) 9 & 10 Eliz. 2. c. 5.
(**e**) S.I. 1948/1372 (Rev. XVI, p. 441: 1948 I, p. 2918).
(**f**) S.I. 1948/1362 (Rev. XVI, p. 505: 1948 I, p. 2942).
(**g**) 52 & 53 Vict. c. 63.

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 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 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 3rd April, 1961, and in the case of Part II of the said First Schedule as from the 5th April, 1961 :

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 5th April, 1961 ; 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(**a**), 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 5th April, 1961, 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 1960 or of these regulations, sub-paragraph (1) of paragraph 1 of the Fifth Schedule to that Act (which sub-paragraph relates to the 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 1960 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 18, as amended(**b**), of the Claims and Payments Regulations (which regulation relates to the extinguishment of the right to sums payable by way of benefit), the right to any sum which, by virtue of the said sub-paragraph (1), becomes

(**a**) Inserted by S.I. 1953/1227 (1953 I, p. 1419).
(**b**) *See* regulation 5, S.I. 1952/1208 (1952 II, p. 2216).

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 paragraph (2), as amended(**a**), of regulation 1 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 twelve months from that day,

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 day.

Transitional provisions and amendments consequential upon the Act of 1960

4.—(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 3rd April, 1961, and, in the case of the amendment to regulation 33A, as from the 5th April, 1961.

(3) Where—

(*a*) as respects any period on or after the 3rd April, 1961, or the 5th April, 1961, 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 1960 or any regulation made in consequence of that Act; and

(*b*) as respects any period ended 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 sub-paragraph (*b*) he had satisfied the said condition by reference to the increased weekly rate.

(4)—(*a*) As from the 3rd April, 1961, regulations 9B and 9C of the Benefit Regulations (which have effect by virtue of regulation 5 of the National Insurance (Industrial Injuries) (Benefit) Amendment (No. 2) Regulations, 1957(**b**), and relate to children treated as included in a family for the purpose of increases of certain benefits and to contributions towards the cost of providing for children) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Third Schedule to these regulations.

(*b*) In the said regulation 9B—

(i) for the word "be" (where that word occurs in the expression "shall be a rate"), there shall be substituted the words "as respects any period throughout which the said minimum rate is higher than";

(a) The only relevant amendment was made by S.I. 1952/1208.
(b) S.I. 1957/1862 (1957 II, p. 1722).

(ii) after the words " the said section 17 of the Act " there shall be inserted the words " be the last mentioned rate ".

(*c*) In sub-paragraph (*a*) of paragraph (1) of the said regulation 9C, after the words " and the person ", there shall be inserted the words " is contributing towards the cost of providing for the child at a weekly rate not less than the lesser amount specified in subsection (1) of section 17 of the Act and ".

Given under the official seal of the Industrial Injuries Joint Authority this twenty-first day of December, nineteen hundred and sixty.

(L.S.)

D. J. Carter,
Secretary,
Industrial Injuries Joint Authority.

Given under the official seal of the Minister of Pensions and National Insurance this twenty-first day of December, nineteen hundred and sixty.

(L.S.)

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

FIRST SCHEDULE

Regulation 2.

AMENDMENT OF PROVISIONS OF THE BENEFIT 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*)	Higher weekly rate of widow's pension payable for thirteen weeks after death of the deceased.	70 shillings.	80 shillings.

(a) References to the various provisions are references to those provisions as amended by S.I. 1957/2074 (1957 II, p. 1730) and any other regulations specifically mentioned.

PART II

Benefits other than Death Benefit

Amended Provision	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount
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;	42 shillings and 6 pence.	48 shillings and 9 pence.
	(*b*) in any other case.	15 shillings.	17 shillings and 6 pence.
Regulation 6	Weekly rates of allowance in respect of constant attendance—		
	(*a*) where to a substantial extent dependent on such attendance;	35 shillings.	40 shillings.
	(*b*) where entirely or almost entirely dependent on such attendance.	70 shillings.	80 shillings.
Second Schedule (applied by Regulation 3)	Amount of gratuities for degrees of disablement of—		
	1 per cent.	28 pounds.	32 pounds.
	2 per cent.	42 pounds.	48 pounds.
	3 per cent.	56 pounds.	64 pounds.
	4 per cent.	70 pounds.	80 pounds.
	5 per cent.	84 pounds.	96 pounds.
	6 per cent.	98 pounds.	112 pounds.
	7 per cent.	112 pounds.	128 pounds.
	8 per cent.	126 pounds.	144 pounds.
	9 per cent.	140 pounds.	160 pounds.
	10 per cent.	154 pounds.	176 pounds.
	11 per cent.	168 pounds.	192 pounds.
	12 per cent.	182 pounds.	208 pounds.
	13 per cent.	196 pounds.	224 pounds.
	14 per cent.	210 pounds.	240 pounds.
	15 per cent.	224 pounds.	256 pounds.
	16 per cent.	238 pounds.	272 pounds.
	17 per cent.	252 pounds.	288 pounds.
	18 per cent.	266 pounds.	304 pounds.
	19 per cent.	280 pounds.	320 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;	17 shillings.	19 shillings and 6 pence.
	less than 16 per cent. but not less than 11 per cent.;	12 shillings and 9 pence.	14 shillings and 9 pence.
	less than 11 per cent. but not less than 6 per cent.;	8 shillings and 6 pence.	9 shillings and 9 pence.
	less than 6 per cent.	4 shillings and 3 pence.	5 shillings.

(a) Regulation 6A was inserted by regulation 4, S.I. 1953/1227 (1953 I, p. 1419).

SECOND SCHEDULE

Regulation 4.

CONSEQUENTIAL AMENDMENTS OF THE BENEFIT REGULATIONS(a)

Amended Provision	Subject Matter	Amendments
Regulation 12 (*b*)	Weekly rate of widow's pension.	For the words "fifty-six shillings" there shall be substituted the words "sixty-four shillings".
Regulation 18	Priority of title to allowances under section 21 of the principal Act.	For the words "at the weekly rate of fifteen shillings" in both places where they occur there shall be substituted the words "at the rate applicable to an only, elder or eldest child".
Regulation 33A (2) (b)	Payment by way of unemployability supplement to certain former constables and firemen.	For the words "thirty shillings" there shall be substituted the words "thirty-seven shillings and sixpence".

THIRD SCHEDULE

Regulation 4.

REGULATIONS 9B AND 9C OF THE BENEFIT REGULATIONS AS AMENDED*

Children treated as included in family for increase of certain benefits

9B. For the purposes of subsection (3) of section 6 of the Act of 1957 (which subsection provides for treating a child as included in a man's family for the purpose of an increase of injury benefit or disablement pension under section 17 of the Act where the beneficiary is contributing to the cost of providing for the child at a weekly rate which, though not less than the prescribed rate, is less than the minimum rate for the time being required for the purposes of subsection (2) of section 3 of the Family Allowances Act, 1945), the prescribed rate in relation to the said section 17 shall *as respects any period throughout which the said minimum rate is higher than* a rate equal to the lesser amount specified in subsection (1) of the said section 17 of the Act *be the last mentioned rate:*

Provided that a person shall not be deemed for the purposes of the said subsection (3) to be so contributing at a weekly rate not less than the prescribed rate unless on the day for which the increase of benefit is claimed another child was, or was under subsection (2) of the said section 17 treated as, or could under paragraph 3 of the Schedule to the Family Allowances Act, 1945, have been treated as, included in his family.

Contribution towards cost of providing for child

9C.—(1) For the purposes of paragraph (*e*) of subsection (4) of section 6 of the Act of 1957, and for the purposes of paragraph (*f*) of that subsection and of section 21 of the Act (which paragraphs and section, in relation to certain benefits or increases of benefit under the Act in respect of a child, make it a condition of payment of the benefit that, unless the child is living with the claimant, contributions towards the cost of providing for the child are being made at a weekly rate not less than that of the amount in question), a person

(a) References to the various provisions are references to those provisions as amended by S.I. 1957/2074 (1957 II, p. 1730) and any other regulations specifically mentioned.

(b) As amended by S.I. 1955/48, 1956/1188, 1957/2074 (1955 I, p. 1668; 1956 I, p. 1690; 1957 II, p. 1730).

* The words added or substituted by these regulations are in italics.

shall be deemed to be contributing towards the cost of providing for a child in a case to which the said paragraph (*e*) relates, at a weekly rate not less than that required by the said subsection (4), and in any other case at a weekly rate not less than that required by virtue of the words added to subsection (1) of the said section 21 by paragraph 10 of the Schedule to the Family Allowances and National Insurance Act, 1956—

(*a*) as respects any period in respect of which the child is treated as included in the person's family by virtue of subsection (3) of the said section 6 and the person *is contributing towards the cost of providing for the child at a weekly rate not less than the lesser amount specified in subsection* (1) *of section* 17 *of the Act and* is, apart from the said subsection (4), entitled to receive payment—

(i) in respect of the child, of an amount under section 17 of the Act by way of an increase of injury benefit or disablement pension, at the rate appropriate to the elder or eldest child of a family ; and

(ii) in respect of some other child of such an amount at the rate appropriate to a child other than the elder or eldest ;

(*b*) as respects any period in respect of which the child is included in the person's family and, apart from the said subsection (4), the person is not entitled to receive payment in respect of the child of any amount such as is referred to in the said paragraphs (*e*) and (*f*).

(2) Where the amount in question is an increase of injury benefit or disablement pension, references in sub-paragraph (*b*) of the foregoing paragraph to a child included in the person's family shall include a child who, had the person been entitled to injury benefit or disablement benefit in respect of any period to which the sub-paragraph refers, would have been treated as included in his family by virtue of subsection (3) of the said section 6.

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 Act, 1960, increase the rates 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 of benefit payable directly under that Act by virtue of the Act of 1960 and contain supplementary and transitional provisions following upon the passing of the last mentioned Act.