STATUTORY INSTRUMENTS

1963 No. 395

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1963

Made - - - -	1*st March* 1963
Laid before Parliament	4*th March* 1963
Coming into Operation	7*th March* 1963

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12 (6), 14 (5), 15 (2), 18, 19 (4) and 79 (2) of 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) and Schedule 4 of the National Insurance Act 1963(c), and of all other powers enabling them in that behalf, hereby make in consequence of the said Act of 1963 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 1963, and shall come into operation on 7th March 1963.

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

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

"the Act of 1963" means the National Insurance Act 1963;

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

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

and other expressions have the same meaning 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(f), 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.

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 Schedule of these regulations shall be increased as from the dates respectively specified in paragraph (2) of this regulation and accordingly the

(a) 9 & 10 Geo. 6. c. 62. (b) 1 & 2 Eliz. 2. c. 43. (c) 1963 c. 7.
(d) S.I. 1948/1372 (Rev. XVI, p. 441: 1948 I, p. 2918).
(e) S.I. 1948/1362 (Rev. XVI, p. 505: 1948 I, p. 2942). (f) 52 & 53 Vict. c. 63.

provisions of the Benefit Regulations set out in column 1 of that 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 column 3 of that Schedule the corresponding words and figures set out in column 4 thereof.

(2) The said increases shall operate in so far as they relate to injury benefit and to unemployability supplement as from 7th March 1963, and in so far as they relate to any other benefit as from 27th May 1963:

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 27th May 1963; but nevertheless the amendment made by this regulation to Schedule 3 of 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 27th May 1963, 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 1963 or of these regulations, Schedule 4 paragraph 3 (1) of that Act (which 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 1963 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 paragraph 3 (1), becomes 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 regulation 1 (2), as amended(b), 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

(a) Inserted by S.I. 1953/1227 (1953 I, p. 1419).
(b) The only relevant amendment was made by S.I. 1952/1208 (1952 II, p. 2216).

(*b*) in any other case, with the expiration of 12 months from that day,

be extinguished if payment thereof is not obtained within the period of 18 months (or such longer period as the Minister may determine in the circumstances of any particular case) from that day.

Amendments consequential upon the Act of 1963

4.—(1) As from 7th March 1963, in regulations 7 (1), 8 (2) (*a*) and 9 (2) of the Benefit Regulations(a) (which relate to increase of benefit in respect of a wife, a dependent relative and a female person having care of child respectively) for the words " forty shillings " there shall be substituted the words " the amount of the increase specified in the said section 18 ".

(2) As from 27th May 1963, in regulation 12 (*b*) of the Benefit Regulations(a) (which relates to a higher rate of widow's pension payable for 13 weeks after the death of the deceased) for the words " sixty-four shillings " there shall be substituted the words " seventy-five shillings ".

Transitional provisions

5.—(1) Where—

(*a*) as respects any period on or after 7th March 1963, or 27th May 1963, 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 1963 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.

(2) Notwithstanding the provisions of regulation 14 of the Claims and Payments Regulations, as amended(b), (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(c), 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(d), to an increased weekly rate of disablement benefit in respect of approved hospital treatment, on any day in the period from 27th May to 29th May 1963, any change in such weekly rate, in so far as it is due only to the operation of the Act of 1963 or of that Act and these regulations, shall not take effect until the latter date.

(a) As last amended by S.I. 1960/2430 (1960 II, p. 2370).
(b) *See* S.I. 1951/743; regulation 5, S.I. 1953/1227 (1951 I, p. 1504; 1953 I, p. 1419).
(c) *See* National Insurance Act 1963.
(d) *See* section 3(3) of the National Insurance (Industrial Injuries) Act 1953.

Given under the official seal of the Industrial Injuries Joint Authority

(L.S.) *D. J. Carter,*
Secretary,
Industrial Injuries Joint Authority.

1st March 1963.

Given under the official seal of the Minister of Pensions and National Insurance

(L.S.) *Niall Macpherson,*
Minister of Pensions and National Insurance.

1st March 1963.

SCHEDULE

Regulation 2

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

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;	48 shillings and 9 pence	57 shillings and 6 pence.
	(*b*) in any other case	17 shillings and 6 pence	20 shillings.
Regulation 6 ...	Weekly rates of allowance in respect of constant attendance:—		
	(*a*) where to a substantial extent dependent on such attendance;	40 shillings	50 shillings.
	(*b*) where entirely or almost entirely dependent on such attendance	80 shillings	100 shillings.
Regulation 12 (*b*) ...	Higher weekly rate of widow's pension payable for 13 weeks after death of the deceased	80 shillings	95 shillings.
Regulation 33A (b)	Payment by way of unemployability supplement to certain former constables and firemen	52 shillings and 6 pence	67 shillings and 6 pence.

(a) References to the various provisions are references to those provisions as last amended by S.I. 1960/2430 (1960 II, p. 2370) and any other regulations specifically mentioned.
(b) Inserted by S.I. 1955/48 and as last amended by S.I. 1962/326 (1955 I, p. 1668; 1962 I, p. 300).

SCHEDULE—*continued*

Amended provisions	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount
Schedule 2 (applied by Regulation 3)	Amount of gratuities for degrees of disablement of:—		
	1 per cent.	32 pounds	38 pounds.
	2 per cent.	48 pounds	57 pounds.
	3 per cent.	64 pounds	76 pounds.
	4 per cent.	80 pounds	95 pounds.
	5 per cent.	96 pounds	114 pounds.
	6 per cent.	112 pounds	133 pounds.
	7 per cent.	128 pounds	152 pounds.
	8 per cent.	144 pounds	171 pounds.
	9 per cent.	160 pounds	190 pounds.
	10 per cent.	176 pounds	209 pounds.
	11 per cent.	192 pounds	228 pounds.
	12 per cent.	208 pounds	247 pounds.
	13 per cent.	224 pounds	266 pounds.
	14 per cent.	240 pounds	285 pounds.
	15 per cent.	256 pounds	304 pounds.
	16 per cent.	272 pounds	323 pounds.
	17 per cent.	288 pounds	342 pounds.
	18 per cent.	304 pounds	361 pounds.
	19 per cent.	320 pounds	380 pounds.
Schedule 3 (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 than16 per cent.;	19 shillings and 6 pence	23 shillings.
	less than 16 per cent. but not less than 11 per cent.;	14 shillings and 9 pence	17 shillings and 3 pence.
	less than 11 per cent. but not less than 6 per cent.;	9 shillings and 9 pence	11 shillings and 6 pence.
	less than 6 per cent.	5 shillings ...	5 shillings and 9 pence.

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 1963, 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 1963, and contain supplementary and transitional provisions following upon the passing of the last mentioned Act.

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

STATUTORY INSTRUMENTS

1963 No. 396

NATIONAL ASSISTANCE

The National Assistance (Determination of Need) Amendment Regulations 1963

Laid before Parliament in draft

Made - - - - 1*st March* 1963
Coming into Operation - - 27*th May* 1963

Whereas a draft of the following regulations was laid before Parliament and approved by resolution of each House of Parliament :

Now, therefore, the Minister of Pensions and National Insurance in accordance with the provisions of section 6 of the National Assistance Act 1948, (a) and in exercise of the powers conferred by section 5 of that Act, and of all other powers enabling him in that behalf, hereby makes the following regulations in the terms of the said draft regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Assistance (Determination of Need) Amendment Regulations 1963, shall be read as one with the National Assistance (Determination of Need) Regulations 1948(b), as amended(c), (hereinafter referred to as " the principal regulations ") and shall come into operation on the 27th May 1963.

Amendment of scales for the computation of requirements other than rent

2.—(1) Paragraph 2 of Part I of the Schedule to the principal regulations (which paragraph provides the ordinary scale for computing the requirements other than rent of applicants for assistance) shall have effect as if for the sums specified in the said paragraph there were substituted the sums following :—

	s.	d.
(*a*) For a husband and wife	104	6
(*b*) For a person who is living alone, or is a householder and, as such, is directly responsible for rent and household necessaries	63	6
(*c*) For any other person, being—		
(i) aged 21 years or over	55	0
(ii) aged 18 years or over but less than 21 years ..	43	0
(iii) aged 16 years or over but less than 18 years ..	37	0
(iv) aged 11 years or over but less than 16 years ..	28	0
(v) aged 5 years or over but less than 11 years ..	23	0
(vi) aged under 5 years	19	6

(a) 11 & 12 Geo. 6. c. 29. (b) S.I. 1948/1334 (Rev. XV, p. 251 : 1948 I, p. 2023).
(c) The relevant amending instruments are S.I. 1952/873, 1959/1241, 1962/1617 (1952 II, p. 2036; 1959 I, p. 1806; 1962 II, p. 1898).

(2) Paragraph 3 of Part I of the said Schedule (which paragraph provides a special scale for computing the requirements other than rent of blind and certain tuberculous persons who are applicants for assistance) shall have effect as if for the sums specified in the said paragraph there were substituted the sums following :—

	s.	d.
(*a*) For a husband and wife—		
(i) of whom one is such a person	129	0
(ii) of whom both are such persons	145	0
(*b*) For any other such person, being—		
(i) aged 21 years or over	88	0
(ii) aged 18 years or over but less than 21 years ..	63	0
(iii) aged 16 years or over but less than 18 years ..	53	0

Revocation of regulations

3.—(1) The regulations specified in the Schedule to these regulations are hereby revoked to the extent mentioned in the third column of that Schedule.

(2) Section 38 (2) of the Interpretation Act 1889(a) shall apply as if the regulations hereby revoked were Acts of Parliament repealed by an Act of Parliament.

Niall Macpherson,
Minister of Pensions and National Insurance.

1*st March* 1963.

Regulation 3

SCHEDULE

REGULATIONS REVOKED

Statutory Instruments	Citation	Extent of Revocation
S.I. 1959/1241 (1959 I, p. 1806).	The National Assistance (Determination of Need) Amendment Regulations 1959.	Regulation 4 (2) and (3).
S.I. 1960/2395 (1960 II, p. 2066).	The National Assistance (Determination of Need) Amendment Regulations 1960.	The whole of the Regulations.
S.I. 1962/1617 (1962 II, p. 1898).	The National Assistance (Determination of Need) Amendment Regulations 1962.	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 provide for increases in the weekly sums allowed for requirements, other than rent. for the purpose of determining the need of applicants for assistance under the National Assistance Act 1948.

Previous amending Regulations which are spent are revoked.

(a) 52 & 53 Vict. c. 63.