STATUTORY INSTRUMENTS

1965 No. 36

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1965

Made - - - -	13*th January* 1965
Laid before Parliament	22*nd January* 1965
Coming into Operation	25*th January* 1965

The Industrial Injuries Joint Authority and the Minister of Pensions and National Insurance, in exercise of the powers conferred by the National Insurance (Industrial Injuries) Acts set out respectively in Parts I and II of Schedule 1 to this instrument and of all other powers enabling them in that behalf, hereby make in consequence of the National Insurance &c. Act 1964(a) 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 1965, and shall come into operation on 25th January 1965.

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

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

"the Act of 1964" means the National Insurance &c. Act 1964;

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations 1964(c);

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964(d);

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(e) 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 Schedule 2 to these regulations shall be increased as from the dates respec-

(a) 1964 c. 96.
(b) 9 & 10 Geo. 6. c. 62.
(c) S.I. 1964/504 (1964 I, p. 833).
(d) S.I. 1964/73 (1964 I, p. 115).
(e) 52 & 53 Vict. c. 63.

tively specified in paragraph (2) of this regulation and accordingly the 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 rates and amounts set out in column 3 of that Schedule the corresponding rates and amounts 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 27th January 1965, in so far as they relate to widow's pension as from 29th March 1965 and in so far as they relate to any other benefit as from 31st March 1965:

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 31st March 1965; but nevertheless the amendment made by this regulation to Schedule 4 of the Benefit Regulations (which Schedule, as applied by regulations 6 and 8 of those regulations, 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 31st March 1965, 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 1964 or of these regulations, paragraph 2(1) of Schedule 7 to 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:—

(i) 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 1964 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;

(ii) notwithstanding the provisions of regulation 20 of the Claims and Payments Regulations (extinguishment of the right to sums payable by way of benefit), the right to any sum which, by virtue of the said paragraph 2(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) 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 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.

Miscellaneous amendments consequential upon the Act of 1964

4.—(1) As from 27th January 1965, in regulations 9, 10, 11 and 12 of the Benefit Regulations (increase of benefit in respect of a wife, a dependent relative and a female person having care of child and contributions to maintenance of adult dependants respectively) any reference (either direct or indirect) to the amount of the increase of benefit set out in section 18 of the principal Act shall have effect as if it were a reference to the amount of the increase of benefit set out in paragraph 8 of Schedule 4 to the Act of 1964.

(2) As from 29th March 1965, in regulation 18 (*b*) of the Benefit Regulations (higher rate of widow's pension payable for 13 weeks after the death of the deceased) for the words " the sums of 75 shillings and 20 shillings respectively " there shall be substituted the words " the amount specified in paragraph 9(a) of Schedule 4 to the National Insurance &c. Act 1964 and the sum of 20 shillings respectively ".

5. The following words shall be added at the end of the proviso to paragraph (3) of regulation 13 of the Claims and Payments Regulations:—

" and

(iii) if it is so shown that any such person was not entitled to injury benefit (including any increase thereof) for the period in respect of which the payment was made, but was entitled to some other benefit under the Act or the National Insurance Act 1946 for such period, such payment (in so far as it does not exceed the amount of such other benefit) shall not be deemed to be a payment of the benefit in question but a payment of such other benefit duly made.".

Transitional provisions

6. Where—

(*a*) as respects any period on or after 27th January 1965 (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 an adult dependant that he is contributing 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 1964 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.

Given under the official seal of the Industrial Injuries Joint Authority.

(L.S.)

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

12th January 1965.

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

(L.S.)

Margaret Herbison,
Minister of Pensions and National Insurance.

13th January 1965.

SCHEDULE 1

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

PART I

Provisions conferring powers exercised by the Industrial Injuries Joint Authority

Enactment	Relevant Provisions	Relevant Amending Enactment
The National Insurance (Industrial Injuries) Act 1946(a)	Section 12(6)	
	Section 14(5)	
	Section 15(2)	
	Section 18	
	Section 19(4)	
	Section 79(2)	
	Section 82	National Insurance (Industrial Injuries) Act 1953(b) section 6

PART II

Provisions conferring powers exercised by the Minister of Pensions and National Insurance

Enactments	Relevant Provisions	Relevant Amending Enactments
The National Insurance (Industrial Injuries) Act 1946(a)	Section 16	National Insurance (Industrial Injuries) Act 1953(b) section 3(3)
	Section 52(1)	National Insurance &c. Act 1964(c) Schedule 6 paragraph 16
National Insurance &c. Act 1964(c)	Schedule 7 paragraphs 2(1) and 10	

SCHEDULE 2 Regulation 2

AMENDMENT OF PROVISIONS OF THE BENEFIT REGULATIONS RELATING TO RATES AND AMOUNTS OF 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;	57s. 6d.	67s. 6d.
	(*b*) in any other case	20s.	22s. 6d.

(a) 9 & 10 Geo. 6. c. 62. (b) 1 & 2 Eliz. 2. c. 43. (c) 1964 c. 96.

Amended provision	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount
Regulation 7	Weekly rates of allowance in respect of constant attendance:—		
	(*a*) where to a substantial extent dependent on such attendance;	50s.	55s.
	(*b*) where entirely or almost entirely dependent on such attendance	100s.	110s.
Regulation 18(b)	Higher weekly rate of widow's pension payable for 13 weeks after death of the deceased	95s.	112s. 6d.
Regulation 44	Payment by way of unemployability supplement to certain former constables and firemen	67s. 6d.	80s.
Schedule 3 (applied by Regulation 3)	Amount of gratuities for degrees of disablement of:—		
	1 per cent.	£38	£45
	2 per cent.	£57	£67 10s.
	3 per cent.	£76	£90
	4 per cent.	£95	£112 10s.
	5 per cent.	£114	£135
	6 per cent.	£133	£157 10s.
	7 per cent.	£152	£180
	8 per cent.	£171	£202 10s.
	9 per cent.	£190	£225
	10 per cent.	£209	£247 10s.
	11 per cent.	£228	£270
	12 per cent.	£247	£292 10s.
	13 per cent.	£266	£315
	14 per cent.	£285	£337 10s.
	15 per cent.	£304	£360
	16 per cent.	£323	£382 10s.
	17 per cent.	£342	£405
	18 per cent.	£361	£427 10s.
	19 per cent.	£380	£450
Schedule 4 (applied by Regulations 6 and 8)	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.;	23s.	27s.
	less than 16 per cent. but not less than 11 per cent.;	17s. 3d.	20s. 3d.
	less than 11 per cent. but not less than 6 per cent.;	11s. 6d.	13s. 6d.
	less than 6 per cent.	5s. 9d.	6s. 9d.

EXPLANATORY NOTE

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

These Regulations were made in consequence of the National Insurance &c. Act 1964 and accordingly by virtue of Schedule 7 paragraph 10 of that Act no reference of them has been made to the Industrial Injuries Advisory Council. The Regulations 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 1964, and contain supplementary and transitional provisions following upon the passing of the last mentioned Act.