STATUTORY INSTRUMENTS

1969 No. 1168

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1969

Made - - -	13*th August* 1969
Laid before Parliament	19*th August* 1969
Coming into Operation	20*th August* 1969

The Industrial Injuries Joint Authority in exercise of the powers conferred by sections 12(3), 14(7), 15(1), 19(4) (as amended by section 5(5) of the National Insurance Act 1966(**a**)), 78(2) and 81 of the National Insurance (Industrial Injuries) Act 1965(**b**), and the Secretary of State for Social Services in exercise of his powers under section 16 of that Act and Schedule 6, paragraphs 3, 4 and 5, of the National Insurance Act 1969(**c**) and of all other powers enabling them in that behalf, hereby make the following regulations, which contain no provisions other than such as are made in consequence of the said Act of 1969 and which accordingly, by virtue of section 10(1) of that Act, are exempt from the requirements of section 62(2) of the said Act of 1965 (reference to Industrial Injuries Advisory Council) :—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1969 and shall come into operation on 20th August 1969.

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

"the principal Act" means the National Insurance (Industrial Injuries) Act 1965 ;

"the Act of 1969" means the National Insurance Act 1969 ;

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

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964(**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.

(**a**) 1966 c. 6.
(**b**) 1965 c. 52.
(**c**) 1969 c. 44.
(**d**) S.I. 1964/504 (1964 I, p. 833).
(**e**) S.I. 1964/73 (1964 I, p. 115).

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) 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 and regulation 2(3) to these regulations shall be increased as from the dates respectively 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 as from 6th November 1969, in so far as they relate to widow's pension as from 3rd November 1969, and in so far as they relate to any other benefit as from 5th November 1969 :

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 5th November 1969, 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 hospital treatment is reduced) shall have effect as from 5th November 1969, whether the period taken into account by the assessment began before or after that date.

(3) For regulation 18 of the Benefit Regulations (widow's pension), as amended (b), there shall be substituted the following regulation :—

"**18.** Section 19 of the National Insurance (Industrial Injuries) Act 1965 (death benefit for widows) shall have effect—

(*a*) as if the reference in section 19(1) (conditions of entitlement to such benefit) to periodical payments of not less than the prescribed amount were a reference to periodical payments which would amount to an average weekly rate of not less than 5 shillings ;

(*b*) during the 13 weeks or, in a case when the death of the deceased took place on or after 6th July 1966, during the 26 weeks next following the death of the deceased, as if a reference to the sum of £7 were substituted for the references in section 19(3) (weekly rates of pensions payable to widows) to the amount specified in paragraph 9(*a*) of Schedule 3 to that Act and the sum of one pound ten shillings respectively.".

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

(a) 1889 c. 63.
(b) The relevant amending instruments are S.I. 1966/673, 1967/1223 (1966 II, p. 1512; 1967 II, p. 3565).

Act of 1969 or of these regulations, paragraph 3(1) of Schedule 6 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 1969 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 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) 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 24 months (or such longer period as the Secretary of State for Social Services may determine in the circumstances of any particular case) from that day.

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

(L.S.)

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

12th August 1969.

Signed by authority of the Secretary of State for Social Services.

David Ennals,
Minister of State,
Department of Health and Social Security.

13th August 1969.

SCHEDULE

Regulation 2

AMENDMENT OF PROVISIONS OF THE BENEFIT REGULATIONS RELATING TO RATES AND AMOUNTS OF BENEFIT

1	2	3	4
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;	£4	£4 10s.
	(*b*) in any other case	£1 8s.	£1 11s.
Regulation 7	Weekly rates of allowance in respect of constant attendance:—		
	(*a*) where to a substantial extent dependent on such attendance; ...	£3	£3 6s.
	(*b*) maximum payable where so dependent and attendance required is greater by reason of exceptionally severe disablement; ...	£4 10s.	£4 19s.
	(*c*) where entirely or almost entirely dependent on such attendance.	£6	£6 12s.
Regulation 44(2)	Payment by way of unemployability supplement to certain former constables and firemen	£4 10s.	£5
Schedule 3 (applied by Regulation 3)	Amount of gratuities for degrees of disablement of:—		
	1 per cent	£50	£55
	2 per cent	£75	£82 10s.
	3 per cent	£100	£110
	4 per cent	£125	£137 10s.
	5 per cent	£150	£165
	6 per cent	£175	£192 10s.
	7 per cent	£200	£220
	8 per cent	£225	£247 10s.
	9 per cent	£250	£275

SCHEDULE (cont.)

AMENDMENT OF PROVISIONS OF THE BENEFIT REGULATIONS

RELATING TO RATES AND AMOUNTS OF BENEFIT

1	2	3	4
Amended provision	Description of rates and amounts of benefit	Existing rate of amount	New rate or amount
	10 per cent	£275	£302 10s.
	11 per cent	£300	£330
	12 per cent	£325	£357 10s.
	13 per cent	£350	£385
	14 per cent	£375	£412 10s.
	15 per cent	£400	£440
	16 per cent	£425	£467 10s.
	17 per cent	£450	£495
	18 per cent	£475	£522 10s.
	19 per cent	£500	£550
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;	£1 10s. 6d.	£1 14s.
	less than 16 per cent but not less than 11 per cent;	£1 2s. 9d.	£1 5s. 6d.
	less than 11 per cent but not less than 6 per cent;	15s. 3d.	17s.
	less than 6 per cent	7s. 6d.	8s. 6d.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations increase the rates of certain benefits payable under regulations made under the National Insurance (Industrial Injuries) Act 1965, in order to bring them into conformity with the higher rates of benefit payable directly under that Act by virtue of the Act of 1969, and contain transitional provisions following upon the passing of the last mentioned Act.

These Regulations are made in consequence of the National Insurance Act 1969 and in accordance with section 10(1) of that Act have not been referred to the Industrial Injuries Advisory Council.