STATUTORY INSTRUMENTS

1972 No. 1231

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1972

Made - - -	11*th August* 1972
Laid before Parliament	11*th August* 1972
Coming into Operation—	
Regulations 1 *and* 5	12*th August* 1972
Regulation 4(1)	1*st October* 1972
Remainder	4*th October* 1972

The Industrial Injuries Joint Authority and the Secretary of State for Social Services, in exercise of the powers conferred by the provisions of the National Insurance (Industrial Injuries) Acts 1965 to 1972 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 the following regulations, which contain no provisions other than such as are made in consequence of the National Insurance Act 1972(**a**) and which accordingly, by virtue of section 6 of and paragraph 2(1)(*a*) of Schedule 4 to that Act, are exempt from the requirements of section 62(2) of the National Insurance (Industrial Injuries) Act 1965(**b**) (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 1972 and shall come into operation, in the case of regulations 1 and 5, on 12th August 1972, in the case of regulation 4(1), on 1st October 1972 and in the case of the remainder of the regulations on 4th October 1972.

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

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

"the Act of 1972" means the National Insurance Act 1972;

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations 1964(**c**), as amended (**d**);

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964(**e**), as amended (**f**);

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

(**a**) 1972 c. 57. (**b**) 1965 c. 52.
(**c**) S.I. 1964/504 (1964 I, p. 833).
(**d**) The relevant amending instruments are S.I. 1969/1168, 1970/46, 1971/1201 (1969 II, p. 3432; 1970 I, p. 243; 1971 I, p. 3514).
(**e**) S.I. 1964/73 (1964 I, p. 115).
(**f**) There is no amendment which relates expressly to the subject matter of these Regulations.

(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(**a**) shall apply in relation to this instrument and to the revocation effected by it as if this instrument and the regulation revoked by it were Acts of Parliament and as if the revocation were a repeal.

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 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 5th October 1972, and in so far as they relate to any other benefit as from 4th October 1972:

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 4th October 1972, 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 4th October 1972, 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 1972 or of these regulations, paragraph 3(1) of Schedule 6 to the National Insurance Act 1969 (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 condition that 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 1972 or of these regulations, or

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

(a) 1889 c. 63.

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.

Amendments to the Benefit Regulations

4.—(1) In regulation 18 of the Benefit Regulations (widow's pension) paragraph (*b*) shall be omitted.

(2) After regulation 35 of the Benefit Regulations there shall be inserted the following regulation:—

"Earnings level for the purposes of unemployability supplement under section 13 of the National Insurance (Industrial Injuries) Act 1965

35A. For the purposes of section 13(2) of the National Insurance (Industrial Injuries) Act 1965 (earnings level that does not disqualify for unemployability supplement) the prescribed amount of earnings in a year shall be £234."

Amendments to the Claims and Payments Regulations

5.—(1) In Regulation 23 of the Claims and Payments Regulations (commencement of payment on review) the words "under Part III of the Act" shall be omitted.

(2) At the end of Regulation 23 of the Claims and Payments Regulations there shall be added the following words:—

"Provided that in the case of a review pursuant to section 5(5) of the National Insurance Act 1972 of a decision that a claimant was not entitled to death benefit, benefit shall not be payable for any period earlier than 9th August 1972."

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

(L.S.)

F. B. Hindmarsh,
A person authorised by the Industrial Injuries Joint Authority to act on behalf of the Secretary, Industrial Injuries Joint Authority.

11th August 1972.

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

Paul Dean,
Parliamentary Under Secretary of State, Department of Health and Social Security.

11th August 1972.

SCHEDULE 1

PROVISIONS OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS 1965 TO 1972 CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

PART I

Provisions conferring powers exercised by the Industrial Injuries Joint Authority

Enactment	Relevant Provisions
The National Insurance (Industrial Injuries) Act 1965(a)	Section 12(3) Section 14(7) Section 15(1) Section 19(4) Section 78(2)

PART II

Provisions conferring powers exercised by the Secretary of State for Social Services

Enactment	Relevant Provisions	Relevant Amending Enactments
The National Insurance (Industrial Injuries) Act 1965	Section 13(2)	The National Insurance Act 1972(b) section 4(3)
	Section 16	
	Section 54(3)	The National Insurance Act 1966(c) section 13(1) and Schedule 3 paragraph 5(j)
The National Insurance Act 1969(d)	Schedule 6, paragraphs 3 and 4	—

(a) 1965 c. 52. (b) 1972 c. 57. (c) 1966 c. 6. (d) 1969 c. 44.

SCHEDULE 2

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	£5·50	£6·20
	(*b*) in any other case	£1·85	£2·10
Regulation 7	Weekly rates of allowance in respect of constant attendance:—		
	(*a*) where to a substantial extent dependent on such attendance	£4·00	£4·50
	(*b*) maximum payable where so dependent and attendance required is greater by reason of exceptionally severe disablement	£6·00	£6·75
	(*c*) where entirely or almost entirely dependent on such attendance	£8·00	£9·00
Schedule 3 (applied by Regulation 3)	Amount of gratuities for degrees of disablement of:—		
	1 per cent	£66·00	£74·00
	2 per cent	£99·00	£111·00
	3 per cent	£132·00	£148·00
	4 per cent	£165·00	£185·00
	5 per cent	£198·00	£222·00
	6 per cent	£231·00	£259·00
	7 per cent	£264·00	£296·00
	8 per cent	£297·00	£333·00
	9 per cent	£330·00	£370·00
	10 per cent	£363·00	£407·00
	11 per cent	£396·00	£444·00
	12 per cent	£429·00	£481·00
	13 per cent	£462·00	£518·00
	14 per cent	£495·00	£555·00
	15 per cent	£528·00	£592·00
	16 per cent	£561·00	£629·00
	17 per cent	£594·00	£666·00
	18 per cent	£627·00	£703·00
	19 per cent	£660·00	£740·00
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	£2·00	£2·24
	less than 16 per cent but not less than 11 per cent	£1·50	£1·68
	less than 11 per cent but not less than 6 per cent	£1·00	£1·12
	less than 6 per cent	£0·50	£0·56

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 National Insurance Act 1972, and contain consequential and transitional provisions following upon the passing of the last-mentioned Act.

These Regulations amend the National Insurance (Industrial Injuries) (Benefit) Regulations 1964 by prescribing the earnings level which may be reached before a person is disqualified for unemployability supplement under section 13(2) of the National Insurance (Industrial Injuries) Act 1965 and by omitting regulation 18(*b*) thereof consequent upon the transfer of its provisions to section 4(2)(*a*) of the Act of 1972.

These Regulations also amend the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964 in order to provide that on a review pursuant to section 5 of the Act of 1972 of a decision that a claimant was not entitled to death benefit, benefit shall not be payable for any period earlier than 9th August 1972. A minor consequential amendment is also made to the last-mentioned Regulations.

These Regulations are made in consequence of the National Insurance Act 1972 and in accordance with Schedule 4, paragraph 2(1), to that Act have not been referred to the Industrial Injuries Advisory Council.

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