STATUTORY INSTRUMENTS

1973 No. 1429

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1973

Made - - - -	*9th August* 1973
Laid before Parliament	*20th August* 1973
Coming into Operation	*3rd October* 1973

The Industrial Injuries Joint Authority **(a)** and the Secretary of State for Social Services **(b)**, in exercise of the powers conferred by the provisions of the National Insurance (Industrial Injuries) Acts 1965 to 1973 set out in Parts I and II respectively of Schedule I 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 and Supplementary Benefit Act 1973**(c)** or concern the amount by which the rate of disablement pension may be increased under section 15(1) of the National Insurance (Industrial Injuries) Act 1965 where constant attendance is required, and which accordingly, by virtue of section 9(5) of and paragraph 2(1) of Schedule 6 to the said Act of 1973, are exempt from the requirements of section 62(2) of the National Insurance (Industrial Injuries) Act 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 1973 and shall come into operation on 3rd October 1973.

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

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

"the Act of 1973" means the National Insurance and Supplementary Benefit Act 1973;

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

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

(a) *See* S.I. 1948/1300 (Rev. XVI, p. 541; 1948 I, p. 3030) and sections 83(4)(*b*) and 87(1) of the National Insurance (Industrial Injuries) Act 1965 (1965 c. 52).

(b) For transfer of functions from the Minister of Pensions and National Insurance to the Secretary of State, *see* Ministry of Social Security Act 1966 (c.20) and S.I. 1968/1699 (1968 III, p. 4585).

(c) 1973 c. 42.

(d) S.I. 1964/504 (1964 I, p. 833).

(e) The relevant amending instruments are S.I. 1969/1168, 1970/46, 1971/1201, 1972/1231 (1969 II, p. 3432; 1970 I, p. 243; 1971 II, p. 3514; 1972 II, p. 3719).

(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 regulations 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 4th October 1973, and in so far as they relate to any other benefit as from 3rd October 1973:

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 3rd October 1973, 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 3rd October 1973, 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 1973 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 1973 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.

(a) 1889 c. 63.

Amendments to the Benefit Regulations

4.—(1) In regulation 7(*a*) of the Benefit Regulations (increase of disablement pension for constant attendance) the word "lesser" shall be omitted.

(2) In regulation 9(1) of the Benefit Regulations (increase of benefit in respect of a wife) for the words "specified in the said section 18." there shall be substituted the words "set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965.".

(3) In regulation 10(2)(*a*) of the Benefit Regulations (increase of benefit for dependent relatives) for the words "specified in the said section 18." there shall be substituted the words "set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965.".

(4) Regulation 11(1)(*b*) of the Benefit Regulations (increase of benefit for female person having care of child) shall be replaced by the following sub-paragraph:—

"she is employed by the beneficiary in an employment in respect of which the weekly expenses incurred by the beneficiary are not less than the amount set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965 and she was, before the date of the relevant accident, employed by the beneficiary in that employment in respect of which the weekly expenses incurred by him were not less than the amount set out in the said paragraph 8, subject to the qualification that the condition of employment before that date shall not apply in a case where the necessity for her employment first arose thereafter.".

(5) In regulation 11(1)(*c*) of the Benefit Regulations for the words "mentioned in the said section 18." there shall be substituted the words "set out in paragraph 8 or 8A of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965, whichever is appropriate in his case.".

(6) In regulation 11(2) of the Benefit Regulations for the words "specified in the said section 18." there shall be substituted the words "set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965.".

(7) In regulation 12 of the Benefit Regulations (contribution to maintenance of adult dependant) for the words "mentioned in section 18 of the Act," there shall be substituted the words "set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965," and for the words "that amount" there shall be substituted the words "the amount set out in the said paragraph 8".

Revocation of regulation

5. Regulation 4(1) of the National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1965(**a**) (which amends regulations 9, 10, 11 and 12 of the Benefit Regulations) is hereby revoked.

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

(L.S.) *Keith Joseph*,
Secretary of State for Social Services,
9th August 1973. a member of the Industrial Injuries Joint Authority.

Keith Joseph,
9th August 1973. Secretary of State for Social Services.

(**a**) S.I. 1965/36 (1965 I, p. 40).

SCHEDULE 1

PROVISIONS OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS 1965 TO 1973 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 18 Section 34(1) 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 16 Section 34(1)	
	Section 54(3)	The National Insurance Act 1966(b) section 13(1) and Schedule 3 paragraph 5(*j*)
The National Insurance Act 1969(c)	Schedule 6, paragraphs 3 and 4	—

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

Regulation 2

SCHEDULE 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 ...	£6·20	£6·75
	(*b*) in any other case	£2·10	£2·30
Regulation 7	Weekly rates of allowance in respect of constant attendance:—		
	(*a*) where to a substantial extent dependent on such attendance	£4·50	£5·15
	(*b*) maximum payable where so dependent and attendance required is greater by reason of exceptionally severe disablement	£6·75	£7·75
	(*c*) where entirely or almost entirely dependent on such attendance ...	£9·00	£10·30
Schedule 3 (applied by Regulation 3)	Amount of gratuities for degrees of disablement of:—		
	1 per cent.	£74·00	£85·00
	2 per cent.	£111·00	£127·50
	3 per cent.	£148·00	£170·00
	4 per cent.	£185·00	£212·50
	5 per cent.	£222·00	£255·00
	6 per cent.	£259·00	£297·50
	7 per cent.	£296·00	£340·00
	8 per cent.	£333·00	£382·50
	9 per cent.	£370·00	£425·00
	10 per cent.	£407·00	£467·50
	11 per cent.	£444·00	£510·00
	12 per cent.	£481·00	£552·50
	13 per cent.	£518·00	£595·00
	14 per cent.	£555·00	£637·50
	15 per cent.	£592·00	£680·00
	16 per cent.	£629·00	£722·50
	17 per cent.	£666·00	£765·00
	18 per cent.	£703·00	£807·50
	19 per cent.	£740·00	£850·00
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.	£2·24	£2·56
	less than 16 per cent. but not less than 11 per cent.	£1·68	£1·92
	less than 11 per cent. but not less than 6 per cent.	£1·12	£1·28
	less than 6 per cent.	£0·56	£0·64

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 and Supplementary Benefit Act 1973, and contain consequential and transitional provisions following upon the passing of the last-mentioned Act.

These Regulations also amend the National Insurance (Industrial Injuries) (Benefit) Regulations 1964 to enable the normal maximum rate of constant attendance allowance to be paid in certain cases where the attendance required is part-time only.

These Regulations are made in consequence of the National Insurance and Supplementary Benefit Act 1973 or concern the amount by which the rate of disablement pension may be increased under section 15(1) of the National Insurance (Industrial Injuries) Act 1965 where constant attendance is required and in accordance with section 9(5) of and paragraph 2(1) of Schedule 6 to the 1973 Act have not been referred to the Industrial Injuries Advisory Council.

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