1986 No. 151

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Injury Benefits) (Amendment) Regulations (Northern Ireland) 1986

Made	*28th May 1986*
Coming into operation . . .	*9th July 1986*

The Department of Health and Social Services, in exercise of the powers conferred by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf, after consulting such representatives of persons likely to be affected by these regulations as appear to it to be appropriate and with the consent of the Department of Finance and Personnel for Northern Ireland(**b**), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (Injury Benefits) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 9th July 1986.

Interpretation

2. In these regulations "the principal regulations" means the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 1975(**c**).

Amendment of regulation 2 of the principal regulations

3. In regulation 2(1) of the principal regulations (definitions)—

(*a*) in the definition of "the superannuation regulations" for "the Health Services (Superannuation) Regulations (Northern Ireland) 1962", there shall be substituted "the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984(**d**)";

(*b*) in the definition of "average remuneration" for "regulation 12(4)" and "regulation 29(1)" there shall be substituted respectively "regulation 11(5)" and "regulation 33(1)" and for "provisos (*f*) and (*h*)" there shall be substituted "provisos (*f*) and (*g*)".

Amendment of regulation 3 of the principal regulations

4. In regulation 3 of the principal regulations (persons to whom the regulations apply)—

(*a*) in paragraph (1) for "either—" to the end there shall be substituted "sustains an injury, or contracts a disease, to which paragraph (1A) applies.";

(*b*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) This paragraph applies to an injury which is sustained, and to a disease which is contracted, in the course of the person's employment and which is attributable to his employment and also to any other injury sustained (and similarly to any other disease contracted) if—

(a) S.I. 1972/1073 (N.I. 10)
(b) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3
(c) S.R. 1975 No. 85
(d) S.R. 1984 No. 336

(*a*) it is attributable to the duties of his employment;

(*b*) it is sustained while, as a volunteer at an accident or emergency, he is providing health services which his professional training and code of conduct would require him to volunteer; or

(*c*) it is sustained while he is travelling as a passenger in a vehicle to or from his place of employment with the permission of the employing authority and if in addition—

(i) he was under no obligation to the employing authority to travel in the vehicle but, if he had been, the injury would have been sustained in the course of, and have been attributable to, his employment, and

(ii) at the time of the injury the vehicle was being operated, otherwise than in the ordinary course of a public transport service, by or on behalf of the employing authority or by some other person by whom it was provided in pursuance of arrangements made with the authority.''.

Amendment of regulation 4 of the principal regulations

5.—(1) Regulation 4 of the principal regulations (scale of benefit) shall be amended in accordance with this regulation.

(2) In paragraph (6) (statutory benefits to be taken into account in assessing scale of certain benefits)—

(*a*) sub-paragraph (*b*)(i) shall be omitted;

(*b*) in sub-paragraph (*b*)(ii)—

(i) for ''section 12 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966'' there shall be substituted ''section 57 of the Social Security (Northern Ireland) Act 1975(**a**)'',

(ii) in (A) for ''section 13'' there shall be substituted ''section 58'' and for ''so, however,'' to the end of the sub-paragraph there shall be substituted ''excluding any increase in that supplement under section 59 of that Act,'',

(iii) in (B) for ''section 14'' there shall be substituted ''section 60'',

(iv) in (C) for ''section 17 or 18'' there shall be substituted ''section 64 or 66'', and

(v) in (D) ''and dependants'' shall be omitted and for ''section 16, 17 or 18'' there shall be substituted ''section 62'';

(*c*) for sub-paragraph (*b*)(iii) there shall be substituted the following—

''(iii) any sickness benefit payable under section 14 of the Social Security (Northern Ireland) Act 1975 (including benefit payable by reason of section 50A of that Act(**b**)) in respect of the injury or disease together with any increase therein payable under sections 41 to 48 of that Act (dependants),

(iv) any invalidity pension payable under section 15 of the Social Security (Northern Ireland) Act 1975 in respect of the injury or disease together with any increase in that pension payable under sections 41 to 48 of that Act (dependants),

(v) any severe disablement allowance payable under section 36 of the Social Security (Northern Ireland) Act 1975(**c**) in respect of the injury

(**a**) 1975 c. 15

(**b**) Section 50A was added by Article 39(4) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))

(**c**) Section 36 was substituted by Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1157 (N.I. 7))