1976 No. 42

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976

Made . . . . . 10*th February* 1976
Coming into operation . . . 22*nd March* 1976

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1 Citation, commencement and interpretation

PART II

PRINCIPLES OF ASSESSMENT

2 Further definition of the principles of assessment of disablement and prescribed degrees of disablement

PART III

INJURY AND DISABLEMENT BENEFIT

3 Injury benefit payable to persons who have not attained school-leaving age
4 Day not treated as day of incapacity for work
5 Application of regulation 4 to prescribed disease cases
6 Amount of disablement gratuities
7 Weekly value of gratuity for purposes of reduction of increase of disablement benefit during hospital treatment
8 Earnings level for the purposes of unemployability supplement under section 58

PART IV

INCREASE OF INJURY AND DISABLEMENT BENEFIT

9 Circumstances in which, for the purposes of section 60, a beneficiary may be treated as being incapable of following an occupation or employment notwithstanding that he has worked thereat
10 Payments in respect of special hardship where beneficiary is entitled to a gratuity
11 Increase of disablement pension for constant attendance
12 Determination of degree of disablement for constant attendance allowance

13 Condition for receipt of increase of disablement pension for constant attendance under section 61 while receiving medical treatment as an in-patient
14 Treatment of distinct periods of hospital in-patient treatment as continuous for the purposes of section 62

PART V

INDUSTRIAL DEATH BENEFIT

15 Widow's pension
16 Additional entitlement to higher permanent rate of widow's pension under section 67
17 Widows to be treated as entitled to a pension for the purposes of right to a remarriage gratuity
18 Death benefit for relatives
19 Death benefit under section 72 for a posthumous son or daughter
20 Calculation of the amount of parent's or relative's gratuity
21 Application of limits imposed on death gratuities by Schedule 9 to the Act
22 Death within prescribed period
23 Priority of title to allowance or allowances under section 70

PART VI

GENERAL DEPENDENCY PROVISIONS

24 Increase of benefit in respect of wife and computation of earnings
25 Increase of benefit for adult dependant and further conditions applicable
26 Increase of benefit for female person having care of child
27 Contribution to maintenance of adult dependant
28 Children treated as included in family for increase of certain benefits
29 Contribution towards cost of providing for child
30 Deeming contributions for the maintenance of children or adult dependants of the amount of benefit under the Act abated under section 17(1A) of the Supplementary Benefits &c. Act (Northern Ireland)
31 Allocation of contributions for wife or children
32 Provisions as to maintenance for the purposes of increase of benefit in respect of dependants
33 Provisions as to maintenance for purposes of death benefit

PART VII

ADJUSTMENT OF BENEFIT FOR SUCCESSIVE ACCIDENTS

34 Adjustment of benefit for successive accidents where a disablement gratuity is payable
35 Adjustment of increase of benefit in respect of successive accidents

PART VIII

DISQUALIFICATION, SUSPENSION AND REPAYMENT

36 Exception from disqualification under section 82(5)
37 Exception from disqualification for imprisonment, etc.
38 Suspension of payment of benefit
39 Suspension of payment of benefit pending appeals or references
40 Disqualification for receipt of benefit, suspension of proceedings on claims and suspension of payment of benefit
41 Repayment of overpaid benefit
42 Deduction of benefit required to be repaid

PART IX

PAYMENTS UNDER THE ACT TO CERTAIN PERSONS WHO CONTRACTED DISEASES OR WERE INJURED BEFORE 5TH JULY 1948

43 Payments by way of unemployability supplement and increases for children and adult dependants for persons entitled to workmen's compensation
44 Payments in respect of the need of constant attendance and in respect of exceptionally severe disablement for persons entitled to workmen's compensation
45 Application of the provisions of the Act and regulations

PART X

MISCELLANEOUS PROVISIONS

46 Conditions relating to payment of additional benefit under awards made before the day appointed for an increase of benefit under any Act or Measure amending the Act or under any up-rating order
47 Revocation and transitional provisions

SCHEDULES

SCHEDULE 1—Powers exercised in making these regulations

SCHEDULE 2—Prescribed degrees of disablement

SCHEDULE 3—Scale of disablement gratuities

SCHEDULE 4—Rate of disablement pension payable in lieu of disablement gratuity in accordance with regulation 10

SCHEDULE 5—Prescribed relationships

SCHEDULE 6—Maximum amounts of gratuities payable by way of death benefit to parents or relatives who were not wholly maintained by the deceased

SCHEDULE 7—Provisions applying the limits imposed by Schedule 9 to the Act on the amount payable by way of death gratuities

SCHEDULE 8—Order of priority of title to allowances under section 70

SCHEDULE 9—Regulations revoked

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by the provisions set out in Schedule 1 to these regulations and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976, and shall come into operation on 22nd March 1976.

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

"the Act" means the Social Security (Northern Ireland) Act 1975(**a**);

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts (Northern Ireland) 1927 to 1943(**b**), or the enactments repealed by the Workmen's Compensation Act (Northern Ireland) 1927(**c**) or the enactments repealed by the Workmen's Compensation Act 1906(**d**);

"determining authority" means, as the case may require, an insurance officer appointed under section 97(1), a local tribunal constituted under section 97(2), or the Chief National Insurance Commissioner appointed under section 97(3) or any other National Insurance Commissioner so appointed, or any Tribunal of Commissioners constituted under section 116(1);

"the standard rate of increase" means the amount specified in Part V of Schedule 4 to the Act as the amount of an increase of the benefit in question for an adult dependant,

and other expressions have the same meanings as in the Act.

(3) Unless the context otherwise requires, any reference in these regulations—

(*a*) to a numbered section is to the section of the Act bearing that number;

(*b*) to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(*c*) to any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by an enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**e**) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

(a) 1975 c. 15
(b) 1927 c. 16 (N.I.); 1931 c. 16 (N.I.); 1940 c. 18 (N.I.); 1941 c. 16 (N.I.); 1943 c. 6 (N.I.); 1943 c. 13 (N.I.)
(c) 1927 c. 16 (N.I.)
(d) 1906 c. 58
(e) 1889 c. 63

PART II

PRINCIPLES OF ASSESSMENT

Further definition of the principles of assessment of disablement and prescribed degrees of disablement

2.—(1) Schedule 8 to the Act (general principles relating to the assessment of the extent of disablement) shall have effect subject to the provisions of this regulation.

(2) Where the extent of disablement is being assessed for the purposes of section 57, any disabilities which, though resulting from the relevant loss of faculty, also result, or without the relevant accident might have been expected to result, from a cause other than the relevant accident (hereafter in this regulation referred to as "the other effective cause") shall only be taken into account subject to and in accordance with the following provisions of this regulation.

(3) Any assessment of the extent of disablement made by reference to any disability to which paragraph (2) applies, in a case where the other effective cause is a congenital defect or is an injury or disease received or contracted before the relevant accident, shall take account of all such disablement except to the extent to which the claimant would have been subject thereto during the period taken into account by the assessment if the relevant accident had not occurred.

(4) Any assessment of the extent of disablement made by reference to any disability to which paragraph (2) applies, in a case where the other effective cause is an injury or disease received or contracted after and not directly attributable to the relevant accident, shall take account of all such disablement to the extent to which the claimant would have been subject thereto during the period taken into account by the assessment if that other effective cause had not arisen and where, in any such case, the extent of disablement would be assessed at not less than 11 per cent. if that other effective cause had not arisen, the assessment shall also take account of any disablement to which the claimant may be subject as a result of that other effective cause except to the extent to which he would have been subject thereto if the relevant accident had not occurred.

(5) Any disablement to the extent to which the claimant is subject thereto as a result both of an accident and a disease or 2 or more accidents or diseases (as the case may be), being accidents arising out of and in the course of, or diseases due to the nature of, employed earner's employment, shall only be taken into account in assessing the extent of disablement resulting from one such accident or disease being the one which occurred or developed last in point of time.

(6) Where the sole injury which a claimant suffers as a result of the relevant accident is one specified in column (1) of Schedule 2 to these regulations, whether or not such injury incorporates one or more other injuries so specified, the loss of faculty suffered by the claimant as a result of that injury shall be treated for the purposes of section 57 and of Schedule 8 to the Act as resulting in the degree of disablement set against such injury in column (2) of the said Schedule 2 subject to such increase or reduction of that degree of disablement as may be reasonable in the circumstances of the case where, having regard to the provisions of the said Schedule 8 and to paragraphs (1) to (5), that degree of disablement does not provide a reasonable assessment of the extent of disablement resulting from the relevant loss of faculty: