1975 No. 97

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Benefit) (Amendment No. 2) Regulations (Northern Ireland) 1975

Made . . . . . *4th April* 1975

Coming into operation . . . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by sections 58(3), 64(4), 66(1) and (3), 68(2), 84(1) and 119(3) of, and paragraph 1(*d*) of Schedule 9 to, the Social Security (Northern Ireland) Act 1975(**a**) and paragraph 4(1) of Part II of Schedule 5 to the Social Security Benefits Act 1975(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, interpretation and commencement

1.—(1) These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) (Amendment No. 2) Regulations (Northern Ireland) 1975, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(**c**) (hereinafter referred to as "the principal regulations"), as amended(**d**), and shall come into operation on 6th April 1975.

(2) 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.

Amendment of regulation 1 *of the principal regulations*

2. In regulation 1(2) of the principal regulations (interpretation) after the definition of the term "determining authority" there shall be inserted the following definitions:

" "the standard rate of increase" means the amount specified in Part V of Schedule 4 to the Social Security (Northern Ireland) Act 1975 as the amount of an increase of the benefit in question for an adult dependant;

"the Act of 1975" means the Social Security (Northern Ireland) Act 1975.".

Amendment of regulation 9 *of the principal regulations*

3. In regulation 9(1) of the principal regulations (increase of benefit in respect of a wife, and computation of earnings) for "the increase set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the Act" there shall be substituted "the standard rate of increase".

(**a**) 1975 c. 15 (**b**) 1975 c. 11
(**c**) S.R. & O. (N.I.) 1969 No. 8 (p. 38)
(**d**) The relevant amending regulations are S.R. & O. (N.I.) 1971 Nos. 191 (p. 974) and 263 (p. 1275); 1972 Nos. 110 (p. 412) and 194 (p. 1069) and 1973 Nos. 356 (II, p. 2004) and 394 (II, p. 2258)
(**e**) 1889 c. 63

Amendment of regulation 10 *of the principal regulations*

4. In regulation 10(2)(*a*) of the principal regulations (increase of benefit for dependent relatives and further conditions applicable) for "the increase set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the Act" there shall be substituted "the standard rate of increase".

Amendment of regulation 11 *of the principal regulations*

5.—(1) For regulation 11(1) of the principal regulations (increase of benefit for female person having care of child) there shall be substituted the following paragraph:

"(1) A beneficiary shall not be entitled to an increase of benefit under section 66 of the Act of 1975 in respect of any such female person unless—

(*a*) either—

(i) she is residing with the beneficiary; or

(ii) 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 of the standard rate of increase and she was, before he became incapable of work, 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 paragraph 11 of Part V of Schedule 4 to the Act of 1975 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; or

(iii) the beneficiary is contributing to her maintenance at a weekly rate of not less than the amount of the standard rate of increase; and

(*b*) she is not undergoing imprisonment or detention in legal custody; and

(*c*) she is not absent from Northern Ireland, except for a period during which she is residing with the beneficiary outside Northern Ireland and for which, by virtue of the provisions of any regulations made under section 82(5) of the Act of 1975, the beneficiary is not disqualified for receiving that benefit.".

(2) In regulation 11(2) for "the increase set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the Act" there shall be substituted "the standard rate of increase".

(3) In regulation 11(2A) for "£13·00" substitute "£20·00".

Amendment of regulation 12 *of the principal regulations*

6. For regulation 12 of the principal regulations (contribution to maintenance of adult dependant) there shall be substituted the following regulation:

"Contribution to maintenance of adult dependant

12.—(1) Subject to paragraph (2) of this regulation, for the purposes of section 66(1)(*a*) of the Act of 1975 (increase of benefit in respect of a wife) or of regulation 11(1)(*a*)(iii) of these regulations (increase of benefit for female person having care of child), a beneficiary shall not be deemed to satisfy the requirements contained in the said section or the said regulation that he is contributing to the maintenance of the wife or

female person, as the case may be, at a weekly rate of not less than the standard rate of increase unless when in employment before he became incapable of work (except in a case where the dependency did not arise until later) he contributed to her maintenance at a weekly rate of not less than the standard rate of increase.

(2) Where, within one month of having been entitled to an increase of injury benefit under that section or under section 66(1)(*d*) of the Act of 1975 by virtue of having satisfied the requirements in the said regulation 11(1)(*a*)(iii) (but no other requirement of regulation 11(1) of these regulations) a person becomes entitled to unemployability supplement, he shall be deemed to satisfy the condition in paragraph (1) of this regulation in respect of an increase of unemployability supplement if he satisfies it in relation to an increase of injury benefit; and in this paragraph "entitled" includes deemed to have been entitled.".

Amendment of regulation 13 *of the principal regulations*

7. In regulation 13 of the principal regulations (children treated as included in family for increase of certain benefits) for "paragraph 7(*c*)" there shall be substituted "paragraph 7(*b*)", and the words "after the second" shall be deleted.

Amendment of regulation 14 *of the principal regulations*

8. In regulation 14 of the principal regulations (contribution towards cost of providing for child) for "payment of an increase of any amount under section 17 or 21 of the Act" there shall be substituted "payment of an increase or allowance of any amount under section 64 or 70 of the Act of 1975".

Additional regulation relating to widow's pension

9. After regulation 19 of the principal regulations there shall be inserted the following regulation:

"*Additional entitlement to higher permanent rate of widow's pension under section* 67 *of the Act of* 1975

19A. A widow shall be treated as entitled to an allowance in respect of a child, for the purposes of section 68 of the Act of 1975 for any period during which the widow has residing with her a person who, though not such a child of her family as would entitle her to a payment under section 70 of the Act of 1975, is under the age of 19 years and at the deceased's death was, or would, but for the fact that at the deceased's death that person had attained school-leaving age or was not in Northern Ireland, have been a child of the deceased's family for the purposes of the said section 70, and, where at the expiration of such a period as aforesaid the widow has attained the age of 40 years, for any period thereafter.".

Amendment of regulation 26 *of the principal regulations*

10. In regulation 26 (priority of title to allowance or allowances under section 21 of the Act) the following shall be deleted:

(*a*) the word "or" in paragraph (*b*);

(*b*) the whole of paragraph (*c*); and

(*c*) the words "or the allowance at the rate applicable to a second child".