1975 No. 28

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations (Northern Ireland) 1975

Made . . . . . 18*th February* 1975

Coming into operation . . . 5*th March* 1975

The Department of Health and Social Services, in exercise of the powers conferred on it by sections 12(4), 14(7), 15(1), 16, 31(1), 73(2) of, and paragraph 2 of Schedule 4 to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a), and paragraphs 3 and 4 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(b) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment 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") and shall come into operation on 5th March 1975.

Amendment of regulation 3 *of the principal regulations*

2. For regulation 3 of the principal regulations (amount of disablement gratuities) there shall be substituted the following regulation:

"*Amount of disablement gratuities*

3. Where the extent of a claimant's disablement is assessed at any of the degrees of disablement severally specified in column (1) of Schedule 3 to these regulations, the amount of any disablement gratuity payable shall—

(*a*) if the period taken into account by that assessment is limited by reference to the claimant's life or is not less than 7 years, be the amount calculated as the percentage of the maximum disablement gratuity (specified in paragraph 2 of Schedule 3 to the Act) which is shown in column (2) of Schedule 3 to these regulations as being appropriate to that degree of disablement;

(*b*) in any other case, be the amount calculated as such a percentage of the maximum disablement gratuity as bears the same proportion to the percentage shown in column (2) of Schedule 3 to these regulations as being appropriate to that degree of disablement as the period taken into account by the assessment bears to a period of 7 years, a fraction of 5 pence being, for this purpose, treated as 5 pence:

(a) 1966 c. 9 (N.I.)
(b) 1969 c. 19 (N.I.)
(c) S.R. & O. (N.I.) 1969 No. 8 (p. 38), as amended by S.R. & O. (N.I.) 1970 No. 273 (p. 1335).

Provided that, whenever such maximum disablement gratuity is increased by virtue of an amendment to the Act, corresponding increases of gratuity payable under this regulation 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 the date of coming into operation of the enactment increasing the amount of the maximum disablement gratuity.".

Amendment of regulation 4 *of the principal regulations*

3. Regulation 4 of the principal regulations (injury benefit payable to persons of school age) shall be amended by substituting for paragraph (2) of that regulation the following paragraph:

"(2) The weekly rate of injury benefit in the case of any such person (hereafter in this regulation referred to as "the beneficiary") shall be—

(*a*) the amount specified in paragraph 1(*b*) of Schedule 3 to the Act where the relevant employment was, or (if more than one) the relevant employments amounted in the aggregate to, full-time employment or substantially full-time employment;

(*b*) the amount specified in paragraph 7(*a*) of Schedule 3 to the Act in any other case;

and such injury benefit shall not be payable otherwise than to a parent or guardian of the beneficiary or person appointed by the Department to receive the benefit on behalf of the beneficiary.".

Amendment of regulation 6(2) *of the principal regulations*

4. Regulation 6(2) of the principal regulations (payments in respect of special hardship where the beneficiary is entitled to a gratuity) shall be amended by the addition of the following proviso:

"Provided that, notwithstanding the proviso to regulation 3, whenever the weekly rate of such pension is increased by virtue of an amendment to the Act, such increase shall have effect as from the date on which the enactment increasing the amount of the disablement pension specified in paragraph 3 of Schedule 3 to the Act comes into force, whether the period taken into account by the assessment began before or after that date.".

Amendment of regulation 7 *of the principal regulations*

5.—(1) In regulation 7(*a*) of the principal regulations (increase of disablement pension for constant attendance) for "£6·60" there shall be substituted the words "the amount specified in paragraph 6(*a*) of Schedule 3 to the Act" and for "£9·90" there shall be substituted the words "one and a half times the amount specified in paragraph 6(*a*) to the said Schedule, a fraction of 5 pence being, for this purpose, treated as 5 pence.".

(2) In regulation 7(*b*) of the principal regulations for "£13·20" there shall be substituted the words "the amount specified in paragraph 6(*b*) of Schedule 3 to the Act.".

Amendment of regulation 31 *of the principal regulations*

6. In regulation 31(2)(*e*) of the principal regulations (increase of disablement pension in respect of special hardship allowance during temporary absence from Northern Ireland) for paragraph (iii) of the proviso thereto there shall be substituted the following paragraph:

"(iii) that the period taken into account by the award of such increase to that person either includes the day of commencement of such absence or follows a period so taken into account which includes that day without there being a break in entitlement by that person to such increase from that day.".

Amendment of the principal regulations

7. After regulation 35A of the principal regulations there shall be inserted the following regulation:

"*Conditions relating to payment of additional benefit under awards made before the day appointed for an increase of benefit under any Act amending the Act*

35B. Where an award of any benefit under the Act has been made before the day appointed for the payment of benefit of the description to which the award relates at a higher rate by virtue of a statutory provision which increases benefit payable under the Act, sub-paragraph (1) of paragraph 3 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969 (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 authorise the making of such an award providing for the payment of the benefit at the higher 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 statutory provision which so increases benefit, or

(*b*) whether the conditions for the receipt of the benefit at the higher 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 Act.".

Amendment of Schedule 2 to the principal regulations and transitional provision

8.—(1) In paragraphs 8, 9, 10, 23, 24, 25, 26 and 27 of Schedule 2 to the principal regulations (prescribed degrees of disablement — amputation cases upper and lower limbs) wherever the measurement of length specified in column (1) of the Table hereunder appears there shall be substituted therefore the measurement of length shown opposite it in column (2) of the said Table.

TABLE

Imperial measurement (1)	*Metric measurement* (2)
3½ inches	9 centimetres
4½ inches	11·5 centimetres
5 inches	13 centimetres
8 inches	20·5 centimetres