1974. No. 165 [C]

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 10TH JULY 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1966 TO 1971.

The Department of Health and Social Services, in exercise of powers conferred by sections 12(4), 14(7), 15(1), 16, 18(3) and (3B)(**a**) and 73(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**b**), and paragraphs 3 and 4 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(**c**), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 80(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1974 and shall come into operation on 24th July 1974.

(2) In these regulations—

"the principal Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966;

"the Measure of 1974" means the National Insurance Measure (Northern Ireland) 1974(**d**);

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(**e**).

Increase in rates and amounts of benefit payable under regulations

2.—(1) The rates and amounts of benefit of the several descriptions specified in the Schedule shall be increased as from the dates respectively specified in paragraph (2) 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 25th July 1974, and in so far as they relate to any other benefit as from 24th July 1974:

Provided that the increased amount of a disablement gratuity shall be payable only where the period taken into account by the assessment of the

(**a**) See Article 8(3) of S.R. & O.(N.I.) 1971, No. 224.
(**b**) 1966. c. 9 (N.I.).
(**c**) 1969. c. 19 (N.I.).
(**d**) 1974. c. 4 (N.I.).
(**e**) S.R. & O. (N.I.) 1969, No. 8.

extent of disablement in respect of which the gratuity is awarded begins on or after 24th July 1974, but nevertheless the amendment made by this regulation to Schedule 4 to 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 24th July 1974, whether the period taken into account by the assessment began before or after that date.

(3) As from 7th April 1975, there shall be a further increase to £8·60 in the weekly rate of injury benefit in respect of persons under the upper limit of compulsory school age where the employment or employments amounted to full-time or substantially full-time employment.

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 Measure of 1974 or of these regulations, paragraph 3(1) of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 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 paragraph 3(2) of that Schedule (which 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 Measure of 1974 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.

Amendment to the Benefit Regulations

4. In regulation 11(2A) of the Benefit Regulations (reduction of increase of unemployability supplement on account of earnings of female person residing with the beneficiary) for the word "£9·50" there shall be substituted the word "£13" and for the word "£2" wherever it occurs there shall be substituted the word "£4".

Given under the Official Seal of the Department of Health and Social Services for Northern Ireland this 10th day of July 1974.

(L.S.) *W. Bell,*
Assistant Secretary.