1973. No. 394 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1966 TO 1973.

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12(4), 14(7), 15(1), 18, 34(1) and 73(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a), and the Ministry of Health and Social Services on behalf of the Secretary of State, in exercise of powers conferred by sections 16, 34(1) and 53(4) of that Act and paragraphs 3 and 4 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(b), and of all other powers enabling them in that behalf, hereby make 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) 1973 and shall come into operation on 3rd October 1973.

(2) In these regulations—

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

"the Act of 1973" means the National Insurance and Supplementary Benefit Act 1973(c);

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

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 4th October 1973, and in so far as they relate to any other benefit as from 3rd October 1973.

(a) 1966. c. 9 (N.I.).
(b) 1969. c. 19 (N.I.).
(c) 1973. c. 42.
(d) S.R. & O. (N.I.) 1969, No. 8.

Provided that the increased amount of a disablement gratuity 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 3rd October 1973, 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 3rd October 1973, whether the period taken into account by the assessment began before or after that date.

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 Act of 1973 or of these regulations, paragraph 3(1) 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 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 Act of 1973 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.

Amendments to the Benefit Regulations

4.—(1) In regulation 7(*a*) of the Benefit Regulations (increase of disablement pension for constant attendance) the word "lesser" shall be omitted.

(2) In regulation 9(1) of the Benefit Regulations (increase of benefit in respect of a wife) for the words "specified in the said section 18." there shall be substituted the words "set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the Act.".

(3) In regulation 10(2)(*a*) of the Benefit Regulations (increase of benefit for dependent relatives for the words "specified in the said section 18." there shall be substituted the words "set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the Act.".

(4) In regulation 11(1) of the Benefit Regulations (increase of benefit for female person having care of child) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph:

"(*b*) 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 set out in paragraph 8 or 8A, whichever is appropriate, of Schedule 3 to the Act and she was, before the date