1971. No. 288 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Hospital In-Patients

REGULATIONS, DATED 1ST SEPTEMBER 1971, 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 1971.

The Industrial Injuries Joint Authority, in exercise of powers conferred by section 33(2)(*a*) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**a**), and the Ministry of Health and Social Services, in exercise of powers conferred by section 30A(**b**) of that Act, 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 said Act:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Hospital In-Patients) Regulations (Northern Ireland) 1971 and shall come into operation on 20th September 1971.

(2) In these regulations—

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

"the National Insurance Act" means the National Insurance Act (Northern Ireland) 1966(**c**);

"the In-Patients Regulations" means the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961(**d**);

"beneficiary" means, in relation to any benefit, the person to whom that benefit is or, but for the provisions of these regulations, would be payable;

"personal benefit" means that benefit which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

"dependency benefit" means that benefit which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant;

"prescribed accommodation" has the same meaning as in the In-Patients Regulations.

(3) For the purposes of these regulations a person shall be regarded as receiving or having received free in-patient treatment for any period during which he would be so regarded by virtue of regulation 1(3) of the In-Patients Regulations.

(a) 1966. c. 9 (N.I.).
(b) Added by Art. 10(1) of S.R. & O. (N.I.) 1971, No. 224.
(c) 1966. c. 6 (N.I.).
(d) S.R. & O. (N.I.) 1961, No. 179.

PART II

ADJUSTMENT OF BENEFIT

2. The provisions of this Part shall have effect subject to the provisions of Part III and Part IV.

Personal benefit

3.—(1) The provisions of regulations 3, 4 and 5 (save regulation 5(4)(*c*)) of the In-Patients Regulations (adjustment of personal benefit) shall apply to personal benefit by way of injury benefit, unemployability supplement, widow's pension under section 19(2)(*a*) of the Act and widower's pension under section 20 of the Act as if the reference to personal benefit under the National Insurance Act specified in those regulations included a reference to the personal benefit specified in this regulation, and in particular as if the reference in regulation 5(4)(*d*)(**e**) of those regulations to sickness benefit, invalidity benefit or a retirement pension included a reference to unemployability supplement under the Act.

(2) Where a person to whom personal benefit under the Act and personal benefit under the National Insurance Act, adjusted in accordance with the provisions of regulation 2 of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961(**f**) by reference to the personal benefit payable under the Act, are both payable for the same period then the following provisions shall apply:

(*a*) any reduction of personal benefit under these regulations shall be limited to the difference (if any) between any reduction made under the In-Patients Regulations and the amount or rate of the appropriate reduction specified in the In-Patients Regulations;

(*b*) in cases to which this paragraph applies, regulations 3(3) and 5(1) of the In-Patients Regulations shall have effect as if the rate of personal benefit there specified were the aggregate of the rates of personal benefit under the Act and the National Insurance Act.

Dependency benefit

4. The provisions in regulation 6 of the In-Patients Regulations (adjustment of dependency benefit) shall apply to dependency benefit under the Act as if any reference to dependency benefit under the National Insurance Act included a reference to dependency benefit under the Act, as if regulation 6(7)(*b*) were omitted and as if for the words "the Overlapping Benefits Regulations" there were substituted the words "Part VII of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(**g**)".

PART III

SUPPLEMENTARY PROVISIONS

5.—(1) Subject to paragraph (3), regulation 7 (adjustment or further adjustment, of benefit in certain cases), the provisions of regulation 8 (benefit payable on discharge from a hospital or similar institution), regulation 10 (persons constituting "dependants") and regulation 11 (two increases of the same benefit to be treated as separate benefits) of the In-Patients Regulations shall apply to benefit under the Act as if the reference to benefit in regulations 8 and 10 included a reference to benefit under the Act, the reference to dependency benefit in regulations 7, 10 and 11 included a reference to dependency benefit under the Act, and the reference to the personal benefits specified

(**e**) See reg. 8(4) of S.R. & O. (N.I.) 1971, No. 287.
(**f**) S.R. & O. (N.I.) 1961, No. 180.
(**g**) S.R. & O. (N.I.) 1969, No. 8.