1971. No. 263 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 16TH AUGUST 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 sections 12(4), 14(7), 15(1), 18(1)(*d*), (3) and (3B)(**a**), 19(4), 30, 33(2), 73(2) and 76(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**b**), and the Ministry of Health and Social Services, in exercise of powers conferred by sections 16 and 30A(**c**) of that Act, paragraphs 3 and 4 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(**d**) and paragraph 12 of Schedule 5 to the Social Services (Parity) Order (Northern Ireland) 1971(**e**), 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) 1971 and shall come into operation in the case of regulation 4(7) on 8th December 1971 and in the case of the remainder of the regulations on 20th September 1971.

(2) In these regulations—

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

"the Order of 1971" means the Social Services (Parity) Order (Northern Ireland) 1971;

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(**f**);

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1969(**g**).

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

---

(**a**) See Article 8(3) of S.R. & O. (N.I.) 1971, No. 224.
(**b**) 1966. c. 9 (N.I.).
(**c**) See Article 10(1) of S.R. & O. (N.I.) 1971, No. 224.
(**d**) 1969. c. 19 (N.I.).
(**e**) S.R. & O. (N.I.) 1971, No. 224.
(**f**) S.R. & O. (N.I.) 1969, No. 8 and S.R. & O. (N.I.) 1970, No. 15.
(**g**) S.R. & O. (N.I.) 1969, No. 7.

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 23rd September 1971, in so far as they relate to widow's pension as from 20th September 1971, and in so far as they relate to any other benefit as from 22nd September 1971:

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 22nd September 1971, 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 22nd September 1971, whether the period taken into account by the assessment began before or after that date.

Condition relating to payment of additional benefit under awards made before the appointed or prescribed day

3. Where an award of any benefit under the 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 Order of 1971 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 sub-paragraph (2) of that paragraph (which sub-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 Order of 1971 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 Act.

Amendments to the Benefit Regulations

4.—(1) In regulation 9(1) of the Benefit Regulations (increase of benefit in respect of a wife, and computation of earnings) after the word "beneficiary" there shall be inserted the words "(not being a beneficiary who is entitled to an unemployability supplement and is residing with his wife)".

(2) In the said regulation 9, after paragraph (1) there shall be inserted the following paragraph:

"(1A) For the purpose of section 18(3A)(**h**) of the Act (beneficiary

(**h**) See Article 8(3) of S.R. & O. (N.I.) 1971, No. 224.

entitled to unemployability supplement and residing with his wife) the earnings of the wife of a beneficiary shall be calculated or estimated in accordance with the provisions of the said National Insurance (Computation of Earnings) Regulations (Northern Ireland) as if the manner and basis of the calculation or estimate were for the purposes of the National Insurance Act and of any regulations made thereunder."

(3) In regulation 10(2)(*a*) of the Benefit Regulations (earnings condition for increase of benefit for dependent relatives) after the words "(calculated or estimated in such manner and on such basis as is prescribed by" there shall be inserted the words "paragraphs (1) and (2) of".

(4) In regulation 11(2) of the Benefit Regulations (earnings condition for increase of benefit for female person having care of child) immediately before the beginning thereof there shall be inserted the words "Subject to paragraph (2A)," and for the words "(calculated or estimated in such manner and on such basis as is prescribed as aforesaid for the purposes of the said section 18)" there shall be substituted the words "(calculated or estimated in such manner and on such basis as is prescribed by regulation 9(1) and (2) for the purposes of the said section 18 in relation to the earnings of a wife)".

(5) In the said regulation 11, after paragraph (2) there shall be inserted the following paragraphs:

"(2A) Where a beneficiary is entitled to unemployability supplement and any such female person is residing with him and the earnings of such female person (other than her earnings from any employment by the beneficiary in caring for a child or children of the beneficiary's family) for the calendar week ending last before any week for which he is entitled to benefit under the said section 18 in respect of such female person exceeded £9·50, the weekly rate of benefit under the said section 18 shall for the last-mentioned week be reduced—

(*a*) where the excess is less than £2·00, by 5 new pence for each complete 10 new pence of the excess, and

(*b*) where the excess is not less than £2·00, by 5 new pence for each complete 10 new pence of the excess up to £2·00 and by 5 new pence for each complete 5 new pence of any further excess.

(2B) For the purpose of paragraph (2A), the weekly earnings of a female person who is residing with a beneficiary entitled to unemployability supplement shall be calculated or estimated in such manner and on such basis as is prescribed by regulation 9(1A) and (2) for the purposes of the said section 18 in relation to the earnings of a wife."

(6) In regulation 19(*b*) of the Benefit Regulations (higher rate of pension payable to widows during a limited period following death of husband) for the sum of "£1·50" there shall be substituted the sum of "£1·80".

(7) For regulation 27 of the Benefit Regulations (provisions relating to medical treatment as an in-patient) there shall be substituted the following regulations:

"Condition for receipt of increase of disablement pension for constant attendance under section 15 of the Act while receiving medical treatment as an in-patient

27.—(1) For the purposes of section 15 of the Act (increase of disablement pension in respect of the need of constant attendance), subject

to paragraph (2) it shall be a condition for the receipt of an increase of disablement pension under the said section 15 for any period in respect of any person that during that period he is not receiving, or has not received, free in-patient treatment, and for this purpose a person shall be regarded as receiving or having received free in-patient treatment if he would be so regarded for the purposes of the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961(i).

(2) Where a person was entitled to an increase of disablement pension under the said section 15 in respect of the period immediately before he commenced to undergo any treatment mentioned in paragraph (1), that paragraph shall not apply in respect of the first 4 weeks of any continuous period during which he is undergoing such treatment.

(3) For the purpose of paragraph (2), 2 or more distinct periods separated by an interval not exceeding 28 days, or by 2 or more such intervals, shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the later or last such period.

Treatment of distinct periods of hospital in-patient treatment as continuous for the purposes of section 16 of the Act

27A. For the purposes of section 16 of the Act (increase of disablement benefit during hospital treatment) a person who receives medical treatment as an in-patient for 2 or more distinct periods separated by an interval of less than a week in each case shall be treated as receiving such treatment continuously from the beginning of the first period until the end of the last."

(8) In regulation 39(2)(*b*) of the Benefit Regulations (adjustment of dependency benefit under the Act where personal benefit is payable) for the words "(not being maternity grant or death grant)" there shall be substituted the words "(not being maternity grant, death grant or age addition)".

(9) In regulation 42 of the Benefit Regulations (payments by way of unemployability supplement etc. to persons entitled to workmen's compensation) after paragraph (2) there shall be added the following paragraph:

"(3) For the purposes of this regulation, the meaning in section 13A(2)(j) of the Act (increase of unemployability supplement by reference to beneficiary's age on qualifying date) of "the qualifying date" shall, subject to the provisions of subsections (3), (4) and (5) of that section, be the beginning of the first week for which the said person qualified for a payment by way of unemployability supplement under this regulation."

Amendment to the Claims and Payments Regulations

5. After regulation 24 of the Claims and Payments Regulations there shall be inserted the following regulation:

"Payment of benefit to third party

24A. For any period during which benefit is payable to a beneficiary

(i) S.R. & O. (N.I.) 1961, No. 179.
(j) See Article 9 of S.R. & O. (N.I.) 1971, No. 224.