1968. No. 94 **[C]**

FAMILY ALLOWANCES, NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Consequential

REGULATIONS, DATED 4TH APRIL 1968, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE FAMILY ALLOWANCES ACTS (NORTHERN IRELAND) 1966 AND 1968, THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1968 AND THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1966 TO 1968.

The National Insurance Joint Authority and the Industrial Injuries Joint Authority in exercise of powers respectively conferred by the provisions set out in columns (1) and (2) of the Schedule, and the Ministry of Health and Social Services, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by the provisions set out in column (3) of the Schedule, and of all other powers enabling them in that behalf, hereby make the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Allowances, National Insurance and Industrial Injuries (Consequential) Regulations (Northern Ireland) 1968 and shall come into operation on 8th April 1968.

(2) In these regulations—

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

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

"the 1968 Act" means the Family Allowances and National Insurance Act (Northern Ireland) 1968(**c**);

"family allowance" means an allowance payable under the Family Allowances Act (Northern Ireland) 1966(**d**);

"the General Benefit Regulations" means the National Insurance (General Benefit) Regulations (Northern Ireland) 1948(**e**);

"the Widow's Benefit and Retirement Pensions Regulations" means the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1948(**f**);

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1948(**g**);

(a) 1966, c. 6 (N.I.).
(b) 1966, c. 9 (N.I.).
(c) 1968, c. 1 (N.I.).
(d) 1966, c. 8 (N.I.).
(e) S.R. & O. (N.I.) 1948, No. 208.
(f) S.R. & O. (N.I.) 1948, No. 246.
(g) S.R. & O. (N.I.) 1948, No. 203.

and other expressions have the same meanings as in the Insurance Act, the Industrial Injuries Act or the Family Allowances Act (Northern Ireland) 1966, as the case may require.

PART II

NATIONAL INSURANCE

Amendments of the General Benefit Regulations

2.—(1) The General Benefit Regulations shall be amended in accordance with the following provisions.

(2) After regulation 5A of the General Benefit Regulations, there shall be inserted the following regulation:

"*Children treated as included in a family for increase of certain benefits*

5B. For the purposes of section 40(3) of the National Insurance Act (Northern Ireland) 1966 (treating certain children as included in a man's family for the purpose of an increase of unemployment benefit, sickness benefit or a retirement pension) the prescribed rate shall be a rate equal to the amount for the time being specified in column 5 of Schedule 3 to the said Act in relation to the benefit in question, being the amount of the increase for a third or additional qualifying child."

(3) For paragraph (2) of regulation 5C(**h**) of the General Benefit Regulations, there shall be substituted the following paragraph:

"(2) Where, for the purposes of section 39 of the National Insurance Act (Northern Ireland) 1966, a person has a family which includes children, one or more of whom is, or are, treated as included in his family only by virtue of the provisions of section 40(3) of that Act (which child or children are hereafter in this paragraph referred to as a "treated child" or "treated children"), and there is, or are, also another child or other children living with that person who is, or are, included or treated as included in his family otherwise than by virtue of the said section 40(3) (which child or children are hereafter in this paragraph referred to as the "said other child or children"), that person shall in relation to an increase of sickness benefit, unemployment benefit or retirement pension in respect of a treated child be deemed to be contributing to the cost of providing for that child for the purposes of section 41(1)(*b*) of that Act at a weekly rate not less than that required in the case of that child by that section if he contributes to the cost of providing for that child at a rate not less than the rate which would be appropriate in the circumstances of the case if the said other child or children were older than the treated child or (if there is more than one treated child) any of the treated children."

(4) Regulation 5B of the General Benefit Regulations, as inserted by paragraph (2), shall apply in relation to an increase of retirement pension with effect from 8th April 1968 and in relation to an increase of unemployment benefit or sickness benefit with effect from 10th April 1968.

Amendment of the Widow's Benefit and Retirement Pensions Regulations

3. For regulation 6(1)(**i**) of the Widow's Benefit and Retirement Pensions Regulations, there shall be substituted the following paragraph:

(**h**) See reg. 3 of S.R. & O. (N.I.) 1966, No. 118.
(**i**) See Part II of Sch. J to S.R. & O. (N.I.) 1963, No. 36 as amended by Sch. K to S.R. & O. (N.I.) 1965, No. 11.

"Priority between a man and his wife to increase of retirement pension for a child

6.—(1) Where, but for section 40(4)(*b*) of the National Insurance Act (Northern Ireland) 1966 a man and his wife would, for the same period, both be entitled to an increase under section 39(1) of that Act in respect of the same child or, in respect of different children, to such an increase at the rate applicable to an only, elder or eldest child, or to such an increase at the rate applicable to a second child, the following provisions shall apply:

(*a*) if and so long as the man and his wife are living together, the man shall, and his wife shall not, be entitled to the increase, or, as the case may be, to the increase at the rate applicable to an only, elder or eldest child or the increase at the rate applicable to a second child;

(*b*) if and so long as they are not living together such one of them shall, and such other of them shall not, be entitled to the increase or, as the case may be, to the increase at the rate applicable to an only, elder or eldest child or the increase at the rate applicable to a second child, as the Ministry may in its discretion from time to time determine."

PART III

INDUSTRIAL INJURIES

Amendments of the Benefit Regulations

4.—(1) The Benefit Regulations shall be amended in accordance with the following provisions:

(2) In regulation 4(2)(*b*) of the Benefit Regulations (injury benefit rates for children of school age), for the figure £1 5s. there shall be substituted the figure £1 8s.

(3) After regulation 9A of the Benefit Regulations there shall be inserted the following regulation:

"Children treated as included in family for increase of certain benefits

9B. For the purposes of section 17(3) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 (treating certain children as included in a man's family for the purpose of an increase of injury benefit or disablement pension) the prescribed rate shall be a rate equal to the amount for the time being specified in paragraph 7(*c*) of Schedule 3 to the said Act, being the amount of the increase for an additional child of the beneficiary's family after the second."

(4) For paragraph (2) of regulation 9C(j) of the Benefit Regulations (contribution towards cost of providing for child) there shall be substituted the following paragraph:

"(2) Where for the purposes of section 17(1) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, a person has a family which includes children, one or more of whom is, or are, treated as included in his family only by virtue of the provisions of section 17(3) of that Act (which child or children are hereafter in this paragraph referred to as a "treated child" or "treated children"), and there is, or are, also another

(j) See reg. 3 of S.R. & O. (N.I.) 1966, No. 119.

child or other children living with that person who is, or are, included or treated as included in his family otherwise than by virtue of the said section 17(3) (which child or children are hereafter in this paragraph referred to as the "said other child or children"), that person shall in relation to an increase of injury benefit or disablement pension in respect of a treated child be deemed to be contributing to the cost of providing for that child for the purposes of section 17(4)(*b*) of that Act at a weekly rate not less than that required in the case of that child by that section if he contributes to the cost of providing for that child at a rate not less than the rate which would be appropriate in the circumstances of the case if the said other child or children were older than the treated child or (if there is more than one treated child) any of the treated children."

(5) For regulation 18(**k**) of the Benefit Regulations there shall be substituted the following regulation:

"*Priority of title to allowance or allowances under section* 21

18. Where in respect of the same death each of two or more persons satisfies the conditions of section 21 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 for the receipt of—

(*a*) an allowance in respect of the same child; or

(*b*) an allowance at the rate applicable to an only, elder or eldest child in respect of different children; or

(*c*) an allowance at the rate applicable to a second child in respect of different children;

the person entitled to the allowance, or, as the case may be, the allowance at the rate applicable to an only, elder or eldest child or the allowance at the rate applicable to a second child, shall as between such persons be determined, subject to the provisions of paragraph 1(*c*) of Schedule 5 to that Act (priority of title to such an allowance of a person who is entitled to death benefit as the widow or widower of the deceased), in accordance with the order of priority specified in the Seventh Schedule to these regulations."

PART IV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Persons not ordinarily resident in Northern Ireland

5.—(1) Notwithstanding the provisions of these or any other regulations, but subject to the provisions of this regulation, a person who is not ordinarily resident in Northern Ireland immediately before 9th April 1968 (in this regulation referred to as "the said date") shall, unless and until that person becomes ordinarily resident in Northern Ireland, be disqualified for receiving in respect of any child—

(*a*) in the case of a woman who immediately before the said date is a married woman and had not retired from regular employment, any additional retirement pension by virtue of her husband's insurance, if the husband before the said date had retired from regular employment and was not ordinarily resident in Northern Ireland;

(*b*) in the case of a woman who immediately before the said date is a widow, any additional retirement pension by virtue of her husband's insurance, if her husband had died before the said date;

(**k**) See reg. 2 of S.R. & O. (N.I.) 1951, No. 182 as amended by Sch. 2 to S.R. & O. (N.I.) 1961, No. 2.