and any arrears of benefit payable for that period by virtue of the subsequent decision shall be reduced or withheld accordingly.

(2) Regulation 2 of the Family Allowances, National Insurance and Industrial Injuries (Consequential Provisions) Regulations (Northern Ireland) 1962(a) is hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 15th day of September 1966.

(L.S.) *J. E. Aiken,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 15th day of September 1966.

(L.S.) *R. R. Butler,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations are made in consequence of the National Insurance (No. 2) Act (Northern Ireland) 1966.

They enable forward awards and disallowances of sickness benefit under the National Insurance Act (Northern Ireland) 1966 and of injury benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 to be made in certain circumstances and also deal with the set-off of benefit against the earlier payment of dependency benefit.

1966. No. 217 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Claims and Payments

REGULATIONS, DATED 15TH SEPTEMBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in exercise of powers conferred by sections 25(1) and 53 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations (Northern Ireland) 1966, shall be read as one with the National Insurance (Industrial

(a) S.R. & O. (N.I.) 1962, No. 27. (b) 1966. c. 9 (N.I.).

Injuries) (Claims and Payments) Regulations (Northern Ireland) 1948(a) (hereinafter referred to as "the principal regulations") and shall come into operation on 6th October 1966.

Revocation of regulation 12A *of the principal regulations and addition to the principal regulations*

2.—(1) Regulation 12A(b) of the principal regulations (special provisions for injury benefit) is hereby revoked.

(2) The following regulation shall be included in the principal regulations:

"Special provisions for injury benefit

14A. Where, under arrangements made by the Ministry with the consent of the Ministry of Finance, payment by way of injury benefit (including any increase thereof) has been made to any person pending the determination of a claim therefor without due proof of the fulfilment of the relevant conditions or otherwise than in accordance with the provisions of the Act and the orders and regulations made thereunder, the payment so made shall, for the purposes of the said provisions, be deemed to be a payment of such benefit duly made:

Provided that—

(i) this regulation shall apply without prejudice to the operation of regulation 3(1) of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations (Northern Ireland) 1966(c) (set-off of benefit against earlier payment of dependency benefit); and

(ii) in any case in which the conditions for the receipt of the benefit were not fulfilled, and in so far as set-off under the said regulation 3(1) against payment of such benefit is not made, the person to whom any sum by way of such benefit has been paid shall be liable to repay that sum to the Northern Ireland Industrial Injuries Fund if it is shown to the satisfaction of an insurance officer, a local tribunal, or the Commissioner, as the case may be, that in the obtaining and receipt of that sum that person, or any person acting for him, has not throughout used due care and diligence to avoid overpayment; and

(iii) if it is so shown that any such person was not entitled to injury benefit (including any increase thereof) for the period in respect of which the payment was made, but was entitled to some other benefit under the Act or the National Insurance Act (Northern Ireland) 1966(d) for such period, such payment (in so far as it does not exceed the amount of such other benefit) shall not be deemed to be a payment of the benefit in question but a payment of such other benefit duly made."

Amendment of Schedule 2 *to the principal regulations*

3.—(1) The following paragraph shall be substituted for paragraph 1 of Schedule 2(e) to the principal regulations in relation to any claim made on or after the date on which this regulation comes into operation, but in relation to any claim made before that date the provisions of the said paragraph 1 shall apply as if this regulation had not been made:

(a) S.R. & O. (N.I.) 1948, No. 204.
(b) See Sch. 2 to S.R. & O. (N.I.) 1965, No. 12 and reg. 2 of S.R. & O. (N.I.) 1965, No. 78.
(c) S.R. & O. (N.I.) 1966, No. 216.
(d) 1966. c. 6 (N.I.).
(e) See Sch. A to S.R. & O. (N.I.) 1952, No. 118.