1966. No. 119 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Benefit

REGULATIONS, DATED 31ST MAY, 1966, 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.

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 34(1) and 76(2) 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 31(1) of that Act and section 7(2) and (3) of the National Insurance (No. 2) Act (Northern Ireland) 1966(**b**), and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment (No. 2) Regulations (Northern Ireland) 1966, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1948(**c**) (hereinafter referred to as "the principal regulations") and shall come into operation on 1st June, 1966.

Amendment of regulation 2 of the principal regulations

2. At the end of regulation 2 of the principal regulations there shall be added the following paragraph:

"(7) (*a*) Where in any case an assessment of the extent of disablement has been made in accordance with the provisions of this regulation and there has been an amendment to any relevant item in the said Schedule 1 since the date of that assessment, the insurance officer shall either

(i) review that assessment and make such adjustment of it as may be necessary to give effect to the said amendment from the date of the coming into force of the said amendment, or

(ii) refer the question to a medical board for determination in accordance with the provisions of sub-paragraph (*b*);

(*b*) A medical board shall, on a reference by the insurance officer under sub-paragraph (*a*), review the assessment so as to give effect to the said amendment from the date of the coming into force of the said amendment, if they are satisfied that it is necessary to do so, and in so doing shall proceed upon the facts included in the record of the decision of the medical board or medical appeal tribunal which made that assessment;

(*c*) A beneficiary who is dissatisfied with the decision of the insurance officer under sub-paragraph (*a*) may appeal against that decision to a medical board by giving notice in writing to the Ministry

(a) 1966. c. 9 (N.I.).
(b) 1966. c. 16 (N.I.).
(c) S.R. & O. (N.I.) 1948, No. 203.

within ten days after he has been notified of that decision or such longer period as the Ministry may in any case allow and the insurance officer shall then refer the question to a medical board which shall deal with it as if it were a reference under sub-paragraph (*a*):

Provided that no assessment made on review by virtue of the provisions of this paragraph shall be lower than the assessment which has been so reviewed.".

Amendment of regulation 9C *of the principal regulations*

3. For regulation 9C(a) of the principal regulations (contribution towards cost of providing for child), there shall be substituted the following regulation:

"*Contribution towards cost of providing for child*

9C.—(1) Where, apart from sections 17(4) and 21(4) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, a person is entitled to receive, in respect of a particular child who is, or who falls to be treated for the purposes of the relevant provisions as, a child of that person's family, payment of an increase of any amount under section 17 or 21 of that Act for any period and neither of the conditions set out in the said section 17(4) of that Act, that is to say—

(*a*) that the child in question is living with that person; or

(*b*) that contributions to the cost of providing for the child in question are being made at a weekly rate not less than that required by that section,

is satisfied, that person shall nevertheless for the purposes of the said sections 17(4) and 21(4) be deemed as respects that period to be making the contributions so required at a weekly rate not less than that required by the said section 17(4) if—

(i) he gives an undertaking in writing to make such contributions; and

(ii) on receiving the amount of the allowance or increase in question, he in fact makes such contributions;

so however, that if in respect of any period he fails to make the contributions which he has undertaken to make in accordance with this regulation, the decision awarding the allowance or increase in question for that period in respect of that child shall be revised.

(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, the elder or eldest of whom is treated as included in his family only by virtue of the provisions of section 17(3) of that Act, and there is also another child living with that person who is included or treated as included in his family otherwise than by virtue of the said section 17(3), that person shall in relation to an increase of injury benefit or disablement pension in respect of the said elder or eldest 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 appropriate in the circumstances of that case to a child other than the said elder or eldest child in relation to the benefit in question.".

(a) See Sch. 3 to S.R. & O. (N.I.) 1961, No. 2 and reg. 2 of S.R. & O. (N.I.) 1964, No. 47.