1963. No. 37 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 6TH MARCH, 1963, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1946 TO 1963.

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12(6), 14(5), 15(2), 18, 19(4) and 78(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946(**a**), and the Ministry of Labour and National Insurance, in exercise of powers conferred by section 16 of the said Act of 1946 and Schedule 4 to the National Insurance Act (Northern Ireland) 1963(**b**), and of all other powers enabling them in that behalf, hereby make the following regulations:

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) 1963, and shall come into operation on the 7th March, 1963.

(2) In these regulations—

"the principal Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946;

"the Act of 1963" means the National Insurance Act (Northern Ireland) 1963;

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

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1948(**d**).

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 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 words and figures set out in column 3 of that Schedule the corresponding words and figures set out in column 4 thereof.

(2) The said increases shall operate in so far as they relate to injury benefit and to unemployability supplement as from 7th March, 1963, and in so far as they relate to any other benefit as from 27th May, 1963:

(**a**) 1946. c. 21. (**b**) 1963. c. 9 (N.I.).

(**c**) S.R. & O. (N.I.) 1948, No. 203 as amended by S.R. & O. (N.I.) 1949, No. 73; 1951, No. 102; No. 182; 1952, No. 140; No. 199; 1953, No. 132; No. 135; 1955, No. 15; No. 164; 1956, No. 139; 1957, No. 131; No. 243; No. 264; 1958, No. 114; 1959, No. 93; 1960, No. 25; No. 140; 1961, No. 2; No. 79 and 1962, No. 27.

(**d**) S.R. & O. (N.I.) 1948, No. 204 as amended by S.R. & O. (N.I.) 1951, No. 101; 1952, No. 118; 1953, No. 132; 1960, No. 209; 1961, No. 79 and 1962, No. 27.

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 27th May, 1963; but nevertheless the amendment made by this regulation to Schedule 3 to the Benefit Regulations (which Schedule, as applied by regulations 5 and 6A(a), 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 approved hospital treatment is reduced) shall have effect as from 27th May, 1963, whether the period taken into account by the assessment began before or after that date.

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

3. Where an award of any benefit under the principal 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 Act of 1963 or of these regulations, Schedule 4 paragraph 3(1) of that Act (which relates to the 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 following conditions:

(1) 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 Act of 1963 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 principal Act.

(2) Notwithstanding the provisions of regulation 18 of the Claims and Payments Regulations(b) (which regulation relates to the extinguishment of the right to sums payable by way of benefit), the right to any sum which, by virtue of the said paragraph 3(1), becomes payable under the award by way of additional benefit shall, as respects the period beginning with that day and ending—

(*a*) in a case where a book of serial orders (as defined in regulation 1(2), of the said regulations)(c) for the payment of benefit to which the award relates has been issued to the beneficiary and is current on that day, with the date of the expiration of that book, or

(*b*) in any other case, with the expiration of 12 months from that day,

be extinguished if payment thereof is not obtained within the period of 18 months (or such longer period as the Ministry may determine in the circumstances of any particular case) from that day.

Amendments consequential upon the Act of 1963

4.—(1) As from 7th March, 1963, in regulations 7(1), 8(2)(*a*) and 9(2) of the Benefit Regulations (which relate to increase of benefit in respect of a wife, a dependent relative and a female person having care of child respectively)

(a) See Part II of First Schedule to S.R. & O. (N.I.) 1961, No. 2.
(b) See Part I of Schedule B to S.R. & O. (N.I.) 1952, No. 118.
(c) See reg. 2 of S.R. & O. (N.I.) 1952, No. 118.