7. This Order may be cited as the Northern Ireland 6% Exchequer Stock, (1977) Order, 1961.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this Ninth day of January, 1961, in the presence of

(L.S.) *D. A. E. Harkness,*
Secretary.

1961. No. 2 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 5TH JANUARY, 1961, 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 1960.

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12(6), 14(5), 15(2), 19(4) and 78(2) of, and paragraph 1(2)(*b*) of the Fourth Schedule to the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**a**), and section 81 of that Act, and the Ministry of Labour and National Insurance, in exercise of powers conferred by section 16 of the said Act of 1946, section 6(3) of the National Insurance Act (Northern Ireland), 1957(**b**), and the Fifth Schedule to the National Insurance Act (Northern Ireland), 1960(**c**), 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), 1961, and shall come into operation on the 9th January, 1961.

(2) In these regulations—

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

"the Act of 1960" means the National Insurance Act (Northern Ireland), 1960;

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

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

(**a**) 1946. c. 21. (**b**) 1957. c. 7. (**c**) 1960. c. 24.
(**d**) S.R. & O. (N.I.) 1948, No. 203 as amended by S.R. & O. (N.I.) 1949, No. 73; 1951, No. 102; 1951, No. 182; 1952, No. 140; 1952, No. 199; 1953, No. 132; 1953, No. 135; 1955, No. 15; 1955, No. 164; 1956, No. 139; 1957, No. 131; 1957, No. 243; 1957, No. 264; 1958, No. 114; 1959, No. 93; 1960, No. 25 and 1960, No. 140.
(**e**) S.R. & O. (N.I.) 1948, No. 204 as amended by S.R. & O. (N.I.) 1951, No. 101; 1952, No. 118 and 1953, No. 132.

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 second column of Parts I and II of the First Schedule shall be increased as from the dates respectively specified in relation to those Parts in paragraph (2) and accordingly the provisions of the Benefit Regulations set out in the first column of the First 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 the third column of that Schedule the corresponding words and figures set out in the fourth column thereof.

(2) The said increases shall operate in the case of Part I of the First Schedule as from the 3rd April, 1961, and in the case of Part II of that Schedule as from the 5th April, 1961:

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 the 5th April, 1961; but nevertheless the amendment made by this regulation to the Third Schedule 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 the 5th April, 1961, 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 1960 or of these regulations, sub-paragraph (1) of paragraph 1 of the Fifth Schedule to that Act (which sub-paragraph 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 1960 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 (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 sub-paragraph (1), becomes payable under the award by way of

(a) See Part II of First Sch. to S.R. & O. (N.I.) 1957, No. 264.

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 paragraph (2) of regulation 1 of the said regulations)(**a**) 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 twelve months from that day,

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

Transitional provisions and amendments consequential upon the Act of 1960

4.—(1) In the provisions of the Benefit Regulations mentioned in the first column of the Second Schedule (which relate respectively to the matters mentioned in the second column thereof) there shall be made the amendments specified in the third column thereof.

(2) The amendments referred to in paragraph (1) shall have effect, in the case of the amendments to regulations 12 and 18, as from the 3rd April, 1961, and, in the case of the amendment to regulation 33A, as from the 5th April, 1961.

(3) Where—

(*a*) as respects any period on or after the 3rd April, 1961, or the 5th April, 1961, as the case may be (hereafter in this regulation referred to as "the appropriate date") it is a condition of a person's right to an amount by way of benefit in respect of a child or adult dependant that he is contributing to the cost of providing for that child, or to the maintenance of that adult dependant, at a weekly rate calculated by reference to the weekly rate of that amount, and that weekly rate was increased on the appropriate date by virtue (either directly or indirectly) of any provision of the Act of 1960 or any regulation made in consequence of that Act; and

(*b*) as respects any period ended before the appropriate date that person satisfied the said condition by reference to the weekly rate of benefit then in force;

that person shall, for the purpose of his right to the amount in question, be treated as if in any period referred to in sub-paragraph (*b*) he had satisfied the said condition by reference to the increased weekly rate.

(4) (*a*) As from the 3rd April, 1961, regulations 9B and 9C of the Benefit Regulations(**b**) (which relate to children treated as included in a family for the purpose of increases of certain benefits and to contributions towards the cost of providing for children) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Third Schedule.

(*b*) In the said regulation 9B—

(i) for the word "be" (where that word occurs in the expression "shall be a rate"), there shall be substituted the words "as respects any period throughout which the said minimum rate is higher than";

(**a**) See reg. 2 of S.R. & O. (N.I.) 1952, No. 118.
(**b**) See reg. 5 of S.R. & O. (N.I.) 1957, No. 243.