Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 13TH DECEMBER, 1957, 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 1957.

1957. No. 264 **[C]**

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12(6), 14(5), 15(2), 19(4), 30(1) 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, as amended by section 5 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953(**b**), and the Ministry of Labour and National Insurance, in exercise of powers conferred by section 16 (as amended by section 3(3) of the said Act of 1953) and sections 27(2) and 55(2) of the said Act of 1946 and the Sixth Schedule to the National Insurance (No. 2) Act (Northern Ireland), 1957(**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), 1957, and shall come into operation on the 14th December, 1957.

(2) In these regulations, unless the context otherwise requires—

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

"the Act of 1957" means the National Insurance (No. 2) Act (Northern Ireland), 1957;

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

"the Prescribed Diseases Regulations" means the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948(**e**);

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

and other expressions have the same meanings as in the principal Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(**a**) 1946. c.21.
(**b**) 1953. c.30.
(**c**) 1957. c.26.
(**d**) S.R. & O. 1948. No. 203.
(**e**) S.R. & O. 1948. No. 212.
(**f**) S.R. & O. 1948. No. 204.

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 to these regulations shall, subject to the provisions of paragraph (4) of regulation 5, be increased as from the dates respectively specified in relation to those Parts in paragraph (2) of this regulation and accordingly the provisions of the Benefit Regulations and the Prescribed Diseases Regulations set out in the first column of the said 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 said First Schedule as from the 27th January, 1958, and in the case of Part II of the said First Schedule as from 6th February, 1958:

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 6th February, 1958; 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 6th February, 1958, whether the period taken into account by the assessment began before or after that date.

Exceptions and conditions to the operation of paragraph 1(1) *of the Sixth Schedule to the Act of* 1957

3.—(1) Sub-paragraph (1) of paragraph 1 of the Sixth Schedule to the Act of 1957 (which sub-paragraph relates to the effect of awards made before, or in respect of the period beginning before, the appointed or prescribed day) shall in its application to awards of benefit under the principal Act have effect subject to the exceptions and conditions contained in the following paragraphs of this regulation.

(2) If in connection with any award of benefit made before, or in respect of the period beginning before, the day appointed or prescribed for the payment of benefit of that description at a higher weekly rate by virtue of the Act of 1957 or of these regulations a question arises as to—

(*a*) what is the appropriate higher weekly rate which is so payable; or

(*b*) whether the conditions for the receipt of the benefit at any such higher weekly rate are satisfied;

(a) Inserted by S.R. & O. 1953. No. 132.

then, notwithstanding the provisions of the said sub-paragraph (1), the benefit shall be or continue to be payable at the weekly rate specified in the award unless or until the said question shall have been determined in accordance with the provisions of the principal Act.

(3) Notwithstanding the provisions of paragraph (1) of regulation 18 of the Claims and Payments Regulations, as amended(a), (which paragraph relates to the extinguishment of the right to benefit) the right to any additional benefit which becomes payable by virtue of the said sub-paragraph (1) shall, as respects the period beginning, in the case of death benefit, on the 27th January, 1958, and in the case of any other benefit, on the 6th February, 1958, and ending in either case with the expiration of the beneficiary's book of serial orders(b) current on the appropriate date (or if there is no such book, the expiration of twelve months from that date), 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 date.

Amendment of regulation 29 of the Benefit Regulations

4.—(1) As from the appropriate date, for paragraph (1) of regulation 29 of the Benefit Regulations, as amended(c), which relates to the adjustment of dependency benefit under the principal Act where personal benefit is payable) there shall be substituted the following paragraph:—

"(1) Subject to the provisions of paragraph (3) of this regulation, where for any period any one or more of the personal benefits specified in paragraph (2) of this regulation is or are payable to any person—

(*a*) if the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period (hereafter in this regulation called "the weekly rate of personal benefit") is equal to or exceeds the weekly rate of any dependency benefit under the Act which, apart from this regulation, is payable for that period (hereafter in this regulation called "the weekly rate of dependency benefit"), there shall not be paid in respect of that person for that period any dependency benefit under the Act; and

(*b*) in any other case, there shall not be paid in respect of that person for that period any dependency benefit under the Act at a weekly rate exceeding the difference between the weekly rate of personal benefit and the weekly rate of dependency benefit:

Provided that nothing in this paragraph shall require that any dependency benefit shall be adjusted by reason of any one or more personal benefits, in a case where the weekly rate of

(a) *See* regulation 5, S.R. & O. 1952. No. 118.
(b) *See* regulation 2, S.R. & O. 1952. No. 118.
(c) *See* regulation 9, S.R. & O. 1957. No. 243.

personal benefit is less than twenty-six shillings a week, below a weekly rate equal to the difference between the weekly rate of personal benefit and twenty-six shillings."

(2) In this regulation, the expression "the appropriate date" means, in relation to any dependency benefit under the principal Act, the date as from which the weekly rate of that benefit is increased by virtue of the Act of 1957, or of any regulations made in consequence of that Act.

Transitional provisions and consequential amendments

5.—(1) In the provisions of the Benefit Regulations mentioned in the first column of the Second Schedule to these regulations (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 the last foregoing paragraph shall have effect, in the case of the amendments to regulations 12 and 18, as from the 27th January, 1958, and, in the case of the amendment to regulation 33A, as from the 6th February, 1958.

(3) Where—

(*a*) as respects any period on or after the 27th January, 1958, or the 6th February, 1958, 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 1957 or any regulation made in consequence of that Act; and

(*b*) as respects any period 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 paragraph (*b*) he had satisfied the said condition by reference to the increased weekly rate.

(4) Notwithstanding the provisions of regulation 14 of the Claims and Payments Regulations, as amended(a), (which relate to the time and manner of payment of certain benefits), where a beneficiary is or becomes entitled under section 15 of the principal Act, as amended(b), to an increased weekly rate of disablement pension in respect of the need of constant attendance, or under section 16 of the principal Act, as amended(c), to an increased

(a) *See* S.R. & O. 1951. No. 101; Regulation 5, S.R. & O. 1953. No. 132.
(b) *See* National Insurance (No. 2) Act (Northern Ireland), 1957.
(c) *See* National Insurance (Industrial Injuries) Act (Northern Ireland), 1953.