REGULATIONS, DATED 15TH NOVEMBER, 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. 243 [C]

The Industrial Injuries Joint Authority in exercise of powers conferred by sections 18(1), 23(1) and 30 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 35(1) of the said Act (as amended by sections 3(5) and 6(6) of the National Insurance Act (Northern Ireland), 1957(b)), section 3(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953(c) and sections 6(3) and 9(1) of the said Act of 1957, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment (No. 2) Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948(d) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 18th November, 1957.

Amendment of regulation 1 of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations (which paragraph makes provision for their interpretation) the following definition shall be inserted after the definition of "the National Insurance Act"—

> "'the Act of 1957' means the National Insurance Act (Northern Ireland), 1957;"

Amendment of regulation 8 of the principal regulations

3. In sub-paragraph (*a*) of paragraph (2) of regulation 8 of the principal regulations (which sub-paragraph provides that a beneficiary shall not be entitled to an increase of benefit in respect of a female relative for any period during which she is engaged in any gainful occupation from which her weekly earnings exceed twenty shillings), for the words "twenty shillings" there shall be substituted the words "forty shillings."

Amendment of regulation 9 of the principal regulations

4. The following regulation shall be substituted for regulation 9 of the principal regulations, as amended(e):—

"Increase of benefit for female person having care of child

9. For the purposes of paragraph (*d*) of sub-section (1) of section 18 of the Act (which paragraph relates to an increase of benefit in respect of a female person, not being a child, who

(a) 1946. C. 21.
(b) 1957. C. 7.
(c) 1953. C. 30.
(d) S.R. & O. 1948. No. 203.
(e) The relevant amending regulations are S.R. & O. 1955. No. 15.

has the care of a child or children of the beneficiary's family); the following further conditions shall apply in relation to any such female person:—

(1) A beneficiary shall not be entitled to an increase of benefit under the said section 18 in respect of any such female person unless—

(*a*) she is residing with the beneficiary; or

(*b*) she is employed by the beneficiary in an employment from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed by regulation 7 for the purpose of the said section 18 in relation to the earnings of a wife) are not less than the amount mentioned in sub-section (1) of the said section 18, and was so employed by him before the date of the relevant accident, subject to the qualification that the condition of employment before that date shall not apply in a case where the necessity for her employment first arose thereafter; or

(*c*) the beneficiary is contributing to her maintenance at a weekly rate of not less than the amount mentioned in sub-section (1) of the said section **18.**

(2) A beneficiary shall not be entitled to an increase of benefit under the said section 18 in respect of any such female person for any period during which that female person (not being a person who is employed by, but is not residing with, the beneficiary) is engaged in any gainful occupation or occupations (other than her employment by the beneficiary in caring for a child or children of the beneficiary's family) from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed as aforesaid for the purpose of the said section 18) exceed forty shillings.

(3) A beneficiary shall not be entitled to an increase of benefit under the said section 18 in respect of any such female person unless the beneficiary is entitled to an increase of benefit in respect of a child of his family or a child treated as such for the purposes of section 17 of the Act (which provides for an increase of benefit in respect of a child), or would be so entitled but for the provisions of regulations made in Part VII relating to overlapping benefits."

Provisions added to the principal regulations

5. The following provisions shall be added in Part III of the principal regulations immediately after regulation 9 thereof:—

"*Contribution to maintenance of adult dependant*

9A. For the purposes of paragraph (*a*) of sub-section (1) of section 18 of the Act (which paragraph relates to increase of

benefit in respect of a wife) or of sub-paragraph (*c*) of paragraph (1) of regulation 9 of these regulations, a beneficiary shall not be deemed to satisfy the requirement contained in the said paragraph (*a*) or in the said sub-paragraph (*c*) that he is contributing to the maintenance of the wife or female person, as the case may be, at a weekly rate of not less than the amount mentioned in sub-section (1) of the said section 18 of the Act, unless when in employment before the date of the relevant accident (except in a case where the dependency did not arise until after that date), he contributed to her maintenance at a weekly rate of not less than that amount.

Children treated as included in family for increase of certain benefits

9B. For the purposes of sub-section (3) of section 6 of the Act of 1957 (which sub-section provides for treating a child as included in a man's family for the purpose of an increase of injury benefit or disablement pension under section 17 of the Act where the beneficiary is contributing to the cost of providing for the child at a weekly rate which, though not less than the prescribed rate, is less than the minimum rate for the time being required for the purposes of sub-section (2) of section 3 of the Family Allowances Act (Northern Ireland), 1945(a)), the prescribed rate in relation to the said section 17 shall be a rate equal to the lesser amount specified in sub-section (1) of the said section 17 of the Act:

Provided that a person shall not be deemed for the purposes of the said sub-section (3) to be so contributing at a weekly rate not less than the prescribed rate unless on the day for which the increase of benefit is claimed another child was, or was under sub-section (2) of the said section 17 treated as, or could under paragraph 3 of the Schedule to the Family Allowances Act (Northern Ireland), 1945, have been treated as, included in his family.

Contribution towards cost of providing for child

9C.—(1) For the purposes of paragraph (*e*) of sub-section (4) of section 6 of the Act of 1957, and for the purposes of paragraph (*f*) of that sub-section and of section 21 of the Act (which paragraphs and section, in relation to certain benefits or increases of benefit under the Act in respect of a child, make it a condition of payment of the benefit that, unless the child is living with the claimant, contributions towards the cost of providing for the child are being made at a weekly rate not less than that of the amount in question), a person shall be deemed to be contributing towards the cost of providing for a child, in a case to which the said paragraph (*e*) relates, at a weekly rate not less than that required by the said sub-section (4), and in any other case at a weekly rate not less than that required by virtue of the words added to sub-section (1) of the said section 21 by paragraph 10 of the Schedule to the Family Allowances and National Insurance Act (Northern Ireland), 1956(b)—

(a) 1945. C. 19. (b) 1956. C. 8.

(*a*) as respects any period in respect of which the child is treated as included in the person's family by virtue of sub-section (3) of the said section 6 and the person is, apart from the said sub-section (4), entitled to receive payment—

(i) in respect of the child, of an amount under section 17 of the Act by way of an increase of injury benefit or disablement pension, at the rate appropriate to the elder or eldest child of a family; and

(ii) in respect of some other child of such an amount at the rate appropriate to a child other than the elder or eldest;

(*b*) as respects any period in respect of which the child is included in the person's family and, apart from the said sub-section (4), the person is not entitled to receive payment in respect of the child of any amount such as is referred to in the said paragraphs (*e*) and (*f*).

(2) Where the amount in question is an increase of injury benefit or disablement pension, references in sub-paragraph (*b*) of the foregoing paragraph to a child included in the person's family shall include a child who, had the person been entitled to injury benefit or disablement benefit in respect of any period to which the sub-paragraph refers, would have been treated as included in his family by virtue of sub-section (3) of the said section 6.

Allocation of contributions for wife or children

9D.—(1) Subject to the provisions of this regulation, any sum or sums paid by a person by way of contribution towards either or both of the following, that is to say, the maintenance of his wife and the cost of providing for one or more children, being children to whom this regulation refers, shall be treated for the purposes of sub-section (1) of section 18 of the Act and sub-sections (3) and (4) of section 6 of the Act of 1957 as such contributions, of such respective amounts equal in the aggregate to the said sum or sums, in respect of such of the persons hereinafter mentioned, that is to say, his wife or any child or children to whom this regulation refers, as may be determined by the determining authority so as to secure as large a payment as possible by way of benefit in respect of dependants.

(2) The children to whom the regulation refers are any children who, in the period for which the sum in question is paid by the person, either are included in that person's family or, though not so included, could have been treated under paragraph 3 of the Schedule to the Family Allowances Act (Northern Ireland), 1945, as so included, or would have been, or could have been treated under that paragraph as, so included had the person contributed to the cost of providing for the child at a sufficient weekly rate.

(3) A sum paid by way of contribution towards the maintenance of a wife shall not be treated by virtue of this regulation as a sum paid by way of contribution towards the cost of providing for a child or children, and a sum paid by way