ORDER DATED 8TH AUGUST, 1951, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION SIXTEEN OF THE WILD BIRDS PROTECTION ACT (NORTHERN IRELAND), 1931.

1951. No. 141

WHEREAS under Sub-section (1) of Section sixteen of the Wild Birds Protection Act (Northern Ireland), 1931, I, THE RIGHT HONOURABLE BRIAN MAGINESS, Minister of Home Affairs, am empowered to prescribe from time to time by order the variation or revocation of the time of special protection for any bird and any modification of the provisions of the Act with respect to the special protection of the eggs and nests of birds :

AND WHEREAS representations have been made to me —

That the time of special protection afforded to all birds in Category III of the First Schedule to the said Act should be extended.

AND WHEREAS Notice was duly given by me on the 6th July, 1951, in accordance with the provisions of Sub-section (6) of Section sixteen of the said Act of my intention to make such an order and the purport thereof :

AND WHEREAS objections to the making of such an order were received by me :

AND WHEREAS the said objections have been duly considered :

NOW, THEREFORE, I, the RIGHT HONOURABLE BRIAN MAGINESS, Minister of Home Affairs, hereby order and direct :

1. That the time of special protection afforded to all birds in Category III of the First Schedule to the Wild Birds Protection Act (Northern Ireland), 1931, shall be from the 1st day of February to the 31st day of August in each year.

2. This Order shall have effect as and from the date hereof.

Dated this 8th day of August, 1951.

Brian Maginess,
Minister of Home Affairs for Northern Ireland.

WORKMEN'S COMPENSATION (SUPPLEMENTATION)

REGULATIONS, DATED 27TH JULY, 1951, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) ACT (NORTHERN IRELAND), 1951.

1951. No. 136

The Ministry of Labour and National Insurance, with the consent of the Ministry of Finance and in exercise of powers conferred by the

Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the Workmen's Compensation (Supplementation) Regulations (Northern Ireland), 1951, and shall come into operation on the 1st August, 1951.

2. The Scheme set out in the Schedule to these Regulations shall have full force and effect for the purposes of the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951, on and from the date on which these regulations come into operation.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 27th day of July, nineteen hundred and fifty-one, in the presence of

(L.S.) *William Allen*,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

The Ministry of Finance hereby consents to these regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of July, nineteen hundred and fifty-one, in the presence of

(L.S.) *G. N. Cox*,
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

WORKMEN'S COMPENSATION (SUPPLEMENTATION) SCHEME

PART I

General

Interpretation.

1.—(1) In this Scheme, unless the context otherwise requires —

"the Act" means the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951 ;

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

"the Ministry" means the Ministry of Labour and National Insurance ;

" workmen's compensation " means compensation under the Workmen's Compensation Act, 1906, the Workmen's Compensation (Silicosis) Act, 1918 or the Workmen's Compensation Acts, 1897 and 1900 or under any contracting-out scheme duly certified under any of those Acts ;

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

" the relevant injury or disease ", in relation to any person, means the injury or disease in respect of which he is or has since the commencement of the Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the 1st January, 1924 ;

" allowance " means an allowance payable under this Scheme ;

" the umpire " means the umpire or deputy umpire appointed for the purposes of the Industrial Injuries Act ;

" the determining authority " means the Ministry or the umpire, as the case may be ;

" claimant " means a person claiming an allowance and includes in relation to the review of an award or a decision a beneficiary under the award or affected by the decision ;

" beneficiary " means a person entitled to an allowance ;

" the Industrial Injuries Fund " means the Northern Ireland Industrial Injuries Fund ;

" the Benefit Regulations " means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948.

(2) Any reference in this Scheme to the happening of an accident shall, in relation to a case of disease, be construed in the same way as for the purposes of the Acts relating to workmen's compensation.

(3) For the purposes of this Scheme —

(*a*) a person shall be deemed entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the 1st January 1924 at any time when he would be so entitled if the amount he is earning or able to earn in some suitable employment or business, or the amount of any payment, allowance or benefit received by him otherwise than by way of workmen's compensation, or both, were sufficiently reduced ; and

(*b*) a payment under the Workmen's Compensation (War Addition) Acts, 1917 and 1919 shall be treated as a weekly payment by way of workmen's compensation.

(4) Reference in this Scheme to any enactment, scheme or regulations shall include references to such enactment, scheme or regulations as amended by any subsequent enactment, order, scheme or regulations.

(5) Any notice or other document required or authorised to be given or sent to any person under the provisions of this Scheme shall be deemed to have been given or sent, if it was sent by post to that person at his ordinary or last known address.

(6) The Interpretation Act, 1921, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

PART II

Allowances

Allowances payable under the Scheme.

2.—(1) Subject to the following provisions of this Scheme, a person who is or has since the commencement of the Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the 1st January, 1924, shall be entitled to an allowance payable out of the Industrial Injuries Fund during any period of total or partial incapacity for work resulting from the relevant injury or disease so long as he is ordinarily resident in Northern Ireland :

Provided that a person shall not be entitled to an allowance for any period during which he is entitled to any payment under the Workmen's Compensation (Supplementation) Act, 1951.

(2) In this Article the expression " a period of total incapacity for work resulting from the relevant injury or disease " includes a period during which a person is treated as subject to such an incapacity under the provisions of Article 3.

(3) The weekly rate of an allowance —

(*a*) in the case of an allowance payable to a person in respect of a period of total incapacity for work resulting from the relevant injury or disease shall be forty shillings less the amount of his workmen's compensation ; and

(*b*) in the case of an allowance payable to a person in respect of a period of partial incapacity for work resulting from the relevant injury or disease shall be the difference between two-thirds of the amount representing his weekly loss of earnings (ascertained in accordance with Article 5) due to the relevant injury or disease and the amount of his workmen's compensation, so however that the aggregate of the said weekly rate and the amount of his workmen's compensation shall in no such case exceed forty shillings.

(4) The weekly rate of an allowance payable to a man in respect of a period of total incapacity for work resulting from the relevant injury or disease shall, subject to the provisions of the First Schedule hereto, be increased by sixteen shillings for any period during which he is residing with or wholly or mainly maintaining his wife or would under the provisions of the Industrial Injuries Act be treated as doing so.

Partial incapacity to be treated as total in certain cases.

3.—(1) For the purpose of the references in subsection (3) of section 2 of the Act and in Article 2 of this Scheme to a period of total incapacity for work resulting from the relevant injury or disease, a person who is unable to obtain employment shall, subject to the provisions of paragraph (3) of this Article, be treated as subject to such an incapacity :—

(*a*) if he is being treated as being so for the purposes of his workmen's compensation in respect of the relevant injury or disease ; or

(*b*) if it appears to the determining authority —

(i) that, having regard to all the circumstances, it is probable that he would, but for the continuing effects of the relevant injury or disease, be able to obtain work in the same grade in the same class of employment as before the happening of the accident ; or

(ii) that his inability to obtain employment is a consequence, wholly or mainly, of the relevant injury or disease.

(2) Where a person who is unable to obtain employment fails to satisfy the conditions laid down in paragraph (1) of this Article because of the supervening effects of an injury or disease other than the relevant injury or disease, or of physical or mental infirmity due to old age, he shall nevertheless be deemed to satisfy the said conditions if he proves to the satisfaction of the determining authority —

(*a*) that he would have satisfied either of the conditions set out in sub-paragraph (*b*) of the said paragraph at the time when he first became subject to the aforesaid supervening effects and that he was then unable to obtain employment ; and

(*b*) that since that time the effects of the relevant injury or disease have not become substantially less serious.

(3) This Article shall not apply to any person for any period for which he receives unemployment benefit.

Amount of Workmen's Compensation.

4.—(1) Any reference in Article 2 to the amount of a person's workmen's compensation shall (subject to the provisions of paragraph (2) of this Article) be taken as referring to the amount (if any) of the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled in respect of the relevant injury or disease :

Provided that —

(*a*) where in fixing the amount of those weekly payments under the provisions relating thereto regard was had to any payment, allowance or benefit which he might receive during the period of his incapacity from the person liable for the compensation and the amount is shown to have been reduced in consequence, the amount of those weekly payments shall for the purposes of this Article be taken to be the reduced amount so fixed, with the addition of the amount of the reduction ; and