Claims and Payments

REGULATIONS, DATED 1ST JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1948. No. 204

The Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 12 (6), 22 (3), 23 (3), 25, 26, 27, 32 (2), 33, 51 (1), 52 (3), 52 (6), 66 (2) and 85 of, and paragraph 3 (2) of the Fourth Schedule to, the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland), 1948, and shall come into operation on the 1st July, 1948.

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

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

"the Ministry" means the Ministry of Labour and National Insurance for Northern Ireland;

"benefit order" means an order for the payment of a weekly sum on account of benefit to which regulation 15 of these regulations applies or of a weekly instalment of a gratuity;

"paying office" means such place as the Ministry may designate for the payment of benefit orders;

"appropriate paying office" means such paying office as the Ministry, after consultation with the beneficiary, may from time to time determine;

"claim for benefit" includes an application for a declaration that an accident was an industrial accident and an application for the review of an award or a decision for the purpose of obtaining any increase of benefit mentioned in the Second Schedule to these regulations but does not include any other application for the review of an award or a decision; and the expression "claims benefit" and every reference to a claim shall be construed accordingly;

and other expressions have the same meanings as in the 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.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(5) For the purposes of the provisions of these regulations relating to the making of claims, every increase of benefit mentioned in the Second Schedule to these regulations shall be treated as a separate benefit.

Notice of accidents.

2.—(1) Every insured person who suffers personal injury by accident in respect of which benefit may be payable shall give notice of such accident either in writing or orally as soon as is practicable after the happening thereof:

Provided that any such notice required to be given by an insured person may be given by some other person acting on his behalf.

(2) Every such notice shall be given to the employer, or (if there is more than one employer) to one of such employers, or to any foreman or other official under whose supervision the insured person is employed at the time of the accident or to any person designated for the purpose by the employer, and shall give the appropriate particulars.

(3) Any entry of the appropriate particulars of an accident made in a book kept for that purpose in accordance with the provisions of regulation 3 shall, if made as soon as practicable after the happening of an accident by the insured person or by some other person acting on his behalf, be sufficient notice of the accident for the purposes of this regulation.

(4) In this regulation, the expressions " employer " and " employers " mean, in relation to any person to whom paragraph (1) applies, the employer or employers (as the case may be) of that person at the time of the accident.

(5) In this regulation and in the next following regulation, the expression " appropriate particulars " means the particulars indicated in the First Schedule to these regulations.

Obligations of employers.

3.—(1) Every employer shall take reasonable steps to investigate the circumstances of every accident of which notice is given to him or to his servant or agent in accordance with the provisions of the last preceding regulation and, if there appears to him to be any discrepancy between the circumstances found by him as a result of his investigation and the circumstances appearing from the notice so given, he shall record the circumstances so found.

(2) Every employer who is required so to do by the Ministry shall furnish to an officer of the Ministry, within such reasonable

period as may be required, such information and particulars as shall be required—

(*a*) of any accident or alleged accident in respect of which benefit may be payable to, or in respect of the death of, a person employed by him at the time of the accident or alleged accident; or

(*b*) of the nature of and other relevant circumstances relating to any occupation prescribed for the purposes of Part IV of the Act in which any person to whom or in respect of whose death benefit may be payable under that Part was or is alleged to have been employed by him.

(3) Every owner or occupier (being an employer) of any mine or quarry or of any premises to which any of the provisions of the Factories Act (Northern Ireland), 1938, applies and every employer by whom ten or more persons are normally employed at the same time on or about the same premises in connection with a trade or business carried on by the employer shall, subject to the following provisions of this paragraph,—

(*a*) keep readily accessible a book or books in a form approved by the Ministry in which the appropriate particulars (as defined in regulation 2) of any accident causing personal injury to a person employed by the employer may be entered by that person or by some other person acting on his behalf; and

(*b*) preserve every such book, when it is filled, for the period of three years beginning with the date of the last entry therein:

Provided that the keeping of a book in the form prescribed for the purposes of sub-section (3) of section 15 of the Workmen's Compensation Act (Northern Ireland), 1927, shall, if that book is kept in all other respects in accordance with the provisions of this paragraph, be deemed to satisfy the requirements of this paragraph.

Obligations of claimants for, and beneficiaries in receipt of, injury benefit or disablement benefit.

4.—(1) Subject to the following provisions of this regulation, every claimant for, and every beneficiary in receipt of, injury benefit or disablement benefit shall comply with every direction given to him by the Ministry which requires him either—

(*a*) to submit himself to a medical examination by a medical authority (as defined in paragraph (4) of this regulation) for the purpose of determining the effect of the relevant accident or the treatment appropriate to the relevant injury or loss of faculty; or

(*b*) to submit himself to such medical treatment for the said injury or loss of faculty as is considered appropriate in his

case by the medical practitioner in charge of the case or by any medical authority to whose examination he has submitted himself in accordance with the foregoing provisions of this regulation; or

(*c*) to attend any vocational training course or industrial rehabilitation course provided under the Disabled Persons (Employment) Act (Northern Ireland), 1945, which, in the opinion of the Ministry, is appropriate in his case.

(2) Every direction given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing and such a direction shall not require the claimant or beneficiary to submit himself to examination—

(*a*) by a medical board, before the expiration of the period of six days beginning with the date of the direction or such shorter period as may be reasonable in the circumstances;

(*b*) in any other case, before the expiration of three clear days after the date of the giving of such direction, so however that such direction may require the claimant or beneficiary to be examined at a time or place subsequently to be fixed and in such a case he shall be given notice of such time and place not less than two clear days before the time so fixed.

(3) Every claimant and every beneficiary who, in accordance with the foregoing provisions of this regulation, is required to submit himself to a medical examination or to medical treatment—

(*a*) shall attend at every such place and at every such time as may be required; and

(*b*) may in the discretion of the Ministry, be paid such travelling and other allowances (including compensation for loss of remunerative time) as the Ministry may, with the consent of the Ministry of Finance, determine.

(4) In this regulation, the expression "medical authority" means a medical appeal tribunal, a medical board or any medical practitioner appointed or nominated by the Ministry.

Obligations of beneficiaries to notify changes of circumstances.

5. Every beneficiary shall, as soon as may be practicable, notify the Ministry in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any benefit awarded to him or to the receipt thereof.

PART II

Claims

Claims to be made to the Ministry in writing.

6. Every claim for benefit shall be made in writing to the Ministry on the form approved by the Ministry for the purpose of the benefit for which the claim is made, or in such other manner, being in writing, as the Ministry may accept as sufficient in the circumstances of any particular case or class of cases.

Supply of claim forms.

7. Forms of claim shall be supplied without charge by the Ministry or by such persons as the Ministry may appoint or authorise for that purpose.

Claims not on appropriate forms.

8. Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Ministry may treat the claim as if it had been made on the appropriate form:

Provided that the Ministry may in any such case require the claimant to complete the appropriate form.

Information to be given when making a claim for benefit.

9.—(1) Every person who makes a claim for benefit shall furnish to the Ministry or to an officer of the Ministry such certificates, documents, information and evidence for the purpose of determining the claim as may reasonably be required by the Ministry and, if so required, shall for that purpose attend at such office or place as the Ministry may direct.

(2) Every person who makes a claim for benefit, or for an increase of benefit, in respect of a child shall, in particular, furnish such certificate relating to the birth of the child and such other information to show that the child is or may be treated as included in that person's family, as the Ministry may require.

(3) Every person who makes a claim for an increase of benefit in respect of an adult dependant shall, in particular, furnish, if required, the following information concerning such dependant:—

(*a*) his identity, date of birth, usual place of residence, occupation and relationship to the claimant;

(*b*) his position in regard to benefit under the Act and under the National Insurance Act (Northern Ireland), 1946, available sources of income and the amounts contributed by any person towards his maintenance; and

(*c*) in the case of an increase in respect of a wife or a husband, a certificate of the marriage;

together with a declaration signed by the dependant confirming the information given.