

1975 No. 28

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations (Northern Ireland) 1975

Made 18th February 1975*Coming into operation* 5th March 1975

The Department of Health and Social Services, in exercise of the powers conferred on it by sections 12(4), 14(7), 15(1), 16, 31(1), 73(2) of, and paragraph 2 of Schedule 4 to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a), and paragraphs 3 and 4 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(b) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations (Northern Ireland) 1975, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(c) (hereinafter referred to as "the principal regulations") and shall come into operation on 5th March 1975.

Amendment of regulation 3 of the principal regulations

2. For regulation 3 of the principal regulations (amount of disablement gratuities) there shall be substituted the following regulation:

"Amount of disablement gratuities

3. Where the extent of a claimant's disablement is assessed at any of the degrees of disablement severally specified in column (1) of Schedule 3 to these regulations, the amount of any disablement gratuity payable shall—

- (a) if the period taken into account by that assessment is limited by reference to the claimant's life or is not less than 7 years, be the amount calculated as the percentage of the maximum disablement gratuity (specified in paragraph 2 of Schedule 3 to the Act) which is shown in column (2) of Schedule 3 to these regulations as being appropriate to that degree of disablement;
- (b) in any other case, be the amount calculated as such a percentage of the maximum disablement gratuity as bears the same proportion to the percentage shown in column (2) of Schedule 3 to these regulations as being appropriate to that degree of disablement as the period taken into account by the assessment bears to a period of 7 years, a fraction of 5 pence being, for this purpose, treated as 5 pence:

(a) 1966 c. 9 (N.I.)

(b) 1969 c. 19 (N.I.)

(c) S.R. & O. (N.I.) 1969 No. 8 (p. 38), as amended by S.R. & O. (N.I.) 1970 No. 273 (p. 1335).

Provided that, whenever such maximum disablement gratuity is increased by virtue of an amendment to the Act, corresponding increases of gratuity payable under this regulation 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 date of coming into operation of the enactment increasing the amount of the maximum disablement gratuity.”.

Amendment of regulation 4 of the principal regulations

3. Regulation 4 of the principal regulations (injury benefit payable to persons of school age) shall be amended by substituting for paragraph (2) of that regulation the following paragraph:

“(2) The weekly rate of injury benefit in the case of any such person (hereafter in this regulation referred to as “the beneficiary”) shall be—

- (a) the amount specified in paragraph 1(b) of Schedule 3 to the Act where the relevant employment was, or (if more than one) the relevant employments amounted in the aggregate to, full-time employment or substantially full-time employment;
- (b) the amount specified in paragraph 7(a) of Schedule 3 to the Act in any other case;

and such injury benefit shall not be payable otherwise than to a parent or guardian of the beneficiary or person appointed by the Department to receive the benefit on behalf of the beneficiary.”.

Amendment of regulation 6(2) of the principal regulations

4. Regulation 6(2) of the principal regulations (payments in respect of special hardship where the beneficiary is entitled to a gratuity) shall be amended by the addition of the following proviso:

“Provided that, notwithstanding the proviso to regulation 3, whenever the weekly rate of such pension is increased by virtue of an amendment to the Act, such increase shall have effect as from the date on which the enactment increasing the amount of the disablement pension specified in paragraph 3 of Schedule 3 to the Act comes into force, whether the period taken into account by the assessment began before or after that date.”.

Amendment of regulation 7 of the principal regulations

5.—(1) In regulation 7(a) of the principal regulations (increase of disablement pension for constant attendance) for “£6·60” there shall be substituted the words “the amount specified in paragraph 6(a) of Schedule 3 to the Act” and for “£9·90” there shall be substituted the words “one and a half times the amount specified in paragraph 6(a) to the said Schedule, a fraction of 5 pence being, for this purpose, treated as 5 pence.”.

(2) In regulation 7(b) of the principal regulations for “£13·20” there shall be substituted the words “the amount specified in paragraph 6(b) of Schedule 3 to the Act.”.

Amendment of regulation 31 of the principal regulations

6. In regulation 31(2)(e) of the principal regulations (increase of disablement pension in respect of special hardship allowance during temporary absence from Northern Ireland) for paragraph (iii) of the proviso thereto there shall be substituted the following paragraph:

“(iii) that the period taken into account by the award of such increase to that person either includes the day of commencement of such absence or follows a period so taken into account which includes that day without there being a break in entitlement by that person to such increase from that day.”.

Amendment of the principal regulations

7. After regulation 35A of the principal regulations there shall be inserted the following regulation:

“Conditions relating to payment of additional benefit under awards made before the day appointed for an increase of benefit under any Act amending the Act

35B. Where an award of any benefit under the Act has been made before the day appointed for the payment of benefit of the description to which the award relates at a higher rate by virtue of a statutory provision which increases benefit payable under the Act, sub-paragraph (1) of paragraph 3 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969 (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 condition that if the award has not been made in accordance with the provisions of sub-paragraph (2) of that paragraph which authorise the making of such an award providing for the payment of the benefit at the higher 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 statutory provision which so increases benefit, or
- (b) whether the conditions for the receipt of the benefit at the higher 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 Act.”.

Amendment of Schedule 2 to the principal regulations and transitional provision

8.—(1) In paragraphs 8, 9, 10, 23, 24, 25, 26 and 27 of Schedule 2 to the principal regulations (prescribed degrees of disablement — amputation cases upper and lower limbs) wherever the measurement of length specified in column (1) of the Table hereunder appears there shall be substituted therefore the measurement of length shown opposite it in column (2) of the said Table.

TABLE

<i>Imperial measurement</i>	<i>Metric measurement</i>
(1)	(2)
3½ inches	9 centimetres
4½ inches	11·5 centimetres
5 inches	13 centimetres
8 inches	20·5 centimetres

(2) The amendment made by paragraph (1) shall not have effect in respect of any assessment of the extent of a claimant's disablement where the period taken into account thereby commences before the date on which these regulations come into operation.

Amendment of Schedule 3 to the principal regulations

9. For Schedule 3 to the principal regulations (scale of disablement gratuities) there shall be substituted the Schedule set out in Schedule 1 to these regulations.

Amendment of Schedule 4 to the principal regulations

10. For Schedule 4 to the principal regulations (rate of disablement pension payable in lieu of disablement gratuity) there shall be substituted the Schedule set out in Schedule 2 to these regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th February 1975

(L.S.)

W. Bell,
Assistant Secretary

SCHEDULE 1

Regulation 9

Provisions to be substituted in Schedule 3 to the principal Regulations

Scale of Disablement Gratuities

Degree of Disablement	Appropriate proportion of maximum disablement gratuity (as specified in paragraph 2 of Schedule 3 to the Act)
(1)	(2)
	per cent.
1 per cent.	10
2 per cent.	15
3 per cent.	20
4 per cent.	25
5 per cent.	30
6 per cent.	35
7 per cent.	40
8 per cent.	45
9 per cent.	50
10 per cent.	55
11 per cent.	60
12 per cent.	65
13 per cent.	70
14 per cent.	75
15 per cent.	80
16 per cent.	85
17 per cent.	90
18 per cent.	95
19 per cent.	100

SCHEDULE 2

Regulation 10

Provision to be substituted in Schedule 4 to the principal Regulations

Rate of Disablement Pension payable in lieu of Disablement Gratuity in accordance with Regulation 6

Where the degree of disablement is as specified in column (1) of the following table, the weekly rate of the pension shall be determined in accordance with column (2) of that table:

<i>Degree of Disablement</i> (1)	<i>Rate of Pension</i> (2)
less than 20 per cent. but not less than 16 per cent.	The appropriate weekly amount of disablement pension payable in respect of a degree of disablement of 20 per cent. as specified in paragraph 3 of Schedule 3 to the Act;
less than 16 per cent. but not less than 11 per cent.	75 per cent. of the appropriate weekly amount of disablement pension payable in respect of a degree of disablement of 20 per cent. as specified in the said paragraph 3;
less than 11 per cent. but not less than 6 per cent.	50 per cent. of the appropriate weekly amount of disablement pension payable in respect of a degree of disablement of 20 per cent. as specified in the said paragraph 3;
less than 6 per cent.	25 per cent. of the appropriate weekly amount of disablement pension payable in respect of a degree of disablement of 20 per cent. as specified in the said paragraph 3; a fraction of a penny being, for these purposes, treated as one penny.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations amend regulations 3, 4 and 7 of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969 to provide that benefits payable under those regulations shall, instead of being stated as sums of money, be expressed by reference to, or as a proportion of, the benefits shown in Schedule 3 to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 to which they are linked.

These regulations by amending proviso (iii) to regulation 31(2)(e) of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969 extend the circumstances in which a person shall not be disqualified for receiving an increase of disablement benefit in respect of special hardship during a period abroad by providing that he may (subject to satisfaction of other conditions) claim and receive such increase for a period abroad which follows without a break entitlement to such increase which commenced on or before the day he went abroad, notwithstanding that he did not claim for that period until after his departure.

These regulations also substitute metric measurement for imperial measurement in amputation cases in relation to assessments of disablements for periods commencing on or after the date on which regulation 8 of these regulations comes into operation.

Other amendments are of a procedural or minor nature.