

Provided that where any sum has been repaid or recovered in respect of a gratuity awarded to any person, the amount paid to him on account of that gratuity shall, for the purpose of this paragraph, be treated as reduced by the amount so repaid or recovered.

SEVENTH SCHEDULE

Regulation 18.

Order of priority of title to allowance under section 21 of the Act

1. Such person as may be designated in a written notice to the Ministry, signed by all the persons satisfying such conditions as aforesaid.
2. A person who, not being entitled to death benefit as such, is the widow of the deceased or who was, before her remarriage, the widow of the deceased.
3. A person who is entitled to death benefit in respect of the deceased's death—
 - (a) by way of a pension; or
 - (b) by way of an allowance under section 24 of the Act as a woman having the care of a child or children of the deceased's family.
4. Such person as the Ministry may in its discretion determine, having regard to the circumstances of the case.

REGULATIONS, DATED 8TH DECEMBER, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 AND 1948.

1948. No. 344.

The Ministry of Labour and National Insurance, in exercise of the powers conferred by sub-section (2A) of Section 14 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (as amended by the National Insurance (Industrial Injuries) (Amendment) Act (Northern Ireland), 1948), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations (Northern Ireland), 1948, and shall be deemed to have come into operation on the 5th July, 1948. Citation, commencement and interpretation.

(2) These regulations shall be included among the regulations which may be cited together as the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948.

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

“ The Act ” means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, as amended by the National Insurance (Industrial Injuries) (Amendment) Act (Northern Ireland), 1948 ;

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

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

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

(5) 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.

2. The following regulation shall be included in Part III of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948, immediately preceding regulation 5 thereof:—

“Circumstances in which for the purposes of section 14 of the Act a beneficiary may be treated as being at all times incapable of following an occupation or employment notwithstanding that he has worked thereat.

4A. For the purposes of section 14 of the Act (which section relates to increase of disablement pension in respect of special hardship), in determining whether a beneficiary has at all times since the end of the injury benefit period been incapable of following his regular occupation or employment of an equivalent standard which is suitable in his case, and in determining that question alone, the fact that since the end of the injury benefit period such beneficiary had, for the purposes of rehabilitation or training or of ascertaining whether he had recovered from the effects of the relevant injury, worked at that occupation or any such employment (as the case may be) shall be disregarded in respect of—

- (a) any period during which he so worked thereat with the approval of the Ministry or on the advice of a medical practitioner ;
- (b) any other period or periods during which he so worked thereat and which did not exceed three months in the aggregate.”

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 8th day of December, 1948, in the presence of

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William Allen,
Assistant Secretary to the Ministry
of Labour and National Insurance
for Northern Ireland.