

Whereas it is provided by section 13(2) of the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966(a) that the provisions of that Act shall come into force with effect from such date or dates (whether before or after the passing of that Act) as the Minister of Health and Social Services may by order appoint:

Now, therefore, I, the Right Honourable William James Morgan, Minister of Health and Social Services, hereby make the following Order:

1. The provisions of section 2 of the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966 shall come into force with effect from the 1st March, 1966 and the other provisions of that Act shall come into force with effect from the 23rd May, 1966.

2. This Order may be cited as the Workmen's Compensation (Supplementation) Commencement Order (Northern Ireland) 1966.

Given under my hand this 19th day of May, 1966.

Wm. J. Morgan,

Minister of Health and Social Services

1966. No. 105

[C]

WORKMEN'S COMPENSATION

Supplementation

REGULATIONS, DATED 19TH MAY, 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) ACT, (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, with the consent of the Ministry of Finance, in exercise of powers conferred by the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966(a) 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 Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1966

(2) (a) These regulations shall come into force with effect from the 1st March, 1966 being the date appointed for the coming into operation of section 2 of the Act so far as it is necessary to give effect to that section.

(b) Subject to paragraph (a) these regulations shall come into force with effect from the 23rd May, 1966.

(3) In these regulations—

“the Act” means the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966;

“allowance” means an allowance payable by virtue of Part II;

“beneficiary” means a person entitled to an allowance;

“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;

“the determining authority” means the Ministry or the Commissioner as the case may be;

“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 appropriate date specified in Part II been, entitled to weekly payments by way of workmen's compensation;

“unemployment benefit” means unemployment benefit under the National Insurance Act (Northern Ireland) 1966(a).

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations 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.

PART II

ALLOWANCES

Basic allowances

2.—(1) Subject to the following provisions of these regulations, a person who is or has at any time after 23rd July, 1951 been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before 1st January, 1924, shall be entitled to a basic 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 the United Kingdom.

(2) In this regulation 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 regulation 3.

(3) The weekly rate of a basic allowance—

(a) in the case of a basic allowance payable to a person in respect of a period of total incapacity for work resulting from the relevant injury or disease shall be 40s., less the amount of his workmen's compensation; and

(b) in the case of a basic 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 regulation 7) 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 40s.

(a) 1966. c. 6 (N.I.).

Partial incapacity to be treated as total in certain cases

3.—(1) For the purpose of the references in regulation 2 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), 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) 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 subparagraph (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 regulation shall not apply to any person for any period for which he receives unemployment benefit.

(4) This regulation shall also apply for the purposes of section 3(3) of the Act (which relates to the circumstances in which a person is to be treated as subject to total incapacity for work resulting from the relevant injury or disease).

Major incapacity allowances

4.—(1) Subject to the following provisions, a major incapacity allowance shall be payable out of the Industrial Injuries Fund to a person who is or has since 24th July, 1956 been entitled to weekly payments by way of workmen's compensation—

- (a) in respect of any injury or disease if he is as a result of that injury or disease totally incapable of work and likely to remain so for a considerable period; or
 - (b) in respect of two or more injuries or diseases if he is as the joint result of those injuries or diseases totally incapable of work and likely to remain so for a considerable period;
- so long as he is ordinarily resident in the United Kingdom.

(2) The weekly rate of a major incapacity allowance payable to a person shall be the corresponding disablement pension rate less the amount of any workmen's compensation and less the amount of any basic allowance payable to him for that week.

(3) For the purposes of this regulation an allowance payable by virtue of any scheme under the Workmen's Compensation (Supplementation) Act

(Northern Ireland) 1951(a) shall be treated as a weekly payment by way of workmen's compensation.

Lesser incapacity allowance

5.—(1) Subject to the following provisions, a lesser incapacity allowance shall be payable out of the Industrial Injuries Fund to a person, not being a person entitled to a major incapacity allowance, who was immediately before the coming into force of section 12(1) of the Act receiving an allowance payable by virtue of a scheme under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1951, or who is or has since the coming into force of section 2 of the Act been entitled or may be expected to be entitled to a basic allowance or to weekly payments by way of workmen's compensation, other than notional payments, for any period during which he is either totally or partially incapable of work as a result of the relevant injury or disease, and is ordinarily resident in the United Kingdom.

(2) The weekly rate of a lesser incapacity allowance payable to a person shall be determined by reference to the loss of earnings (ascertained in accordance with the provisions of regulation 7) suffered by that person due to the relevant injury or disease; and where the loss of earnings, ascertained as aforesaid, is of an amount shown in the first column of Schedule 1, shall be the rate opposite thereto in the second column of that Schedule and where such loss of earnings is of an amount (not less than one shilling) not so shown, shall be the rate in the said column opposite to the next larger amount which is so shown:

Provided that—

- (i) where the loss of earnings, ascertained as aforesaid, is in excess of the largest amount shown in the said first column the weekly rate of lesser incapacity allowance shall be the rate in the second column opposite to such largest amount; and
- (ii) the weekly rate of lesser incapacity allowance payable to any person shall be reduced by the amount of any workmen's compensation payable to him for that week in excess of 40s.

(3) In this regulation the expression "notional payment" means a payment by way of workmen's compensation awarded or paid for the purpose of safeguarding a potential entitlement to compensation and not related to any existing loss of earnings:

Provided that a weekly payment by way of workmen's compensation made to any person shall be deemed to be a notional payment for the purposes of this regulation if—

- (a) the amount of such weekly payment is less than sixpence; or
- (b) during the period of twelve months immediately preceding 30th November, 1965 either—
 - (i) no weekly payments by way of such compensation were made to that person; or
 - (ii) any such weekly payments made to him were of an amount less than sixpence;

unless that person proves to the satisfaction of the determining authority that such weekly payment is not a notional payment.

Amount of workmen's compensation

6.—(1) Any reference in regulations 2, 4 and 5 to the amount of a person's

(a) 1951. c. 16,

workmen's compensation shall (subject to the provisions of the following paragraphs of this regulation) 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 regulation be taken to be the reduced amount so fixed with the addition of the amount of the reduction; and
- (b) where the amount of those weekly payments has not been fixed under the provisions relating thereto, it shall be fixed for the purpose of this regulation without regard to any such payment, allowance or benefit as aforesaid; and
- (c) where the determining authority is satisfied that an allowance or allowances under these regulations would, apart from the provisions of this sub-paragraph, be payable or be payable at a higher rate by reason of the amount of those weekly payments, fixed under the provisions relating thereto, not being the amount which, in the opinion of the determining authority, ought reasonably and properly to be so fixed, the amount of those weekly payments shall, for the purposes of this regulation, be taken to be such as the determining authority may determine ought reasonably and properly to be so fixed, having regard to the rules for calculating such weekly payments under the provisions relating to his workmen's compensation.

(2) Where a person is or has at any time after 23rd July, 1951 been entitled to payments under the Workmen's Compensation (War Addition) Acts 1917 and 1919 but had on or before that date ceased to be entitled to any other weekly payments by way of workmen's compensation in respect of the relevant injury or disease, the amount of his workmen's compensation shall for the purposes of regulations 2, 4 and 5 be calculated as if he had not ceased to be entitled to such other payments.

(3) Where a person is or since the date of the coming into force of section 2 of the Act has been entitled to payments under the Workmen's Compensation (Supplementary Allowances) Act (Northern Ireland) 1940, as amended by the Workmen's Compensation (Temporary Increases) Act (Northern Ireland) 1943, but had before that date ceased to be entitled to any other weekly payments by way of workmen's compensation in respect of the relevant injury or disease, the amount of his workmen's compensation shall for the purposes of regulations 4 and 5 be calculated as if he had not ceased to be entitled to such other payments.

(4) Where by reason of the seasonal nature of a person's employment, or for any other cause, weekly payments by way of workmen's compensation were not made to that person at the same rate for each week during the twelve months preceding the making of a claim for, or an application for review of a decision as to, an allowance, the amount of that person's workmen's compensation shall for the purposes of regulations 2, 4 and 5 be calculated or estimated in such manner and on such basis as may be decided by the determining authority to be appropriate, having regard to all the circumstances of the case.

Computation of loss of earnings

7.—(1) For the purposes of section 2(6)(a) of the Act and of these regulations the amount representing a person's loss of earnings due to the relevant injury or disease shall, subject to the provisions of regulation 10(b) and of paragraph (2) be ascertained by comparing the standard of remuneration obtaining during the period of twelve months, or such shorter period as the determining authority may determine, ending with the date of the coming into force of section 2 of the Act, in the class of employment in which he was employed at the time when the accident happened with the amount which he was earning or able to earn during the said period in some suitable employment or business:

Provided that in assessing, in relation to any person, the standard of remuneration in any class of employment, regard shall be had to that person's reasonable prospects of advancement and the class of employment in which he was employed at the time when the accident happened shall be treated, for this purpose, as extending to and including employment in the capacities to which persons so employed are, in the normal course, advanced and to which if he had continued to be so employed, without the accident having happened, he would have had at least the normal prospects of advancement.

(2) In ascertaining the amount representing a person's weekly loss of earnings under paragraph (1)—

- (a) where the class of employment in which he was employed at the time when the accident happened has ceased to exist or cannot be related to the wage structure obtaining from time to time in the industry in which he was employed at that time, the determining authority shall take the standard of remuneration to be such as appears to it to be appropriate, having regard to all the circumstances of the case;
- (b) in a case of disease, where a person proves to the satisfaction of the determining authority that he left any class of employment as a result of the relevant disease before the date which was treated as his date of disablement from that disease for the purposes of the Acts relating to workmen's compensation, then any class of employment which he so left may be treated as the class of employment in which he was employed on the said date of disablement if it would have been so treated had the said date of disablement fallen immediately before he left that class of employment;
- (c) the reference to the amount which a person was earning or able to earn in some suitable employment or business shall be taken as referring to such amount as that person would have been able to earn but for 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 or of that person's retirement from any such employment or business;
- (d) the determining authority may determine the amount which represents a person's weekly loss of earnings under paragraph (1) without having regard to the rules for calculating the weekly payments in the case of partial incapacity under the provisions relating to his workmen's compensation.

Corresponding payments under legislation of the Parliament of the United Kingdom

8. Subject to the provisions of any reciprocal arrangements made by the Ministry under section 8 of the Act—

- (a) a basic allowance shall not be payable to a person in respect of the

relevant injury or disease for any period during which he is entitled under any legislation of the Parliament of the United Kingdom to any payment corresponding to a basic allowance in respect of the said injury or disease; and

- (b) a major incapacity allowance shall not be payable to a person for any period during which he is entitled under any such legislation to any payment corresponding to a major incapacity allowance; and
- (c) a lesser incapacity allowance shall not be payable to a person for any period during which he is entitled under any such legislation to any payment corresponding to a major incapacity allowance or to a lesser incapacity allowance.

Allowances payable to beneficiaries who have ceased to be ordinarily resident in the United Kingdom

9. Where a beneficiary ceases to be ordinarily resident in the United Kingdom he shall not by reason of that fact cease to be entitled to allowances under these regulations—

- (a) where an application for a reference to a medical referee has been made and the medical referee certifies in accordance with paragraph 18 of Schedule 1 to the Workmen's Compensation Act 1906 or section 16 of the Workmen's Compensation Act (Northern Ireland) 1927 that the incapacity resulting from the relevant injury or disease is likely to be of a permanent nature; or
- (b) where no such application has been made, if the determining authority is satisfied that the said incapacity is likely to be of a permanent nature.

Allowances in respect of two or more different injuries or diseases

10. Where a claimant or beneficiary is entitled for the same period to weekly payments by way of workmen's compensation in respect of two or more different injuries or diseases, or has been so entitled at any time since, in the case of basic allowance the commencement of the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1951 or, in the case of any other allowance the date of the coming into force of section 2 of the Act,—

- (a) he shall, subject to the provisions of these regulations, be entitled to an allowance under these regulations in respect of each such injury or disease during any period of total or partial incapacity for work resulting from that injury or disease:

Provided that

- (i) he shall not for the same period be entitled to receive two or more basic allowances at an aggregate weekly rate which exceeds 40s.; and
- (ii) he shall not in respect of any period for which he is entitled to a major incapacity allowance by reason of one or the joint result of two or more of such injuries or diseases, be entitled to receive any other allowance under these regulations, except for a basic allowance, by reason of any injury or disease; and
- (iii) he shall not for the same period be entitled to receive two or more lesser incapacity allowances at an aggregate weekly rate which exceeds 47s. 6d.; and
- (iv) in any event, he shall not, in respect of the same period, be entitled to receive two or more allowances under these regulations at an aggregate weekly rate exceeding the corresponding disablement pension rate;

- (b) in ascertaining for the purposes of these regulations the amount of his loss of earnings due to the relevant injury or disease the joint results of both or all such injuries or diseases may be treated as the result of any one of them but, in respect of any period during which such results are so treated, he shall not be entitled to receive more than one basic allowance or more than one lesser incapacity allowance under these regulations.

PART III

DETERMINATION OF CLAIMS AND QUESTIONS

Procedure on determination of claims and questions arising in connection with claims and awards

11.—(1) Any claim for an allowance and any question arising in connection with a claim for or an award of an allowance shall be determined by the Ministry.

(2) Where the Ministry has decided a question in whole or in part adversely to the claimant, the claimant shall be notified in writing of the decision and the reasons therefor and of his right of appeal from the decision to the Commissioner.

(3) An appeal shall be brought by giving notice thereof in writing to the Ministry within three months of the date of the decision, and shall contain a statement of the grounds of the appeal. An appeal brought after the expiry of the said three months may be accepted if the Commissioner is satisfied that there is good cause for the delay.

(4) The Ministry shall, as soon as may be after receipt of any such appeal, forward the appeal to the Commissioner together with a statement of the grounds of the decision against which the appeal is made.

(5) If a person by whom notice of appeal is given or the Ministry makes a request to the Commissioner for a hearing of the appeal, the Commissioner shall grant such request, unless he is satisfied that the appeal can properly be determined without a hearing, in which event he shall inform the claimant or the Ministry, as the case may be, in writing and may proceed to determine the case without a hearing.

(6) If, in accordance with the provisions of the last foregoing paragraph, a request for a hearing has been granted, or if, notwithstanding that no such request has been made, the Commissioner is otherwise satisfied that a hearing is desirable, reasonable notice of the time and place of the hearing shall be given to the claimant and, if he thinks fit, to any other person appearing to the Commissioner to be an interested person.

(7) Every such hearing shall be in public, except in so far as the Commissioner for special reasons may otherwise direct.

(8) The Commissioner may by summons require persons to attend at any such hearing to give evidence and to produce documents reasonably required for the purpose of determining the claim.

(9) The claimant, or an association of employed persons of which the claimant is or has been a member, shall have the right to be heard at a hearing by the Commissioner and may be represented by counsel or solicitor or other representative at any such hearing.

(10) If the claimant should fail to appear either in person or by representative at the hearing, the Commissioner may proceed to determine the claim or question notwithstanding his absence or may give such direction with a view to the determination of the claim or question as he thinks proper.

(11) The decision of the Commissioner shall be in writing and signed by him, and a copy thereof shall be sent as soon as may be practicable to the claimant and to any person appearing to the Commissioner to be an interested person.

(12) For the purpose of the determination of any question, the determining authority may refer to a medical practitioner for examination and report any question arising for its decision.

PART IV

CLAIMS AND PAYMENTS

Claims to be made in writing

12. Every claim for an allowance shall be made in writing to the Ministry.

Information to be given when making a claim or obtaining payment of allowance

13. Every person who makes a claim for or is entitled to an allowance and every person to whom or on whose behalf sums are payable by way of an allowance shall furnish in such manner and at such times as the Ministry may direct such certificates, documents, information and evidence affecting the right to the allowance or to the receipt of any sums payable by way of any allowance 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.

Obligations of claimants and of persons in receipt of allowances to undergo medical examination

14. The Ministry may by notice in writing require any claimant for and any person in receipt of an allowance to undergo medical or other examination not less than three clear days after the day on which such notice was sent, and any such person shall comply with every such requirement and shall attend at every such place and at every such time as may be required.

Sums not payable when delay in claiming

15. An allowance shall not be payable to any person in respect of any period more than six months before the claim for the allowance is made, except that in any particular case the determining authority may determine that the allowance shall be payable from such earlier date as it may consider reasonable in the circumstances, not being a date before the date from which, apart from this regulation, the allowance would be payable.

Payment of allowances

16. Payment of allowances shall be made by the Ministry, and accordingly the provisions of the Industrial Injuries Act and of the regulations made or deemed to be made thereunder specified in Schedule 2 shall be applicable with the necessary modifications to claims for and payment of allowances as the same apply to industrial disablement benefit under that Act.

Obligation of beneficiaries to notify change of circumstances

17. 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 allowance or any part thereof awarded to him, or to the receipt of any such allowance or part.

Allowances to be inalienable

18. Subject to the following provisions of these regulations, every assignment of, or charge on, an allowance and every agreement to assign or charge an allowance, shall be void, and on the bankruptcy of a beneficiary, the allowance shall not pass to any trustee or other person acting on behalf of his creditors.

Forfeiture of allowances

19. If a claimant or beneficiary

(a) fails without reasonable cause to comply with any requirement of regulations 13, 14 or 17, he shall, if the determining authority so decides, forfeit any allowance which would, apart from this paragraph, be payable in respect of periods of such failure;

(b) wilfully obstructs, or is guilty of other misconduct in connection with any medical or any other examination which he is required under regulation 14 to undergo, or with any proceedings under these regulations for the determination of his right to an allowance or to the receipt thereof, he shall forfeit for such period as the determining authority shall determine any allowance which would, apart from this paragraph, be payable:

Provided that nothing in this regulation providing for forfeiture of an allowance for failure to undergo medical or other examination or for obstruction or misconduct in connection with such examination shall authorise the dis-entitlement of the person concerned for a period exceeding six weeks on any forfeiture.

Suspension of payment of allowances

20. Where it appears to the Ministry that a question has arisen whether the award of an allowance ought to be revised in accordance with regulation 23, it may suspend the payment of the allowance in whole or in part until the question has been determined.

Allowances during imprisonment

21.—(1) Where a person has become entitled, in respect of a period, or any part of a period, during which he is and has continuously been undergoing imprisonment or detention in legal custody, to sums by way of allowance which, in the aggregate, either

(a) equal the total amount payable by way of an allowance for a period of one year; or

(b) in respect of such period of imprisonment or detention in legal custody amount to £100;

then that person shall be disqualified from receiving any further sums by way of allowance in respect of such period, or any part thereof.

(2) The provisions of regulation 25 of the National Insurance (Industrial Injuries (Benefit) Regulations (Northern Ireland) 1948(a) (which regulation

(a) See reg. 4 of S.R. & O. (N.I.) 1960, No. 140,

relates to the suspension of payment of benefit during periods of imprisonment or detention in legal custody) shall be applicable with the necessary modifications to the payment of an allowance as the same apply to benefit under the Industrial Injuries Act.

PART V

CLAIMS IN EXCEPTIONAL CIRCUMSTANCES, REVIEW, OVERPAYMENT, RECOVERY

Claims in exceptional circumstances

22. Where a person first makes a claim for a lesser incapacity allowance and it appears to the determining authority that, between the date of coming into force of section 2 of the Act and the date on which that claim was made, there has been such an exceptional change in the amount of that person's workmen's compensation or loss of earnings calculated in accordance with the foregoing provisions or in the nature of that person's employment that to make a decision in accordance with the said foregoing provisions would not in the opinion of the determining authority be reasonable, the determining authority may, notwithstanding anything in the foregoing provisions, determine any questions as to the amount of his workmen's compensation or loss of earnings having regard to such periods subsequent to the aforesaid exceptional change of circumstances as the determining authority may consider appropriate.

Review of decisions

23.—(1) The Ministry may at any time and from time to time review any decision given under these regulations—

- (a) if it appears to it that the decision was erroneous in view of new facts which have been brought to its notice since the date on which the decision was given or by reason of some mistake being made with respect to the facts or the law; or
- (b) if there has been any relevant change of circumstances since the decision was given; or
- (c) if there has been such an exceptional change of circumstances as would enable a claim first made thereafter to be determined under the provisions of regulation 22.

(2) Any question may be raised by a claimant with a view to the review of any decision by means of an application made in writing to the Ministry and stating the grounds of the application.

(3) A claimant shall have the same right of appeal against a decision given by the Ministry on review or against a refusal by the Ministry to review a previous decision as he would have had against the decision for the review of which he has applied.

(4) Where on review a decision is revised so as to make an allowance payable or to increase the rate of an allowance then, subject to the provisions of these regulations relating to the time of payment of allowances, the allowance shall be payable accordingly from such date as the determining authority may consider reasonable in the circumstances.

Requirement to repay wrongly paid allowances

24. Where on review a decision is revised, the decision given on review shall require repayment to the Industrial Injuries Fund of any sums paid by way of an allowance in pursuance of the original decision to the extent to which they would not have been payable if the decision on the review had been given in the first instance:

Provided that repayment of sums by way of an allowance in pursuance

of the original decision shall not be required under this regulation in any case where it is shown to the satisfaction of the determining authority that in the obtaining and receipt of those sums the person concerned, and any person acting for him, has throughout used due care and diligence to avoid overpayment.

Recovery of sums by deduction from allowances or benefits under the Industrial Injuries Act

25.—(1) Where any sums by way of an allowance are required to be repaid to the Industrial Injuries Fund under regulation 24, such sums may, without prejudice to any other method of recovery, be deducted from any allowance or from any benefit under the Industrial Injuries Act then or thereafter payable to the person by whom they are to be repaid, or to any person entitled to receive such allowance or benefit on his death, and such deduction may be made at such rate as the Ministry may determine.

(2) Where, in the case of any person, any sum may be recovered by deduction by virtue of any provision of the Industrial Injuries Act from any payment under that Act, it may instead be recovered in whole or in part by deduction from any allowance then or thereafter payable to him, or to any person entitled to receive such allowance on his death.

PART VI

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

Conditions for allowance satisfied by previous awards

26. Any allowance under these regulations may be paid without any claim or award or awarded without any claim if evidence of the satisfaction of the conditions for that allowance is afforded by the award of an allowance under a scheme made under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1951 or of an allowance under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1956.

Contracting-out schemes

27. In relation to a person whose workmen's compensation is or was compensation under a contracting-out scheme, section 2(5) of the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1951 (which relates to the amount of a person's workmen's compensation) and regulations 2, 4, 5 and 6 shall apply subject to the modification that, where by reason of the nature of the provisions of the contracting-out scheme—

- (a) there is in the opinion of the determining authority difficulty in distinguishing the amount to which that person is or was entitled by way of workmen's compensation under that scheme from other payments to him; or
- (b) the said amount is or was reduced in consequence of other payments to him;

the amount of his workmen's compensation shall be taken to be such an amount as the determining authority may think reasonable in his case, having regard to the provisions of the contracting-out scheme and to the amount of the weekly payment by way of workmen's compensation which would, but for the contracting-out scheme, have been payable to him in respect of the relevant injury or disease,

Exemption from stamp duty

28. Stamp duty shall not be chargeable upon such documents used in connection with business under these regulations as are specified in Schedule 3.

Reciprocal arrangements with Great Britain

29. If in pursuance of section 8 of the Act (which relates to reciprocal arrangements with Great Britain) the Ministry makes reciprocal arrangements for payments under any corresponding legislation of the Parliament of the United Kingdom to be made out of the Industrial Injuries Fund, the provisions of these regulations shall apply in relation to such payments as if they were payments under these regulations.

Breach of regulations

30. If any person contravenes or fails to comply with any requirement of regulations 13 or 17 he shall for such offence be liable on summary conviction to a penalty not exceeding ten pounds.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 19th day of May, 1966.

(L.S.)

H. A. Lowry,
Assistant Secretary.

The Ministry of Finance hereby consents to these regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 19th day of May, 1966.

(L.S.)

R. R. Butler,
Assistant Secretary.

SCHEDULE 1

Regulation 5

Loss of earnings	Rate of lesser incapacity allowance
s. d.	s. d.
9 11	2 6
19 11	5 0
34 11	7 6
49 11	10 0
64 11	15 0
79 11	20 0
94 11	25 0
109 11	32 6
124 11	40 0
125 0	47 6

SCHEDULE 2

Regulation 16

Provisions of the Industrial Injuries Act and of Regulations made thereunder applicable (with the necessary modifications) to Claims for and Payment of Allowances

Provisions of the Industrial Injuries Act and of Regulations made thereunder	Subject matter
Section 27(5)	Fractions of a penny to be disregarded.
The National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1948(a)	
Regulation 15	Time and manner of payment of benefit.
Regulation 18(b)	Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time.
Regulation 22	Persons unable to act.
Regulation 23(c)	Payment on death.

SCHEDULE 3

Regulation 28

Documents exempt from stamp duty

1. Draft or order or receipt given in respect of an allowance.
2. Appointment or revocation of an appointment of an agent and any other documents authorised by or in pursuance of these regulations or otherwise required in order to give effect to the provisions of these regulations.

EXPLANATORY NOTE

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

These Regulations, made in exercise of powers conferred on the Ministry of Health and Social Services by the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966, replace with extensions and amendments the Workmen's Compensation (Supplementation) Scheme of 1951 and subsequent amending schemes.

The Regulations improve and extend allowances payable out of the Industrial Injuries Fund in respect of injury or disease arising out of employment before 5th July, 1948. They apply to all persons covered by the revoked schemes and to those formerly entitled to allowances for total incapacity or disablement (as a result, wholly or partly, of some compensable injury or disease) provided by the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1956 which is repealed by the 1966 Act. They also provide allowances, at rates dependent on loss of earnings, to all partially incapacitated men in receipt of weekly payments of workmen's compensation other than notional payments. To determine the rate of these allowances the Regulations provide for earnings to be calculated on a basis similar to that established for the purposes of the Industrial Injuries Act without regard to the rules for making such calculations under the Workmen's Compensation Acts.

The Regulations contain detailed provisions relating to claims and payments and other incidental matters based on the corresponding provisions of the Industrial Injuries Act. They also contain transitional provisions.

(a) S.R. & O. (N.I.) 1948, No. 204.

(b) See reg. 5 and Part I of Schedule B to S.R. & O. (N.I.) 1952, No. 118.

(c) See reg. 6 and Part II of Schedule B to S.R. & O. (N.I.) 1952, No. 118.