

1972. No. 194

[C]

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 14TH AUGUST 1972, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1966 TO 1972.

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12(4), 14(7), 15(1), 19(4) and 73(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a), and the Ministry of Health and Social Services on behalf of the Secretary of State, in exercise of powers conferred by sections 13(2), 16 and 53(4) of that Act and paragraphs 3 and 4 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(b), and of all other powers enabling them in that behalf, hereby make the following regulations being regulations subject to negative resolution in accordance with section 80(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1972 and shall come into operation, in the case of regulations 1 and 5 on 14th August 1972, in the case of regulation 4(1) on 1st October 1972 and in the case of the remainder of the regulations on 4th October 1972.

(2) In these regulations—

“the principal Act” means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966;

“the Act of 1972” means the National Insurance Act 1972(c);

“the Benefit Regulations” means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969(d);

“the Claims and Payments Regulations” means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1969(e).

Increase in rates and amounts of benefit payable under regulations

2.—(1) The rates and amounts of benefit of the several descriptions specified in the Schedule shall be increased as from the dates respectively specified in paragraph (2) and accordingly the provisions of the Benefit Regulations set out in column (1) of that Schedule (which provisions relate to the said rates and amounts of benefit) shall be amended as from the appropriate date by substituting for the rates and amounts set out in column (3) of that Schedule the corresponding rates and amounts set out in column (4) thereof.

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

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

(c) 1972. c. 57.

(d) S.R. & O. (N.I.) 1969, No. 8.

(e) S.R. & O. (N.I.) 1969, No. 7.

(2) The said increases shall operate, in so far as they relate to injury benefit as from 5th October 1972, and in so far as they relate to any other benefit as from 4th October 1972:

Provided that the increased amount of a disablement gratuity 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 4th October 1972, but nevertheless the amendment made by this regulation to Schedule 4 to the Benefit Regulations (which Schedule, as applied by regulations 6 and 8 of those regulations, prescribes, in relation to awards of disablement gratuity, the weekly rate of pension payable in lieu thereof and the weekly amount by which increase of benefit during hospital treatment is reduced) shall have effect as from 4th October 1972, whether the period taken into account by the assessment began before or after that date.

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

3. Where an award of any benefit under the principal Act has been made before the day appointed or prescribed for the payment of benefit of the description to which the award relates at a higher weekly rate by virtue of the Act of 1972 or of these regulations, paragraph 3(1) 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 paragraph 3(2) of that Schedule (which paragraph authorises the making of such an award providing for the payment of the benefit at the higher weekly 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 Act of 1972 or of these regulations, or
- (b) whether the conditions for the receipt of the benefit at the higher weekly 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 principal Act.

Amendments to the Benefit Regulations

4.—(1) In regulation 19 of the Benefit Regulations (widow's pension) paragraph (b) shall be omitted.

(2) After regulation 35 of the Benefit Regulations there shall be inserted the following regulation:

“Earnings level for the purposes of unemployability supplement under section 13 of the Act

35A. For the purposes of section 13(2) of the Act (earnings level that does not disqualify for unemployability supplement) the prescribed amount of earnings in a year shall be £234.”

Amendments to the Claims and Payments Regulations

5.—(1) In regulation 23 of the Claims and Payments Regulations (commencement of payment on review) the words “under Part III of the Act” shall be omitted.

(2) At the end of regulation 23 of the Claims and Payments Regulations there shall be added the following proviso :

“Provided that in the case of a review pursuant to section 5(5) of the National Insurance Act 1972 of a decision that a claimant was not entitled to death benefit, benefit shall not be payable for any period earlier than 9th August 1972.”

Given under the Official Seal of the Industrial Injuries Joint Authority
this 14th day of August 1972.

(L.S.)

F. B. Hindmarsh,

A person authorised by the
Industrial Injuries Joint Authority
to act on behalf of the Secretary,
Industrial Injuries Joint Authority.

Given under the Official Seal of the Ministry of Health and Social Services
for Northern Ireland this 14th day of August 1972.

(L.S.)

C. G. Oakes,
Assistant Secretary.

SCHEDULE

Regulation 2

**Amendment of Provisions of the Benefit Regulations
Relating to Rates and Amounts of Benefit**

Amended provision (1)	Description of rates and amounts of benefit (2)	Existing rate or amount (3)	New rate or amount (4)
Regulation 4(2)	Weekly rates of injury benefit in respect of persons under the upper limit of compulsory school age: (a) where the employment or employments amounted to full-time or substantially full-time employment; (b) in any other case	£5.50 £1.85	£6.20 £2.10
Regulation 7	Weekly rates of allowance in respect of constant attendance: (a) where to a substantial extent dependent on such attendance; (b) maximum payable where so dependent and attendance required is greater by reason of exceptionally severe disablement; (c) where entirely or almost entirely dependent on such attendance	£4.00 £6.00 £8.00	£4.50 £6.75 £9.00
Schedule 3 (applied by Regulation 3)	Amount of gratuities for degrees of disablement of: 1 per cent 2 per cent 3 per cent 4 per cent 5 per cent 6 per cent 7 per cent 8 per cent 9 per cent 10 per cent 11 per cent 12 per cent 13 per cent 14 per cent 15 per cent 16 per cent 17 per cent 18 per cent 19 per cent	£66.00 £99.00 £132.00 £165.00 £198.00 £231.00 £264.00 £297.00 £330.00 £363.00 £396.00 £429.00 £462.00 £495.00 £528.00 £561.00 £594.00 £627.00 £660.00	£74.00 £111.00 £148.00 £185.00 £222.00 £259.00 £296.00 £333.00 £370.00 £407.00 £444.00 £481.00 £518.00 £555.00 £592.00 £629.00 £666.00 £703.00 £740.00

Amended provision (1)	Description of rates and amounts of benefit (2)	Existing rate or amount (3)	New rate or amount (4)
Schedule 4 (applied by Regulations 6 and 8)	Weekly rate of disablement pension payable in lieu of disablement gratuity for degree of disablement of: less than 20 per cent but not less than 16 per cent less than 16 per cent but not less than 11 per cent less than 11 per cent but not less than 6 per cent less than 6 per cent	£2.00 £1.50 £1.00 £0.50	£2.24 £1.68 £1.12 £0.56

EXPLANATORY NOTE

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

These regulations which are made in consequence of the National Insurance Act 1972 increase the rates of certain benefits payable under regulations made under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, in order to bring them into conformity with the higher rates of benefit payable directly under that Act by virtue of the Act of 1972, and contain consequential and transitional provisions following upon the passing of the last-mentioned Act.

The regulations amend the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1969 by prescribing the earnings level which may be reached before a person is disqualified for unemployability supplement under section 13(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.

The regulations also amend the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland) 1969 in order to provide that on a review pursuant to section 5 of the Act of 1972 of a decision that a claimant was not entitled to death benefit, benefit shall not be payable for any period earlier than 9th August 1972. A minor consequential amendment is also made to the last-mentioned Regulations.