

1973. No. 10

[C]

## NATIONAL INSURANCE

## Overlapping Benefits

REGULATIONS, DATED 18TH JANUARY 1973, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1969.

The National Insurance Joint Authority, in exercise of powers conferred by sections 49 and 50 of the National Insurance 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 section 8 of the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(b), in each case in conjunction with the Ministry of Finance on behalf of the Secretary of State so far as relates to matters with regard to which the Ministry of Finance has so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations being regulations subject to negative resolution in accordance with sections 101(3) and 8(5) respectively of those Acts:

## PART I

## GENERAL

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1973 and shall come into operation on 19th February 1973.

(2) In these regulations—

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

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

“the Act of 1966” means the National Insurance (No. 2) Act (Northern Ireland) 1966(d);

“the deceased” means, in relation to any death benefit, the person in respect of whose death that benefit, apart from these regulations, is payable;

“beneficiary” means the person to whom any benefit, pension or allowance is payable;

“death benefit” means any benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable in respect of the death of any person;

“dependency benefit” means that benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant, and includes child’s special allowance;

“disablement pension” includes a disablement payment on a pension basis and retired pay or a pension in respect of any disablement, wound, injury or disease;

(a) 1966. c. 6 (N.I.).  
(b) 1969. c. 19 (N.I.).

(c) 1966. c. 9 (N.I.).  
(d) 1966. c. 16 (N.I.).

- “personal benefit” means that benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;
- “personal death benefit” means any personal benefit by way of death benefit;
- “Personal Injuries Scheme” means any scheme made under the Personal Injuries (Emergency Provisions) Act 1939(e) or under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(f);
- “Pneumoconiosis and Byssinosis Benefit Scheme” means any scheme made under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1967(g);
- “Service Pensions Instrument” means any Royal Warrant, Order in Council or other instrument (not being a 1914-1918 War Injuries Scheme) under which a disablement pension may be paid out of public funds in respect of any disablement, wound, injury or disease attributable to or aggravated by service in the naval, military or air forces of the Crown or in any nursing service or other auxiliary service of any of the said forces or in the Home Guard or in any other organisation established under the control of the Defence Council or under which any pension or allowance may be paid out of public funds to any person after the death of some other person in continuation of any payments made during the lifetime of that person in respect of his service in any of the said forces, services and organisations;
- “supplement on account of unemployability” includes an increase, on account of unemployability, of an allowance under any Pneumoconiosis and Byssinosis Benefit Scheme;
- “training allowance” means an allowance (whether by way of periodical grants or otherwise) payable, out of public funds, by a Government department to a person for his maintenance, or in respect of any dependant of his, for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him;
- “training scheme” means a scheme or arrangement under which a training allowance may be paid, not being a scheme or arrangement under which a training allowance is paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education or is training as a teacher;
- “widow’s basic pension” and “contributory old age pension” have the same meanings as in the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland) 1948(h);
- “1914-1918 War Injuries Scheme” means any scheme made under the Injuries in War (Compensation) Act 1914(i) or under the Injuries in War Compensation Act 1914 (Session 2)(j) or under the Injuries in War (Compensation) Act 1915(k) or any Government scheme for compensation in respect of persons injured in any merchant ship or fishing vessel as the result of hostilities during the 1914-1918 War.

(e) 2 &amp; 3 Geo. 6. c. 82.

(f) 2 &amp; 3 Geo. 6. c. 83.

(g) 1967. c. 34.

(h) S.R. &amp; O. (N.I.) 1948, No. 39.

(i) 4 &amp; 5 Geo. 5. c. 30.

(j) 5 &amp; 6 Geo. 5. c. 18.

(k) 5 &amp; 6 Geo. 5. c. 24.

(3) Where under section 24 of the Industrial Injuries Act (payment in certain cases of an allowance to a woman having the care of a child or children of the family of a person who dies as a result of an industrial accident) there is payable any death benefit, that death benefit shall, for the purposes of these regulations and notwithstanding the provisions of section 30(c) of that Act (death benefit under the said section 24 payable in respect of a child), be treated as personal benefit.

(4) Where under any Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme there is payable to a child any personal benefit by way of a pension, that personal benefit shall, for the purposes of these regulations, be treated as dependency benefit payable to another person in respect of that child.

(5) For the purposes of these regulations, a supplement on account of unemployability shall, notwithstanding that it is payable by way of an increase of a disablement pension or disablement allowance, be treated as a separate benefit, pension or allowance.

## PART II

### ADJUSTMENT OF BENEFIT WHERE A PENSION OR AN ALLOWANCE IS PAYABLE OUT OF PUBLIC FUNDS

*Adjustment of personal benefit under the Act where other personal benefit (whether under the Act or otherwise) is payable*

2.—(1) Where, for any period, any personal benefit under the Act and one or more of the personal benefits specified in paragraph (5) (hereafter in this regulation and in regulation 3 referred to as “the specified benefits”) or where more than one personal benefit (whether of the same or a different description) under the Act are, or but for this regulation would be, payable to any person, then for that period—

- (a) every personal benefit under the Act which is or would be so payable shall, subject to the provisions of regulation 3(1) and to the provisions of regulation 4, be adjusted in accordance with the provisions of paragraphs (2) and (4) of this regulation by reference to each of the specified benefits (if any) payable for that period; and
- (b) where (after such adjustment, if any) more than one personal benefit under the Act would be payable for that period, an adjustment between those personal benefits shall, subject to the provisions of regulation 3(2) and (3), be made in accordance with the provisions of paragraphs (3) and (4) of this regulation.

(2) Where in accordance with paragraph (1) any personal benefit under the Act is required to be adjusted for any period by reference to any specified benefit or benefits, then the amount which, but for this regulation, would be payable for that period in respect of that personal benefit under the Act shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that specified benefit or those specified benefits and, subject to any further adjustment to be made in accordance with paragraph (3), only the balance (if any) shall be payable for that period in respect of that personal benefit under the Act.

(3) Where in accordance with paragraph (1) an adjustment between any personal benefits under the Act is required to be made for any period, then the amount payable for that period in respect of those personal benefits shall be the amount which, but for this provision, would be payable for that period in respect of one of those personal benefits (if they would be so payable at equal rates) or that one of them which would be so payable for that period at the higher or highest rate.

(4) Where an adjustment falls to be made in accordance with the provisions of paragraph (2) or (3) and either—

- (a) one of the benefits in question is widow's basic pension payable to a widow by virtue of the insurance of her husband who died before 5th July 1951, and the other is unemployment benefit, sickness benefit, invalidity benefit or maternity benefit or a specified benefit other than a personal death benefit; or
- (b) one of the benefits in question is a widow's basic pension or a contributory old age pension and the other is a supplement on account of unemployability payable under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme, or any Pneumoconiosis and Byssinosis Benefit Scheme,

any such adjustment shall not reduce the aggregate amount payable in respect of the benefits in question to less than the aggregate amount of any invalidity allowance to which the beneficiary may be entitled and the sums which would have been payable in respect of the other benefits had they been calculated at the respective rates appropriate to the period immediately before 20th September 1971 (or, in the case of invalidity pension, had it been calculated at the rate appropriate to sickness benefit for that period) and had no adjustment fallen to be made under this regulation.

(5) The personal benefits referred to in this regulation and in regulation 3 as "the specified benefits" are—

- (a) any personal benefit by way of injury benefit or a supplement on account of unemployability, or any personal death benefit, under the Industrial Injuries Act;
- (b) any personal benefit by way of a supplement on account of unemployability under any Pneumoconiosis and Byssinosis Benefit Scheme;
- (c) any personal benefit by way of a supplement on account of unemployability, or any personal death benefit by way of pension or allowance (not being a grant payable by reason of the beneficiary being in receipt of a pension and being over 65 years of age or a pension or allowance calculated by reference to the necessities of the beneficiary), under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme;
- (d) any personal benefit under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme, being an additional allowance payable only to a beneficiary who is entitled to a supplement on account of unemployability; and
- (e) any personal benefit by way of training allowance under any training scheme.

*Exceptions to regulation 2*

3.—(1) Any personal benefit under the Act which is specified in any paragraph of the first column of Schedule 1 shall not be adjusted by reference to any specified benefit in the corresponding paragraph of the second column of that Schedule.

(2) An adjustment shall not be made between any two personal benefits under the Act of which one is specified in any paragraph of the first column of the said Schedule and the other is specified in the corresponding paragraph of the second column of the said Schedule.

(3) Where, for any period, personal benefits under the Act are, or but for these regulations would be, payable to a widow by way of widow's allowance and retirement pension by virtue of the widow's own insurance, and the widow's allowance, apart from any increase thereof by way of widow's supplementary allowance under section 4(1) of the Act of 1966 is, or but for these regulations would be, payable at a lower weekly rate than the retirement pension, apart from any addition thereto under section 33(1) or 36(1) of the Act, then the widow's allowance, in so far as it consists of widow's supplementary allowance under the said section 4(1), and the retirement pension, except in so far as it includes any addition under the said section 33(1) or 36(1), shall not be adjusted by reference to each other.

*Further exception to regulation 2*

4.—(1) Where, for any period, any personal benefit under the Act by way of retirement pension is, or but for these regulations would be, payable by virtue of her deceased husband's insurance to a widow aged 70 or over who, on 5th July 1948, either—

(a) had attained the age of 70 and, immediately before that day, was entitled to an old age pension under the Old Age Pensions Act (Northern Ireland) 1936(l), payable by virtue of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland) 1936(m), to her by virtue of her deceased husband's insurance; or

(b) attained or had attained the age of 60 and, on her attaining the age of 70, would, but for the repeal of the said Contributory Pensions Act 1936, have been entitled to such an old age pension,

and to whom personal benefit by way of dependants war pension (as defined in paragraph (4)) is payable in respect of the death of her deceased husband and was so payable immediately before 5th July 1948, then the amount payable to her for that period in respect of that personal benefit by way of retirement pension shall not, as the result of any adjustment thereof made in accordance with the provisions of regulation 2, be reduced by reference only to that personal benefit by way of dependants war pension below the amount which, but for the said repeal, would have been payable to her for that period in respect of that old age pension.

(2) The foregoing provisions of this regulation shall not apply in relation to any personal benefit under the Act by way of retirement pension payable to a widow in respect of any period before she attained the age of 70.

(3) Where, for any period, the foregoing provisions of this regulation apply in relation to any personal benefit under the Act by way of retirement pension which, in accordance with the provisions of regulation 2, is required to be adjusted by reference to one or more of the personal benefits specified in

paragraph (5) of that regulation other than the personal benefit by way of dependants war pension, then that personal benefit by way of retirement pension shall be adjusted for that period first by reference only to the personal benefit by way of dependants war pension and then by reference only to the other personal benefit or personal benefits so specified.

(4) In this regulation the expression "dependants war pension" means any pension or allowance payable out of moneys provided by the Parliament of the United Kingdom at weekly or other periodical intervals to any person—

- (a) in respect of the death of some other person attributable to or connected with the service of that other person in the naval, military or air forces of the Crown; or
- (b) after the death of some other person in continuation of any payments made during the lifetime of that person in respect of his service in any of the said forces; or
- (c) in respect of the death of some other person attributable to or connected with the service of that other person during the 1914-1918 War; or
- (d) in respect of the death of some other person, under a scheme made by virtue of the Injuries in War (Compensation) Act 1914, the Injuries in War Compensation Act 1914 (Session 2) or under a Personal Injuries Scheme.

*Adjustment of dependency benefit under the Act where other dependency benefit (whether under the Act or otherwise) is payable*

5.—(1) Subject to the provisions of this regulation, where, for any period, any dependency benefit under the Act is, or but for this regulation would be, payable to any person in respect of a child or an adult dependant, that dependency benefit shall be adjusted—

- (a) in the case of dependency benefit in respect of a child, by reference to any other dependency benefit specified in paragraph (2) which is payable for that period in respect of that child; or
- (b) in the case of dependency benefit in respect of an adult dependant, by reference to any other dependency benefit so specified which is payable for that period to that person in respect of that or any other adult dependant or to any person in respect of that adult dependant,

so that the amount which, but for this regulation, would be payable in respect of that dependency benefit under the Act shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that other dependency benefit or those other dependency benefits by reference to which the dependency benefit under the Act is required by this regulation to be adjusted and only the balance (if any) shall be payable for that period in respect of that dependency benefit under the Act.

(2) The dependency benefits referred to in paragraph (1)(a) are any dependency benefit under the Act or the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme or any Pneumoconiosis and Byssinosis Benefit Scheme or any training scheme except any dependency benefit by way of an allowance in respect of a child payable for the purpose of his education.

(3) The foregoing provisions of this regulation shall not operate to require the making of any adjustment as between two dependency benefits of which one is dependency benefit by way of an increase of benefit under section 42(2)(c) or section 42A(4) of the Act, which is, or but for those provisions would be, payable to a person (hereafter in this paragraph referred to as "the beneficiary") in respect of another person who is employed by, but is not residing with, the beneficiary, and the other is any dependency benefit which is specified in paragraph (2) and is, or but for those provisions would be, payable in respect of that other person to some person other than the beneficiary.

*Adjustment of dependency benefit where personal benefit is payable*

6.—(1) Subject to the provisions of paragraphs (3), (4) and (5), where, for any period, any one or more of the personal benefits specified in paragraph (2) is or are payable to any person—

- (a) if the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period (hereafter in this regulation called "the weekly rate of personal benefit") is equal to or exceeds the weekly rate of any dependency benefit under the Act which, apart from this regulation, would be payable for that period (hereafter in this regulation called "the weekly rate of dependency benefit"), there shall not be paid in respect of that person for that period any dependency benefit under the Act; and
- (b) in any other case, there shall not be paid in respect of that person for that period any dependency benefit under the Act at a weekly rate exceeding the difference between the weekly rate of personal benefit and the weekly rate of dependency benefit:

Provided that nothing in this paragraph shall require that any dependency benefit shall be adjusted by reason of any one or more personal benefits, in a case where the weekly rate of personal benefit is less than £1·30 a week, below a weekly rate equal to the difference between the weekly rate of personal benefit and £1·30.

(2) The personal benefits referred to in paragraph (1) are any personal benefit specified in regulation 2(5) and any personal benefit under the Act.

(3) The provisions of this regulation shall not apply in relation to any dependency benefit by way of an increase of benefit under section 42(2)(c) or section 42A(4) of the Act in respect of a person who is employed by, but is not residing with, the beneficiary.

(4) Where any one or more of the personal benefits specified in paragraph (2) is or are payable to a married woman for any period throughout which she is over pensionable age, the amount of any dependency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her by way of an increase of a retirement pension for that period shall be reduced or extinguished by the deduction therefrom of the amount or aggregate amount so payable in respect of that personal benefit or those personal benefits for that period.

(5) In any case (not being a case falling within paragraph (4)) where personal benefit under the Act by way of sickness benefit is payable to a married woman for any period at a reduced rate by virtue of the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961(n), any de-

(n) S.R. & O. (N.I.) 1961, No. 179.

pendency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her for that period, shall not be adjusted in accordance with the foregoing provisions of this regulation but shall be reduced or extinguished by the deduction therefrom of the amount of that personal benefit.

*Dependency benefit under the Act not to be paid to a person to whom a training allowance is payable*

7. Where, for any period, any personal benefit by way of training allowance is payable to any person under any training scheme, there shall not be paid to that person for that period any dependency benefit under the Act.

*Attendance allowance*

8.—(1) Notwithstanding the foregoing provisions of these regulations, no adjustments shall be made under those provisions between attendance allowance and any other personal or dependency benefit under the Act, no such benefit shall be adjusted by reference to attendance allowance and attendance allowance shall be adjusted only in accordance with paragraph (2).

(2) Where attendance allowance is payable in respect of any person for any period and any other benefit based on his need for attendance is payable for that period under the Industrial Injuries Act or any Pneumoconiosis and Byssinosis Benefit Scheme, Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme, the attendance allowance shall be adjusted by deducting from it the amount of that other benefit and only the balance (if any) shall be payable for that period in respect of the attendance allowance.

*Construction of Part II*

9. Nothing in this Part shall be construed as requiring either—

- (a) that any personal benefit under the Act by way of maternity grant or death grant shall be adjusted; or
- (b) that any personal benefit by way of age addition shall be adjusted except by reference to another age addition; or
- (c) that any personal benefit or dependency benefit shall be adjusted by reason of personal benefit under the Act by way of maternity grant or death grant, or by reason of any other sum which is payable otherwise than in respect of a period, being payable to any person.

### PART III

#### MISCELLANEOUS PROVISIONS

*Priority of title to increases of benefit*

10. Where, but for any of the foregoing provisions of these regulations, two persons would both be entitled to an increase of benefit under the Act in respect of a third person, the person entitled thereto shall, as between such persons, be determined in accordance with the following order of priority—

- (a) such one of the two persons as may be designated in a written notice to the Ministry, signed by the other;
- (b) such one of the two persons as the Ministry may in its discretion determine, having regard to the circumstances of the case.



*Two increases of the same benefit to be treated as separate benefits*

11. For the purposes of these regulations, in any case where dependency benefit by way of increases of benefit in respect of more than one person (being a child or an adult dependant) is payable, each of such increases of benefit shall be treated as a separate dependency benefit.

*Provisions for adjusting benefit, etc., for part of a week*

12.—(1) Where, in accordance with the provisions of these regulations, any benefit under the Act is required to be adjusted for a part only of a week, then, for the purposes of making that adjustment and of determining the amount of that benefit which is payable for the part (if any) of that week for which it is not so required to be adjusted, the amount of the appropriate weekly rate of that benefit and of every benefit by reference to which it is so required to be adjusted shall, if it is not payable for that week at a daily rate equal to one-sixth of the appropriate weekly rate, for each day of the week excluding Sunday, be deemed to be so payable:

Provided that, if the benefit or one of the benefits so required to be adjusted is unemployment benefit, sickness benefit or invalidity benefit which is, or but for the provisions of these regulations would be, payable to a person in whose case the day to be disregarded in accordance with regulations made under section 19(1)(e) of the Act (Sunday or some other prescribed day to be disregarded for the purpose of unemployment, sickness and invalidity benefit) is a day other than Sunday, the first reference in this paragraph to Sunday shall be construed as a reference to that other day.

(2) In paragraph (1), the expression “appropriate weekly rate” means, in relation to any benefit, the weekly rate at which it would be payable but for the provisions of these regulations.

(3) In this regulation, the word “benefit” (except in the expressions “unemployment benefit”, “sickness benefit” and “invalidity benefit”) includes any pension or allowance (whether under the Act or otherwise).

*Persons to be treated as entitled to benefits for certain purposes*

13. Any person who would be entitled to any benefit under the Act but for these regulations shall be treated as if he were entitled thereto for the purpose of any rights or obligations under the Act and the regulations made thereunder (whether of himself or some other person) which depend on his being so entitled, other than for the purposes of the right to payment of that benefit.

*Widow's allowance to be treated as payable for the purposes of widow's supplementary allowance*

14. A widow to whom widow's allowance under section 25 of the Act would be payable but for these regulations shall be treated for the purposes of any right to widow's supplementary allowance under section 4(1) of the Act of 1966, but for those purposes only, as if the allowance under the said section 25 was payable.

*Revocations*

15. The regulations specified in Schedule 2 are hereby revoked to the extent mentioned in column (3) of that Schedule.

Given under the Official Seal of the National Insurance Joint Authority  
this 18th day of January 1973.

(L.S.)

*N. Hanson,*  
Secretary.

Given under the Official Seal of the Ministry of Health and Social Services  
for Northern Ireland this 18th day of January 1973.

(L.S.)

*C. G. Oakes,*  
Assistant Secretary.

Given under the Official Seal of the Ministry of Finance for Northern  
Ireland this 18th day of January 1973.

(L.S.)

*C. F. Darling,*  
Assistant Secretary.

## SCHEDULE 1

## Regulation 3

Showing in Column 1, by paragraphs, personal benefits under the Act which are not required to be adjusted by reference to any personal benefit shown in the corresponding paragraph of Column 2.

Column 1	Column 2
(1) Widow's basic pension payable to a widow by virtue of the insurance of her deceased husband who died before 5th July 1951.	(1) Invalidity allowance or any increase of unemployability supplement payable by virtue of section 13A(o) of the Industrial Injuries Act.
(2) Invalidity allowance.	(2) Widow's basic pension payable under the Act to a widow by virtue of the insurance of her deceased husband who died before 5th July 1951.
(3) Maternity allowance.	(3) A supplement on account of unemployability payable under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme, or any Pneumoconiosis and Byssinosis Benefit Scheme.
(4) Unemployment benefit, sickness benefit, invalidity benefit, maternity allowance, or retirement pension— (a) in so far as it consists of graduated retirement benefit; or (b) in so far as it does not consist of graduated retirement benefit or of an increase under section 33 of the Act if the pension, or that part of it which does not so consist, is not payable wholly or in part by virtue of a husband's contributions or insurance; or (c) in so far as it does not consist of a retirement pension payable by virtue of section 1(1) of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970(p) or of Article 5(1) of the Social Services (Parity) Order (Northern Ireland) 1971(q).	(4) Death benefit by way of pension or allowance payable to a woman as the widow of the deceased under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme.

(o) Added by Art. 9 of S.R. & O. (N.I.) 1971, No. 224.

(p) 1970. c. 28 (N.I.).

(q) S.R. & O. (N.I.) 1971, No. 224.

Column 1	Column 2
(5) Any personal benefit.	(5) Death benefit by way of pension or allowance payable to a person otherwise than as the widow of the deceased under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme.
(6) Widow's allowance.	(6) Training allowance payable under any training scheme.
(7) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the Act of 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the Act of 1966) and widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of that Act.	(7) Injury benefit payable under the Industrial Injuries Act or a supplement on account of unemployment payable under that Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme, or any Pneumoconiosis and Byssinosis Benefit Scheme.
(8) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the Act of 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the Act of 1966).	(8) Widow's benefit payable under the Act.
(9) Widow's benefit payable under the Act.	(9) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the Act of 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the Act of 1966).
(10) Widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of the Act of 1966.	(10) Unemployment benefit, sickness benefit, invalidity benefit or maternity allowance payable under the Act, and death benefit by way of pension or allowance payable to a woman as the widow of the deceased under the Industrial Injuries Act.

Column 1	Column 2
(11) Unemployment benefit, sickness benefit, invalidity benefit or maternity allowance payable under the Act.	(11) Widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of the Act of 1966.
(12) Invalidity pension to which Article 3(4) of the Social Services (Parity) Order (Northern Ireland) 1971 does not apply.	(12) Invalidity allowance.
(13) Invalidity allowance.	(13) Invalidity pension to which Article 3(4) of the Social Services (Parity) Order (Northern Ireland) 1971 does not apply.
(14) Any personal benefit under the Act other than invalidity allowance.	(14) Any allowance to which regulation 2(5)(d) refers.

## SCHEDULE 2

Regulation 15

## Regulations Revoked

<i>Statutory Rules and Orders of Northern Ireland</i> (1)	<i>Citation</i> (2)	<i>Extent of revocation</i> (3)
S.R. & O. (N.I.) 1961, No. 180.	The National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961.	The whole regulations.
S.R. & O. (N.I.) 1962, No. 27.	The Family Allowances, National Insurance and Industrial Injuries (Consequential Provisions) Regulations (Northern Ireland) 1962.	In regulation 1(2) the definition of "the Overlapping Benefits Regulations"; regulation 6 and Third Schedule.
S.R. & O. (N.I.) 1963, No. 36.	The National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1963.	In regulation 1(2) the definition of "the Overlapping Benefits Regulations"; regulations 16 and 17; Parts III, IV and V of Schedule J.
S.R. & O. (N.I.) 1964, No. 39.	The National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1964.	The provision in Schedule D relating to the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961.
S.R. & O. (N.I.) 1966, No. 196.	The National Insurance (Overlapping Benefits and Hospital In-Patients) Amendment Regulations (Northern Ireland) 1966.	Regulation 2 and the Schedule.
S.R. & O. (N.I.) 1967, No. 107.	The National Insurance (Overlapping Benefits) Amendment Regulations (Northern Ireland) 1967.	The whole regulations.
S.R. & O. (N.I.) 1970, No. 15.	The Family Allowances, National Insurance, Industrial Injuries and Miscellaneous Provisions (Decimalisation of the Currency) Regulations (Northern Ireland) 1970.	In the Arrangement of Regulations the entry relating to regulation 9; regulation 9.
S.R. & O. (N.I.) 1970, No. 295.	The National Insurance (Widows' Pensions and Miscellaneous Provisions) Regulations (Northern Ireland) 1970.	Regulation 11.

<i>Statutory Rules and Orders of Northern Ireland</i> (1)	<i>Citation</i> (2)	<i>Extent of revocation</i> (3)
S.R. & O. (N.I.) 1971, No. 139.	The National Insurance (Attendance Allowance) Regulations (Northern Ireland) 1971.	Regulation 22.
S.R. & O. (N.I.) 1971, No. 287.	The National Insurance (Miscellaneous Amendments) Regulations (Northern Ireland) 1971.	In the Arrangement of Regulations the entry relating to regulation 7; regulation 7.
S.R. & O. (N.I.) 1971, No. 341.	The National Insurance (Miscellaneous Amendments) (No. 2) Regulations (Northern Ireland) 1971.	Regulation 2.
S.R. & O. (N.I.) 1972, No. 109.	The National Insurance (General Benefit and Miscellaneous Amendments) Regulations (Northern Ireland) 1972.	In regulation 1(2) the definition of "the Overlapping Benefits Regulations"; regulation 3.

## EXPLANATORY NOTE

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

These regulations consolidate the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961 and the subsequent amending regulations set out in Schedule 2 which are revoked to the extent shown in the Schedule by regulation 15.

## BUILDINGS

## PART C

## PREPARATION OF SITE AND RESISTANCE TO MOISTURE

*Interpretation of Part C*

## C1. In this Part—

“excepted building”—

(a) means a building which is intended to be used wholly for storage of goods or for the accommodation of plant or machinery and in which the only persons habitually employed are engaged solely in the general care, supervision, regulation, maintenance, storage or removal of such goods, plant or machinery; and

(b) without prejudice to the foregoing generality, includes a building which is intended to be used wholly for a purpose such that compliance with the requirements of any regulation in this Part would not serve to increase protection to the health of persons employed in that building; and

“floor” includes any base or structure between the surface of the ground, or the surface of any hardcore laid upon the ground, and the upper surface of the floor.

*Preparation of site*

C2.—(1) The site of any building, other than an excepted building, shall be effectively cleared of turf and other vegetable matter.

(2) Wherever the dampness or position of the site of a building renders it necessary, the subsoil of the site shall be effectively drained or such other steps shall be taken as will effectively protect the building against damage from moisture.

(3) Where, during the making of an excavation in connection with a building, works or fittings, an existing subsoil drain is severed, adequate precautions shall be taken to secure the continued passage of subsoil water through such drain or otherwise to ensure that no subsoil water entering such drain causes dampness of the site of the building.

*Protection of floors next to the ground*

C3.—(1) Such part of a building (other than an excepted building) as is next to the ground shall have a floor which is so constructed as to prevent the passage of moisture from the ground to the upper surface of the floor.

(2) Any floor which is next to the ground shall be so constructed as to prevent any part of the floor being adversely affected by moisture or water vapour from the ground.

(3) No hardcore laid under such floor shall contain water-soluble sulphates or other deleterious matter in such quantities as to be liable to cause damage to any part of the floor.