



Social Security (Northern Ireland) Act 1975

1975 CHAPTER 15

PART IV

GENERAL PROVISIONS AS TO OPERATION AND ADMINISTRATION OF THIS ACT

Matters particularly relating to industrial injuries, etc.

145 Research on industrial injuries, etc.

- (1) The Department may promote research into the causes and incidence of accidents arising out of and in the course of employment, or injuries and diseases which—
 - (a) are due to the nature of employment; or
 - (b) it is contemplated might be prescribed for the purposes of Chapter V of Part II of this Act,either by itself employing persons to conduct such research or by contributing to the expenses of, or otherwise assisting, other persons engaged in such research.
- (2) The Department may pay to persons so employed by it such salaries or remuneration, and such travelling and other allowances, as it may determine with the consent of the Department of Finance.

146 Control of pneumoconiosis

As respects pneumoconiosis, regulations may provide—

- (a) for requiring persons to be medically examined before, or within a prescribed period after, becoming employed in any occupation in relation to which pneumoconiosis is prescribed, and to be medically examined periodically while so employed, and to furnish information required for the purposes of any such examination ;

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- (b) for suspending from employment in any such occupation, and in such other occupations as may be prescribed, persons found on such an examination—
 - (i) to be suffering from pneumoconiosis or tuberculosis; or
 - (ii) to be unsuitable for such employment, having regard to the risk of pneumoconiosis and such other matters affecting their susceptibility thereto as may be prescribed;
- (c) for the disqualification for the receipt of benefit in respect of pneumoconiosis of any person who fails without good cause to submit himself to any such examination or to furnish information required by the regulations for the purposes thereof or who engages in any employment from which he has been suspended as aforesaid;
- (d) for requiring employers—
 - (i) to provide facilities for such examinations;
 - (ii) not to employ in any occupation a person who has been suspended as aforesaid from employment therein or who has failed without good cause to submit himself to such an examination;
 - (iii) to give to such medical board or officer as may be prescribed the prescribed notice of the commencement of any prescribed industry or process;
- (e) for the recovery on summary conviction of monetary penalties in respect of any contravention of or failure to comply with any such requirement as is mentioned in paragraph (d) above, so, however, that such penalties shall not exceed £5 for every day on which the contravention or failure occurs or continues ;
- (f) for such matters as appear to the Department to be incidental to or consequential on provisions included in the regulations by virtue of the foregoing provisions of this section or section 78(1).

147 Accidents in course of illegal employment

- (1) Where under this Act—
 - (a) a claim is made for industrial injuries benefit in respect of an accident, or of a prescribed disease or injury ; or
 - (b) an application is made under section 107 for a declaration that an accident was an industrial accident, or for a corresponding declaration as to a prescribed disease or injury,
 subsection (2) below has effect.
- (2) The Department may direct that for the purposes of this Act the relevant employment shall, in relation to that accident, disease or injury, be treated as having been employed earner's employment notwithstanding that by reason of a contravention of, or non-compliance with, some provision contained in or having effect under an enactment passed for the protection of employed persons or any class of employed persons, either—
 - (a) the contract purporting to govern the employment was void; or
 - (b) the employed person was not lawfully employed in the relevant employment at the time when, or in the place where, the accident happened or the disease or injury was contracted or received.
- (3) In subsection (2) above, " relevant employment" means—

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- (a) in relation to an accident, the employment out of and in the course of which the accident arises ; and
- (b) in relation to a prescribed disease or injury, the employment to the nature of which the disease or injury is due.

148 Persons treated as employers for certain purposes

In relation to—

- (a) a person who is an employed earner for the purposes of Chapters IV and V of Part II of this Act otherwise than by virtue of a contract of service or apprenticeship ; or
- (b) any other employed earner—
 - (i) who is employed for the purpose of any game or recreation and is engaged or paid through a club, or
 - (ii) in whose case it appears to the Department there is special difficulty in the application of all or any of the provisions of Chapters IV to VI of Part II relating to employers,

regulations may provide for a prescribed person to be treated in respect of industrial injuries benefit and its administration as the earner's employer.

149 Supplementary schemes

- (1) A body of persons claiming to represent, or to be entitled to be treated as representing, employed earners of any class and their employers may submit to the Department a scheme (" a supplementary scheme") for supplementing the rights conferred on those earners by Chapters IV and V of Part II of this Act, whether by providing for additional payments in cases for which benefit is provided by those Chapters, or by providing for payments in other cases, or otherwise.
- (2) Schedule 16 to this Act has effect with respect to supplementary schemes; and the provisions of this Act other than this section, and the provisions of regulations, shall not (except in so far as they are applied by a supplementary scheme) apply to, or have effect in relation to or for the purposes of, the scheme.

150 Payments for pre-1948 cases

- (1) This section applies to. any person who is or has been at any time after 4th July 1948—
 - (a) entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts; or
 - (b) entitled to payments on account of an injury pension under or by virtue of any enactment in respect of an injury received or disease contracted by him before 5th July 1948 or in respect of his retirement in consequence of such an injury or disease.
- (2) In subsection (1) above—
 - (a) " the Workmen's Compensation Acts " means the Workmen's Compensation Acts (Northern Ireland) 1927 to 1943 or the enactments repealed by the Workmen's Compensation Act (Northern Ireland) 1927 or those repealed by the Workmen's Compensation Act 1906; and
 - (b) " injury pension " includes any pension or similar benefit payable in respect of a person's employment or former employment, being a pension or benefit

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which would not be payable or would be payable at a less rate but for an injury or disease referable to that employment.

(3) Regulations may provide—

(a) for conferring on persons to whom this section applies who as a result of the injury or disease in question are, or could for the purpose of the provisions of this Act relating to unemployability supplement be treated as being, incapable of work and likely to remain permanently so incapable—

- (i) the like right to payments under this Act by way of unemployability supplement, and
- (ii) the like right to payments under this Act in respect of a child or adult dependant,

as if the injury or disease were one in respect of which a disablement pension were for the time being payable ;

(b) for conferring on persons to whom this section applies who as a result of the injury or disease in question require constant attendance—

- (i) the like right to payments under this Act in respect of the need for constant attendance, and
- (ii) the like right to an increase for exceptionally severe disablement,

as if the injury or disease were one in respect of which a disablement pension were for the time being payable in respect of an assessment of 100 per cent.;

(c) for applying in relation to payments under this section the provisions of this Act relating to industrial injuries benefit, and to the making of claims and the determination of claims and questions in so far as those provisions apply in relation to—

- (i) an unemployability supplement,
- (ii) an increase of a disablement pension in respect of a child or adult dependant, or
- (iii) an increase of a disablement pension in respect of the need for constant attendance or exceptionally severe disablement,

(as the case may be) subject to any additions or modifications.

(4) All payments under this section shall be made out of the National Insurance Fund.