1952 No. 1310

The National Insurance (Determination of Claims and Questions) Amendment Regulations, 1952

Made - - - -	9*th July*, 1952
Laid before Parliament	10*th July*, 1952
Coming into Operation	16*th July*, 1952

The Minister of National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 47 of the National Insurance Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Determination of Claims and Questions) Amendment Regulations, 1952, shall be read as one with the National Insurance (Determination of Claims and Questions) Regulations, 1948(b), as amended(c) (hereinafter referred to as " the principal regulations "), and shall come into operation on the 16th July, 1952.

Amendment of the principal regulations

2.—(1) Regulation 21 of the principal regulations (which relates to the revision, reversal and variation of decisions involving non-payment or reduction of benefit) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule to these regulations.

(2) In paragraph (2) of the said regulation 21, after the words " under the Industrial Injuries Act ", there shall be inserted the words " or an increase, on account of unemployability, of an allowance under any scheme made under the Pneumoconiosis and Byssinosis Benefit Act, 1951(d) " and, for the words " which has been awarded under that Act ", there shall be substituted the words " of the benefit or increase so awarded under that Act or scheme (or, where there have been awarded both benefit under that Act and such an increase under that scheme, the aggregate of the amounts so awarded) ".

Revocation of provisional regulations

3. The National Insurance (Determination of Claims and Questions) Provisional Amendment Regulations, 1952(e), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Dated this 4th day of July, 1952.

Osbert Peake,
Minister of National Insurance.

Dated this 9th day of July, 1952.

Herbert Butcher,
Hendrie D. Oakshott,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948/1144; Rev. XVI, p. 331; 1948 I, p. 2720.
(c) *See* reg. 13 of, and Third Schedule to, National Insurance (Death Grant) Regulations, 1949 (S.I. 1949/1204; 1949 I, p. 2708) and S.I. 1951/1208; 1951 I, p. 1455.
(d) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 4. (e) S.I. 1952/425.

SCHEDULE Regulation 2

CONTAINING REGULATION 21 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Revision, etc., of decisions involving non-payment or reduction of benefit

21.—(1) Where on review or appeal a decision is revised or is reversed or varied, so as to make benefit not payable or to reduce benefit, the decision given on the review or appeal shall, subject to the provisions of paragraphs (2) and (3) of this regulation, require repayment to the National Insurance Fund of any benefit paid in pursuance of the original decision to the extent to which it—

(*a*) would not have been payable if the decision on the review or appeal had been given in the first instance; and

(*b*) is not directed to be treated as paid on account of the benefit awarded by the decision on review or appeal:

Provided that, subject as aforesaid, repayment shall not be required in any case where the person concerned is shown to the satisfaction of the insurance officer, the local tribunal or the Commissioner, as the case may be, to have acted in good faith in all respects as to the obtaining and receipt of the benefit.

(2) Where on review or appeal a decision is revised or is reversed or varied so as, in respect of any period, to make benefit not payable or to reduce benefit, and the person concerned has also been awarded benefit under the Industrial Injuries Act *or an increase, on account of unemployability, of an allowance under any scheme made under the Pneumoconiosis and Byssinosis Benefit Act, 1951,* the decision on review or appeal shall, subject to the provisions of paragraph (3) of this regulation, require repayment to the National Insurance Fund of so much of the benefit paid in pursuance of the original decision as does not exceed the amount *of the benefit or increase so awarded under that Act or scheme (or, where there have been awarded both benefit under that Act and such an increase under that scheme, the aggregate of the amounts so awarded)* in respect of the same period.

(3) Where the benefit in question was received from a local education authority acting under a scheme approved by the Minister of Labour and National Service relating to the administration of unemployment benefit, references in the preceding provisions of this regulation to the National Insurance Fund shall be construed as references to that authority.

EXPLANATORY NOTE

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

These Regulations revoke and replace the National Insurance (Determination of Claims and Questions) Provisional Amendment Regulations, 1952. They provide that any increase, on account of unemployability, of an allowance awarded under any scheme made under the Pneumoconiosis and Byssinosis Benefit Act, 1951, shall be taken into account under regulation 21 of the National Insurance (Determination of Claims and Questions) Regulations, 1948, in the same manner as benefit awarded under the National Insurance (Industrial Injuries) Act, 1946, is, on any review or appeal, at present taken into account under that regulation.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with Section 77 of the National Insurance Act, 1946, and their report thereon, dated the 6th May, 1952, is contained in the House of Commons Paper No. 237 (Session 1951-52) published by Her Majesty's Stationery Office.

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* The words added or substituted by these regulations are shown in italics.