The National Insurance (Industrial Injuries) (Benefit) Amendment (No. 3) Regulations, 1951

1951 No. 1606

Made - - - -	31*st August*, 1951
Laid before Parliament	31*st August*, 1951
Coming into Operation	5*th September*, 1951

M.N.I./I.I. 140

The Industrial Injuries Joint Authority, in exercise of powers conferred by section 30 (1) of, and paragraph 1 (2) (*b*) of the Fourth Schedule to, the National Insurance (Industrial Injuries) Act, 1946(**a**) as amended by the National Insurance Act, 1951(**b**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment (No. 3) Regulations, 1951, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(**c**) (hereinafter referred to as " the principal regulations ") as amended(**d**) and shall come into operation on the 5th September, 1951.

Amendment of regulation 18 *of the principal regulations*

2. The following regulation shall be substituted for regulation 18 of the principal regulations:—

" *Priority of title to allowance or allowances under section* 21

18. Where in respect of the same death each of two or more persons satisfies the conditions of section 21 of the Act for the receipt of—

(*a*) an allowance in respect of the same child ; or

(*b*) an allowance at the weekly rate of ten shillings in respect of different children

the person entitled to the allowance, or, as the case may be, the allowance at the weekly rate of ten shillings, shall as between such persons be determined, subject to the provisions of paragraph 1 (2) (*a*) of the Fourth Schedule to the Act (which provides for the priority of the title to such an allowance of a person who is entitled to death benefit as the widow or widower of the deceased), in accordance with the order of priority specified in the Seventh Schedule to these regulations."

Amendment of regulations 26 *and* 29 *of the principal regulations*

3.—(1) In paragraph (2) of regulation 26 of the principal regulations (which regulation contains certain definitions) sub-paragraph (*c*) (which relates to disablement pensions otherwise than under the Act) shall be omitted.

(2) The following amendments shall be made in paragraph (2) of regulation 29 of the principal regulations (which paragraph specifies the personal

(**a**) 9 & 10 Geo. 6. c. 62.
(**b**) 14 & 15 Geo. 6. c. 34, see s. 3 (b) and Schedule para. 2.
(**c**) S.I. 1948 (No. 1372) I, p. 2918.
(**d**) S.I. 1948 (No. 1532) I, p. 2940 ; S.I. 1949 (No. 691) I, p. 2762 ; S.I. 1951 Nos. 833 and 1233, pp. 1499 and 1501 above.

benefits which require the adjustment of dependency benefit in respect of persons receiving them):—

(*a*) In sub-paragraph (*a*) thereof the words "injury benefit, unemployability supplement or death benefit" shall be substituted for the words "pension or allowance".

(*b*) In sub-paragraph (*c*) thereof the words "unemployability supplement" shall be substituted for the words "injury allowance, disablement pension or treatment allowance";

and the said paragraph (2) shall accordingly have effect as set out in the Schedule hereto.

Given under the official seal of the Industrial Injuries Joint Authority this 31st day of August, nineteen hundred and fifty-one.

(L.S.) *T. C. Stephens,*
Secretary,
Industrial Injuries Joint Authority.

SCHEDULE

PARAGRAPH (2) OF REGULATION 29 OF THE PRINCIPAL REGULATIONS AS AMENDED*

(2) For the purposes of this regulation the specified personal benefits shall be—

(*a*) any personal benefit by way of *injury benefit, unemployability supplement or death benefit* under the Act;

(*b*) any personal benefit (not being attendance allowance, maternity grant or death grant) under the National Insurance Act;

(*c*) any personal benefit by way of *unemployability supplement,* or any personal death benefit by way of pension or allowance (not being a pension or allowance which is calculated with reference to the necessities of the beneficiary) under any Personal Injuries Scheme or Service Pensions Instrument;

(*d*) any personal death benefit by way of pension or allowance under any 1914-1918 War Injuries Scheme, not being a pension or allowance which is calculated with reference to the necessities of the beneficiary; and

(*e*) any personal benefit by way of training allowance under any training scheme.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948. They extend the rules as to priority of title to an allowance in respect of a child under section 21 of the Act to the new allowances under that section created by the National Insurance Act, 1951. They remove the existing restrictions on the payment of injury or disablement benefit in respect of a dependant who is himself in receipt of an injury allowance or a disablement pension except where he is also receiving a supplement to the disablement pension on the grounds of unemployability.

*The amendments made by these regulations are shown in italics.