Part V, which relates to death benefit, contains provisions as to widows (regulation 12), prescribed relatives (regulation 13 and the Fourth Schedule), posthumous sons and daughters (regulation 14), and the amount payable by way of a death gratuity for a parent or a relative (regulation 15 and the Fifth Schedule), the application of the limitations as to the aggregate amounts payable by way of death gratuities which are imposed by the Fourth Schedule to the Act (regulation 16 and the Sixth Schedule) and priority of title to an allowance in respect of a child under section 21 of the Act (regulation 18 and the Seventh Schedule).

Part VI contains miscellaneous provisions relating to hospital treatment (regulation 19), the circumstances in which a person shall be deemed to be maintaining another person (regulations 20 and 21), exceptions from disqualifications for periods of absence abroad or of penal servitude, imprisonment or detention in legal custody (regulations 22 to 24), and the suspension of payment of benefit during such periods (regulation 25). Certain special provisions are contained in Part VII relating to overlapping benefits, and Part VIII enables persons who are or have been entitled to workmen's compensation to receive payments in the nature of unemployability supplement under section 13, or of increase of disablement pension in respect of the need of constant attendance under section 15, of the Act.

The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1948

1948 No. 1532

Made - - - -	*2nd July*, 1948
Laid before Parliament	*5th July*, 1948
Coming into Operation	*6th July*, 1948

M.N.I. I.I. 114

The Minister of National Insurance, in exercise of the powers conferred by subsection (2A) of section 14 of the National Insurance (Industrial Injuries) Act, 1946 (as amended by the National Insurance (Industrial Injuries) Act, 1948), and of all other powers enabling him in that behalf, hereby makes the following regulations: —

9 & 10 Geo. 6. c. 62. 11 & 12 Geo. 6. c. 42.

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1948, and shall come into operation on the 6th July, 1948.

(2) These regulations shall be included among the regulations which may be cited together as the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948.

(3) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance (Industrial Injuries) Act, 1946, as amended by the National Insurance (Industrial Injuries) Act, 1948;

" the Minister " means the Minister of National Insurance;

and other expressions have the same meanings as in the Act.

(4) References in these regulations to any enactment or regulation shall include references to that enactment or regulation as amended by any subsequent enactment, order or regulations.

(5) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2. The following regulation shall be included in Part III of the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(a), immediately preceding regulation 5 thereof:—

"Circumstances in which for the purposes of section 14 of the Act a beneficiary may be treated as being at all times incapable of following an occupation or employment notwithstanding that he has worked thereat.

4A. For the purposes of section 14 of the Act (which section relates to increase of disablement pension in respect of special hardship), in determining whether a beneficiary has at all times since the end of the injury benefit period been incapable of following his regular occupation or employment of an equivalent standard which is suitable in his case, and in determining that question alone, the fact that since the end of the injury benefit period such beneficiary had, for the purposes of rehabilitation or training or of ascertaining whether he had recovered from the effects of the relevant injury, worked at that occupation or any such employment (as the case may be) shall be disregarded in respect of—

(*a*) any period during which he so worked thereat with the approval of the Minister or on the advice of a medical practitioner;

(*b*) any other period or periods during which he so worked thereat and which did not exceed three months in the aggregate."

Dated this 2nd day of July, 1948.

James Griffiths,
Minister of National Insurance.

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 (S.I. 1948 No. 1372), by adding thereto a provision specifying the circumstances in which, for the purposes of a claim for an increase of disablement pension in respect of special hardship under section 14 of the National Insurance (Industrial Injuries) Act, 1946, a beneficiary may be treated as having at all times since the end of the injury benefit period been incapable of following an occupation or employment notwithstanding that he has worked thereat.

(a) S.I. 1948 No. 1372, p. 2918 above.