1966 No. 338

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1966

Made - - - 26*th March* 1966

Coming into Operation 6*th April* 1966

**To be laid before Parliament*

The Industrial Injuries Joint Authority, in exercise of the powers conferred by sections 15(1), 81(2) and Schedule 4, paragraphs 1(*d*) and 2, of the National Insurance (Industrial Injuries) Act 1965(**a**), and the Minister of Pensions and National Insurance, in exercise of the powers conferred by section 31(1) of that Act and sections 7(1) and 7(2) of the National Insurance Act 1966(**b**) and of all other powers enabling them in that behalf, hereby make the following regulations which, except for regulations 3 and 9 of these regulations which have been referred to the Industrial Injuries Advisory Council, are made in consequence of the National Insurance Act 1966:—

Citation, interpretation and commencement

1. These regulations which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1966, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations 1964(**c**) as amended (**d**) (hereinafter referred to as " the principal regulations ") and shall come into operation on 6th April 1966.

Amendment of regulation 2 of the principal regulations

2. At the end of regulation 2 of the principal regulations there shall be added the following paragraph:—

" (7)(*a*) Where in any case an assessment of the extent of disablement has been made in accordance with the provisions of this regulation and there has been an amendment to any relevant item in the said Schedule 2 since the date of that assessment, the insurance officer shall either

(i) review that assessment and make such adjustment of it as may be necessary to give effect to the said amendment from the date of the coming into force of the said amendment, or

(ii) refer the question to a medical board for determination in accordance with the provisions of the next following sub-paragraph;

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* This Instrument was laid before Parliament on 19th April 1966.

(**a**) 1965 c. 52. (**b**) 1966 c. 6. (**c**) S.I. 1964/504 (1964 I, p. 833).
(**d**) The relevant amending instrument is S.I. 1965/36 (1965 I, p. 40).

(*b*) A medical board shall, on a reference by the insurance officer under the preceding sub-paragraph, review the assessment so as to give effect to the said amendment from the date of the coming into force of the said amendment, if they are satisfied that it is necessary to do so, and in so doing shall proceed upon the facts included in the record of the decision of the medical board or medical appeal tribunal which made that assessment;

(*c*) A beneficiary who is dissatisfied with the decision of the insurance officer under sub-paragraph (*a*) of this paragraph may appeal against that decision to a medical board by giving notice in writing to any office appointed by the Minister as a local office for the purpose of the Act or any regulation made thereunder within ten days after he has been notified of that decision or such longer period as the Minister may in any case allow and the insurance officer shall then refer the question to a medical board which shall deal with it as if it were a reference under sub-paragraph (*a*) of this paragraph:

Provided that no assessment made on review by virtue of the provisions of this paragraph shall be lower than the assessment which has been so reviewed.".

Amendment of regulation 7 of the principal regulations

3.—(1) Regulation 7 of the principal regulations (increase of disablement pension for constant attendance) shall be amended in accordance with the next following paragraphs.

(2) For sub-paragraph (*a*) of the said regulation 7 there shall be substituted the following sub-paragraph:—

" (*a*) where the beneficiary (not being a case to which paragraph (*b*) of this regulation relates) is to a substantial extent dependent on such attendance for the necessities of life and is likely to remain so dependent for a prolonged period, be 55 shillings (unless the attendance so required is part time only, in which case the amount shall be such lesser sum as may be reasonable in the circumstances), or, where the extent of such attendance required is greater by reason of the beneficiary's exceptionally severe disablement, a sum not exceeding 82 shillings and 6 pence; ".

(3) In sub-paragraph (*b*) of the said regulation 7 after the words " where the beneficiary is so " there shall be inserted the word " exceptionally".

Amendment of regulation 30 of the principal regulations

4. In regulation 30 of the principal regulations (exception from disqualification for a period of absence abroad) after the words " section 82 of the Act " in paragraph (2)(*c*) there shall be inserted the words " or in respect of exceptionally severe disablement under section 6 of the National Insurance Act 1966".

Addition to the principal regulations

5. The following regulations shall be included in the principal regulations:—

" *Determination of degree of disablement for constant attendance allowance*

15A.—(1) For the purpose of determining whether a person is entitled to an increase by way of constant attendance allowance under section 15 of the Act or to a corresponding increase by virtue of

section 81(2)(*b*) of the Act or section 3(2)(*b*) of the Pneumoconiosis and Byssinosis Benefit Act 1951(a) of any other benefit the Minister shall, in a case where that person is subject to disabilities in respect of which payments of two or more of the descriptions set out in the next following paragraph of this regulation fall to be made, determine the extent of that person's disablement by taking into account all such disabilities to which that person is subject.

(2) The payments which may be taken into account are those of the following descriptions:—

(i) payments by way of disablement pension under the Act;

(ii) weekly payments to which that person is or has been at any time after 4th July 1948 entitled in respect of injury or disease being payments by way of compensation under the Workmen's Compensation Acts or under any contracting out scheme duly certified thereunder;

(iii) payments to which that person is or has been at any time after 4th July 1948 entitled as a former constable or fireman on account of an injury pension under or by virtue of any enactment in respect of an injury received or disease contracted by that person before 5th July 1948 or in respect of his retirement in consequence of such an injury or disease;

(iv) payments by way of benefit under the Industrial Diseases (Benefit) Acts 1951 and 1954(b);

(v) payments of personal benefit by way of disablement pension or gratuity under any Personal Injuries Scheme or Service Pensions Instrument or 1914–18 War Injuries Scheme.

(3) In sub-paragraph (2)(v) of this regulation the expressions " personal benefit ", " disablement pension ", " Personal Injuries Scheme ", " Service Pensions Instrument " and " 1914–18 War Injuries Scheme " have the meanings which are assigned to them by regulation 36(1) of these regulations for the purposes of Part VII of these regulations.".

Amendment of regulation 43 *of the principal regulations*

6. In regulation 43 of the principal regulations (payments in respect of the need of constant attendance for persons entitled to workmen's compensation) after the words " the need of such constant attendance " in paragraph (1) there shall be inserted the words " and in respect of exceptionally severe disablement under section 6 of the National Insurance Act 1966 " and accordingly in the heading to the said regulation there shall be inserted after the words " constant attendance " the words " and in respect of exceptionally severe disablement ".

Amendment of regulation 44 *of the principal regulations*

7. In regulation 44 of the principal regulations (payment by way of unemployability supplement and in respect of the need of constant attendance to certain former constables and firemen) after the words " the need of constant attendance " in paragraph (3) there shall be inserted the words " and in respect of exceptionally severe disablement " and accordingly in the heading to the said regulation there shall be inserted after the words " constant attendance " the words " and in respect of exceptionally severe disablement ".

(a) 1951 c. 4. (b) 1951 c. 4; 1954 c. 16.

Amendment of regulation 45 *of the principal regulations*

8. In regulation 45 of the principal regulations (application of the provisions of the Act and regulations) after the words " constant attendance " where they first appear there shall be inserted the words " or in respect of exceptionally severe disablement " and after the words " under section 15 of the Act " there shall be inserted the words " or in respect of exceptionally severe disablement under section 6 of the National Insurance Act 1966 ".

Amendment of Schedule 2 *to the principal regulations*

9.—(1) The following item shall be inserted after item 6 of Schedule 2 to the principal regulations:—

" 6A. Forequarter or hindquarter amputation ..... 100 "

(2) For item 24 of the said Schedule there shall be substituted the following item:—

" 24. Amputation below hip and above knee with stump exceeding 5 inches in length measured from tip of great trochanter, or at knee not resulting in end bearing stump ..... 70 "

(3) For item 25 of the said Schedule there shall be substituted the following item:—

" 25. Amputation at knee resulting in end bearing stump or below knee with stump not exceeding $3\frac{1}{2}$ inches ..... 60 ".

Given under the official seal of the Industrial Injuries Joint Authority.

(L.S.)

D. J. Carter,
Secretary,
Industrial Injuries Joint Authority.

26th March 1966.

Given under the official seal of the Minister of Pensions and National Insurance.

(L.S.)

Margaret Herbison,
Minister of Pensions and
National Insurance.

26th March 1966.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (Industrial Injuries) (Benefit) Regulations 1964, so as to give effect to the recommendations of the Committee on the Assessment of Disablement (Cmnd. 2847) and consequently amend the scheduled degrees of disablement, enable review of existing assessments of disablement to give effect to the increased scheduled degrees, and enable payment of a new increase of disablement benefit for exceptionally severely disabled persons to be made to persons whose disablement arose out of employment before 5th July 1948. The Regulations also provide for a new rate of constant attendance allowance and enable the Minister to take into account, in determining whether a person is entitled to constant attendance allowance, other disablements in respect of which payments are made out of certain public funds.

These Regulations are made in consequence of the passing of the National Insurance Act 1966, with the exception of those which provide a new rate of constant attendance allowance and increase the scheduled degrees of disablement, and accordingly, with the exception of those two provisions, have not been referred to the Industrial Injuries Advisory Council, in accordance with section 14(6) of the National Insurance Act 1966.