1968 No. 92

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1968

Made - - - -	23*rd January* 1968
Laid before Parliament	30*th January* 1968
Coming into Operation	31*st January* 1968

The Industrial Injuries Joint Authority in exercise of the powers conferred by Schedule 4, paragraphs 1(*d*) and 2, of the National Insurance (Industrial Injuries) Act 1965(**a**) and of all other powers enabling that Authority in that behalf and after reference to the Industrial Injuries Advisory Council hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1968, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations 1964(**b**) as amended(**c**) (hereinafter referred to as " the principal regulations ") and shall come into operation on 31st January 1968.

Amendment of regulation 2 of the principal regulations

2. For paragraphs (2), (3) and (4) of regulation 2 of the principal regulations there shall be substituted the following paragraphs:—

" (2) Where the sole injury which a claimant suffers as a result of the relevant accident is one specified in column 1 of Schedule 2 to these regulations, the loss of faculty suffered by the claimant as a result of that injury shall be treated, for the purposes of Section 12 of and Schedule 4 to the National Insurance (Industrial Injuries) Act 1965 (disablement benefit and assessment of disablement), as resulting in the degree of disablement set against such injury in column 2 of the said Schedule 2 subject—

(*a*) to such increase of that degree of disablement as may be reasonable in the circumstances of the case where that injury is, at the date of the assessment, more disabling than such an injury would normally be expected to be because of some complication of that injury, being a complication which results from the relevant accident, or because of a congenital defect or of an injury or disease received or contracted by the claimant before that accident; and

(*b*) to such reduction of that degree of disablement as may be reasonable in the circumstances of the case where, at the date of the assessment, the claimant would by reason of a congenital defect or of an injury or disease received or contracted before the relevant accident have in any case been subject to any disablement which results or might be expected to have resulted from the relevant injury.

(**a**) 1965 c. 52. (**b**) S.I. 1964/504 (1964 I, p. 833).
(**c**) There is no amendment which relates expressly to the subject matters of these Regulations.

(3) Where the injury suffered by the claimant is one specified in the said Schedule 2 which includes one or more other injuries so specified the inclusion of such other injury or injuries shall not prevent the first mentioned injury from being treated as the sole injury for the purposes of the foregoing paragraph.

(4) For the purpose of assessing, in accordance with the provisions of Schedule 4 to the National Insurance (Industrial Injuries) Act 1965, the extent of the disablement resulting from the relevant injury in any case which does not fall to be determined under paragraph (2) of this regulation, the medical appeal tribunal, the medical board or the single medical practitioner acting in place of a medical board (as the case may be) may have such regard as may be appropriate to the prescribed degrees of disablement set against the injuries specified in the said Schedule 2."

Given under the Official Seal of the Industrial Injuries Joint Authority.

(L.S.)

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

23rd January 1968.

EXPLANATORY NOTE

(*This Note is not part of the Regulations*)

These Regulations amend provisions in the principal regulations which further define the principles of assessment of disablement contained in Schedule 4 to the National Insurance (Industrial Injuries) Act 1965; the amendment secures that the provision in the principal regulations enabling account to be taken of greater than usual disabilities resulting from the relevant injury, does not modify the principles contained in the Act for ascertaining which disabilities are to be treated as so resulting.