3. BENEFIT

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

1948 No. 1372

Made - - - -	*23rd June*, 1948
Laid before Parliament	*24th June*, 1948
Coming into Operation	*1st July*, 1948

M.N.I./1.1.105.

The Industrial Injuries Joint Authority, in exercise of the powers conferred by sections 12, 14 (5), 15, 18, 19, 23, 29, 30, 33, 34, 35, 79, 82 and 86 of, and paragraphs 1, 5 and 7 of the Fourth Schedule to, the National Insurance (Industrial Injuries) Act, 1946, and the Minister of National Insurance, in exercise of the powers conferred by section 32 (1) of the said Act, and of all other powers enabling them in that behalf, hereby make the following regulations:—

9 & 10 Geo. 6. c. 62.

PART I.—GENERAL

Citation, commencement and interpretation.

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

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

"the Act" means the National Insurance (Industrial Injuries) Act, 1946;

9 & 10 Geo. 6. c. 67.

"the National Insurance Act" means the National Insurance Act, 1946;

15 & 16 Geo. 5. c. 84. 5 Edw. 7. c. 58.

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts, 1925 to 1945, or the enactments repealed by the Workmen's Compensation Act, 1925, or the enactments repealed by the Workmen's Compensation Act, 1906;

"the Minister" means the Minister of National Insurance;

"determining authority" means an insurance officer, a local appeal tribunal or the Commissioner, as the case may require, appointed or constituted for the purposes of the Act;

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

(3) References in these regulations to any enactment, scheme, order, instrument or regulations shall include references to any such enactment, scheme, order, instrument or regulations as amended by any subsequent enactment, scheme, order, instrument or regulations.

52 & 53 Vict. c. 63.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II.—INJURY AND DISABLEMENT BENEFIT

Assessment of disablement and prescribed degrees of disablement.

2.—(1) Subsection (2) of section 12 of the Act (which subsection lays down general principles relating to the assessment of the extent of disablement) shall have effect subject to the provisions of this regulation.

(2) Where as a result of the relevant accident the claimant has suffered an injury specified in the first column of the First Schedule to these

regulations then, unless the case is one to which the next following paragraph applies, the loss of faculty suffered by the claimant as a result of that injury shall be treated for the purpose of section 12 of the Act (which section relates generally to the assessment of disablement and to disablement benefit) as resulting in the degree of disablement set against such injury in the second column of the said First Schedule:

Provided that where a person has suffered an injury specified in the said First Schedule which includes any other injury so specified, this paragraph shall only apply to the first mentioned injury.

(3) Where as a result of the relevant accident the claimant has suffered an injury specified in the said First Schedule, but—

(*a*) as a result of that injury the claimant may be expected, having regard to his physical and mental condition at the date of the assessment in respect thereof, to be subject to greater disabilities than would normally be incurred as a result of such an injury; or

(*b*) the part of the body by which the injury was sustained would not, apart from that injury, have been normal at the date of the assessment;

the loss of faculty suffered by the claimant as a result of such injury shall be assessed by reference to the degree of disablement set against such injury in the second column of the said First Schedule subject to such adjustment as may be reasonable in the circumstances of the case.

(4) For the purpose of assessing the extent of the disablement resulting from any injury which is not specified in the said First Schedule, the medical board or the medical appeal tribunal (as the case may be) may have such regard as may be appropriate to the provisions of paragraph (2) or paragraph (3) of this regulation.

(5) Where as a result of the relevant accident a claimant has suffered an injury to an organ of his body which in a person whose physical condition is normal would be one of two similar organs, the functions of which would be interchangeable or complementary, in assessing the extent of the disablement resulting from the relevant loss of faculty for any period during which the claimant may be expected to be subject to any disability resulting from that injury—

(*a*) any disability in respect of the other organ to which the claimant would in any case have been subject by reason of a congenital defect, or an injury or disease received or contracted before the relevant accident and not attributable to any accident against which he was insured under the Act, shall nevertheless be treated as having been incurred as a result of the relevant loss of faculty;

(*b*) subject as hereafter provided in this regulation, any disability in respect of the other organ to which the claimant would not have been subject but for some injury or disease received or contracted after the relevant accident and not attributable to that accident or any other accident against which he was insured under the Act, shall be treated as having been incurred as a result of the relevant loss of faculty:

Provided that, subject to proviso (*b*) of subsection (5) of section 12 of the Act (which provides for percentages which are not multiples of ten to be treated as multiples of ten), the degree of disablement which shall be treated as resulting from such relevant loss of faculty shall be that appropriate to one half of the percentage at which the extent of disablement resulting from the relevant loss of faculty would otherwise, and apart from the said proviso (*b*), be assessed.

(6) The provisions of the last foregoing paragraph shall not have effect in respect of a case to which sub-paragraph (*b*) thereof relates unless the assessment in respect of the relevant loss of faculty would be thereby increased.

Amount of disablement gratuities.

3. Where the extent of a claimant's disablement is assessed at any of the degrees of disablement severally specified in the first column of the Second Schedule to these regulations, the amount of any disablement gratuity payable shall—

(*a*) if the period taken into account by that assessment is limited by reference to the claimant's life or is not less than seven years, be the amount specified in the second column of that Schedule as appropriate to that degree of disablement;

(*b*) in any other case, be an amount which bears the same proportion to the amount so specified as the period taken into account by the assessment bears to a period of seven years, a fraction of a shilling being, for this purpose, treated as a shilling.

Injury benefit payable to children of school age.

4.—(1) Subject to the following provisions of this regulation, a child under the upper limit of compulsory school age shall be entitled to injury benefit in accordance with the provisions of section 11 of the Act.

(2) The weekly rate of injury benefit in the case of any such child shall be as follows, that is to say:—

(*a*) where the relevant employment or (if more than one) the relevant employments was or amounted in the aggregate to, full time employment or substantially full time employment, twenty-two shillings and sixpence;

(*b*) in any other case, seven shillings and sixpence;

and such injury benefit shall not be payable otherwise than to a parent or guardian of the child or a person appointed by the Minister to receive the benefit on behalf of the child.

(3) In the last foregoing paragraph, the expression " relevant employment " means any employment in which the child was or would but for the relevant injury have been employed during the calendar week in which as the result of the relevant injury he first became incapable of work.

PART III.—INCREASE OF INJURY AND DISABLEMENT BENEFIT

Payments in respect of special hardship where beneficiary is entitled to a gratuity.

5.—(1) Where in any case a beneficiary is entitled to or has received a disablement gratuity and the period taken into account by the assessment in respect thereof exceeds two years, such beneficiary shall as respects that gratuity have the like rights to payments in respect of special hardship as he would have had by way of increase of disablement pension under section 14 of the Act if the disablement gratuity had been a disablement pension payable during the period so taken into account.

(2) A beneficiary who is entitled as respects a disablement gratuity to payments in respect of special hardship by virtue of the preceding paragraph of this regulation shall, if he makes an application in that behalf at any time before that gratuity or any part thereof has been paid to him, be entitled, subject to the proviso to subsection (7) of section 12 of the Act, to a disablement pension in lieu of such gratuity for any part of the period taken into account by the assessment during which he may be entitled to an increase of such pension in respect of special

hardship under section 14 of the Act, and the weekly rate of such pension shall be determined in accordance with the Third Schedule to these regulations.

(3) Where a pension has been payable under the last foregoing paragraph in lieu of a gratuity for any period and the beneficiary ceases to be entitled to an increase of such pension under the provisions of section 14 of the Act, the amount of that gratuity shall be treated as reduced by the amounts which have been paid to the beneficiary by way of such pension, other than any increase thereof under the said section 14, and, subject to the provisions of these regulations, the balance (if any) shall then be payable accordingly.

Increase of disablement pension for constant attendance.

6. The amount by which the weekly rate of a disablement pension may be increased under section 15 of the Act where constant attendance is required by a beneficiary as a result of the relevant loss of faculty shall—

(*a*) where the beneficiary is to a substantial extent dependent on such attendance for the necessities of life (not being a case to which paragraph (*b*) of this regulation relates) and is likely to remain so dependent for a prolonged period, be twenty 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;

(*b*) where the beneficiary is so severely disabled as to be entirely or almost entirely dependent on such attendance for the necessities of life, and is likely to remain so dependent for a prolonged period and the attendance so required is whole time, be forty shillings.

Increase of benefit in respect of a wife, and computation of earnings.

7.—(1) A beneficiary shall not be entitled to an increase of benefit in respect of his wife under section 18 of the Act (which provides for an increase of injury benefit or disablement pension in respect of a beneficiary's wife or some other adult dependant of the beneficiary) for any period during which his wife is engaged in any gainful occupation or occupations from which her weekly earnings, calculated or estimated in accordance with the following provisions of this regulation, exceed twenty shillings.

(2) For the purposes of paragraph (1) of this regulation, the weekly earnings of a wife shall be ascertained in the following manner:—

(*a*) in the case of injury benefit or of disablement pension payable to a beneficiary who is receiving approved hospital treatment and who is not entitled to unemployability supplement—

(i) where the wife is employed in one employment only in respect of which she receives a regular weekly wage of a fixed amount, by reference to that weekly wage; or

(ii) where the wife is not so employed or does not receive a regular weekly wage of a fixed amount and a claim for the increase is made in respect of a period of seven days (including Sunday), by reference to her earnings in that period;

(*b*) in the case of disablement pension payable to a beneficiary who is entitled to an unemployability supplement, if there are earnings by the wife in the period of seven days immediately preceding the day in the week prescribed(a) for the payment of the pension, by reference to those earnings;

(a) *See* reg. 15 (4), National Insurance (Industrial Injuries) (Claims and Payments) Regulations, 1948 (S.I. 1948 No. 1362), p. 2942 below).

(*c*) in any case not covered by either of the foregoing sub-paragraphs, in such manner as the determining authority may decide to be appropriate, having regard to all the circumstances of the case.

(3) For the purposes of paragraph (1) of this regulation, the amount to be taken into account in respect of any weekly earnings ascertained in accordance with the foregoing paragraph of this regulation shall be limited to the net remuneration or profit in respect of any gainful occupation or occupations, and, in particular, in so far as such earnings consist of salary or wages, no account shall be taken of—

(*a*) any sums the deduction of which from salary or wages is authorised by statute;

(*b*) the reasonable expenses, if any, incurred by the wife in connection with employment in such occupation:

Provided that, where the amount of the weekly earnings is, by reason of the circumstances of the occupation in which the wife is engaged, not immediately ascertainable, the amount to be taken into account as aforesaid shall be calculated or estimated in such manner and on such basis as may be decided by the determining authority to be appropriate, having regard to all the circumstances of the case.

Increase of benefit for dependent relatives and further conditions applicable.

8.—(1) For the purposes of paragraph (*c*) of subsection (1) of section 18 of the Act (which relates to an increase of benefit in respect of a relative of a beneficiary subject to such further conditions as may be prescribed), the relatives shall be the persons who bear any such relationship to the beneficiary as is specified in the Fourth Schedule to these regulations, and shall include any person who is any such relative by adoption and any person who would be such a relative if some person born illegitimate had been born legitimate, but shall not include any person who is a child.

(2) The following further conditions shall apply in relation to any such relative as is mentioned in the foregoing paragraph:—

(*a*) Where such relative is a woman, a beneficiary shall not be entitled to an increase of benefit under the said section 18 in respect of her for any period during which she is engaged in any gainful occupation or occupations from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed by the last foregoing regulation for the purposes of the said section 18 in relation to the earnings of a wife) exceed twenty shillings.

(*b*) Where any such relative is a man, an increase shall not be payable in respect of him for any period other than a period during which he is incapable of self-support.

(*c*) Where any such relative is a married woman, an increase shall not be payable in respect of her for any period other than a period during which—

(i) she is not residing with and is unable to obtain any financial assistance from her husband; or

(ii) her husband is incapable of self-support and is not entitled to an increase of benefit in respect of her under the Act or the National Insurance Act.

Increase of benefit for female person having care of child.

9. For the purposes of paragraph (*d*) of subsection (1) of section 18 of the Act (which relates to an increase of benefit in respect of a female person, not being a child, who has the care of a child or children of the beneficiary's family), the following further conditions shall apply in relation to any such female person:—

(*a*) A beneficiary shall not be entitled to an increase of benefit under the said section 18 in respect of any such female person unless—

(i) she is residing with the beneficiary and is wholly or mainly maintained by him; or

(ii) she is employed by the beneficiary in an employment from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed by regulation 7 for the purpose of the said section 18 in relation to the earnings of a wife) are not less than sixteen shillings, and was so employed by him before the date of the relevant accident, subject to the qualification that the condition of employment before that date shall not apply in a case where the necessity for her employment first arose thereafter.

(*b*) A beneficiary shall not be entitled to an increase of benefit under the said section 18 in respect of any such female person for any period during which that female person is engaged in any gainful occupation or occupations (other than her employment by the beneficiary) from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed as aforesaid for the purpose of the said section 18) exceed, in the case of such a person as is residing with the beneficiary, twenty shillings, or in any other case, thirty shillings.

(*c*) A beneficiary shall not be entitled to an increase of benefit under the said section 18 in respect of any such female person unless the beneficiary is entitled to an increase of benefit in respect of a child of his family or a child treated as such for the purposes of section 17 of the Act (which provides for an increase of benefit in respect of a child), or would be so entitled but for the provisions of regulations made in Part VII relating to overlapping benefits.

Part IV.—Adjustment of benefit for successive accidents

Adjustment of benefit for successive accidents where a disablement gratuity is payable.

10.—(1) In a case where—

(*a*) a person who is entitled, as a result of an accident, to a disablement pension (hereafter in this paragraph referred to as an "existing pension") which is payable in respect of an assessment for a period which is limited by reference to that person's life, becomes as a result of any other accident subject to a loss of faculty which is likely to be permanent and in respect of which a disablement gratuity would, but for this regulation, be payable; and

(*b*) the aggregate amount of the assessment in respect of the existing pension and of the assessment in respect of which such disablement gratuity would be payable would, if it were the amount of the assessment of the extent of disablement resulting from any one accident suffered by that person, have entitled him to receive a disablement pension at a higher rate than the rate of such existing pension;

then, if, at any time before his claim for disablement benefit is determined, he so elects, that person shall be entitled to a disablement pension in lieu of the said disablement gratuity at a rate equal to the difference between the said higher rate and the rate of the existing pension.

(2) In a case in which a person who is entitled as a result of any accident to a disablement pension would but for the provisions of this paragraph become entitled in respect of any other accident to a disablement gratuity (not being a case in which he is entitled to a disablement pension in lieu of such gratuity)—

(*a*) if the assessment in respect of which such pension is payable to him amounts to not less than one hundred per cent., such person shall not be entitled to receive any disablement gratuity in respect of such other accident;

(*b*) in any other case, such person shall not be entitled to receive by way of a disablement gratuity in respect of such other accident, an amount exceeding that which would be payable in respect of an assessment equal to the difference between one hundred per cent. and the percentage of the assessment in respect of which such pension is payable to him.

(3) For the respective purposes of the two preceding paragraphs of this regulation,—

(*a*) references to an existing pension within the meaning of paragraph (1) of this regulation and to any disablement pension in paragraph (2) respectively shall include references to all such pensions which may be payable to the person concerned, and references to the amount of the assessment in respect of which, and the rate at which, any such pension is payable shall include references to the aggregate amount of the assessments in respect of which or the aggregate of the rates at which all such pensions are payable as aforesaid;

(*b*) the extent by which the assessment in respect of which any disablement pension is payable is increased by virtue of the provisions of section 16 of the Act (which relates to the increase of disablement pension during approved hospital treatment) shall be disregarded.

Adjustment of increase of benefit in respect of successive accidents.

11.—(1) Where a person who is entitled to a disablement pension in respect of any accident suffered by him—

(*a*) has received, or is entitled to, a disablement gratuity in respect of any other accident; and

(*b*) as a result of the loss of faculty in respect of which he has received or is entitled to that gratuity, is incapable of work and is likely to remain permanently so incapable;

the provisions of section 13 of the Act (which relate to an increase of disablement pension by way of unemployability supplement) shall apply as if that loss of faculty resulted from the accident in respect of which such disablement pension is payable.

(2) Where a person—

(*a*) would be entitled to a disablement pension in respect of any accident but for the provisions of paragraph (*a*) of subsection (1)

of section 29 of the Act (which impose limits on the aggregate weekly rates of benefit payable for the same period in respect of successive accidents); and

(*b*) by reason only of those provisions is unable to satisfy the conditions for the receipt of an increase of that pension by way of unemployability supplement under section 13 of the Act;

the provisions of the said section 13 shall apply as if such disablement pension were payable to that beneficiary.

(3) At any time at which the sum total of the several assessments in respect of two or more accidents suffered by any person amounts to not less than one hundred per cent. during the continuance of the periods respectively taken into account thereby, the weekly rate of any disablement pension which is payable to him may be increased in accordance with the provisions of section 15 of the Act if he requires constant attendance as a result of the loss of faculty resulting from any one or more of such accidents, whether or not that pension is payable in respect of an assessment of one hundred per cent. or in respect of that loss of faculty.

(4) A beneficiary who has suffered two or more accidents shall not be entitled at any time to more than one of each of the following increases of benefit, that is to say—

(*a*) by way of unemployability supplement, under section 13 of the Act;

(*b*) in respect of the need of constant attendance, under section 15 of the Act;

(*c*) in respect of a child, under section 17 of the Act;

(*d*) in respect of an adult dependant, under section 18 of the Act.

Part V.—Death benefit

Widow's pension.

12. Section 19 of the Act (which relates to death benefit for widows) shall have effect—

(*a*) as if the reference in subsection (1) of that section (which relates to the conditions of such benefit) to periodical payments of not less than the prescribed amount were a reference to periodical payments which would amount to an average weekly rate of not less than five shillings;

(*b*) during the thirteen weeks next following the death of the deceased, as if a reference to the sum of thirty-six shillings were substituted for the references in subsection (3) of that section (which relates to the weekly rates of pensions payable to widows) to the sums of thirty shillings and twenty shillings respectively.

Death benefit for relatives.

13. For the purposes of section 23 of the Act (which relates to death benefit for such relatives of a deceased insured person as may be prescribed), the relatives shall be the persons who bear any such relationship to the deceased as is specified in the Fourth Schedule to these regulations (otherwise than as a parent within the meaning of section 22 of the Act, which relates to death benefit for parents) and shall include any person who is such a relative by adoption and any person who would be such a relative if some person born illegitimate had been born legitimate.

Death benefit under section 23 for a posthumous son or daughter.

14. The provisions of section 23 of the Act shall apply to a posthumous son or daughter (whether legitimate or illegitimate) of a deceased man as if—

(*a*) for the conditions specified in subsection (1) there were substituted the condition that the mother of such son or daughter was at the deceased's death being wholly or mainly maintained by the deceased, or would but for the relevant accident have been so maintained; and

(*b*) the conditions specified in paragraphs (*a*) and (*b*) of subsection (2), and every reference to death benefit by way of a gratuity or an allowance and to the several conditions for the receipt of such benefit, were omitted; and

(*c*) in subsection (6)—

(i) the references to a relative who was a child at the deceased's death were references to a relative who is a posthumous son or daughter of the deceased; and

(ii) for paragraph (*b*) there were substituted the following paragraph:—

" (*b*) unless such relative is on ceasing to be a child permanently incapable of self-support by reason of some physical or mental infirmity which is congenital in origin; ".

Calculation of the amount of parent's or relative's gratuity.

15. For the purposes of paragraph (*b*) of subsection (4) of section 35 of the Act (which relates to the amount of death benefit payable by way of a gratuity to a beneficiary as a parent or relative, other than a beneficiary who, at the deceased's death, was, or would but for the relevant accident have been, wholly maintained by the deceased), the maximum amount of any such gratuity payable to a beneficiary as a parent within the meaning of section 22 of the Act or as a relative prescribed for the purposes of section 23 of the Act shall be determined in accordance with the provisions of the Fifth Schedule to these regulations.

Application of limits imposed on death gratuities by the Fourth Schedule to the Act.

16. In any case in which, but for the provisions of paragraph 5 of the Fourth Schedule to the Act (which paragraph contains provisions limiting the amount of death benefit by way of gratuities payable in respect of any death), the aggregate amount of death benefit which would be payable to two or more persons by way of parents' or relatives' gratuities, as the case may be, would exceed the total amount respectively specified in relation to such gratuities in sub-paragraphs (1) and (2) of the said paragraph 5, being—

(*a*) seventy-eight pounds, in relation to parents' gratuities; and

(*b*) fifty-two pounds or one hundred and four pounds (as the case may be) in relation to relatives' gratuities;

the amount payable to any person by way of a parent's or a relative's gratuity (as the case may be) shall, subject to the provisions of the Act limiting the amount so payable to any one person, be determined in accordance with the provisions of the Sixth Schedule to these regulations.

Death within prescribed period.

17.—For the purposes of the Fourth Schedule to the Act (which Schedule contains provisions limiting the benefit payable in respect of any death), and by virtue of the provisions of paragraph 7 of that Schedule, a person entitled, or who may become entitled, to any benefit mentioned in that Schedule in respect of any death shall be disregarded if he dies within six months after the deceased's death without being awarded that benefit.

Priority of title to allowance under section 21.

18. Where, in respect of the same death, each of two or more persons satisfies the conditions for the receipt of an allowance under section 21 of the Act in respect of a child of his family, the person entitled to such allowance shall, as between such persons and 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 an allowance under the said section 21 of a person who is entitled to death benefit as the widow or widower of the deceased), be determined in accordance with the order of priority specified in the Seventh Schedule to these regulations.

PART VI.—MISCELLANEOUS PROVISIONS

Provisions relating to free and continuous medical treatment as an in-patient. 9 & 10 Geo. 6. c. 81. 10 & 11 Geo. 6. c. 27.

19.—(1) For the purposes of section 15 of the Act (which section relates to an increase of disablement pension in respect of the need of constant attendance otherwise than for any period during which the beneficiary is receiving free of charge medical treatment as an in-patient in a hospital or similar institution), a person who, for the purpose of receiving medical treatment as an in-patient, avails himself of the hospital services provided under Part II of the National Health Service Act, 1946, or of the National Health Service (Scotland) Act, 1947, shall only be treated as not receiving such treatment free of charge if he is paying or has paid charges in respect thereof which are designed to cover the whole cost of the accommodation or services provided for that person as part of the said hospital services.

(2) For the purposes of Part II of the Act (which relates to the general conditions of benefit), a person who receives medical treatment as an in-patient for two or more distinct periods separated by an interval or intervals of less than one week in each case shall be treated as receiving such treatment continuously from the beginning of the first period until the end of the last.

Provisions as to maintenance for the purposes of increase of benefit in respect of dependants.

20.—(1) For the purposes of the provisions of section 18 of the Act (which section relates to increase of benefit in respect of an adult dependant), and subject to paragraphs (3) and (4) of this regulation, a beneficiary shall not be deemed to be wholly or mainly maintaining another person unless the beneficiary—

(*a*) when entitled to benefit to which section 18 applies, contributes towards the maintenance of that person an amount not less than the amount of the increase of benefit received in respect of that person; and

(*b*) when in employment before the date of the relevant accident (except in a case where the dependancy did not arise until after that date), contributed more than one half of the actual cost of the maintenance of that person.

(2) For the purposes of subsection (2) of section 17 of the Act (which subsection relates to the circumstances in which a child of the family of a woman residing with a beneficiary who is a man shall be treated as a child of that beneficiary's family), and subject to the following provisions of this regulation, a beneficiary shall not be deemed to have been wholly or mainly maintaining such a child throughout the six months ending with the date of the relevant accident unless the beneficiary, when in employment during that period, contributed more than one half of the actual cost of maintenance of that child.

(3) In a case where—

(*a*) a person is partly maintained by each of two or more other persons (being persons entitled to benefit either under the Act or the National

Insurance Act, of whom at least one is entitled to benefit under the Act) each of whom would be entitled to an increase of benefit under the relevant Act in respect of that person if he were wholly or mainly maintaining that person; and

(*b*) the contributions made by those other persons towards the maintenance of that person amount in the aggregate to sums which would, if they had been contributed by one of them, have been sufficient to satisfy the foregoing requirements of this regulation;

that person shall be deemed to be wholly or mainly maintained by that one of the said other persons who—

(i) ordinarily made the larger or largest contributions to the maintenance of that person; or

(ii) in a case where no person ordinarily made the larger or largest contributions as aforesaid, is the elder or eldest of the said other persons; or

(iii) in any case, is a person designated in that behalf by a notice in writing signed by a majority of the said other persons and addressed to the Minister;

if and so long as that one of the said other persons is entitled to benefit to which section 17 or section 18 of the Act applies and, in a case to which the said section 18 applies, satisfies the condition contained in sub-paragraph (*a*) of paragraph (1) of this regulation.

(4) A notice and the designation contained therein given under the foregoing paragraph may be revoked at any time by a fresh notice signed by a majority of such persons and another one of their number may be designated thereby and accordingly the provisions of that paragraph shall apply to the one so last designated.

Provisions as to maintenance for purpose of death benefit.

21. For the purposes of the provisions of Part II of the Act which relate to death benefit, a deceased person shall not be deemed to have been, at his death or for any period before his death,—

(1) wholly maintaining another person unless he normally contributed the whole of the actual cost of that other person's maintenance;

(2) mainly maintaining another person unless he normally contributed more than one half of the actual cost of that other person's maintenance;

(3) to a substantial extent maintaining another person unless he normally contributed not less than an average weekly amount of five shillings towards the cost of that other person's maintenance:

Provided that—

(*a*) in the case of a posthumous son or daughter of the deceased, such son or daughter shall be deemed to have been wholly maintained by the deceased at his death if the condition specified in paragraph (*a*) of regulation 14 is satisfied in his case;

(*b*) where—

(i) a person was partly maintained by each of two or more insured persons of whom the first mentioned person was a parent within the meaning of section 22 of the Act or a relative prescribed for the purposes of section 23 of the Act, as the case may be; and

(ii) the insured persons have died as the result of accidents against which they were insured under the Act;

the parent or relative may by notice in writing designate one of those insured persons and shall thereafter be treated as having received from the person so designated contributions to his maintenance equal to the aggregate amount which the said insured persons were together contributing before the accidents happened, and as having received nothing from the others.

Exception from disqualification under section 32 (1).

22. The provisions of subsection (1) of section 32 of the Act (which provides for disqualification for the receipt of benefit during periods of absence from Great Britain or of penal servitude, imprisonment or detention in legal custody) shall have effect subject to the exceptions contained in the next two following regulations.

Exception for period of absence abroad.

23.—(1) A person shall not be disqualified for receiving injury benefit—

(*a*) for any period during which he is temporarily absent from Great Britain, being in Eire, the Isle of Man or the Channel Islands; or

(*b*) for any period during which that person is temporarily absent from Great Britain (not being in Eire, the Isle of Man or the Channel Islands) for the purpose of undergoing medical treatment which is appropriate to the relevant injury and which is approved by the Minister.

(2) A person shall not be disqualified for receiving disablement benefit (other than any increase of disablement pension) being benefit payable in respect of an assessment on a claim made whilst he was in Great Britain, for any period during which he is absent from Great Britain.

(3) A person shall not be disqualified for receiving death benefit for any period during which that person is in any part of His Majesty's dominions.

(4) An increase of injury benefit shall, subject to the provisions of the Act and these regulations, be payable in respect of a person as the beneficiary's wife or husband, for any period during which that person is residing with the beneficiary outside Great Britain and for which, by virtue of the foregoing provisions of this regulation, the beneficiary is not disqualified for receiving that benefit.

Exception for period of penal servitude, imprisonment or detention.

24.—(1) A person shall not be disqualified for receiving injury benefit or death benefit for any period during which he has undergone penal servitude, imprisonment or detention in legal custody if he has undergone such penal servitude, imprisonment or detention in legal custody by reason of his being charged with a criminal offence and either such charge is withdrawn or he is discharged by the magistrates or (not being a criminal lunatic) is acquitted of such charge:

Provided that in the case of injury benefit this paragraph shall only apply if that person was entitled to any such benefit immediately before the commencement of any such period or would have been so entitled but for the proviso to subsection (1) of section 11 of the Act (which proviso provides that in the specified circumstances injury benefit shall not be payable in respect of the first three days of incapacity).

(2) A person shall not be disqualified for receiving any disablement benefit (other than any increase of disablement pension) for any period during which he is undergoing penal servitude, imprisonment or detention in legal custody:

Provided that the amount payable by virtue of this paragraph by way of any disablement pension or pensions in respect of any period during which that person is and has continuously been undergoing penal servitude, imprisonment or detention in legal custody shall not exceed in the aggregate the amount of one hundred pounds or the total amount payable by way of such pension or all such pensions for a period of one year, whichever is the less.

Suspension of payment of benefit.

25.—(1) The payment of injury benefit or death benefit payable to any person, whether in respect of a period of absence from Great Britain or otherwise, shall be suspended whilst that person is absent from Great Britain, unless—

(*a*) in the case of injury benefit, he is in Eire, the Isle of Man or the Channel Islands or has nominated a person in Great Britain (who is approved by the Minister) to receive payment of such benefit on his behalf; or

(*b*) in the case of death benefit, he is in any other part of His Majesty's dominions.

(2) The payment of any benefit payable to any person shall be suspended whilst that person is undergoing penal servitude, imprisonment or detention in legal custody:

Provided that the payment to any person of any benefit payable otherwise than in respect of a period during which he is and has continuously been undergoing penal servitude, imprisonment or detention in legal custody shall not be suspended by virtue of this paragraph if another person (who is approved by the Minister) is appointed by that person to receive such benefit on his behalf.

(3) Where, by virtue of this regulation, payment of benefit is suspended for any period, the period of suspension shall not be taken into account in calculating any period under the provisions of regulation 18 of the National Insurance (Industrial Injuries) (Claims and Payments) Regulations, 1948(a) (which regulation relates to the extinguishment of the right to sums payable by way of benefit, payment of which is not obtained within the time thereby prescribed).

PART VII.—ADJUSTMENTS IN RESPECT OF OVERLAPPING BENEFITS

Definitions for the purposes of this Part of these regulations.

26.—(1) In this Part of these regulations, unless the context otherwise requires,—

"personal benefit" means that benefit, pension or allowance (whether under the Act or otherwise) which (apart from this Part of these regulations) is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

"dependency benefit" means that benefit, pension or allowance (whether under the Act or otherwise) which (apart from this Part of these regulations) is payable to a person in respect of another person who is a child or an adult dependant;

(a) S.I. 1948 No. 1362, p. 2942 below.

" death benefit " means any benefit, pension or allowance (whether under the Act or otherwise) which (apart from this Part of these regulations) is payable in respect of the death of any person;

" personal death benefit " means any personal benefit by way of death benefit;

" disablement pension " (not being disablement pension under the Act) includes a disablement payment on a pension basis and retired pay or a pension in respect of any disablement, wound, injury or disease;

the expressions " Personal Injuries Scheme " " Service Pensions Instrument " " 1914-1918 War Injuries Scheme " " treatment allowance " " training scheme " and " training allowance " have the meanings which are assigned to them by the National Insurance (Overlapping Benefits) Provisional Regulations, 1948(a).

(2) For the purposes of this Part of these regulations—

(*a*) benefit payable by way of widowed mother's allowance under section 17 of the National Insurance Act shall be deemed to consist partly of personal benefit and partly of dependency benefit in like manner and respects and to the like extent as is provided by the National Insurance (Overlapping Benefits) Provisional Regulations, 1948;

(*b*) benefit by way of an allowance under section 24 of the Act payable to a woman having the care of a child or children shall be treated as personal benefit;

(*c*) where, for any period for which a disablement pension (not being a pension under the Act), is payable, there is payable with that disablement pension, otherwise than by way of an increase thereof, an allowance for constant attendance or a supplement on account of unemployability or an allowance for special hardship, the amount of the disablement pension payable for that period shall be treated as increased by the amount of the allowance or supplement payable for that period.

Adjustment of personal benefit under the Act where personal benefit is payable.

27.—(1) Where, for any period, any person satisfies the conditions for the receipt of any personal benefit by way of unemployability supplement under section 13 of the Act, or increase of disablement pension during approved hospital treatment under section 16 of the Act, that personal benefit shall be adjusted—

(*a*) in the case of an unemployability supplement, by reference to the weekly rate at which any other personal benefit is payable to that person for that period by way of an allowance on account of unemployability under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme;

(*b*) in the case of an increase of disablement pension during approved hospital treatment, by reference to the weekly rate at which any other personal benefit by way of treatment allowance is payable to that person for that period under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme;

so as to be payable (if at all) for that period at a weekly rate arrived at by deducting from the weekly rate at which it would otherwise have

(a) S.I. 1948 No. 1244, p. 2652 above.

been so payable the said weekly rate of the other personal benefit by reference to which the personal benefit under the Act is required by this regulation to be adjusted.

(2) Where, for any period, any personal benefit by way of retirement pension under the National Insurance Act is payable to any person, there shall not be paid to that person for that period any personal benefit by way of unemployability supplement under the Act.

Adjustment of dependency benefit under the Act where other dependency benefit (whether under the Act or otherwise) is payable.

28.—(1) Where, for any period, the conditions for the receipt by any person of any dependency benefit under the Act in respect of a child or an adult dependant are satisfied, that dependency benefit shall be adjusted—

(*a*) in the case of dependency benefit in respect of a child, by reference to the weekly rate at which any other dependency benefit specified in paragraph (2) of this regulation is payable for that period in respect of that child;

(*b*) in the case of dependency benefit in respect of an adult dependant, by reference to the weekly rate at which any other dependency benefit so specified is payable for that period to that person in respect of that or any other adult dependant or to any person in respect of that adult dependant;

so as to be payable (if at all) for that period at a weekly rate arrived at by deducting from the weekly rate at which it would otherwise have been so payable the said weekly rate of the other dependency benefit by reference to which the dependency benefit under the Act is required by this regulation to be adjusted.

(2) For the purposes of this regulation the specified dependency benefits shall be any dependency benefit under the Act or any dependency benefit under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme or any training scheme, except any dependency benefit by way of an allowance in respect of a child payable for the purpose of the education of such a child.

Adjustment of dependency benefit under the Act where personal benefit is payable.

29.—(1) Where for any period any one or more of the personal benefits specified in paragraph (2) of this regulation is or are payable to any person,—

(*a*) if either—

(i) the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period is equal to or exceeds twenty-six shillings a week; or

(ii) the personal benefit or one of the personal benefits payable to that person for that period is personal benefit under the National Insurance Act by way of unemployment benefit or sickness benefit which is not payable at a reduced weekly rate by reason of the partial satisfaction of the appropriate contribution conditions;

there shall not be paid in respect of that person for that period any dependency benefit under the Act; and

(*b*) in any other case, there shall not be paid in respect of that person for that period any dependency benefit under the Act at a weekly

rate exceeding the difference between the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period and the rate of twenty-six shillings a week:

Provided that where the personal benefit or one of the personal benefits payable to that person for that period is personal benefit under the National Insurance Act by way of unemployment benefit or sickness benefit which is payable at a reduced weekly rate by reason of the partial satisfaction of the appropriate contribution conditions, dependency benefit under the Act shall not be paid in respect of that person for that period at a weekly rate which exceeds the weekly rate by which that personal benefit is so reduced for that period.

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

(*a*) any personal benefit by way of pension or allowance 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 injury allowance, disablement pension or treatment allowance, 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.

Dependency benefit under the Act not to be paid where a training allowance is payable.

30. Where, for any period, any personal benefit by way of training allowance is payable to any person under any training scheme there shall not be paid to that person for that period any dependency benefit under the Act.

Persons to be treated for certain purposes as entitled to benefit adjusted under this Part of these regulations.

31. Any person who would be entitled to any benefit under the Act but for this Part of these regulations shall be treated as if he were entitled thereto for the purposes of any rights or obligations under the Act (whether of himself or some other person) which depend on his being so entitled, other than the right to payment of that benefit.

PART VIII.—TRANSITIONAL PROVISIONS

Payments by way of unemployability supplement in respect of past cases.

32.—(1) A person who—

(*a*) is or has been on or after the appointed day(**a**) entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts or under any contracting out scheme duly certified thereunder; and

(*b*) as the result of that injury or disease could, for the purposes of section 13 of the Act, be treated as being incapable of work and likely to remain permanently so incapable;

(**a**) 5th July, 1948. *See* S.I. 1948 No. 53, p. 2914 above.

shall have the like right to payments under the Act by way of unemployability supplement as if the injury or disease were one in respect of which a disablement pension were for the time being payable.

(2) A person shall not be entitled—

(*a*) at any time to payment in accordance with the provisions of this regulation in respect of more than one injury or disease;

(*b*) to a payment in accordance with the provisions of this regulation during any period for which he is entitled to an increase of disablement pension by way of unemployability supplement under section 13 of the Act.

Payments in respect of the need of constant attendance in respect of past cases.

33.—(1) A person who—

(*a*) is or has been on or after the appointed day entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts or under any contracting out scheme duly certified thereunder; and

(*b*) as the result of that injury or disease—

(i) is subject to disabilities which are such that if they had resulted from an accident against which he had been insured under the Act the extent of the resulting disablement would be assessed at one hundred per cent.; and

(ii) requires constant attendance;

shall have the like right to payments in respect of the need of such constant attendance as if the said injury or disease were one in respect of which a disablement pension were for the time being payable in respect of an assessment of one hundred per cent.

(2) References in this regulation to an injury or disease in respect of which a person is or has been entitled as aforesaid to weekly payments by way of compensation shall be construed as including every such injury or disease in respect of which he is so entitled, and references in this regulation to the disabilities resulting from an injury or disease and the extent of the resulting disablement shall be construed accordingly.

Application of the provisions of the Act and regulations.

34. Subject to the provisions of the two last preceding regulations, the provisions of the Act and of the regulations for the time being in force thereunder relating to benefit and to the making of claims and payments and the determination of claims and questions, in so far as those provisions apply in relation to unemployability supplement or to an increase of a disablement pension in respect of the need of constant attendance, shall apply in relation to any payment under either of the two last preceding regulations as if such payment were an unemployability supplement under section 13 of the Act or an increase of a disablement pension in respect of the need of constant attendance under section 15 of the Act, as the case may be.

Given under the official seal of the Industrial Injuries Joint Authority this 23rd day of June, nineteen hundred and forty-eight.

(L.S.)

C. D. Curtis,
Secretary,
Industrial Injuries Joint Authority.

Given under the official seal of the Minister of National Insurance this 23rd day of June, nineteen hundred and forty-eight.

(L.S.)

James Griffiths,
Minister of National Insurance.

Regulation 2.

FIRST SCHEDULE

PRESCRIBED DEGREES OF DISABLEMENT

Description of Injury	*Degree of Disablement* Per cent.
1. Loss of both hands or amputation at higher sites	100
2. Loss of a hand and a foot	100
3. Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot ...	100
4. Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential ...	100
5. Very severe facial disfigurement	100
6. Absolute deafness	100
Amputation Cases—Upper Limbs (either arm)	
7. Amputation through shoulder joint	90
8. Amputation below shoulder with stump less than 8 inches from tip of acromion	80
9. Amputation from 8 inches from tip of acromion to less than 4½ inches below tip of olecranon	70
10. Loss of a hand or of the thumb and four fingers of one hand or amputation from 4½ inches below tip of olecranon	60
11. Loss of thumb	30
12. Loss of thumb and its metacarpal bone	40
13. Loss of four fingers of one hand	50
14. Loss of three fingers of one hand	30
15. Loss of two fingers of one hand	20
16. Loss of terminal phalanx of thumb	20
Amputation Cases—Lower Limbs	
17. Amputation of both feet resulting in end-bearing stumps ...	90
18. Amputation through both feet proximal to the metatarso-phalangeal joint	80
19. Loss of all toes of both feet through the metatarso-phalangeal joint	40
20. Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
21. Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
22. Amputation at hip	90
23. Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	80
24. Amputation below hip with stump exceeding 5 inches in length measured from tip of great trochanter, but not beyond middle thigh	70
25. Amputation below middle thigh to 3½ inches below knee ...	60
26. Amputation below knee with stump exceeding 3½ inches but not exceeding 5 inches	50

Description of Injury	*Degree of Disablement*
Amputation Cases—Lower Limbs—cont.	Per cent.
27. Amputation below knee with stump exceeding 5 inches ...	40
28. Amputation of one foot resulting in end-bearing stump ...	30
29. Amputation through one foot proximal to the metatarso-phalangeal joint	30
30. Loss of all toes of one foot through the metatarso-phalangeal joint	20
Other Injuries	
31. Loss of one eye, without complications, the other being normal	40
32. Loss of vision of one eye, without complications or disfigurement of eyeball, the other being normal	30
Loss of	
A. *Fingers of right or left hand*	
Index finger—	
33. Whole	14
34. Two phalanges	11
35. One phalanx...	9
36. Guillotine amputation of tip without loss of bone	5
Middle finger—	
37. Whole	12
38. Two phalanges	9
39. One phalanx...	7
40. Guillotine amputation of tip without loss of bone	4
Ring or little finger—	
41. Whole	7
42. Two phalanges	6
43. One phalanx...	5
44. Guillotine amputation of tip without loss of bone	2
B. *Toes of right or left foot*	
Great toe—	
45. Through metatarso-phalangeal joint	14
46. Part, with some loss of bone	3
Any other toe—	
47. Through metatarso-phalangeal joint	3
48. Part, with some loss of bone	1
Two toes of one foot, excluding great toe—	
49. Through metatarso-phalangeal joint	5
50. Part, with some loss of bone	2
Three toes of one foot, excluding great toe—	
51. Through metatarso-phalangeal joint	6
52. Part, with some loss of bone	3
Four toes of one foot, excluding great toe—	
53. Through metatarso-phalangeal joint	9
54. Part, with some loss of bone	3

Regulation 3.

SECOND SCHEDULE

SCALE OF DISABLEMENT GRATUITIES

Degree of Disablement	Amount of Gratuity
Per cent.	£ s. d.
1	15 0 0
2	22 10 0
3	30 0 0
4	37 10 0
5	45 0 0
6	52 10 0
7	60 0 0
8	67 10 0
9	75 0 0
10	82 10 0
11	90 0 0
12	97 10 0
13	105 0 0
14	112 10 0
15	120 0 0
16	127 10 0
17	135 0 0
18	142 10 0
19	150 0 0

Regulation 5.

THIRD SCHEDULE

RATE OF DISABLEMENT PENSION PAYABLE IN LIEU OF DISABLEMENT GRATUITY IN ACCORDANCE WITH REGULATION 5

Where the degree of disablement is as specified in the first column of the following table, the weekly rate of the pension shall be determined in accordance with the second column of that table :—

Degree of Disablement	*Weekly Rate of Pension*
Less than 20 per cent. but not less than 16 per cent.	9 shillings
Less than 16 per cent. but not less than 11 per cent.	6 shillings and 9 pence
Less than 11 per cent. but not less than 6 per cent.	4 shillings and 6 pence
Less than 6 per cent.	2 shillings and 3 pence

Regulations 8 and 13.

FOURTH SCHEDULE

PRESCRIBED RELATIONSHIPS

(*a*) Lineal descendant or ascendant in a direct line and,

(*b*) stepfather
stepmother
stepson
stepdaughter
brother
sister
half-brother
half-sister
step-brother
step-sister.

FIFTH SCHEDULE

Regulation 15.

MAXIMUM AMOUNTS OF GRATUITIES PAYABLE BY WAY OF DEATH BENEFIT TO PARENTS OR RELATIVES WHO WERE NOT WHOLLY MAINTAINED BY THE DECEASED

1. The amount of any gratuity payable by way of death benefit to a beneficiary who is a relative prescribed for the purposes of section 23 of the Act and who would, but for the provisions of the Fourth Schedule to the Act, have been entitled to a pension under the said section 23, shall not exceed one hundred and fifty-six times the weekly rate of the contributions which the deceased at his death was or would but for the relevant accident have been making to that beneficiary's maintenance.

2. The amount of any gratuity payable by way of death benefit to any other beneficiary who is a parent within the meaning of section 22 of the Act or is a relative shall not exceed one hundred and four times the said weekly rate of the contributions to such beneficiary's maintenance.

SIXTH SCHEDULE

Regulation 16.

PROVISIONS APPLYING THE LIMITS IMPOSED BY THE FOURTH SCHEDULE TO THE ACT ON THE AMOUNT PAYABLE BY WAY OF DEATH GRATUITIES

1. The amount of seventy-eight pounds in the case of parents' gratuities or of fifty-two pounds or one hundred and four pounds (as the case may be) in the case of relatives' gratuities, shall (subject to the provisions of the next two following paragraphs in relation to relatives' gratuities) be apportioned between the persons entitled as parents or as relatives, as the case may be, in proportion to the respective weekly rates of the contributions which the deceased at his death was or would but for the relevant accident have been making to the several maintenance of those persons :

Provided that where the amount ascertained under this paragraph in relation to any person entitled to a parent's or relative's gratuity, as the case may be, exceeds the maximum amount which can be paid to him under the provisions of the Act, the difference between that maximum amount and the amount so ascertained shall—

(*a*) if there is only one other person so entitled, be paid to that person ; or

(*b*) if there are two or more other persons so entitled, be apportioned between such persons in accordance with the provisions of this paragraph.

2. Where there is only one relative who is by virtue of the provisions of the Fourth Schedule to the Act entitled to a gratuity in lieu of a pension under section 23 of the Act, the amount payable to him shall be the full amount to which he is entitled under the relevant provisions of the Act, and the difference (if any) between one hundred and four pounds and the amount so payable to that relative shall—

(*a*) if there is only one other relative, be the amount of the gratuity payable to that other relative ; and

(*b*) if there are two or more other relatives, be apportioned between them in accordance with the preceding paragraph of this Schedule.

3. Where there are two or more relatives each of whom is so entitled to a gratuity in lieu of a pension, the amount of one hundred and four pounds shall be apportioned equally between them.

4. Where, in respect of any death, a parent or relative has been paid the amount of any gratuity finally awarded to him as such, or any part of such amount, the death benefit payable to any person subsequently claiming to be entitled in respect of the same death to a gratuity as a parent or relative shall not exceed the difference

between the sum or the aggregate of the sums previously paid as aforesaid in respect of parents' or relatives' gratuities, as the case may be, and—

(*a*) the amount of seventy-eight pounds in the case of parents' gratuities; or

(*b*) the amount of fifty-two pounds (or one hundred and four pounds where appropriate) in the case of relatives' gratuities;

and the provisions of the Act and of this Schedule shall apply to any such subsequent claimant accordingly:

Provided that where any sum has been repaid or recovered in respect of a gratuity awarded to any person, the amount paid to him on account of that gratuity shall, for the purpose of this paragraph, be treated as reduced by the amount so repaid or recovered.

Regulation 18. SEVENTH SCHEDULE

ORDER OF PRIORITY OF TITLE TO ALLOWANCE UNDER SECTION 21 OF THE ACT

1. Such person as may be designated in a written notice to the Minister, signed by all the persons satisfying such conditions as aforesaid.

2. A person who, not being entitled to death benefit as such, is the widow of the deceased or who was, before her remarriage, the widow of the deceased.

3. A person who is entitled to death benefit in respect of the deceased's death—

(*a*) by way of a pension; or

(*b*) by way of an allowance under section 24 of the Act as a woman having the care of a child or children of the deceased's family.

4. Such person as the Minister may in his discretion determine, having regard to the circumstances of the case.

EXPLANATORY NOTE

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

These Regulations contain miscellaneous provisions relating to the conditions for the receipt of benefit under the National Insurance (Industrial Injuries) Act, 1946, and the rate or amount payable in certain cases by way of such benefit.

Part II further defines principles of assessment of disablement and prescribes degrees of disablement in respect of particular losses of faculty (regulation 2 and the First Schedule) and the amounts payable by way of disablement gratuity (regulation 3 and the Second Schedule), and provides for the payment of injury benefit to children of school age (regulation 4).

Part III, which relates to increase of benefit, provides as respects disablement gratuities for payments in respect of special hardship and for the payment of a pension in lieu of gratuity (regulation 5 and the Third Schedule) and prescribes further conditions for increase of benefit in respect of constant attendance (regulation 6), a wife (regulation 7), prescribed adult relatives (regulation 8 and the Fourth Schedule) and a woman having the care of a child (regulation 9). Provisions adjusting benefit in respect of successive accidents are contained in Part IV (regulations 10 and 11).

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.