1966 No. 1002

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations 1966

Made - - -	*8th August* 1966
Laid before Parliament	*22nd August* 1966
Coming into Operation	*6th October* 1966

The Minister of Social Security in exercise of the powers conferred by sections 25(1) and 54 of the National Insurance (Industrial Injuries) Act 1965(a) and of all other powers enabling her in that behalf hereby makes, in consequence of the National Insurance Act 1966(b), the following regulations:—

Citation, interpretation and commencement

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

Revocation of regulation 13 of the principal regulations and addition to the principal regulations

2.—(1) Regulation 13 of the principal regulations (special provisions for injury benefit) is hereby revoked.

(2) The following regulation shall be included in the principal regulations:—

" *Special provisions for injury benefit*

15A. Where, under arrangements made by the Minister with the consent of the Treasury, payment by way of injury benefit (including any increase thereof) has been made to any person pending the determination of a claim therefor without due proof of the fulfilment of the relevant conditions or otherwise than in accordance with the provisions of the Act and the orders and regulations made thereunder, the payment so made shall, for the purposes of the said provisions, be deemed to be a payment of such benefit duly made:

Provided that—

(i) this regulation shall apply without prejudice to the operation of regulation 2 of the Family Allowances, National Insurance and Industrial Injuries (Consequential) Regulations 1962(e) (set-off of benefit against earlier payment of dependency benefit); and

(a) 1965 c. 52. (b) 1966 c. 6. (c) S.I. 1964/73 (1964 I, p. 115).
(d) The relevant amending instruments are S.I. 1965/36, 898 (1965 I, pp. 40, 2375).
(e) S.I. 1962/326 (1962 I, p. 300).

(ii) in any case in which the conditions for the receipt of the benefit were not fulfilled, and in so far as set-off under the said regulation 2 against payment of such benefit is not made, the person to whom any sum by way of such benefit has been paid shall be liable to repay that sum to the Industrial Injuries Fund if it is shown to the satisfaction of an insurance officer, a local tribunal, or the Commissioner, as the case may be, that in the obtaining and receipt of that sum that person, or any person acting for him, has not throughout used due care and diligence to avoid overpayment; and

(iii) if it is so shown that any such person was not entitled to injury benefit (including any increase thereof) for the period in respect of which the payment was made, but was entitled to some other benefit under the Act or the National Insurance Act 1965 for such period, such payment (in so far as it does not exceed the amount of such other benefit) shall not be deemed to be a payment of the benefit in question but a payment of such other benefit duly made.".

Amendment of Schedule 2 to the principal regulations

3.—(1) The following paragraph shall be substituted for paragraph 1 of Schedule 2 to the principal regulations in relation to any claim made on or after the date on which this regulation comes into operation, but in relation to any claim made before that date the provisions of the said paragraph 1 shall apply as if this regulation had not been made:—

"1. Injury benefit (not being an increase of benefit in respect of a child or adult dependant)—		
(*a*) where the claim is an original claim, that is to say, where before making the claim the claimant has at no time made a claim for injury benefit under the Act or a claim for sickness benefit under the National Insurance Act 1965.	(*a*) the period of twenty-one days from the earliest day in respect of which the claim is made.	(*a*) benefit in respect of any day more than twenty-one days before the date on which the claim is made.
(*b*) where the claim is not an original claim but is the first claim made by the claimant after he has become or again become incapable of work.	(*b*) the period of six days from the earliest day in respect of which the claim is made.	(*b*) benefit in respect of any day more than six days before the date on which the claim is made.
(*c*) when the claim is a continuation claim, that is to say, a claim to which neither sub-paragraph (*a*) nor sub-paragraph (*b*) of this paragraph applies.	(*c*) the period of ten days from the earliest day in respect of which the claim is made.	(*c*) benefit in respect of any day more than ten days before the date on which the claim is made.

(2) In column 1 of the said Schedule the following paragraph shall be substituted for paragraph 4:—

"4. Increase of disablement benefit under section 13, 14, 15 or 16 of the Act or under section 6 of the National Insurance Act 1966 on the grounds respectively of unemployability, special hardship, need of constant attendance, receipt of hospital treatment or exceptionally severe disablement.".

Margaret Herbison,
Minister of Social Security

8th August 1966.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964. Other Regulations consequential upon the provision in the National Insurance Act 1966 of a power to make forward allowances and disallowances of injury benefit remove the need for part of regulation 13 of the 1964 Regulations, which has therefore been revoked and replaced by regulation 2 of these Regulations. Regulation 3 brings the time limits for claiming injury benefit into line with the time limits for claiming sickness benefit, consequential upon the provisions of the 1966 Act bringing the rules governing the determination of days for which injury benefit is payable into line with those for sickness benefit. It also adds the increase for exceptionally severe disablement to the other increases of disablement pension in the provision prescribing times for claiming benefit.

These Regulations are made in consequence of the National Insurance Act 1966 and, in accordance with section 14(6) of that Act, have not been referred to the Industrial Injuries Advisory Council.