pension), there shall be substituted, as from the 19th May, 1955, the following sub-paragraphs:—

"(*a*) to any person who has become entitled under the Act to injury benefit in respect of a colliery accident or colliery disease, a supplementary injury benefit payable for each day in respect of which he receives such injury benefit under the Act, at the weekly rate of one third of the rate of the injury benefit to which he is for the time being entitled under the Act (excluding any increase of injury benefit under sections 17 and 18 of the Act);

(*b*) to any person who has become entitled under the Act to a disablement pension in respect of a colliery accident or colliery disease, for any period for which he is in receipt of the pension, a supplementary disablement pension of one third of the amount of any sums paid to him by way of such disablement pension;".

(3) In sub-paragraph (*d*) of paragraph (1) of Article 13, as amended(**a**), (which relates to supplementary widow's pension) for the words "twenty shillings" there shall be substituted, as from the 25th April, 1955, the words "twenty-two shillings and sixpence".

Dated this 30th day of March, 1955.

Osbert Peake,
Minister of Pensions and National Insurance.

EXPLANATORY NOTE

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

This Order varies and amends the provisions of the National Insurance (Industrial Injuries) Colliery Workers Supplementary Scheme relating to the rates of supplementary injury benefit, disablement pension and widow's pension under the Scheme.

1955 No. 1162

The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment (No. 2) Order, 1955

Laid before Parliament in draft
Made - - - - 27*th July*, 1955
Coming into Operation 10*th August*, 1955

Whereas the National Committee for the time being constituted in accordance with the Supplementary Scheme set forth in the Schedule to the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Order, 1948(**b**) and subsequently varied and amended(**c**) is the body charged with the administration of that Scheme, and has requested the Minister of Pensions and National Insurance (hereinafter referred to as "the Minister") to vary and amend the provisions of the said Supplementary Scheme in manner set out in the following order:

(**a**) *See* Article 5, S.I. 1953/1138 (1953 I, p. 1431).
(**b**) S.I. 1948/1794 (Rev. XVI, p. 466: 1948 I, p. 2954).
(**c**) S.I. 1950/1142, 1952/344, 1953/1138, 1955/494 (1950 II, p. 35; 1952 II, p. 2225; 1953 I, p. 1431; 1955 I, p. 1675).

And whereas a draft of the said order was laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, the Minister, in exercise of the powers conferred by paragraph (*a*) of subsection (8) of section 83 of the National Insurance (Industrial Injuries) Act, 1946(**a**), and of all other powers enabling him in that behalf, hereby makes the said order:—

1. This order, which may be cited as the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment (No. 2) Order, 1955, shall be read as one with the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Order, 1948, as amended, and shall come into operation on the fourteenth day after the date of this order.

2.—(1) As from the date on which this order comes into operation, the provisions of paragraph (1) of Article 13 of the said Supplementary Scheme, as varied and amended, (which relate to supplementary benefits), shall be further varied and amended in accordance with the succeeding paragraphs of this Article, and accordingly shall have effect as set out in the Schedule to this order.

(2) In sub-paragraph (*a*) of paragraph (1) of Article 13, as amended(**b**), (which sub-paragraph relates to supplementary injury benefit), there shall be substituted, for the words "at the weekly rate of", the words "at a weekly rate arrived at by adding two shillings and sixpence to" and at the end of the sub-paragraph there shall be added the following proviso:—

"Provided that, for any period during which the beneficiary is under the age of eighteen and not for the time being entitled under the Act to an increase of benefit in respect of a child or adult dependant, there shall be substituted, for the reference to two shillings and sixpence, a reference—

(i) for a period during which he is between the ages of seventeen and eighteen, to one shilling and tenpence; and

(ii) for a period during which he is under the age of seventeen, to one shilling and threepence;".

(3) In sub-paragraph (*b*) of paragraph (1) of Article 13, as amended(**b**), (which sub-paragraph relates to supplementary disablement pension), there shall be added at the end of the sub-paragraph the words "which supplementary pension shall be increased for any period for which he is in receipt of such disablement pension in respect of an assessment of one hundred per cent. by an amount calculated at the weekly rate of two shillings and sixpence:" and the following proviso:—

"Provided that—

(*a*) a person shall be treated for the purposes of this sub-paragraph as if he were in receipt of such disablement pension in respect of an assessment of one hundred per cent. for any period—

(i) for which he is in receipt of such disablement pension in respect of an assessment which is treated under section 16 of the Act, as amended(**c**), as an assessment of one hundred per cent.;

(**a**) 9 & 10 Geo. 6. c. 62. (**b**) *See* Article 2(2), S.I. 1955/494 (p. 1675 above).
(**c**) *See* section 3(3), National Insurance (Industrial Injuries) Act, 1953 (1 & 2 Eliz. 2. c. 43).

(ii) for which he is in receipt of two or more such disablement pensions, if the sum total of the several assessments relating to those pensions amounts to not less than one hundred per cent.;

(*b*) the proviso to sub-paragraph (*a*) of this paragraph shall apply to a supplementary disablement pension so as to reduce the said weekly rate of two shillings and sixpence to one shilling and tenpence or one shilling and threepence, as the case may be, in the circumstances and for the periods specified in that proviso;".

(4) In sub-paragraph (*c*) of paragraph (1) of Article 13, as amended(**a**), (which sub-paragraph relates to supplementary gratuities), for the words "one fourth" there shall be substituted, in respect of any disablement gratuity awarded on or after the date on which this order comes into operation, the words "one third".

(5) In sub-paragraph (*d*) of paragraph (1) of Article 13, as amended(**b**), (which sub-paragraph relates to supplementary widow's pension), there shall be substituted for the words "six shillings and threepence" the words "seven shillings and sixpence", and for the words "twenty-two shillings and sixpence" the words "twenty-five shillings".

(6) After sub-paragraph (*d*) of paragraph (1) of Article 13, there shall be inserted the following sub-paragraph which shall apply only in respect of any widow who remarries on or after the date on which this order comes into operation:—

"(*dd*) to a widow entitled under the provisions of sub-paragraph (*d*) of this paragraph to a supplementary widow's pension, if she remarries and becomes entitled under paragraph (*b*) of subsection (2) of section 19 of the Act to a gratuity payable on the termination of her pension in consequence of her remarriage, a supplementary gratuity of one third of the amount of any sums paid to her by way of such gratuity;".

Dated this 27th day of July, 1955.

Osbert Peake,
Minister of
Pensions and National Insurance.

SCHEDULE

Article 2

ARTICLE 13 (1) OF THE SUPPLEMENTARY SCHEME AS AMENDED*

Benefits to be paid by Minister

13.—(1) Subject as hereinafter provided, the following supplementary benefits shall be paid by the Minister out of moneys to be provided from the Fund:—

(a) to any person who has become entitled under the Act to injury benefit in respect of a colliery accident or colliery disease, a supplementary injury benefit payable for each day in respect of which he receives such injury benefit under the Act *at a weekly rate arrived at by adding two shillings and sixpence to* one third of the rate of the injury benefit to which he is for the time being entitled under the Act (excluding any increase of injury benefit under sections 17 and 18 of the Act):

(a) *See* Article 5(4), S.I. 1953/1138 (1953 I, p. 1431).
(b) *See* Article 5(3), S.I. 1953/1138 (1953 I, p. 1431), and Article 2(3), S.I. 1955/494 (p. 1675 above).

* The words added or substituted by this order are shown in italics.

Provided that, for any period during which the beneficiary is under the age of eighteen and not for the time being entitled under the Act to an increase of benefit in respect of a child or adult dependant, there shall be substituted, for the reference to two shillings and sixpence, a reference—

(i) *for a period during which he is between the ages of seventeen and eighteen, to one shilling and tenpence; and*

(ii) *for a period during which he is under the age of seventeen, to one shilling and threepence;*

(b) to any person who has become entitled under the Act to a disablement pension in respect of a colliery accident or colliery disease, for any period for which he is in receipt of the pension, a supplementary disablement pension of one third of the amount of any sums paid to him by way of such disablement pension, *which supplementary pension shall be increased for any period for which he is in receipt of such disablement pension in respect of an assessment of one hundred per cent. by an amount calculated at the weekly rate of two shillings and sixpence:*

Provided that—

(*a*) *a person shall be treated for the purposes of this sub-paragraph as if he were in receipt of such disablement pension in respect of an assessment of one hundred per cent. for any period—*

(*i*) *for which he is in receipt of such disablement pension in respect of an assessment which is treated under section 16 of the Act, as amended*(a), *as an assessment of one hundred per cent.;*

(*ii*) *for which he is in receipt of two or more such disablement pensions, if the sum total of the several assessments relating to those pensions amounts to not less than one hundred per cent.;*

(*b*) *the proviso to sub-paragraph (a) of this paragraph shall apply to a supplementary disablement pension so as to reduce the said weekly rate of two shillings and sixpence to one shilling and tenpence or one shilling and threepence, as the case may be, in the circumstances and for the periods specified in that proviso;*

(c) to any person who is awarded a disablement gratuity in respect of a colliery accident or colliery disease, a supplementary gratuity of *one third* of the amount of any sums paid to him by way of such disablement gratuity;

(d) to the widow of a colliery worker who has become entitled under the Act to death benefit in respect of the death of that colliery worker as the result of a colliery accident or colliery disease, a supplementary widow's pension payable so long as she continues to receive a pension under section 19 of the Act at the following rates—

(i) for any period during which the widow has not attained the age of 40 years and does not satisfy the conditions of either paragraph (a) or paragraph (c) of subsection (3) of section 19 of the Act, at the weekly rate of *seven shillings and sixpence;*

(ii) for any period after she has attained the age of 40 years or during which she satisfies either of the aforesaid conditions, at the weekly rate of *twenty-five shillings:*

Provided that where the widow was not residing with the deceased at his death the supplementary widow's pension shall be payable only if the aggregate weekly rate of the payments referred to in subsection (1) of section 19 of the Act exceeds the weekly rate of the pension payable to her under paragraph (a) of subsection (2) of section 19 of the Act in which event the weekly rate of the supplementary widow's pension shall be the amount of such excess or the rate payable under the foregoing provisions of this Article whichever is the less;

(a) *See* section 3(3), National Insurance (Industrial Injuries) Act, 1953 (1 & 2 Eliz. 2. c. 43).

(dd) to a widow entitled under the provisions of sub-paragraph (d) of this paragraph to a supplementary widow's pension, if she remarries and becomes entitled under paragraph (b) of subsection (2) of section 19 of the Act to a gratuity payable on the termination of her pension in consequence of her remarriage, a supplementary gratuity of one third of the amount of any sums paid to her by way of such gratuity;

(e) to a woman having the care of the child or children of a colliery worker who has become entitled under section 24 of the Act to death benefit in respect of the death of that colliery worker as the result of a colliery accident or colliery disease, a supplementary allowance at the weekly rate of twenty shillings payable so long as she continues to receive an allowance under section 24 of the Act.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order varies and amends the provisions of the National Insurance (Industrial Injuries) Colliery Workers Supplementary Scheme relating to the rates of supplementary injury benefit, disablement pension and widow's pension and to the amount of supplementary disablement gratuity under the Scheme. It also provides for the payment of supplementary gratuities to certain widows entitled to supplementary widow's pension where their pensions terminate on re-marriage.

RECIPROCAL AGREEMENTS

1955 No. 420

The National Insurance and Industrial Injuries (Luxembourg) Order, 1955

For the text of this Order, *see* p. 1636 above.

1955 No. 874

The National Insurance and Industrial Injuries (Netherlands) Order, 1955

For the text of this Order, *see* p. 1653 above.