for this purpose the reference in sub-paragraph (d) of paragraph (2) of regulation 18 to the date on which the sum became payable shall be construed as a reference to the date of the application to the Minister made in accordance with the next following paragraph of this regulation.

(4) Paragraphs (2) and (3) of this regulation shall not apply in any case unless written application for the payment of any such sum is made to the Minister within six months from the date of the deceased's death or within such longer period as the Minister may allow in any particular case.

(5) The Minister may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

SCHEDULE C Regulation 7 (1)

Regulations Revoked

Statutory Instrument	Citation	Extent of Revocation
S.I. 1948 (No. 1371) I, p. 3001.	National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948.	Regulation 19.
S.I. 1950 (No. 1868) II, p. 33.	National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations, 1950.	The whole of the regulations.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Industrial Injuries) (Claims and Payments) Regulations, 1948, by varying certain of the time limits for claiming benefit, and the provisions relating both to forfeiture for late claims and to the extinguishment of the right to sums on account of benefit which are not obtained within the prescribed time. They also amplify the provisions for determining the date on which any benefit is receivable, and provide for leaving certain periods out of account in calculating the time limit for obtaining payment of benefit after it is receivable.

1952 No. 344

The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1952

Made - - - - *22nd February,* 1952
Coming into Operation *7th March,* 1952

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(a) and subsequently varied and amended(b) is the body charged with the administration of that Scheme, and has requested the Minister of National Insurance (hereinafter referred to as "the Minister") to vary and amend the provisions of the said Supplementary Scheme in manner hereinafter appearing:

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(c), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, interpretation and commencement

1.—(1) In this order,—

"the principal order" means the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Order, 1948; and

"the Scheme" means the Supplementary Scheme set forth in the Schedule to the principal order, as varied and amended.

(2) This order, which may be cited as the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1952, shall be read as one with the principal order, as amended, and shall come into operation on the fourteenth day after the date of this order.

Amendments to Article 1 of the Scheme

2.—(1) Paragraph (1) of Article 1 of the Scheme (which contains definitions) shall be amended in accordance with the succeeding paragraphs of this Article.

(2) In the definition of "small mine owner", after the words "coal mining activities", there shall be inserted the words "(other than opencast working)".

(3) After the definition of "The Actuary", there shall be inserted the following definitions:—

"'certified employment'	means an insurable employment which is for the time being certified for the purposes of the Scheme by the Board and the National Union of Mineworkers to be within the coal mining industry or, if the Board and the National Union of Mineworkers cannot agree, is so determined in accordance with Article 30 of the Scheme.
'checkweigher'	means a checkweigher appointed for the purposes of the Coal Mines Regulation Act, 1887(d) by the persons employed at a mine.
'pick-sharpener'	means a pick-sharpener or tool sharpener.
'workmen's inspector'	means a person who is in the regular employment of the Board or a small mine owner or who is a checkweigher and who is also appointed for the purposes of section 16 of the Coal Mines Act, 1911(e), by the workmen employed in a mine to which that Act applies."

(a) S.I. 1948/1794; Rev. XVI, p. 466; 1948 I, p. 2954.
(b) *See* S.I. 1950/1142; 1950 II, p. 35.
(c) 9 & 10 Geo. 6. c. 62.
(d) 50 & 51 Vict. c. 58.
(e) 1 & 2 Geo. 5. c. 50.

(4) For the definition of "employer", there shall be substituted the following definition:—

"'employer' in relation to a colliery worker means the person or body from whom the pecuniary remuneration in respect of his employment is received, and 'the employers' means all such employers."

(5) For the definition of "colliery worker", there shall be substituted the following definition:—

"'colliery worker' means any person employed on or after 5th July, 1948 in a certified employment, otherwise than as a clerical worker, in or about a colliery (other than an opencast working) or at a workshop (whether in or about a colliery or not) at which work is done wholly or mainly for one or more collieries, who is below the rank of under-manager or any similar grade and who—

(*a*) is employed by the Board or a small mine owner; or

(*b*) is employed as a workmen's inspector; or

(*c*) having previously been employed by the Board, or in transferred employment as defined in the Coal Industry Nationalisation (Superannuation) Regulations, 1950(a), is employed as a checkweigher or pick-sharpener or in other employment of a similar nature and is remunerated wholly out of monies provided by deductions from the wages of, or by contributions by, other persons."

Additional provision as to contributions

3. After Article 6 of the Scheme, there shall be added the following Article:—

"*Employers' contributions*

6A (1) Subject to the provisions of paragraph (2) of this Article, every employer of a colliery worker who is a checkweigher, pick-sharpener or other person remunerated wholly out of monies provided by deductions from the wages of, or by contributions by, other persons shall be liable to pay by way of supplementary contributions under the Scheme the sum of 1s. 3d. in respect of each supplementary contribution paid by such colliery worker under the Scheme.

(2) Where a colliery worker is employed in any contribution week both by the Board or a small mine owner and by another employer, no supplementary contribution shall be payable by that other employer in respect of the supplementary contribution payable by that colliery worker for that contribution week."

Amendment to Article 10 *of the Scheme*

4.—(1) Article 10 of the Scheme (which relates to the payment of contributions by small mine owners to the Board) shall be amended in accordance with the succeeding paragraphs of this Article, and shall accordingly have effect as set out in Part I of the Schedule to this order.

(a) S.I. 1950/376; 1950 I, p. 356.

(2) For the words " small mine owner ", where those words first appear, there shall be substituted the words " employer other than the Board "; and for those words, wherever they subsequently appear, there shall be substituted the word " employer ".

(3) After the words " colliery workers ", there shall be inserted the words " and the amount of the supplementary contributions (if any) payable for such period by such employer ".

Amendment to Article 11 *of the Scheme*

5. For sub-paragraph (*a*) of Article 11 of the Scheme (which Article relates to the payment of contributions by the Board to the Fund), there shall be substituted the following sub-paragraph:—

" (*a*) all sums received by them from employers other than the Board in respect of their supplementary contributions and their colliery workers' supplementary contributions for such four contribution weeks, and ".

Amendment to Article 14 *of the Scheme*

6. In paragraph 2 of Article 14 of the Scheme (which Article relates to the benefits to be paid by the Board) for the words " the National Insurance Acts " there shall be substituted the words " the Act in respect of any colliery accident or disease suffered by him ".

Amendments to Article 15 *of the Scheme*

7.—(1) Article 15 of the Scheme(a) (which relates to the ascertaining of pre-accident and post-accident earnings) shall be further amended in accordance with the succeeding paragraphs of this Article, and shall accordingly have effect as set out in Part II of the Schedule to this order.

(2) For sub-paragraph (*a*) (ii) of paragraph (1) of Article 15, there shall be substituted the following sub-paragraph:—

" (ii) if greater, the minimum weekly wage payable to an underground worker if that person was when so employed an underground worker, or the minimum weekly wage payable to a surface worker if that person was when so employed a surface worker ".

(3) For sub-paragraphs (*a*) and (*b*) of paragraph (2) of Article 15, there shall be substituted the following sub-paragraph:—

" (*a*) if that person was a male, the national weekly minimum wage for the time being determined by the National Conciliation Board in accordance with the provisions of the Coalmining Industry of Great Britain Conciliation Scheme of 5th December, 1946, to be payable to an adult or, if that person at the date of the accident or of the development of the disease, as the case may be, was aged less than 18 years, to a juvenile worker of the same age as the age of that person at that date ".

(4) Sub-paragraph (*c*) of paragraph (2) of Article 15 shall be relettered sub-paragraph (*b*).

Amendments to Article 18 *of the Scheme*

8.—(1) Article 18 of the Scheme (which relates to claims for damages) shall be amended in accordance with the succeeding paragraphs of this Article, and accordingly shall have effect as set out in Part III of the Schedule to this order.

(a) *For previous amendments, see* S.I. 1950/1142; 1950 II, p. 35.

(2) In paragraph (1) of Article 18, there shall be inserted, after the words "any claim", the words "against the Board or", after the words "shall receive", the words "from the Board or", after the words "by way of compromise of such claim then", the words "the Board or", and after the words "such employer", the words "as the case may be".

(3) In sub-paragraph (*a*) of paragraph (1) of Article 18, the words appearing after the words "the National Committee" shall be deleted, and there shall be substituted therefor the words "and, without prejudice to any other method of recovery, if such amount be not paid within two months of written notice demanding payment, such amount may be recovered by deduction from or the withholding of any supplementary benefits then or thereafter payable to any person in respect of that accident or disease".

(4) In sub-paragraph (*b*) of paragraph (1) of Article 18, there shall be substituted for the word "repaid" the words "repayable or recoverable", and at the end of that sub-paragraph there shall be added the words "without prejudice however to any right of recovery under sub-paragraph (*a*)."

Dated this 22nd day of February, 1952.

Osbert Peake,
Minister of National Insurance.

SCHEDULE

CONTAINING ARTICLES OF THE SCHEME WHICH ARE AMENDED BY THIS ORDER*

Article 4

Part I

Article 10 of the Scheme as amended by this order

Payment of contributions by employers to Board

10. On the last day of the first period of four contribution weeks from the commencement of the Scheme and on the last day of every subsequent period of four contribution weeks every *employer other than the Board* shall pay to the Board the amount of the supplementary contributions payable for such four contribution weeks by such *employer's* colliery workers *and the amount of the supplementary contributions (if any) payable for such period by such employer,* and such amount shall be a debt recoverable by the Board from such *employer.* Every such payment shall be accompanied by a statement showing how the amount paid is made up and if it shall be subsequently discovered that the amount so shown and paid was greater or less than the true amount payable the overpayment or underpayment shall be adjusted by a deduction from or addition to the next succeeding payments required to be made in so far as they are sufficient for the purpose and if they are not so sufficient the excess or deficiency shall be payable in cash on demand by the Board or the *employer,* as the case may be.

Article 7

Part II

Article 15 of the Scheme as amended by this order

Pre-accident and post-accident earnings

15.—(1) For the purpose of Article 14, pre-accident earnings and post-accident earnings shall be ascertained as follows:—

(*a*) "pre-accident earnings" means in relation to any person either (i) that person's average weekly earnings as a colliery worker during the twelve months next preceding the accident or the development of the disease if he has been so long employed in the same grade by the same employer, but if

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

he has not been so long employed then for any less period during which he has been in the employment of the same employer in the same grade, or (ii) *if greater, the minimum weekly wage payable to an underground worker if that person was when so employed an underground worker, or the minimum weekly wage payable to a surface worker if that person was when so employed a surface worker;*

(*b*) "average weekly earnings" shall be assessed in accordance with the rules for determining average weekly earnings contained in section 10 of the Workmen's Compensation Act, 1925(a), and may be reviewed from time to time in accordance with the rules of calculation contained in section 11 of the said Act and in section 6 of the Workmen's Compensation Act, 1943(b), so however that no account is to be taken of periods during which the person was in receipt of injury benefit, unemployability supplement, sickness benefit or unemployment benefit;

(*c*) "post-accident earnings" of any person shall be deemed to be, during any period of three months of insurable employment in respect of which that person is entitled to supplementary benefit (other than the first three months of such employment), the average weekly remuneration received by such person during the preceding three months as certified by his employer or, in default of such certificate or if such certificate be not accepted by such person or by the Board, as may be determined by the appropriate Local Committee.

(2) For the purpose of paragraph (1) (*a*) of this Article "minimum weekly wage" means in relation to any person—

(*a*) *if that person was a male, the national weekly minimum wage for the time being determined by the National Conciliation Board in accordance with the provisions of the Coalmining Industry of Great Britain Conciliation Scheme of 5th December, 1946, to be payable to an adult or, if that person at the date of the accident or of the development of the disease, as the case may be, was aged less than 18 years, to a juvenile worker of the same age as the age of that person at that date;*

(*b*) if that person was a female, the minimum weekly wage rate applicable to a female worker of the same age as the age of that person at the date of the accident or of the development of the disease, as the case may be, in the employment and in the district in which that person was employed at that date.

Article 8

Part III

Article 18 of the Scheme as amended by this order

Claims for damages

18.—(1) If any person in receipt of or entitled to supplementary benefits shall make any claim *against the Board or* against the employer in whose service the relevant accident or disease occurred or was contracted for damages or compensation either at common law or under the provisions of any statute for the injuries or death caused by the relevant accident or disease and such person shall receive *from the Board or* from such employer any moneys either under a judgment or in respect of or by way of compromise of such claim then *the Board or* such employer, *as the case may be,* shall forthwith notify the National Committee, the Minister and the Board of the circumstances and of the amount of the moneys so received, and thereupon—

(*a*) the amount of the supplementary benefits paid to that person in respect of the relevant accident or disease during the period between the date of the accident or development of the disease and the date of the receipt of such moneys, or half the amount of the moneys so received, whichever is

(a) 15 & 16 Geo. 5. c. 84. (b) 6 & 7 Geo. 6. c. 6.

the less, shall become payable by that person to the Trustees of the Fund on demand by the National Committee *and, without prejudice to any other method of recovery, if such amount be not paid within two months of written notice demanding payment, such amount may be recovered by deduction from or the withholding of any supplementary benefits then or thereafter payable to any person in respect of that accident or disease;*

(*b*) if half the amount of the moneys so received exceeds the supplementary benefits paid during the interim period between the date of the accident or development of the disease and the date of the receipt of such moneys, no supplementary benefits shall be payable after the date of the receipt of such moneys until the supplementary benefits so withheld together with the amount *repayable or recoverable* under sub-paragraph (*a*) equals half the amount of the moneys so received or until 4 years from the date of the accident or disease whichever first occurs; and after such date any supplementary benefits shall be payable in full *without prejudice however to any right of recovery under sub-paragraph* (*a*).

(2) The National Committee shall from time to time give to the Board and the Minister such information and instructions as may be necessary for giving effect to the preceding provisions of this Article, and the Board and the Minister shall make or withhold payments of supplementary benefits in accordance with such instructions.

EXPLANATORY NOTE

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

This Order varies and amends the National Insurance (Industrial Injuries) Colliery Workers Supplementary Scheme by enlarging the class of persons to whom the Scheme applies to include certain checkweighers, pick-sharpeners and other persons in similar employment, and certain men employed by the National Coal Board at central workshops. It also makes consequential provision for payment of supplementary contributions.

The Order further amends certain provisions of the Scheme relating to the calculation of supplementary benefit and the adjustment of that benefit when there is also a claim for damages.

1952 No. 1250

The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations, 1952

Made - - - -	*26th June*, 1952
Laid before Parliament	*27th June*, 1952
Coming into Operation	*3rd July*, 1952

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12 (6), 14 (5), 18 (1), 19 (4), 30 (1) and 79 (2) of, and paragraph 1 (2) (*b*) of the Fourth Schedule to, the National Insurance (Industrial