1966 No. 1011

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order 1966

Laid before Parliament in draft

Made - - - - - *9th August* 1966

Coming into Operation - - *25th September* 1966

Whereas the National Committee for the time being constituted in accordance with the Supplementary Scheme set forth in Schedule 1 to the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment and Consolidation Order 1963(**a**), as subsequently varied and amended(**b**), is the body charged with the administration of that Scheme and has requested the Minister of Social Security (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:

Now, therefore, the Minister, in exercise of the powers conferred by section 47(1)(*a*) of the National Insurance Act 1965(**c**), as applied by section 82(2) of the National Insurance (Industrial Injuries) Act 1965(**d**), and of all other powers enabling her in that behalf, hereby makes the following order, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation, commencement and interpretation

1.—(1) This Order, which may be cited as the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order 1966, shall come into operation on 25th September 1966.

(2) In this Order " the Scheme " means the Supplementary Scheme set forth in Schedule 1 to the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment and Consolidation Order 1963, as varied and amended.

Amendment of Article 3 of the Scheme

2. As from 26th September 1966 in Article 3(1) of the Scheme (colliery workers' contributions) for the amount of " 6d." there shall be substituted the amount of " 5d.", and Article 3(2) shall be omitted.

(**a**) S.I. 1963/934 (1963 II, p. 1559).
(**b**) S.I. 1965/535 (1965 I, p. 1543).
(**c**) 1965 c. 51.
(**d**) 1965 c. 52.

Amendment of Article 4 of the Scheme

3. As from 25th September 1966 in Article 4 of the Scheme (Board's contributions) for the amount of " 6·25d." there shall be substituted the amount of " 5d.".

Amendment of Article 6 of the Scheme

4. As from 26th September 1966 in Article 6(1) of the Scheme (employers' contributions) for the amount of " 2s. 4d." there shall be substituted the amount of " 1s. 11d.".

Amendment of Article 10 of the Scheme

5. Article 10 of the Scheme (payment of contributions by Board to Fund) shall be amended by the deletion from the concluding paragraph of all the words from " Every such payment " to " made up and " inclusive, and of the words " so shown and ".

Provisions added to the Scheme

6. After Article 14 of the Scheme there shall be inserted the following Article:—

" *Adjustment of supplementary benefit where earnings-related supplement under the National Insurance Act 1965 is payable*

14A. Where, for any period after 5th October 1966, a colliery worker is entitled to receive earnings-related supplement under the National Insurance Act 1965, then—

(*a*) if the said earnings-related supplement is paid with injury benefit under the Act, the weekly rate of supplementary injury benefit payable in accordance with Article 12 or Article 13 shall be reduced or extinguished by deducting therefrom an amount equal to the weekly rate of the said earnings-related supplement; and

(*b*) if the period falls within 26 weeks of the development of pneumoconiosis in respect of which supplementary disablement pension is payable, and the said earnings-related supplement is a supplement to sickness benefit under the National Insurance Act 1965 payable in respect of incapacity resulting from the said pneumoconiosis, the weekly rate of the said supplementary disablement pension so payable shall be reduced or extinguished by deducting therefrom an amount equal to the weekly rate of the said earnings-related supplement.".

Amendment of Article 15 of the Scheme

7. As from 6th October 1966 Article 15(1) of the Scheme (limitation of supplementary benefit) shall be amended by the substitution, for all the words from " The rate of any supplementary injury benefit " to the words " or such pension " inclusive, of the words " For any period in respect of which supplementary injury benefit or supplementary disablement pension is payable to a person under Article 12 or Article 13 hereof, other than any part of the first two weeks of such period for which that person is not entitled to earnings-related supplement under the National Insurance Act 1965, the rate of such benefit or such pension so payable to that person shall not, after adjustment in accordance with Article 14A hereof".

Amendment of Article 17 of the Scheme

8.—(1) As from 6th October 1966 Article 17 of the Scheme (pre-accident and post-accident earnings) shall be amended in accordance with the succeeding paragraphs of this Article.

(2) For head (i) of Article 17(1)(*a*) there shall be substituted the following head:—

" (i) that person's average weekly earnings as a colliery worker during the relevant tax year in the grade in which he was employed at the date of the accident or of the development of the disease if he was so employed during that year and had earnings from that employment in not less than 13 weeks of that year, but otherwise the average weekly earnings which it is calculated he would have had if he had been so employed during the whole of that year having such regard as may be appropriate to the average weekly earnings of other colliery workers who were employed in the same grade by the same employer throughout the relevant tax year, or ".

(3) In Article 17(1)(*b*) there shall be inserted after the words " Workmen's Compensation Act 1925 " the words " subject to the modification that for the reference in that section to ' twelve months previous to the accident ' there shall be substituted a reference to ' relevant tax year ' ".

(4) In the proviso to Article 17(1) for the words, in paragraph (i), " period of 12 months or less over which the assessment is made " and for the words in paragraph (ii), " said period of 12 months or less " there shall be substituted in each place the words " relevant tax year ".

(5) After Article 17(2), there shall be inserted the following paragraph:—

" (2A) For the purpose of paragraph (1) of this Article ' the relevant tax year ' means the last complete income tax year before the first Monday in May preceding the date of the accident or of the development of the disease.".

Margaret Herbison,

Minister of Social Security.

9th August 1966.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order varies and amends the provisions of the National Insurance (Industrial Injuries) Colliery Workers Supplementary Scheme to provide for adjustments to supplementary benefits payable in cases where earnings-related supplements under the National Insurance Act 1965, as amended by the National Insurance Act 1966, are payable. Certain rates or amounts of supplementary contributions payable under the Scheme are reduced. Other amendments are of a minor or consequential character.