## EXPLANATORY NOTE

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

These Regulations, by amending the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948, remove the disqualification for receiving death benefit in the cases of persons absent from Great Britain, which hitherto has applied to them unless they were in another part of Her Majesty's dominions, and also revoke the provisions suspending payment of death benefit in such cases.

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## 1955 No. 48

# The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations, 1955

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|---|---|
| *Made - - - -* | *7th January,* 1955 |
| *Laid before Parliament* | *14th January,* 1955 |
| *Coming into Operation* | *15th January,* 1955 |

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 12 (6), 14 (5), 15 (2), 18 (1), 19 (4), and 79 (2) of, and paragraph 1 (2) (*b*) of the Fourth Schedule to the National Insurance (Industrial Injuries) Act, 1946(**a**) and section 82 of that Act, as amended by section 6 of the National Insurance (Industrial Injuries) Act, 1953(**b**), and the Minister of Pensions and National Insurance, in exercise of powers conferred by sections 16, 27 (2) and 56 (2) of the said Act of 1946 and section 6 of the National Insurance Act, 1954(**c**) and of all other powers enabling them in that behalf, hereby make the following regulations :—

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations, 1955, and shall come into operation on the 15th January, 1955.

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

"the principal Act" means the National Insurance (Industrial Injuries) Act, 1946, as amended by the National Insurance (Industrial Injuries) Act, 1948(**d**), the National Insurance Act, 1951(**e**), the Family Allowances and National Insurance Act, 1952(**f**) and the National Insurance (Industrial Injuries) Act, 1953 ;

"the Act of 1954" means the National Insurance Act, 1954 ;

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(**g**) ;

"the Prescribed Diseases Regulations" means the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948(**h**) ;

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations, 1948(**i**) ;

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

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(**a**) 9 & 10 Geo. 6. c. 62.
(**b**) 1 & 2 Eliz. 2. c. 43.
(**c**) 3 & 4 Eliz. 2. c. 1.
(**d**) 11 & 12 Geo. 6. c. 42.
(**e**) 14 & 15 Geo. 6. c. 34.
(**f**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 29.
(**g**) S.I. 1948/1372 (Rev. XVI, p. 441: 1948 I, p. 2918).
(**h**) S.I. 1948/1371 (Rev. XVI, p. 482: 1948 I, p. 3001).
(**i**) S.I. 1948/1362 (Rev. XVI, p. 505: 1948 I, p. 2942).

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

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

*Increase in rates and amounts of benefit payable under regulations*

**2.**—(1) The rates and amounts of benefit of the several descriptions specified in the second column of Parts I and II of the First Schedule to these regulations shall, subject to the provisions of paragraph (3) of regulation 4, be increased as from the dates respectively specified in relation to those Parts in paragraph (2) of this regulation and accordingly the provisions of the Benefit Regulations and the Prescribed Diseases Regulations set out in the first column of the said First Schedule (which provisions relate to the said rates and amounts of benefit) shall be amended as from the appropriate date by substituting for the words and figures set out in the third column of that Schedule the corresponding words and figures set out in the fourth column thereof.

(2) The said increases shall operate in the case of Part I of the First Schedule as from the 25th April, 1955, and in the case of Part II of the said First Schedule as from the 19th May, 1955:

Provided that the increased amount of a disablement gratuity shall be payable only where the period taken into account by the assessment of the extent of disablement in respect of which the gratuity is awarded begins on or after the 19th May, 1955; but nevertheless the amendment made by this regulation to the Third Schedule to the Benefit Regulations (which Schedule, as applied by regulations 5 and 6A(b), prescribes, in relation to awards of disablement gratuity, the weekly rate of pension payable in lieu thereof and the weekly amount by which increase of benefit during approved hospital treatment is reduced) shall have effect as from the 19th May, 1955, whether the period taken into account by the assessment began before or after that date.

*Exceptions and conditions to the operation of section 6 (1) of the Act of 1954*

**3.**—(1) Subsection (1) of section 6 of the Act of 1954 (which subsection provides for existing awards of any benefit increased by virtue or in consequence of that Act having effect at the higher weekly rate without any claim therefor) shall in its application to awards of benefit under the principal Act have effect subject to the exceptions and conditions contained in the following paragraphs of this regulation.

(2) If in connection with any award of benefit in force on the day appointed or prescribed for the payment of benefit of that description at a higher weekly rate by virtue of the Act of 1954 or of these regulations a question arises as to—

(*a*) what is the appropriate higher weekly rate which is so payable; or

(*b*) whether the conditions for the receipt of the benefit at any such higher weekly rate are satisfied;

then, notwithstanding the provisions of the said subsection (1), the benefit shall continue to be payable at the weekly rate specified in the award unless or until the said question shall have been determined in accordance with the provisions of the principal Act.

(3) Notwithstanding the provisions of paragraph (1) of regulation 18 of the Claims and Payments Regulations as amended(c) (which paragraph relates

(a) 52 & 53 Vict. c. 63. (b) *Inserted by* S.I. 1953/1227 (1953 I, p. 1419).
(c) *See* regulation 5, S.I. 1952/1208 (1952 II, p. 2216).

to the extinguishment of the right to benefit), the right to any additional benefit which becomes payable by virtue of the said subsection (1) shall, as respects the period beginning, in the case of death benefit, on the 25th April, 1955, and in the case of any other benefit, on the 19th May, 1955, and ending in either case with the expiration of the beneficiary's book of serial orders(a) current on the appropriate date (or if there is no such book, the expiration of twelve months from that date), be extinguished if payment thereof is not obtained within the period of eighteen months from that date.

*Transitional provisions and consequential amendments*

**4.**—(1) In the provisions of the Benefit Regulations mentioned in the first column of the Second Schedule to these regulations (which relate respectively to the matters mentioned in the second column thereof) there shall be made the amendments specified in the third column thereof.

(2) The amendments referred to in the last foregoing paragraph shall have effect, in the case of the amendments to regulations 12 and 18, as from the 25th April, 1955, and, in the case of the amendment to regulation 9, as from the 19th May, 1955.

(3) Notwithstanding the provisions of regulation 14 of the Claims and Payments Regulations, as amended(b), and of regulation 15 of those regulations (which relate to the time and manner of payment of benefit), where a beneficiary is or becomes entitled under section 15 of the principal Act to an increased weekly rate of disablement pension in respect of the need of constant attendance, or under section 16 of the principal Act to an increased weekly rate of disablement benefit in respect of approved hospital treatment, on any day in the period from the 19th to the 25th May, 1955, any change in such weekly rate, in so far as it is due only to the operation of the Act of 1954 or of that Act and these regulations, shall not take effect until the latter date.

*Revocation and addition to the Benefit Regulations*

**5.**—(1) Paragraphs (3) and (4) of regulation 33 of the Benefit Regulations, as amended(c), are hereby revoked and the following regulation shall be inserted in Part VIII of those regulations after regulation 33 :—

"*Payment by way of unemployability supplement and in respect of the need of constant attendance to certain former constables and firemen*

33A.—(1) The following provisions of this regulation shall apply to a former constable or fireman who is or has been on or after the appointed day entitled as such former constable or fireman to payments on account of an injury pension payable under or by virtue of any enactment in respect of an injury received or disease contracted by him before that day or in respect of his retirement in consequence of such an injury or disease.

(2) If as the result of the said injury or disease he could, for the purposes of section 13 of the Act, be treated as being incapable of work and likely to remain permanently so incapable, he shall have, as from the 19th May, 1955, 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:

Provided that payment under this paragraph shall be adjusted by reference to the said injury pension so as to be payable at a weekly rate

(a) *See* regulation 2, S.I. 1952/1208 (1952 II, p. 2216).
(b) *See* S.I. 1951/743, 1953/1227 (1951 I, p. 1504; 1953 I, p. 1419).
(c) *See* regulation 6, S.I. 1953/1314 (1953 I, p. 1425).

of seven shillings and sixpence, and a person shall not be entitled under the provisions of this paragraph to payment 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 or under regulation 32 of these regulations.

(3) The provisions of regulation 33 of these regulations (which confers a right in certain cases to payments in respect of the need of constant attendance) shall apply to him, as they apply to a person who is or has been entitled on or after the appointed day to weekly payments under the Workmen's Compensation Acts.

(4) In this regulation—

"former constable or fireman" means a person who has been—

(*a*) a member of a police force maintained for any police area mentioned in the Third Schedule to the Police Pensions Act, 1921(**a**), or maintained by virtue of any scheme under the Police Act, 1946(**b**), or under the Police (Scotland) Act, 1946(**c**);

(*b*) a special constable appointed under the Special Constables Act, 1831(**d**), section one hundred and ninety-six of the Municipal Corporations Act, 1882(**e**), or in Scotland under the Burgh Police (Scotland) Act, 1892(**f**), the corresponding provisions of any local Act or the Special Constables (Scotland) Act, 1914(**g**);

(*c*) a member of a fire brigade maintained by a local authority; or

(*d*) a member of the National Fire Service.

"injury pension" has the same meaning as in section 6 of the National Insurance (Industrial Injuries) Act, 1953, but shall not include any pension awarded under a scheme made under the Personal Injuries (Emergency Provisions) Act, 1939(**h**)."

(2) The provisions of regulation 34 of the Benefit Regulations as amended(**i**) (which applies certain provisions of the Act and regulations) shall apply in relation to any payment under regulation 33A as they apply in relation to payments under regulations 32 and 33, and accordingly the references in the said regulation 34 to the two last preceding regulations shall be construed as references to regulations 32, 33 and 33A.

Given under the official seal of the Industrial Injuries Joint Authority this 7th day of January, nineteen hundred and fifty-five.

(L.S.)

*T. C. Stephens,*
Secretary,
Industrial Injuries Joint Authority.

Given under the official seal of the Minister of Pensions and National Insurance this 7th day of January, nineteen hundred and fifty-five.

(L.S.)

*Osbert Peake,*
Minister of Pensions and National Insurance.

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(**a**) 11 & 12 Geo. 5. c. 31.
(**b**) 9 & 10 Geo. 6. c. 46.
(**c**) 9 & 10 Geo. 6. c. 71.
(**d**) 1 & 2 Will. 4. c. 41.
(**e**) 45 & 46 Vict. c. 50.
(**f**) 55 & 56 Vict. c. 55.
(**g**) 4 & 5 Geo. 5. c. 53.
(**h**) 2 & 3 Geo. 6. c. 82.
(**i**) *See* regulation 7, S.I. 1953/1314 (1953 I, p. 1425).

## FIRST SCHEDULE

Regulation 2

AMENDMENT OF PROVISIONS OF THE BENEFIT REGULATIONS AND THE PRESCRIBED DISEASES REGULATIONS RELATING TO RATES AND AMOUNTS OF BENEFIT (a)

### PART I

*Death Benefit*

| Amended provision | Description of rate | Existing rate | New rate |
|---|---|---|---|
| Regulation 12 (*b*) of the Benefit Regulations | Higher weekly rate of widow's pension payable for thirteen weeks after death of the deceased. | 42 shillings and 6 pence. | 55 shillings. |

### PART II

*Benefits other than Death Benefit*

| Amended provision | Description of rates and amounts of benefit | Existing rate or amount | New rate or amount |
|---|---|---|---|
| The Benefit Regulations—Regulation 4 (2) | Weekly rates of injury benefit in respect of children under the upper limit of compulsory school age— | | |
| | (*a*) where the employment or employments amounted to full-time or substantially full-time employment; | 27 shillings and 6 pence. | 33 shillings and 9 pence. |
| | (*b*) in any other case. | 10 shillings and 6 pence. | 11 shillings and 6 pence. |
| Regulation 6 ... | Weekly rates of allowance in respect of constant attendance for beneficiary likely to be dependent thereon for a prolonged period— | | |
| | (*a*) to a substantial extent; | 25 shillings ... | 30 shillings. |
| | (*b*) entirely or almost entirely. | 50 shillings ... | 60 shillings. |

(a) References to the various provisions are references to those provisions as amended by S.I. 1952/1250 (1952 II, p. 2231) and any other regulations specifically mentioned.

| Amended provision | Description of rates and amounts of benefit | Existing rate or amount | New rate or amount |
|---|---|---|---|
| Second Schedule (applied by Regulation 3) | Amounts of gratuities for degrees of disablement of— | | |
| | 1 per cent. ... ... | 18 pounds 10 shillings. | 22 pounds 10 shillings. |
| | 2 per cent. ... ... | 27 pounds 15 shillings. | 33 pounds 15 shillings. |
| | 3 per cent. ... ... | 37 pounds ... | 45 pounds. |
| | 4 per cent. ... ... | 46 pounds 5 shillings. | 56 pounds 5 shillings. |
| | 5 per cent. ... ... | 55 pounds 10 shillings. | 67 pounds 10 shillings. |
| | 6 per cent. ... ... | 64 pounds 15 shillings. | 78 pounds 15 shillings. |
| | 7 per cent. ... ... | 74 pounds ... | 90 pounds. |
| | 8 per cent. ... ... | 83 pounds 5 shillings. | 101 pounds 5 shillings. |
| | 9 per cent. ... ... | 92 pounds 10 shillings. | 112 pounds 10 shillings. |
| | 10 per cent. ... ... | 101 pounds 15 shillings. | 123 pounds 15 shillings. |
| | 11 per cent. ... ... | 111 pounds ... | 135 pounds. |
| | 12 per cent. ... ... | 120 pounds 5 shillings. | 146 pounds 5 shillings. |
| | 13 per cent. ... ... | 129 pounds 10 shillings. | 157 pounds 10 shillings. |
| | 14 per cent. ... ... | 138 pounds 15 shillings. | 168 pounds 15 shillings. |
| | 15 per cent. ... ... | 148 pounds ... | 180 pounds. |
| | 16 per cent. ... ... | 157 pounds 5 shillings. | 191 pounds 5 shillings. |
| | 17 per cent. ... ... | 166 pounds 10 shillings. | 202 pounds 10 shillings. |
| | 18 per cent. ... ... | 175 pounds 15 shillings. | 213 pounds 15 shillings. |
| | 19 per cent. ... ... | 185 pounds ... | 225 pounds. |
| Third Schedule (applied by Regulations 5 and 6A(a)) | Weekly rate of disablement pension payable in lieu of disablement gratuity for degree of disablement of— | | |
| | less than 20 per cent. but not less than 16 per cent. | 11 shillings ... | 13 shillings and 6 pence. |
| | less than 16 per cent. but not less than 11 per cent. | 8 shillings and 3 pence. | 10 shillings and 3 pence. |
| | less than 11 per cent. but not less than 6 per cent. | 5 shillings and 6 pence. | 6 shillings and 9 pence. |
| | less than 6 per cent. | 2 shillings and 9 pence. | 3 shillings and 6 pence. |

(a) Regulation 6A was inserted by S.I. 1953/1227 (1953 I, p. 1419).

| Amended provision | Description of rates and amounts of benefit | Existing rate or amount | New rate or amount |
|---|---|---|---|
| The Prescribed Diseases Regulations— | | | |
| Regulation 33(1)(a) | Weekly rate of disablement pension payable in respect of pneumoconiosis where the degree of disablement— | | |
| | does not exceed 10 per cent. | 5 shillings and 6 pence. | 6 shillings and 9 pence. |
| | exceeds 10 per cent. but is less than 20 per cent. | 11 shillings ... | 13 shillings and 6 pence. |

## SECOND SCHEDULE

Regulation 4

CONSEQUENTIAL AMENDMENTS OF THE BENEFIT REGULATIONS

| Amended provision(b) | Subject matter | Amendments |
|---|---|---|
| Regulation 9 (*a*) (ii) | Earnings condition subject to which an increase of benefit may become payable in respect of a female person who has care of a child or children of the beneficiary's family but who does not reside with him. | For the words "twenty-one shillings and sixpence" there shall be substituted the words "the weekly rate of the increase payable under the said section". |
| Regulation 12 (*b*)... | Higher weekly rate of widow's pension payable for thirteen weeks after the death of the deceased. | For the words "thirty-seven shillings" there shall be substituted the words "forty-five shillings". |
| Regulation 18 ... | Priority of title to allowances under section 21 of the principal Act. | For the words "ten shillings and sixpence" in both places where they occur there shall be substituted the words "eleven shillings and sixpence". |

## EXPLANATORY NOTE

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

These Regulations, which are made in consequence of the passing of the National Insurance Act, 1954, increase the rates and amounts of certain benefits payable under regulations made under the National Insurance (Industrial Injuries) Act, 1946, in order to bring them into conformity with the

(a) As amended by S.I. 1954/5 (1954 I, p. 1440).
(b) The references are to the provisions as amended by S.I. 1952/1250 (1952 II, p. 2231), and in the case of regulation 18 by S.I. 1951/1606 (1951 I, p. 1502).

higher rates and amounts of benefit payable directly under that Act by virtue of the Act of 1954 and contain supplementary and transitional provisions following upon the passing of the last mentioned Act. They also extend the class of persons who may receive payments by way of unemployability supplement under section 82 of the 1946 Act as amended by the National Insurance (Industrial Injuries) Act, 1953, to include certain former policemen and firemen entitled to injury pensions instead of workmen's compensation, and revoke and re-enact certain previous provisions which conferred upon such persons a similar right to constant attendance allowance.

## EXTENSION OF INSURANCE

## 1955 No. 494

# The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1955

*Laid before Parliament in draft*
*Made* - - - - 30*th March*, 1955
*Coming into Operation* 13*th April*, 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(**a**) and subsequently varied and amended(**b**) 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:

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(**c**), 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 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) The provisions of the said Supplementary Scheme (which Scheme, as subsequently varied and amended, is for convenience of reference set forth in the Schedule to the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1953(**d**)) shall be further varied and amended in accordance with the succeeding paragraphs of this Article.

(2) For sub-paragraphs (*a*) and (*b*) of paragraph (1) of Article 13, as amended(**e**), (which relate to supplementary injury benefit and disablement

(**a**) S.I. 1948/1794 (Rev. XVI, p. 466: 1948 I, p. 2954).
(**b**) S.I. 1950/1142, 1952/344, 1953/1138 (1950 II, p. 35; 1952 II, p. 2225; 1953 I, p. 1431).
(**c**) 9 & 10 Geo. 6. c. 62.
(**d**) S.I. 1953/1138 (1953 I, p. 1431).
(**e**) *See* Article 5, S.I. 1953/1138 (1953 I, p. 1431).