NATIONAL INSURANCE (INDUSTRIAL INJURIES)

ADMINISTRATION

1953 No. 1226 (C. 4)

The National Insurance (Industrial Injuries) Act, 1953 (Commencement) Order, 1953

Made - - - -	1*st August*, 1953
Coming into Operation	7*th August*, 1953

The Minister of National Insurance, in exercise of the powers conferred by subsection (4) of section 9 of the National Insurance (Industrial Injuries) Act, 1953(**a**), and of all other powers enabling him in that behalf, hereby makes the following order:—

1. The appointed day for the purposes of the said Act shall be the 26th day of August, 1953.

2. This order may be cited as the National Insurance (Industrial Injuries) Act, 1953 (Commencement) Order, 1953, and shall come into operation on the 7th August, 1953.

Dated this 1st day of August, 1953.

Osbert Peake,
Minister of National Insurance.

1953 No. 1227

The National Insurance (Industrial Injuries) (Transitional Provisions and Consequential Amendments) Regulations, 1953

Made - - - -	1*st August*, 1953
Laid before Parliament	4*th August*, 1953
Coming into Operation	7*th August*, 1953

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 29 and 30 of the National Insurance (Industrial Injuries) Act, 1946(**b**) and the Minister of National Insurance in exercise of powers conferred by sections 25 (1) (*b*), 27 (1), 41, 51, and 56 (2) of the said Act and by section 3 (3) of, and paragraphs 2 (3) and 7 (2) of the Second Schedule to, the National Insurance (Industrial Injuries) Act, 1953(**a**) 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) (Transitional Provisions and Consequential Amendments) Regulations, 1953, and shall come into operation on the 7th August, 1953.

(**a**) 1 & 2 Eliz. 2. c. 43. (**b**) 9 & 10 Geo. 6. c. 62.

(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(**a**), the National Insurance Act, 1951(**b**) and the Family Allowances and National Insurance Act, 1952(**c**);

" the Act of 1953 " means the National Insurance (Industrial Injuries) Act, 1953;

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

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

" the Determination of Claims and Questions Regulations " means the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations, 1948(**f**);

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

" the Minister " means the Minister of National Insurance;

" the appointed day " means the day appointed by the Minister for the commencement of the Act of 1953;

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

(3) Save where the context otherwise requires, 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(**h**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Transitional provisions relating to disablement benefit

2.—(1) In this regulation—

" the old conditions " means the conditions for entitlement to disablement benefit contained in subsection (1) of section 12 of the principal Act as originally enacted;

" the new conditions " means the conditions for entitlement to such benefit contained in the said subsection (1) as amended by subsection (1) of section 3 of the Act of 1953.

(2) If a person, who has made a claim for disablement benefit which has been disallowed before the commencement of these regulations on the ground that the old conditions were not satisfied, wishes, without challenging that decision, to have his case reconsidered under the new conditions, he shall make a fresh claim for disablement benefit:

Provided that the Minister may dispense with the need for making such a claim in any particular case or class of cases.

(3) On the reconsideration of a case under the last foregoing paragraph, unless the assessment of the extent of the claimant's disablement which was made when the claim was originally disallowed enables an award of benefit to be made under the new conditions, the case shall be referred again to a

(**a**) 11 & 12 Geo. 6. c. 42. (**b**) 14 & 15 Geo. 6. c. 34.
(**c**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 29.
(**d**) S.I. 1948/1372; Rev. XVI, p. 441; 1948 I, p. 2918.
(**e**) S.I. 1948/1362; Rev. XVI, p. 505; 1948 I, p. 2942.
(**f**) S.I. 1948/1299; Rev. XVI, p. 524; 1948 I, p. 2971.
(**g**) S.I. 1948/1371; Rev. XVI, p. 482; 1948 I, p. 3001.
(**h**) 52 & 53 Vict. c. 63.

medical board for the determination of the disablement questions in accordance with section 39 of the principal Act:

Provided that, notwithstanding the provisions of subsection (4) of section 12 of that Act (which subsection relates to the periods to be taken into account by assessments), the period to be taken into account by an assessment made on a reference under this paragraph shall not begin earlier than the appointed day.

(4) Where in any case the extent of the claimant's disablement is assessed after the commencement of these regulations, and the period taken into account by the assessment includes the appointed day, then, notwithstanding that it is made before that day, the degree of disablement and the period taken into account shall be specified with such particularity as will enable the claimant's right to be determined under the new conditions as well as under the old conditions.

(5) Where the period taken into account by an assessment begins before the appointed day and includes that day, and it appears therefrom that the claimant satisfies the new conditions but does not satisfy the old conditions, an award may be made, at any time after the commencement of these regulations, of the benefit which would be appropriate in the circumstances of the case if the period taken into account by the assessment began on the said day, but so as not to take effect before that day.

(6) Where an assessment is made before the appointed day but the period taken into account thereby begins on or after that day, and it appears therefrom that the claimant satisfies the new conditions, an award of such benefit as is appropriate in the circumstances of the case may be made at any time after the commencement of these regulations, but so as not to take effect before the commencement of the period so taken into account.

Special provisions relating to prescribed diseases

3.—(1) The provisions of the last foregoing regulation shall apply to persons claiming disablement benefit in respect of a prescribed disease or injury, other than pneumoconiosis or byssinosis, and where the case of a person who has made such a claim is referred again to a medical board in accordance with the provisions of paragraph (3) of that regulation, and a date of development has to be determined for the purposes of that claim under regulation 6 of the Prescribed Diseases Regulations, then, notwithstanding the provisions of sub-paragraph (*b*) of paragraph (2) of that regulation, the date of development shall be the first day of the period taken into account by the assessment made on that reference.

(2) Where a person in whose case a date of development is determined in accordance with the provisions of the last foregoing paragraph, is awarded disablement benefit in respect of a prescribed disease or injury, and claims an increase of that benefit under section 14 of the principal Act (which section relates to increase of disablement pension in cases of special hardship), the fact that that person has abandoned any occupation as a result of that disease or injury during the period between the date on which he was first employed on or after the 5th July, 1948, in insurable employment in any occupation in relation to which that disease or injury is prescribed and the appointed day shall be disregarded in determining his regular occupation for the purposes of the said section 14.

Consequential amendments of the Benefit Regulations

4.—(1) As from the appointed day, the following regulation shall be inserted after regulation 6 of the Benefit Regulations:—

"*Weekly value of gratuity for purposes of reduction of increase of disablement benefit during approved hospital treatment*

6A. For the purpose of reducing the weekly rate of a disablement pension payable by virtue of section 16 of the Act, as amended by subsection (3) of section 3 of the National Insurance (Industrial Injuries) Act, 1953, to a person awarded a disablement gratuity wholly or partly in respect of the same period, the weekly value of the gratuity shall be the weekly rate of disablement pension which would be payable to that person in lieu thereof in accordance with paragraph (2) of regulation 5 of these regulations if that paragraph applied in his case."

(2) As from the said day, in the provisions of the Benefit Regulations mentioned in the first column of the 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.

Consequential amendments of the Claims and Payments Regulations and the Determination of Claims and Questions Regulations

5. As from the appointed day, in the provisions of the Claims and Payments Regulations and the Determination of Claims and Questions Regulations mentioned in the first column of the 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.

Consequential amendments to the Prescribed Diseases Regulations

6.—(1) As from the appointed day, the following regulation shall be substituted for regulation 13 of the Prescribed Diseases Regulations as amended(**a**):—

"*Disablement benefit not preceded by injury benefit*

13. Where an insured person, not having been entitled to injury benefit in respect of the relevant disease, claims disablement benefit in respect of that disease, and under the provisions of Part III of these regulations a date of development is determined for the purposes of that claim, the following provisions shall apply, that is to say:—

(*a*) subsection (4) of section 11 and subsection (1A) of section 12 of the Act (which subsections relate to the period for which disablement benefit is not available) shall not apply and the claim shall be treated as if there had been no injury benefit period;

(*b*) subsection (4) of section 12 of the Act (which subsection relates to the period to be taken into account by an assessment of the extent of the claimant's disablement) and subsection (1) of section 14 of the Act and regulation 4A of the Benefit Regulations (which subsection and regulation relate to increase of disablement pension in cases of special hardship) shall have effect as if for references therein to the end of the injury benefit period (wherever those words occur) were substituted references to the date of development."

(2) As from the said day, in the provisions of the Prescribed Diseases Regulations mentioned in the first column of the Schedule to these regulations

(**a**) *For previous amendment to this regulation, see* regulation 2 (1), S.I. 1948/2723; Rev. XVI, p. 482; 1948 I, p. 3022.

(which relate respectively to the matters mentioned in the second column thereof) there shall be made the amendments specified in the third column thereof.

Given under the official seal of the Industrial Injuries Joint Authority this 31st day of July, nineteen hundred and fifty-three.

(L.S.)

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

Given under the official seal of the Minister of National Insurance this 1st day of August, nineteen hundred and fifty-three.

(L.S.)

Osbert Peake,
Minister of National Insurance.

SCHEDULE

Regulations 4, 5 and 6

CONTAINING CONSEQUENTIAL AMENDMENTS OF THE BENEFIT REGULATIONS, THE CLAIMS AND PAYMENTS REGULATIONS, THE DETERMINATION OF CLAIMS AND QUESTIONS REGULATIONS AND THE PRESCRIBED DISEASES REGULATIONS.

Amended Provision	Subject matter	Amendment
The Benefit Regulations		
Regulation 10 (1)	Adjustment of benefit for successive accidents where a disablement gratuity is payable.	In sub-paragraph (*a*) the words "which is likely to be permanent and" shall be omitted.
Regulation 10 (3)		In sub-paragraph (*b*) for the words "the assessment in respect of which any disablement pension is payable" there shall be substituted the words "an assessment" and for the words "increase of disablement pension" there shall be substituted the words "increase of disablement benefit".
Regulation 27 (1)...	Adjustment of increase of disablement benefit during approved hospital treatment by reference to other personal benefit.	For the words "increase of disablement pension" in both places where they occur there shall be substituted the words "increase of disablement benefit".
The Claims and Payments Regulations		
Regulation 14 (2) as amended(a).	Time and manner of payment of increases of disablement benefit.	In sub-paragraph (*b*) for the words "a disablement pension" there shall be substituted the words "disablement benefit".

(a) *For previous amendment to this regulation, see* S.I. 1951/743; 1951 I, p. 1504.

Amended Provision	Subject matter	Amendment
The Determination of Claims and Questions Regulations		
Regulation 2 (1)	Application for Minister's decisions.	For the words "sub-paragraphs (i) to (iv)" there shall be substituted the words "sub-paragraphs (i) to (ivA)".
Regulation 7 (3)	Reference to a single medical practitioner in lieu of a medical board.	For the words "three months" there shall be substituted the words "six months".
Regulation 24 (2)	Review of decisions of insurance officer, local appeal tribunal or Commissioner.	For the word "assessment" wherever it occurs there shall be substituted the word "decision" and the words "a medical board or" shall be omitted.
The Prescribed Diseases Regulations		
Regulation 22 (1)	Application of Part III of the principal Act.	After the words "an industrial accident" there shall be inserted the words "and of subsection (3) of section 4 of the National Insurance (Industrial Injuries) Act, 1953 (which subsection relates to the effect of decisions as to loss of faculty)".
Regulation 22 (2)		After the words "(which relates to the determination of claims and questions)" there shall be inserted the words "and of subsections (1) and (5) of section 4 of the said Act of 1953 (which subsections relate respectively to reviews of decisions given by the Minister and to leave to appeal to the Commissioner)".
Second Schedule as amended(a).	Modification of Part III of the principal Act in its application to claims and questions to which the Prescribed Diseases Regulations apply.	After paragraph 3, the following paragraph shall be inserted:— "4. The following sub-paragraph shall be added immediately after sub-paragraph (i) of paragraph (*c*) of sub-section (1) of section 36 :— '(ii) where the claim is made in respect of byssinosis, whether a loss of faculty is likely to be permanent;'"

(a) *For previous amendment to this Schedule, see* S.I. 1949/1697; 1949 I, p. 2766.

EXPLANATORY NOTE

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

These regulations make provision for dealing with transitional cases affected by the changes in the conditions for disablement benefit made by the National Insurance (Industrial Injuries) Act, 1953. They also contain amendments of regulations made under the National Insurance (Industrial Injuries) Act, 1946, consequential on the passing of the Act of 1953.

BENEFITS

1953 No. 1314

The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1953

Made - - - -	*26th August*, 1953
Laid before Parliament	*26th August*, 1953
Coming into Operation	*2nd September*, 1953

The Industrial Injuries Joint Authority, in exercise of powers contained in section 30, and section 82 of the National Insurance (Industrial Injuries) Act, 1946(**a**), as amended by section 6 of the National Insurance (Industrial Injuries) Act, 1953(**b**) and the Minister of National Insurance in exercise of powers conferred by subsection (2A) of section 14 of the said Act of 1946, as amended by the National Insurance (Industrial Injuries) Act, 1948(**c**) and section 3(2) of the said Act of 1953, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1953, shall be read as one with the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(**d**) as amended(**e**) (hereinafter referred to as the principal regulations) and shall come into operation on the 2nd September, 1953.

Amendment of Part III of the principal regulations

2. In sub-paragraph (*a*) of paragraph (2) of regulation 4A of the principal regulations(**f**), (which regulation relates to the circumstances in which for the purposes of section 14 of the Act, a beneficiary may be treated as being incapable of following an occupation or employment notwithstanding that he has worked thereat), for the words "three months" there shall be substituted the words "six months".

(**a**) 9 & 10 Geo. 6. c. 62. (**b**) 1 & 2 Eliz. 2. c. 43. (**c**) 11 & 12 Geo. 6. c. 42.
(**d**) S.I. 1948/1372; Rev. XVI, p. 441; 1948 I, p. 2918.
(**e**) S.I. 1949/691; 1951/833, 1233, 1606; 1952/1250, 1633: 1949 I, p. 2762; 1951 I, pp. 1499, 1501, 1502; 1952 II, pp. 2231, 2214.
(**f**) This regulation was inserted by regulation 2 of S.I. 1952/1633; 1952 II, p. 2214.