1964 No. 298

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Widow's Benefit) Regulations 1964

Made - - - -	*27th February* 1964
Laid before Parliament	*2nd March* 1964
Coming into Operation	*3rd March* 1964

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 19(3)(*d*) of the National Insurance (Industrial Injuries) Act 1946(**a**), and Schedule 3, paragraph 5(1) of the Family Allowances and National Insurance Act 1964(**b**), and of all other powers enabling him in that behalf, hereby makes in consequence of the said Act of 1964 the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Widow's Benefit) Regulations 1964, and shall come into operation on 3rd March 1964.

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

"the principal Act" means the National Insurance (Industrial Injuries) Act 1946;

"the Act of 1964" means the Family Allowances and National Insurance Act 1964;

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

(3) References in these regulations to any enactment or regulation shall, unless the context otherwise requires, include references to such enactment or regulation as amended by any subsequent enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**c**) shall apply in relation to this instrument and in relation to the revocation effected by it as if this instrument and the regulation revoked by it were Acts of Parliament, and as if the revocation were a repeal.

Conditions relating to payment of additional benefit under awards made before the appointed day

2. Where an award of death benefit under the principal Act has been made before the day appointed for the payment of such benefit at a higher weekly rate by virtue of the Act of 1964, Schedule 3, paragraph 5(1) of that Act (which relates to the effect of any such award) shall, if the period to which the award relates has not ended before that day, have effect subject to the following conditions:—

(i) if the award has not been made in accordance with the provisions of sub-paragraph (2) of that paragraph (which sub-paragraph authorises the

(a) 9 & 10 Geo. 6. c. 62. *See* also 4 & 5 Eliz. 2. c. 50, Schedule, paragraph 9.
(b) 1964 c. 10. (c) 52 & 53 Vict. c. 63.

making of such an award providing for the payment of benefit at the higher weekly rate as from that day) and a question arises as to—

(*a*) the weekly rate at which the benefit is payable by virtue of the Act of 1964, or

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

the benefit shall be or continue to be payable at the weekly rate specified in the award until the said question shall have been determined in accordance with the provisions of the principal Act;

(ii) notwithstanding the provisions of regulation 20 of the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964(a) (extinguishment of the right to sums payable by way of benefit), the right to any sum which, by virtue of the said paragraph 5(1), becomes payable under the award by way of additional benefit shall, as respects the period beginning with that day and ending—

(*a*) in a case where a book of serial orders (as defined in regulation 1(2) of the said regulations) for the payment of benefit to which the award relates has been issued to the beneficiary and is current on that day, with the date of expiration of that book, or

(*b*) in any other case, with the expiration of 12 months from that day,

be extinguished if payment thereof is not obtained within the period of 18 months (or such longer period as the Minister may determine in the circumstances of any particular case) from that day.

Revocation

3. Regulation 2 of the National Insurance (Industrial Injuries) (Widow's Benefit and Miscellaneous Provisions) Regulations 1956(b), (conditions of entitlement to widow's death benefit in certain cases) is hereby revoked.

Richard Wood,
Minister of Pensions and National Insurance.

27th February 1964.

EXPLANATORY NOTE

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

These Regulations contain transitional and supplementary provisions following upon the passing of the Family Allowances and National Insurance Act 1964. They provide in particular that benefit under an award current on the day appointed for the coming into operation of the Act shall continue to be payable at the existing rate until any question which has arisen as to entitlement to an increase provided for by the Act has been determined, and extend the time limits within which a beneficiary may obtain payment of an increase.

These Regulations are made in consequence of the Act of 1964 and accordingly, by virtue of Schedule 3, paragraph 7 of that Act, no reference has been made to the Industrial Injuries Advisory Council.

(a) S.I. 1964/73 (1964 I, p. 115). (b) S.I. 1956/1188 (1956 I, p. 1690).