STATUTORY INSTRUMENTS

1975 No. 559

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Benefit) Regulations 1975

Made - - -	*3rd April* 1975
Laid before Parliament	*4th April* 1974
Coming into Operation	*6th April* 1975

The Secretary of State for Social Services, in exercise of the powers conferred upon her by sections 50(4), 56(7), 57(5), 58(3), 60(4) and (7), 61(1), 62(2), 66(1), (3) and (5), 67(1), 68(2), 72(1), 74(1)(*b*), 81(6), 82(5) and (6), 83(1), 84(1) to (4) 90(2), 91(1) and 159(3) of, and paragraphs 2, 3 and 6 of Schedule 8, paragraphs 1(*d*), 6(3) and 8(1) of Schedule 9 and Schedule 14 to the Social Security Act 1975(**a**), section 2 of and paragraph 9(1)(*a*) and (*c*) of Part I and paragraph 31 of Part III of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(**b**) and of all other powers enabling her in that behalf, without having referred any proposals on the matter to the Industrial Injuries Advisory Committee since it appears to her that by reason of urgency it is inexpedient to do so, hereby makes, for the purposes of benefit under Chapters IV and V of Part II of the Social Security Act 1975, the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Benefit) Regulations 1975, and shall come into operation on the 6th April 1975.

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

"the Act" means the Social Security Act 1975;

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts 1925 to 1945, or the enactments repealed by the Workmen's Compensation Act 1925(**c**) or the enactments repealed by the Workmen's Compensation Act 1906(**d**);

"the Secretary of State" means the Secretary of State for Social Services;

"determining authority" means, as the case may require, an Insurance Officer appointed under section 97(1) of the Act, a Local Tribunal constituted under section 97(2) of the Act, or the Chief National

(**a**) 1975 c. 14. (**b**) 1975 c. 18. (**c**) 1925 c. 84. (**d**) 1906 c. 58.

Insurance Commissioner appointed under section 97(3) of the Act or any other National Insurance Commissioner so appointed, or any Tribunal of Commissioners constituted under section 116(1) of the Act;

"the standard rate of increase" means the amount specified in Part V of Schedule 4 to the Act as the amount of an increase of the benefit in question for an adult dependant,

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

(3) Unless the context otherwise requires, any reference in these regulations—

(*a*) to a numbered section is to the section of the Act bearing that number;

(*b*) to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(*c*) any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by an enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

PART II

PRINCIPLES OF ASSESSMENT

Further definition of the principles of assessment of disablement and prescribed degrees of disablement

2.—(1) Schedule 8 to the Act (general principles relating to the assessment of the extent of disablement) shall have effect subject to the provisions of this regulation.

(2) When the extent of disablement is being assessed for the purposes of section 57, any disabilities which, though resulting from the relevant loss of faculty, also result, or without the relevant accident might have been expected to result, from a cause other than the relevant accident (hereafter in this regulation referred to as "the other effective cause") shall only be taken into account subject to and in accordance with the following provisions of this regulation.

(3) Any assessment of the extent of disablement made by reference to any disability to which paragraph (2) applies, in a case where the other effective cause is a congenital defect or is an injury or disease received or contracted before the relevant accident, shall take account of all such disablement except to the extent to which the claimant would have been subject thereto during the period taken into account by the assessment if the relevant accident had not occurred.

(4) Any assessment of the extent of disablement made by reference to any disability to which paragraph (2) applies, in a case where the other effective cause is an injury or disease received or contracted after and not directly

(a) 1889 c. 63.

attributable to the relevant accident, shall take account of all such disablement to the extent to which the claimant would have been subject thereto during the period taken into account by the assessment if that other effective cause had not arisen and where, in any such case, the extent of disablement would be assessed at not less than 11 per cent if that other effective cause had not arisen, the assessment shall also take account of any disablement to which the claimant may be subject as a result of that other effective cause except to the extent to which he would have been subject thereto if the relevant accident had not occurred.

(5) Any disablement to the extent to which the claimant is subject thereto as a result both of an accident and a disease or two or more accidents or diseases (as the case may be), being accidents arising out and in the course of, or diseases due to the nature of, employed earners' employment, shall only be taken into account in assessing the extent of disablement resulting from one such accident or disease being the one which occurred or developed last in point of time.

(6) Where the sole injury which a claimant suffers as a result of the relevant accident is one specified in column 1 of Schedule 1 to these regulations, whether or not such injury incorporates one or more other injuries so specified, the loss of faculty suffered by the claimant as a result of that injury shall be treated for the purposes of section 57 of, and Schedule 8 to, the Act as resulting in the degree of disablement set against such injury in column 2 of the said Schedule 1 subject to such increase or reduction of that degree of disablement as may be reasonable in the circumstances of the case where, having regard to the provisions of the said Schedule 8 to the Act and to the foregoing paragraphs of this regulation, that degree of disablement does not provide a reasonable assessment of the extent of disablement resulting from the relevant loss of faculty:

Provided that, where the relevant injury is one so specified in the said column 1 against which there is set in the said column 2 the degree of disablement of 100 per cent and the claimant suffers some disablement to which he would have been subject whether or not the relevant accident had occurred, no reduction of that degree of disablement shall be required if the medical appeal tribunal, the medical board or single medical practitioner acting instead of a medical board (as the case may be) is satisfied that, in the circumstances of the case, 100 per cent is a reasonable assessment of the extent of disablement resulting from the relevant loss of faculty.

(7) For the purposes of assessing, in accordance with the provisions of Schedule 8 to the Act, the extent of disablement resulting from the relevant injury in any case which does not fall to be determined under paragraph (6), the medical appeal tribunal, the medical board or single medical practitioner acting instead of a medical board (as the case may be) may have such regard as may be appropriate to the prescribed degrees of disablement set against the injuries specified in the said Schedule 1.

PART III

INJURY AND DISABLEMENT BENEFIT

Injury benefit payable to persons who have not attained school-leaving age

3.—(1) Subject to the following provisions of this regulation, a person who has not attained school-leaving age shall be entitled to injury benefit in accordance with the provisions of section 56.

(2) The weekly rate of injury benefit in the case of any such person shall be—

(*a*) the amount specified in paragraph 1(*b*) of Part V of Schedule 4 to the Act where the relevant employment was, or (if more than one) the relevant employments amounted in the aggregate to, full time employment or substantially full time employment;

(*b*) the amount specified in paragraph 9(*a*) of Part V of Schedule 4 to the Act in any other case;

and such injury benefit shall not be payable otherwise than to a parent or guardian of the person appointed by the Secretary of State to receive the benefit on behalf of the person.

(3) In the last foregoing paragraph, the expression "relevant employment" means any employment in which the person who has not attained school-leaving age was or would but for the relevant injury have been employed during the calendar week in which as the result of the relevant injury he first became incapable of work.

Day not treated as day of incapacity for work

4. A day shall not be treated for the purposes of benefit as a day of incapacity for work if it is a day in respect of which a person has not claimed or is disqualified for receiving injury benefit:

Provided that the fact that a day has not been so treated as a day of incapacity for work shall be disregarded for the purposes of section 57(4) (period for which disablement benefit is not available).

Application of regulation 4 *to prescribed disease cases*

5. In considering the application to a prescribed disease case of regulation 16 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959(**a**) (cases where disablement benefit is not preceded by injury benefit) the provisions of regulation 4 shall be disregarded.

Amount of disablement gratuities

6. Where the extent of a claimant's disablement is assessed at any of the degrees of disablement severally specified in column 1 of Schedule 2 to these regulations, the amount of any disablement gratuity payable shall—

(*a*) if the period taken into account by that assessment is limited by reference to the claimant's life or is not less than 7 years, be the amount calculated as the percentage of the maximum disablement gratuity (specified in paragraph 2 of Part V of Schedule 4 to the Act) which is shown in column 2 of Schedule 2 to these regulations as being appropriate to that degree of disablement;

(*b*) in any other case, be the amount calculated as such a percentage of the maximum disablement gratuity as bears the same proportion to the percentage shown in column 2 of Schedule 2 to these regulations as being appropriate to that degree of disablement as the period taken into account by the assessment bears to a period of 7 years, a fraction of 5 pence being, for this purpose, treated as 5 pence:

Provided that, whenever such maximum disablement gratuity is altered by virtue of the passing of an Act or the making of an up-rating order, corresponding

(**a**) S.I. 1959/467 (1959 II, p. 1943).

variations in the scale of gratuities payable under this regulation 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 date of coming into operation of the provision altering the amount of the maximum disablement gratuity.

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

7. For the purpose of reducing the weekly rate of disablement pension payable by virtue of section 62 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 regulation 10(2) if that regulation applied to his case.

Earnings level for the purposes of unemployability supplement under section 58 of the Act

8. For the purpose of section 58(3) (earnings level that does not disqualify for unemployability supplement) the prescribed amount of earnings in a year shall be £364.

PART III

INCREASE OF INJURY AND DISABLEMENT BENEFIT

Circumstances in which, for the purposes of section 60, a beneficiary may be treated as being incapable of following an occupation or employment notwithstanding that he has worked thereat

9.—(1) For the purposes of section 60 (increase of disablement pension for special hardship), when it is being determined whether a beneficiary has at all times since the end of the injury benefit period been incapable of following his regular occupation or employment of an equivalent standard which is suitable in his case, and in determining that question only, the fact that since the end of the injury benefit period such beneficiary had worked at that occupation or any such employment (as the case may be)—

(*a*) for the purpose of rehabilitation or training or of ascertaining whether he had recovered from the effects of the relevant injury; or

(*b*) before obtaining surgical treatment for the effects of the said injury,

shall be disregarded in respect of the periods specified in the next following paragraph.

(2) The periods during which the beneficiary worked at his regular occupation or at employment of equivalent standard, which shall be disregarded in accordance with the provisions of the preceding paragraph, shall be—

(*a*) in any case to which sub-paragraph (*a*) of that paragraph applies—

(i) any period during which he worked thereat for any of the said purposes with the approval of the Secretary of State or on the advice of a medical practitioner; and

(ii) any other period or periods during which he worked thereat for any of the said purposes and which did not exceed six months in the aggregate; and

(*b*) in any case to which sub-paragraph (*b*) of that paragraph applies—

(i) any period during which he worked thereat and throughout which it is shown that having obtained the advice of a medical practitioner to submit himself to such surgical treatment he was waiting to undergo the said treatment in accordance therewith, and

(ii) any other period during which he worked thereat and throughout which it is shown that he was in process of obtaining such advice.

Payments in respect of special hardship where beneficiary is entitled to a gratuity

10.—(1) Where in any case a beneficiary is entitled to or has received a disablement gratuity, such beneficiary shall as respects that gratuity have the like rights to payments in respect of special hardship as he would have had by way of increase of disablement pension under section 60 if the disablement gratuity had been a disablement pension payable during the period taken into account by the assessment.

(2) A beneficiary who is entitled as respects a disablement gratuity to payments in respect of special hardship by virtue of the preceding paragraph shall, if he makes an application in that behalf at any time before that gratuity or any part thereof has been paid to him, be entitled, subject to the proviso to section 57(6), to a disablement pension in lieu of such gratuity for any part of the period taken into account by the assessment during which he may be entitled to an increase of such pension in respect of special hardship under section 60, and the weekly rate of such pension shall be determined in accordance with Schedule 3 of these regulations:

Provided that, notwithstanding the proviso to regulation 6, whenever the weekly rate of such pension is altered consequent upon the passing of an Act or the making of an up-rating order, such variation shall have effect as from the date on which the provision varying the amount of the disablement pension specified in paragraph 3 of Part V of Schedule 4 to the Act comes into force, whether the period taken into account by the assessment began before or after that date.

(3) Where a pension has been payable under the last foregoing paragraph in lieu of a gratuity for any period and the beneficiary ceases to be entitled to an increase of such pension under the provisions of section 60, the amount of that gratuity shall be treated as reduced by the amounts which have been paid to the beneficiary by way of such pension, other than any increase thereof under the said section 60 and, subject to the provisions of these regulations, the balance (if any) shall then be payable accordingly.

Increase of disablement pension for constant attendance

11. The amount by which the weekly rate of disablement pension may be increased under section 61 where constant attendance is required by a beneficiary as a result of the relevant loss of faculty shall—

(*a*) where the beneficiary (not being a case to which paragraph (*b*) of this regulation relates) is to a substantial extent dependent on such attendance for the necessities of life and is likely to remain so dependent for a prolonged period, be the amount specified in paragraph 7(*a*) of Part V of Schedule 4 to the Act (unless the attendance so required is part-time only, in which case the amount

shall be such sum as may be reasonable in the circumstances) or, where the extent of such attendance is greater by reason of the beneficiary's exceptionally severe disablement, a sum not exceeding one and a half times the amount specified in paragraph 7(*a*) of Part V of the said Schedule, a fraction of five pence being for this purpose treated as five pence;

(*b*) where the beneficiary is so exceptionally severely disabled as to be entirely, or almost entirely, dependent on such attendance for the necessities of life, and is likely to remain so dependent for a prolonged period and the attendance so required is whole-time, be the amount specified in paragraph 7(*b*) of Part V of Schedule 4 to the Act.

Determination of degree of disablement for constant attendance allowance

12.—(1) For the purpose of determining whether a person is entitled to an increase by way of constant attendance allowance under section 61 or to a corresponding increase by virtue of section 159(3)(*b*) of the Act or section 7(3)(*b*) of the Industrial Injuries and Diseases (Old Cases) Act 1975(**a**) of any other benefit, the Secretary of State shall, in a case where that person is subject to disabilities in respect of which payments of two or more of the descriptions set out in the next following paragraph of this regulation fall to be made, determine the extent of that person's disablement by taking into account all such disabilities to which that person is subject.

(2) The payments which may be taken into account are those of the following descriptions:—

(*a*) payments by way of disablement pensions under the Act;

(*b*) weekly payments to which that person is or has been at any time after 4 July 1948 entitled in respect of injury or disease being payments by way of compensation under the Workmen's Compensation Acts or under any contracting-out scheme duly certified thereunder;

(*c*) payments to which that person is or has been at any time after 4 July 1948 entitled as a former constable or fireman on account of an injury pension under or by virtue of any enactment in respect of an injury received or disease contracted by that person before 5 July 1948 or in respect of his retirement in consequence of such an injury or disease;

(*d*) payments by way of benefit under the Industrial Injuries and Diseases (Old Cases) Act 1975; and

(*e*) payments of personal benefit by way of disablement pension or gratuity under any Personal Injuries Scheme or Service Pensions Instrument or 1914–18 War Injuries Scheme.

(3) In sub-paragraph (2)(*e*) the expressions "personal benefit", "disablement pension", "Personal Injuries Scheme" and "Service Pensions Instrument" have the meanings which are assigned to them by the Social Security (Overlapping Benefits) Regulations 1975(**b**) for the purposes of those regulations.

Condition for receipt of increase of disablement pension for constant attendance under section 61 while receiving medical treatment as an in-patient

13.—(1) For the purposes of section 61 (increase of disablement pension in respect of the need of constant attendance), subject to paragraph (2) it shall be

(**a**) 1975 c. 16. (**b**) S.I. 1975/554 (1975 I, p. 1918).

a condition for the receipt of an increase of disablement pension under the said section 61 for any period in respect of any person that during that period he is not receiving, or has not received, free in-patient treatment, and for this purpose a person shall be regarded as receiving or having received free in-patient treatment if he would be so regarded for the purposes of the Social Security (Hospital In-patients) Regulations 1975(**a**).

(2) Where a person was entitled to an increase of disablement pension under the said section 61 in respect of the period immediately before he commenced to undergo any treatment mentioned in paragraph (1), that paragraph shall not apply in respect of the first 4 weeks of any continuous period during which he is undergoing such treatment.

(3) For the purposes of paragraph (2), 2 or more distinct periods separated by an interval not exceeding 28 days, or by 2 or more such intervals, shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the later or last such period.

Treatment of distinct periods of hospital in-patient treatment as continuous for the purposes of section 62 of the Act

14. For the purposes of section 62 (increase of disablement benefit during hospital treatment) a person who receives medical treatment as an in-patient for 2 or more distinct periods separated by an interval of less than a week in each case shall be treated as receiving such treatment continuously from the beginning of the first period until the end of the last.

PART IV

INDUSTRIAL DEATH BENEFIT

Widow's pension

15. Section 67 (death benefit for widows) shall have effect as if the reference in section 67(1) (conditions of entitlement to such benefit) to periodical payments of not less than the prescribed amount were a reference to periodical payments which would amount to an average weekly rate of not less than 25 pence.

Additional entitlement to higher permanent rate of widow's pension under section 67

16. A widow shall be treated as entitled to an allowance in respect of a child, for the purposes of section 68, for any period during which the widow has residing with her a person who, though not such a child of her family as would entitle her to a payment under section 70, is under the age of nineteen years and at the deceased's death was, or would but for the fact that at the deceased's death that person had attained school-leaving age or was not in Great Britain have been, a child of the deceased's family for the purposes of section 70, and, where at the expiration of such a period as aforesaid the widow has attained the age of forty, for any period thereafter.

Widows to be treated as entitled to a pension for the purposes of right to a remarriage gratuity

17. A widow who would be entitled to a pension under section 67 immediately before her remarriage but for the operation of the proviso to section 67(2) shall be treated as if she were entitled thereto for the purpose of a right to a gratuity under section 67 on her remarriage.

(a) S.I. 1975/555 (1975 I, p. 1927).

Death benefit for relatives

18. For the purposes of section 72 (death benefit for such relatives of a deceased insured person as may be prescribed) the relatives shall be the persons who bear any such relationship to the deceased as is specified in Schedule 4 to these regulations (otherwise than as a parent within the meaning of section 71 (death benefit for parents)), and shall include any person who is such a relative by adoption and any person who would be such a relative if some person born illegitimate had been born legitimate.

Death benefit under section 72 for a posthumous son or daughter

19. The provisions of section 72 shall apply to a posthumous son or daughter (whether legitimate or illegitimate) of a deceased man as if—

(*a*) for the conditions specified in subsection (1) there were substituted the condition that the mother of such son or daughter was at the deceased's death being wholly or mainly maintained by the deceased, or would but for the relevant accident have been so maintained; and

(*b*) the conditions specified in paragraphs (*a*) and (*b*) of subsection (2), and every reference to death benefit by way of a gratuity or an allowance and to the several conditions for the receipt of such benefit, were omitted; and

(*c*) in subsection (7)—

(i) the references to a relative who was a child at the deceased's death were references to a relative who is a posthumous son or daughter of the deceased; and

(ii) for paragraph (*b*) there were substituted the following paragraph—

"(*b*) unless such relative is on ceasing to be a child permanently incapable of self-support by reason of some physical or mental infirmity which is congenital in origin".

Calculation of the amount of parent's or relative's gratuity

20. For the purposes of section 74(1)(*b*) (amount of death benefit payable by way of a gratuity to a beneficiary as a parent or relative other than a beneficiary who, at the deceased's death, was, or would but for the relevant accident have been, wholly maintained by the deceased) the maximum amount of any such gratuity payable to a beneficiary as a parent within the meaning of section 71 or as a relative prescribed for the purposes of section 72 shall be determined in accordance with the provisions of Schedule 5 to these regulations.

Application of limits imposed on death gratuities by Schedule 9 to the Act

21. In any case in which, but for the provisions of paragraph 6 of Schedule 9 to the Act (provisions limiting the amount of death benefit by way of gratuities payable in respect of any death), the aggregate amount of death benefit which would be payable to two or more persons by way of parents' or relatives' gratuities, as the case may be, would exceed the total amount respectively specified in relation to such gratuities in sub-paragraphs (1) and (2) of the said paragraph 6, being—

(*a*) £78 in relation to parents' gratuities; and

(*b*) £52 or £104 (as the case may be) in relation to relatives' gratuities;

the amount payable to any person by way of a parent's or a relative's gratuity (as the case may be) shall, subject to the provisions of the Act limiting the amount so payable to any one person, be determined in accordance with the provisions of Schedule 6 to these regulations.

Death within prescribed period

22. For the purposes of Schedule 9 to the Act (provisions limiting the benefit payable in respect of any death), and by virtue of the provisions of paragraph 8 of that Schedule, a person entitled, or who may become entitled, to any benefit mentioned in that Schedule in respect of any death shall be disregarded if he dies within 6 months after the deceased's death without being awarded that benefit.

Priority of title to allowance or allowances under section 70

23. Where in respect of the same death each of two or more persons satisfies the conditions of section 70 of the Act for the receipt of—

(*a*) an allowance in respect of the same child, or

(*b*) an allowance at the rate applicable to an only, elder or eldest child in respect of different children,

the person entitled to the allowance, or, as the case may be, the allowance at the rate applicable to an only, elder or eldest child, shall as between such persons be determined, subject to the provisions of Schedule 9, paragraph 1(*c*) to the Act (priority of title to such an allowance of a person who is entitled to death benefit as the widow or widower of the deceased), in accordance with the order of priority specified in Schedule 7 to these regulations.

PART V

GENERAL DEPENDENCY PROVISIONS

Increase of benefit in respect of wife and computation of earnings

24.—(1) Subject to the following provisions of this regulation, a beneficiary (not being a beneficiary who is entitled to an unemployability supplement and is residing with his wife) shall not be entitled to an increase of benefit in respect of his wife under section 66 (increase of benefit in respect of adult dependants) for any period during which his wife is engaged in any gainful occupation or occupations from which her weekly earnings, calculated or estimated in accordance with the provisions of regulations 2, 3 and 4 of the Social Security Benefit (Computation of Earnings) Regulations 1974(a) as if the manner and basis of the calculation or estimate were for the purposes of Chapter III of Part II of the Act and of any regulations made thereunder, exceed the standard rate of increase.

(2) For the purpose of section 66(4) (beneficiary entitled to unemployability supplement and residing with his wife) the earnings of the wife of a beneficiary shall be calculated or estimated in accordance with the provisions of the said Social Security Benefit (Computation of Earnings) Regulations as if the manner and basis of the calculation or estimate were for the purposes of those regulations.

(3) Regulation 3(1)(*b*) of the said Social Security Benefit (Computation of Earnings) Regulations (disregard of Christmas bonus) shall apply for the purposes of every calculation or estimate of earnings for the purposes of this regulation.

(a) S.I. 1974/2008 (1974 III, p. 7017).

(4) In the case of a disablement pension payable to a beneficiary who is entitled to an unemployability supplement, the week by reference to which earnings by the wife shall be calculated shall be the calendar week ending last before any week for which the beneficiary is entitled to a disablement pension.

Increase of benefit for dependent relatives and further conditions applicable

25.—(1) For the purposes of section 66(1)(*c*) (increase of benefit in respect of a relative of a beneficiary subject to such further conditions as may be prescribed) the relatives shall be the persons who bear any such relationship to the beneficiary as is specified in Schedule 4 to these regulations and shall include any person who is any such relative by adoption and any person who would be such a relative if some person born illegitimate had been born legitimate, but shall not include any person who is a child.

(2) The following further conditions shall apply in relation to any such relative as is mentioned in the foregoing paragraph:—

(*a*) Where such a relative is a woman, a beneficiary shall not be entitled to an increase of benefit under the said section 66 in respect of her for any period during which she is engaged in any gainful occupation or occupations from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed by paragraphs (1), (2) and (3) of the last foregoing regulation for the purposes of the said section 66 in relation to the earnings of a wife) exceed the standard rate of increase.

(*b*) Where any such relative is a man, an increase shall not be payable in respect of him for any period other than a period during which he is incapable of self-support.

(*c*) Where any such relative is a married woman, an increase shall not be payable in respect of her for any period other than a period during which—

(i) she is not residing with and is unable to obtain any financial assistance from her husband; or

(ii) her husband is incapable of self-support and is not entitled to an increase of benefit in respect of her under the Act.

Increase of benefit for female person having care of child

26. For the purposes of section 66(1)(*d*) (increase of benefit in respect of a female person, not a child, who has the care of a child or children of the beneficiary's family) the following further conditions shall apply in relation to any such female person—

(1) A beneficiary shall not be entitled to an increase of benefit under the said section 66 in respect of any such female person unless—

(*a*) either—

(i) she is residing with the beneficiary; or

(ii) she is employed by the beneficiary in an employment in respect of which the weekly expenses incurred by the beneficiary are not less than the amount of the standard rate of increase and she was, before he became incapable of work, employed by the beneficiary in that employment in respect of which the weekly expenses incurred by him were not less

than the amount set out in paragraph 11 of Part V of Schedule 4 to the Act subject to the qualification that the condition of employment before that date shall not apply in a case where the necessity for her employment first arose thereafter; or

(iii) the beneficiary is contributing to her maintenance at a weekly rate of not less than the amount of the standard rate of increase; and

(*b*) she is not undergoing imprisonment or detention in legal custody; and

(*c*) she is not absent from Great Britain, except for a period during which she is residing with the beneficiary outside Great Britain and for which, by virtue of the provisions of any regulations made under section 82(5), the beneficiary is not disqualified for receiving that benefit.

(2) Subject to paragraph (3) of this regulation, a beneficiary shall not be entitled to an increase of benefit under the said section 66 in respect of any such female person for any period during which that female person (not being a person who is employed by, but is not residing with, the beneficiary) is engaged in any gainful occupation or occupations (other than her employment by the beneficiary in caring for a child or children of the beneficiary's family) from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed by regulation 24 for the purpose of the said section 66 in relation to the earnings of a wife) exceed the standard rate of increase.

(3) (*a*) Where a beneficiary is entitled to unemployability supplement and any such female person is residing with him and the earnings of such female person (other than her earnings from any employment by the beneficiary in caring for a child or children of the beneficiary's family) for the calendar week ending last before any week for which he is entitled to benefit under the said section 66 in respect of such female person exceeded £20·00, the weekly rate of benefit under the said section 66 shall for the last-mentioned week be reduced—

(i) where the excess is less than £4, by 5 pence for each complete 10 pence of the excess, and

(ii) where the excess is not less than £4, by 5 pence for each complete 10 pence of the excess up to £4 and by 5 pence for each complete 5 pence of any further excess.

(*b*) With effect from the Wednesday in the week containing 6 April in a year mentioned in the first column below, this paragraph shall have effect with the substitution for "£20" of the amount specified in relation to that year in the second column below—

1976	"£35"
1977	"£50".

(4) For the purpose of the last preceding paragraph, the weekly earnings of a female person who is residing with a beneficiary entitled to unemployability supplement shall be calculated or estimated in such

manner and on such basis as is prescribed by regulation 24(1), (2) and (3) for the purposes of the said section 66 in relation to the earnings of a wife.

(5) A beneficiary shall not be entitled to an increase of benefit under the said section 66 in respect of any such female person unless the beneficiary is entitled to an increase of benefit in respect of a child of his family or a child treated as such for the purposes of section 64 (increase of benefit in respect of children) or would be so entitled but for the provisions of regulations relating to overlapping benefits.

Contribution to maintenance of adult dependant

27.—(1) Subject to paragraph (2) for the purposes of section 66(1)(*a*) (increase of benefit in respect of wife) or of regulation 26(1)(*a*)(iii) (increase of benefit for female person having care of a child), a beneficiary shall not be deemed to satisfy the requirements contained in the said section or the said regulation that he is contributing to the maintenance of the wife or female person, as the case may be, at a weekly rate of not less than the amount of the standard rate of increase unless when in employment before he became incapable of work (except in a case where the dependency did not arise until later) he contributed to her maintenance at a weekly rate of not less than the amount of the standard rate of increase.

(2) Where, within one month of having been entitled to an increase of injury benefit under section 63(1)(*a*), or under section 66(1)(*d*) by virtue of having satisfied the requirements of regulation 26(1)(*a*)(iii) (but no other requirement of regulation 26(1)), a person becomes entitled to unemployability supplement, he shall be deemed to satisfy the condition in paragraph (1) in respect of an unemployability supplement if he satisfies it in relation to an increase of the injury benefit; and in this paragraph "entitled" includes deemed to have been entitled.

Children treated as included in family for increase of certain benefits

28. For the purposes of section 64(4) (treating certain children as included in a man's family for the purpose of an increase of injury benefit or disablement pension) the prescribed rate shall be a rate equal to the amount for the time being specified in paragraph 9(*b*) of Part V of Schedule 4 to the Act, being the amount of the increase for an additional child of the beneficiary's family.

Contribution towards cost of providing for child

29.—(1) Where, apart from sections 65(1) and 70(4), a person is entitled to receive in respect of a particular child who is, or falls to be treated for the purposes of the relevant provisions as, a child of that person's family, payment of an increase or allowance of any amount under section 64 or section 70 for any period and neither of the conditions set out in section 65(1), that is to say—

(*a*) that the child in question is living with that person, or

(*b*) that the requisite contributions are being made to the cost of providing for the child,

is satisfied, that person shall nevertheless for the purposes of the said sections 65(1) and 70(4) be deemed as respects that period to be making the

contributions so required at a weekly rate not less than that required by the said section 65(1) if—

(i) he gives an undertaking in writing to make such contributions, and

(ii) on receiving the amount of the allowance or increase in question, he in fact makes such contributions;

so, however, that if in respect of any period he fails to make the contributions which he has undertaken to make in accordance with this regulation, the decision awarding the allowance or increase in question for that period in respect of that child shall be revised.

(2) Where for the purposes of section 64(1), a person has a family which includes children, one or more of whom is, or are, treated as included in his family only by virtue of the provisions of section 64(4) (which child or children are hereafter in this paragraph referred to as a "treated child" or "treated children"), and there is, or are, also another child or other children living with that person who is, or are, included or treated as included in his family otherwise than by virtue of the said section 64(4) (which child or children are hereafter in this paragraph referred to as the " said other child or children"), that person shall in relation to an increase of injury benefit or disablement pension in respect of a treated child be deemed to be contributing to the cost of providing for that child for the purposes of section 65(1)(*b*) at a weekly rate not less than that required in the case of that child by that section if he contributes to the cost of providing for that child at a rate not less than the rate which would be appropriate in the circumstances of the case if the said other child or children were older than the treated child or (if there is more than one treated child) any of the treated children.

Deeming contributions for the maintenance of children or adult dependants of the amount of benefit under the Act abated under section 16(1*A*) *of the Supplementary Benefit Act* 1966

30. Where for any period a person (in this regulation referred to as A) is entitled to, or to an increase in the amount of, any benefit mentioned in section 16(1)(*a*) of the Supplementary Benefit Act 1966(**a**) (benefit (other than a maternity grant or a death grant) under Part II of the Social Security Act 1975) in respect of another person (in this regulation referred to as B) and the amount of, or of the increase in, any such benefit is abated under the provisions of section 16(1A) of the said Act of 1966 (further provision for preventing duplication of supplementary and other benefits), then in determining for the purposes of the Act whether A is wholly or mainly maintaining or is contributing at any weekly rate to the maintenance of, or is or has been contributing at any weekly rate to the cost of providing for, B, the amount by which such benefit for any week has been so abated shall be deemed to be a contribution of that amount for that week made by A for the maintenance of B.

Allocation of contributions for wife or children

31.—(1) Subject to the provisions of this regulation, any sum or sums paid by a person by way of contribution towards either or both of the following, that is to say the maintenance of his wife and the cost of providing for one or more children to whom this regulation refers, shall be treated for the purposes of sections 64(4), 65(1), 66(1) and 70(4) as such contributions, of such respective

(**a**) 1966 c. 20.

amounts equal in the aggregate to the said sum or sums, in respect of such of the persons hereinafter mentioned, that is to say, his wife or any child or children to whom this regulation refers, as may be determined by the determining authority so as to secure as large a payment as possible by way of benefit in respect of dependants.

(2) The children to whom the regulation refers are any children who, in the period for which the sum in question is paid by the person, either are included in that person's family or, though not so included, could have been treated under paragraph 3 of the Schedule to the Family Allowances Act 1965 as so included, or would have been, or could have been treated under that paragraph as, so included had the person contributed to the cost of providing for the child at a sufficient weekly rate.

(3) A sum paid by way of contribution towards the maintenance of a wife shall not be treated by virtue of this regulation as a sum paid by way of contribution towards the cost of providing for a child or children, and a sum paid by way of contribution towards the cost of providing for a child or children shall not be so treated as a sum paid by way of contribution towards the maintenance of a wife, unless in either case the child or children is or are included in the family of the wife, or, though not so included, could have been treated under paragraph 3 of the Schedule to the Family Allowances Act 1965 as so included.

Provisions as to maintenance for the purposes of increase of benefit in respect of dependants

32.—(1) For the purposes of the provisions of section 66 (increase of benefit in respect of an adult dependant) and subject to paragraphs (3) and (4) of this regulation, a beneficiary shall not be deemed to be wholly or mainly maintaining another person unless the beneficiary—

(*a*) when entitled to benefit to which section 66 applies, contributes towards the maintenance of that person an amount not less than the amount of the increase of benefit received in respect of that person; and

(*b*) when in employment before he became incapable of work (except in a case where the dependency did not arise until after that date) contributed more than half of the actual cost of the maintenance of that person.

(2) For the purposes of section 64(3) of the Act (circumstances in which a child of the family of a woman residing with a beneficiary shall be treated as a child of that beneficiary's family), and subject to the following provisions of this regulation, a beneficiary shall not be deemed to have been wholly or mainly maintaining such a child throughout the 6 months ending with the date on which he became incapable of work unless the beneficiary, when in employment during that period, contributed more than one half of the actual cost of maintenance of that child.

(3) In a case where—

(*a*) a person is partly maintained by each of two or more other persons (being persons of whom at least one is entitled to benefit under the Act) each of whom would be entitled to an increase of benefit under the Act in respect of that person if he were wholly or mainly maintaining that person, and

(*b*) the contributions made by those other persons towards the maintenance of that person amount in the aggregate to sums which would, if they had been contributed by one of them, have been sufficient to satisfy the foregoing requirements of this regulation,

that person shall be deemed to be wholly or mainly maintained by that one of the said other persons who—

(i) ordinarily made the larger or largest contributions to the maintenance of that person, or

(ii) in a case where no person ordinarily made the larger or largest contributions as aforesaid, is the elder or eldest of the said other persons, or

(iii) in any case, is a person designated in that behalf by a notice in writing signed by a majority of the said other persons and addressed to the Secretary of State,

if and so long as that one of the said other persons is entitled to benefit to which section 64 or section 66 of the Act applies and, in a case to which the said section 66 applies, satisfies the condition contained in paragraph (1)(*a*) of this regulation.

(4) A notice and the designation contained therein given under the foregoing paragraph may be revoked at any time by a fresh notice signed by a majority of such persons and another one of their number may be designated thereby, and accordingly the provisions of that paragraph shall apply to the one so last designated.

Provisions as to maintenance for purposes of death benefit

33. For the purposes of the provisions of Chapters IV and V of Part II of the Act which relate to death benefit, a deceased person shall not be deemed to have been, at his death, or for any period before his death—

(1) wholly maintaining another person unless he normally contributed the whole of the actual cost of that other person's maintenance;

(2) mainly maintaining another person unless he normally contributed more than half of the actual cost of that other person's maintenance;

(3) to a substantial extent maintaining another person unless he normally contributed not less than an average weekly amount of 25 pence towards the cost of that other person's maintenance:

Provided that—

(*a*) in the case of a posthumous son or daughter of the deceased, such son or daughter shall be deemed to have been wholly maintained by the deceased at his death if the condition specified in regulation 19(*a*) is satisfied in his case;

(*b*) where—

(i) a person was partly maintained by each of two or more employed earners of whom the first-mentioned person was a parent within the meaning of section 71 or a relative prescribed for the purposes of section 72, as the case may be, and

(ii) the employed earners have died as the results of accidents arising out of and in the course of their employed earner's employment;

the parent or relative may by notice in writing designate one of those employed earners and shall thereafter be treated as having received from the person so designated contributions to his maintenance equal to the aggregate amount which the said employed earners were together contributing before the accidents happened, and as having received nothing from the others.

PART VI

ADJUSTMENT OF BENEFIT FOR SUCCESSIVE ACCIDENTS

Adjustment of benefit for successive accidents where a disablement gratuity is payable

34.—(1) In a case where—

(*a*) a person who is entitled, as a result of an accident, to a disablement pension (hereafter in this paragraph referred to as an "existing pension") which is payable in respect of an assessment for a period which is limited by reference to that person's life, becomes as a result of any other accident entitled to an award as a result of an assessment of disablement in respect of which a disablement gratuity would, but for this regulation, be payable, and

(*b*) the aggregate amount of the assessment in respect of the existing pension and of the assessment in respect of which such disablement gratuity would be payable would, if it were the amount of the assessment of the extent of the disablement resulting from any one accident suffered by that person, have entitled him to receive a disablement pension at a higher rate than the rate of such existing pension;

then, if, at any time before his claim for disablement benefit is determined, he so elects, that person shall be entitled to a disablement pension in lieu of the said disablement gratuity at a rate equal to the difference between the said higher rate and the rate of the existing pension.

(2) In a case in which a person who is entitled as a result of any accident to a disablement pension would but for the provisions of this paragraph become entitled in respect of any other accident to a disablement gratuity (not being a case in which he is entitled to a disablement pension in lieu of such gratuity)—

(*a*) if the assessment in respect of which such pension is payable to him amounts to not less than 100 per cent, such person shall not be entitled to receive any disablement gratuity in respect of such other accident;

(*b*) in any other case, such person shall not be entitled to receive, by way of disablement gratuity in respect of such other accident, an amount exceeding that which would be payable in respect of an assessment equal to the difference between 100 per cent and the percentage of the assessment in respect of which such pension is payable to him.

(3) For the respective purposes of the two preceding paragraphs of this regulation—

(*a*) references to an existing pension within the meaning of paragraph (1) and to any disablement pension in paragraph (2) respectively shall include references to all such pensions which may be payable to the person concerned, and references to the amount of the assessment

in respect of which, and the rate at which, any such pension is payable shall include references to the aggregate amount of the assessments in respect of which or the aggregate of the rates at which all such pensions are payable as aforesaid;

(*b*) the extent by which an assessment is increased by virtue of the provisions of section 62 of the Act (increase of disablement benefit during hospital treatment) shall be disregarded;

(*c*) for the purposes of paragraph (1)(*a*) a person shall be deemed to be entitled to a disablement pension and to an award as described in the said sub-paragraph from the respective dates of commencement of the periods taken into account by the assessments relating to such pension and to such award.

Adjustment of increase of benefit in respect of successive accidents

35.—(1) Where a person who is entitled to a disablement pension in respect of any accident suffered by him—

(*a*) has received, or is entitled to, a disablement gratuity in respect of any other accident, and

(*b*) as a result of the loss of faculty in respect of which he has received or is entitled to that gratuity is incapable of work and is likely to remain permanently so incapable,

the provisions of section 58 (increase of disablement pension by way of unemployability supplement) shall apply as if that loss of faculty resulted from the accident in respect of which such disablement pension is payable.

(2) Where a person—

(*a*) would be entitled to a disablement pension in respect of any accident but for the provisions of section 91(1)(*a*) (limitations on the aggregate weekly rates of benefit payable for the same period in respect of successive accidents), and

(*b*) by reason only of those provisions, is unable to satisfy the conditions for the receipt of an increase of that pension by way of unemployability supplement under section 58,

the provisions of the said section 58 shall apply as if such disablement pension were payable to that beneficiary.

(3) At any time at which the sum total of the several assessments in respect of two or more accidents suffered by any person amounts to not less than 100 per cent during the continuance of the periods respectively taken into account thereby, the weekly rate of any disablement pension which is payable to him may be increased in accordance with the provisions of section 61 if he requires constant attendance as a result of the loss of faculty resulting from any one or more of such accidents, whether or not that pension is payable in respect of an assessment of 100 per cent or in respect of that loss of faculty.

(4) A beneficiary who has suffered two or more accidents shall not be entitled at any time to more than one of each of the following increases of benefit, that is to say—

(*a*) by way of unemployability supplement, under section 58;

(*b*) in respect of the need of constant attendance, under section 61;

(*c*) in respect of a child, under section 64;

(*d*) in respect of an adult dependant, under section 66.

PART VII

DISQUALIFICATION, SUSPENSION AND REPAYMENT

Exception from disqualification under section 82(5) *of the Act*

36. Regulation 37 shall have effect to except benefit from the operation of section 82(5) of the Act which provides, inter alia, that (except where regulations otherwise provide) a person shall be disqualified for receiving any benefit, and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband for any period during which that person is undergoing imprisonment or detention in legal custody.

Exception from disqualification for imprisonment, etc.

37.—(1) A person shall not be disqualified for receiving any benefit, nor shall an increase of benefit not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person is undergoing imprisonment or detention in legal custody in connection with a charge brought, or intended to be brought, against him in criminal proceedings, or pursuant to any sentence or order for detention made by a court in such proceedings, unless, in relation to him, a penalty is imposed at the conclusion of those proceedings or, in the case of default of payment of a sum adjudged to be paid on conviction, a penalty is imposed in respect of such default.

(2) A person shall not be disqualified for receiving disablement benefit, other than any increase thereof, for any period during which he is undergoing imprisonment or detention in legal custody:

Provided that the amount payable by virtue of this paragraph by way of any disablement pension or pensions in respect of any period, other than a period in respect of which that person is excepted from disqualification by virtue of the provisions of paragraph (3), during which that person is and has continuously been undergoing imprisonment or detention in legal custody, shall not exceed the total amount payable by way of such pension or all such pensions for a period of one year.

(3) A person shall not be disqualified for receiving any benefit, nor shall an increase of benefit not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person is undergoing detention in legal custody after the conclusion of criminal proceedings if it is a period during which he is liable to be detained in a hospital or similar institution in Great Britain as a person suffering from mental disorder unless—

(*a*) pursuant to any sentence or order for detention made by the court at the conclusion of those proceedings, he has undergone detention by way of penalty in a prison, a detention centre, a Borstal institution or a young offenders institution; and

(*b*) he was removed to the hospital or similar institution while liable to be detained as a result of that sentence or order, and, in the case of a person who is liable to be detained in the hospital or similar institution by virtue of any provision of the Mental Health Act 1959(**a**) or the Mental Health (Scotland) Act 1960(**b**), a direction restricting his discharge has been given under either of these Acts and is still in force:

(**a**) 1959 c. 72. (**b**) 1960 c. 61.

Provided that where, as respects a person in relation to whom each of the conditions specified in sub-paragraphs (*a*) and (*b*) of this paragraph is satisfied, a certificate, given by or on behalf of the Secretary of State and furnished to the Secretary of State, shows the earliest date on which that person would have been expected to be discharged from detention pursuant to the said sentence or order if he had not been transferred to a hospital or similar institution, the said conditions shall be deemed not to be satisfied in relation to that person as from the day next following that date.

(4) For the purposes of paragraph (1), "penalty" means a sentence of imprisonment, Borstal training or detention under section 53 of the Children and Young Persons Act 1933(**a**) or under section 57 of the Children and Young Persons (Scotland) Act 1937(**b**) or under section 1(4) of the Criminal Justice (Scotland) Act 1963(**c**) or an order for detention in a detention centre.

(5) For the purposes of paragraph (3) of this regulation—

(*a*) "hospital or similar institution" means any place (not being a prison, a detention centre, a Borstal institution, a remand centre or a young offenders institution, and not being at or in any such place) in which persons suffering from mental disorder are or may be received for care or treatment;

(*b*) "court" means any court in the United Kingdom, the Channel Islands or the Isle of Man, or in any place to which the Colonial Prisoners Removal Act 1884(**d**) applies, or any naval court-martial, army court-martial or air force court-martial within the meaning of the Courts-Martial (Appeals) Act 1968(**e**) as originally enacted or as subsequently amended, or the court constituted by that Act;

(*c*) in relation to a person who is liable to be detained in Great Britain as a result of any order made under the Colonial Prisoners Removal Act 1884, references to a prison shall be construed as including references to a prison within the meaning of that Act;

(*d*) a person who is liable to be detained by virtue of any provision of the Mental Health Act 1959, or the Mental Health (Scotland) Act 1960, shall be treated as if a direction restricting his discharge had been given under one or other of those Acts if for the purposes thereof he is to be so treated.

(6) In this regulation—

(*a*) references to mental disorder shall be construed as including references to any mental disorder within the meaning of the Mental Health Act 1959 or the Mental Health (Scotland) Act 1960;

(*b*) criminal proceedings against any person shall be deemed to be concluded upon his being found insane in those proceedings so that he cannot be tried or his trial cannot proceed.

Suspension of payment of benefit

38.—(1) The payment of any benefit payable to any person shall be suspended whilst that person is undergoing imprisonment or detention in legal custody:

(**a**) 1933 c. 12. (**b**) 1937 c. 37. (**c**) 1963 c. 39.
(**d**) 1884 c. 31. (**e**) 1968 c. 20.

Provided that—

(*a*) this paragraph shall not apply as regards a person who, although undergoing detention in legal custody, is excepted from disqualification for receiving benefit by virtue of paragraph (3) of the preceding regulation; and

(*b*) the payment to any person of any benefit payable otherwise than in respect of a period during which he is and has continuously been undergoing imprisonment or detention in legal custody shall not be suspended by virtue of this paragraph if another person (who is approved by the Secretary of State) is appointed by that person to receive such benefit on his behalf.

(2) Where, by virtue of this regulation, payment of benefit is suspended for any period, the period of suspension shall not be taken into account in calculating any period under the provisions of regulation 20 of the Social Security (Claims and Payments) Regulations 1975(**a**) (extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time).

Suspension of payment of benefit pending appeals or references

39.—(1) So much of a pension or of an allowance (other than injury benefit) or of an increase of disablement benefit as is awarded in respect of a period before the date of the award shall not be payable until after the expiration of a period of 21 days from that date (or, in the case of an appeal by an insurance officer from the decision of a local tribunal, from the date on which an insurance officer received the record of that decision) and if before the expiration of that period an appeal from the award or from a decision on which the award was based is brought (or in the case of such an appeal by an insurance officer, notice of appeal is given or sent to the claimant) until after the decision on that appeal is given; and a gratuity or any part thereof shall not be payable until after the expiration of the time limited for an appeal from the award thereof or from a decision on which the award was based, and where any such appeal is brought, until after the decision on that appeal is given:

Provided that

(i) this paragraph shall not apply to an award made by an insurance officer of disablement benefit (including any increase thereof) based upon the decision of a medical appeal tribunal or of death benefit (other than a gratuity), or to any award of benefit made by the Commissioner;

(ii) during the period intervening between the award of a gratuity under section 71 or 72 or under Schedule 8 to the Act and the date when in accordance with the foregoing provisions of this paragraph such gratuity becomes payable, there shall be paid to the beneficiary on account of such gratuity weekly payments at a rate not exceeding the weekly rate of the contribution which the deceased at his death was, or would but for the relevant accident have been, making towards the maintenance of the beneficiary;

(iii) payment of benefit shall not be suspended under the provisions of this paragraph if in any case or class of cases the Secretary of State so directs.

(**a**) S.I. 1975/560 (1975 I, p. 2014).

(2) For the purposes of paragraph (1) of this regulation, the expression "appeal" shall be construed as including a reference of the decision of a medical board to a medical appeal tribunal.

Disqualification for receipt of benefit, suspension of proceedings on claims and suspension of payment of benefit

40.—(1) If a person claiming or entitled to injury benefit in respect of any injury fails without good cause to comply with the requirement of section 90(1) (it shall be the duty of such a person not to behave in any manner calculated to retard his recovery), he shall, subject to the following provisions of this regulation, if the insurance officer, a local tribunal or the Commissioner so decide, be disqualified for receiving that benefit for such period as he or they may determine.

(2) If, without good cause—

(*a*) a claimant fails to furnish to the prescribed person any information required for the determination of the claim or of any question arising in connection therewith; or

(*b*) a beneficiary fails to give notice to the prescribed person of any change of circumstances affecting the continuance of the right to benefit or to the receipt thereof, or to furnish as aforesaid any information required for the determination of any question arising in connection with the award; or

(*c*) a claimant for, or a beneficiary in receipt of, injury benefit or disablement benefit fails to comply with any requirement of regulation 24 of the Social Security (Claims and Payments) Regulations 1975 (obligations of claimants for, and beneficiaries in receipt of, injury benefit or disablement benefit),

he shall, subject to the following provisions of this regulation, if the insurance officer, a local tribunal or the Commissioner so decide, be disqualified for receiving any benefit claimed in respect of the period of such failure.

(3) If a claimant or beneficiary wilfully obstructs, or is guilty of other misconduct in connection with any examination or treatment to which he is required under regulation 24 of the Social Security (Claims and Payments) Regulations 1975 to submit himself, or any proceedings under the Act for the determination of his right to benefit or to the receipt thereof, he shall, subject to the provisions of this regulation, be disqualified for receiving any benefit claimed for such period as the insurance officer, a local tribunal or the Commissioner shall determine.

(4) In any case to which any of the foregoing paragraphs of this regulation relates, proceedings on the claim or payment of benefit, as the case may be, may be suspended for such period as the insurance officer, a local tribunal or the Commissioner may determine.

(5) Nothing in this regulation providing for the disqualification for the receipt of benefit for any of the following matters, that is to say:—

(*a*) for failure to comply with the requirement of the said section 90(1);

(*b*) for failure to comply with the requirements of regulation 24 of the Social Security (Claims and Payments) Regulations 1975;

(*c*) for obstruction of, or misconduct in connection with, medical examination or treatment;

shall authorise the disentitlement of a claimant or beneficiary to benefit for a period exceeding 6 weeks on any disqualification.

(6) No person shall be disqualified for receiving any benefit for refusal to undergo a surgical operation not being one of a minor character.

(7) A person who would be entitled to any benefit but for the operation of any of the foregoing provisions of this regulation shall be treated as if he were entitled thereto for the purpose of any rights or obligations under the Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit.

Repayment of overpaid benefit

41.—(1) Where, under arrangements made by the Secretary of State with the consent of the Treasury, payment by way of injury benefit (including any increase thereof) has been made to any person pending the determination of a claim for it without due proof of the fulfilment of the relevant conditions or otherwise than in accordance with the provisions of the Act and the orders and regulations made thereunder, the payment shall, for the purposes of the said provisions be deemed to be a payment of such benefit duly made.

(2) Paragraph (1) shall apply without prejudice to the operation of regulation 14 of the Social Security (General Benefit) Regulations 1974(**a**) (set-off of benefit against earlier payment of dependency benefit) and in a case in which the conditions for the receipt of any such benefit were not fulfilled and in so far as set-off under that regulation against payment of such benefit is not made, it shall apply subject to the following provisions—

(*a*) if it is shown at any time to the satisfaction of the determining authority that in the obtaining and receipt of such a payment the person to whom it has been made, or any person acting for him, has not throughout used due care and diligence to avoid overpayment, he shall be liable to repay to the Secretary of State any sum so paid; and

(*b*) if it is shown that any such person was entitled to some benefit under the Act other than injury benefit (including any increase thereof) for the period in respect of which the payment was made, such payment (in so far as it does not exceed the amount of such other benefit) shall not be deemed to be a payment of the benefit in question, but a payment of such other benefit duly made.

Deduction of benefit required to be repaid

42. Where, in accordance with a decision given on a review or appeal, any benefit under Chapter IV or V of Part II of the Act is required to be repaid, then, without prejudice to any other method of recovery, such benefit shall be recoverable by deduction from any other benefit under the Act then or thereafter payable to the person by whom it is to be repaid or any person entitled to receive his benefit on his death.

(**a**) S.I. 1974/2079 (1974 III, p. 8113).

PART VIII

PAYMENTS UNDER THE ACT TO CERTAIN PERSONS WHO CONTRACTED DISEASES OR WERE INJURED BEFORE 5 JULY 1948

Payments by way of unemployability supplement and increases for children and adult dependants for persons entitled to workmen's compensation

43. (1) A person who—

(*a*) is or has been on or after 5 July 1948(**a**) entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts or under any contracting-out scheme duly certified thereunder; and

(*b*) as the result of that injury or disease could, for the purposes of section 58 be treated as being incapable of work and likely to remain permanently so incapable;

shall have the like right to payments under the Act by way of unemployability supplement, together with the like right to payments under the Act in respect of a child or adult dependant, as if the injury or disease were one in respect of which a disablement pension were for the time being payable.

(2) A person shall not be entitled—

(*a*) at any time to payment in accordance with the provisions of this regulation in respect of more than one injury or disease;

(*b*) to a payment in accordance with the provisions of this regulation during any period for which he is entitled to an increase of disablement pension by way of unemployability supplement under section 58;

(*c*) to a payment in respect of a child in accordance with the provisions of this regulation during any period for which an increase of an allowance is payable in respect of that child under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966(**b**) as amended(**c**).

(3) For the purposes of this regulation, the meaning in section 59(2) (increase of unemployability supplement by reference to beneficiary's age, on qualifying date) of "the qualifying date" shall, subject to the provisions of subsections (3), (4) and (5) of that section, be the beginning of the first week for which the said person qualified for a payment by way of unemployability supplement under this regulation.

Payments in respect of the need of constant attendance and in respect of exceptionally severe disablement for persons entitled to Workmen's Compensation

44. (1) A person who—

(*a*) is or has been on or after 5 July 1948 entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts or under any contracting-out scheme duly certified thereunder; and

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(**a**) See S.I. 1948/53 (Rev. XVI p. 422: 1948 I, p. 2914).
(**b**) S.I. 1966/164 (1966 I, p. 303).
(**c**) The relevant amending instrument is S.I. 1971/1222 (1971 II, p. 3576).

(*b*) as the result of that injury or disease

(i) is subject to disabilities which are such that if they had resulted from an accident against which he had been insured under the Act the extent of the resulting disablement would be assessed at 100 per cent; and

(ii) requires constant attendance,

shall have the like right to payments in respect of the need of such constant attendance and in respect of exceptionally severe disablement under section 63 as if the said injury or disease were one in respect of which a disablement pension were for the time being payable in respect of an assessment of 100 per cent.

(2) References in this regulation to an injury or disease in respect of which a person is or has been entitled as aforesaid to weekly payments by way of compensation shall be construed as including every such injury or disease in respect of which he is so entitled, and references in this regulation to the disabilities resulting from an injury or disease and the extent of the resulting disablement shall be construed accordingly.

Payment by way of unemployability supplement and in respect of the need of constant attendance and in respect of exceptionally severe disablement to certain former constables and firemen

45.—(1) The following provisions of this regulation shall apply to a former constable or fireman who is or has been on or after 5 July 1948 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 date 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 58, be treated as being incapable of work and likely to remain permanently so incapable, he shall have, as from 19 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 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 58 or under regulation 43.

(3) For the purpose of this regulation, the meaning in section 59(2) (increase of unemployability supplement by reference to the beneficiary's age on qualifying date) of "the qualifying date" shall be the same as that prescribed by regulation 43(3) in relation to persons entitled to payments by way of unemployability supplement.

(4) The provisions of regulation 44 of these regulations (which confer a right in certain cases to payments in respect of constant attendance and in respect of exceptionally severe disablement) shall apply to him as they apply to a person who is or has been entitled on or after 5 July 1948 to weekly payments under the Workmen's Compensation Acts.

(5) 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 Schedule 8 of the Police Act 1964(**a**) or maintained by virtue of any scheme under that Act or under the Police (Scotland) Act 1967(**b**);

(*b*) a special constable appointed under the Police Act 1964 or in Scotland under the Police (Scotland) Act 1967, or the corresponding provisions of any local Act;

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

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

"injury pension" includes any pension or similar benefit payable in respect of a person's employment or former employment, being a pension or benefit which would not be payable or be payable at a lesser rate but for an injury or disease referable to that employment.

Application of the provisions of the Act and regulations

46. Subject to the provisions of the three last preceding regulations, the provisions of the Act and of the regulations for the time being in force thereunder relating to benefit and to the making of claims and payments and the determination of claims and questions, in so far as those provisions apply in relation to unemployability supplement or to an increase of a disablement pension in respect of the need of constant attendance or in respect of exceptionally severe disablement, or in respect of a child or adult dependant, shall apply in relation to any payment under any of the three last regulations as if such payments were an unemployability supplement under section 58 or an increase of a disablement pension in respect of the need of constant attendance under section 61 or in respect of exceptionally severe disablement under section 63 or in respect of a child or adult dependant under section 64 or section 66, as the case may be.

PART IX

MISCELLANEOUS PROVISIONS

Conditions relating to payment of additional benefit under awards made before the day appointed for an increase of benefit under any Act amending the Act or under any up-rating order

47. Where an award of any benefit under Chapter IV or V of Part II of the Act has been made before the day appointed for the payment of benefit of the description to which the award relates at a higher rate by virtue of an Act or up-rating order which increases benefit payable under the Act, paragraph 2(1) of Schedule 14 to the 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 condition that if the award has not been made in accordance with the provisions of sub-paragraph (2) of that paragraph which authorise the making of such an award providing for the payment of the benefit at the higher rate as from that day and a question as to—

(*a*) the weekly rate at which the benefit is payable by virtue of the Act or up-rating order which so increases benefit or of these regulations, or

(**a**) 1964 c. 48. (**b**) 1967 c. 77.

(*b*) whether the conditions for the receipt of the benefit at the higher 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 Act.

Temporary adjustment of amount of allowance for children of deceased's family in certain circumstances

48.—(1) For so long as the amount of the allowance specified in paragraph 15(*b*)(ii) of Part V of Schedule 4 to the Act (allowance in respect of children of deceased's family) remains "£1·60," the said sub-paragraph shall have effect, in relation to a child in respect of whom no allowance is payable under the Family Allowances Act 1965(**a**), as if for "£1·60" there were substituted "£1·80" in the case of a second qualifying child and "£1·70" in respect of any additional qualifying child beyond the first two (being the rates that would have applied apart from the provisions of section 2 of the Social Security Benefits Act 1975(**b**)).

(2) Where, in any case an allowance under the said paragraph 15(*b*)(ii) of Part V of Schedule 4 to the Act has been adjusted by virtue of the provisions of the foregoing paragraph the rate of such allowance shall not be reduced during the continuance of entitlement thereto.

Revocation and transitional provisions

49.—(1) The regulations specified in column 1 of Schedule 8 to these regulations are hereby revoked, to the extent mentioned in column 3 of that Schedule.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations, and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(3) The regulations so revoked shall continue to apply for the purpose of determining the rate or amount of any benefit payable in respect of any period before, or in respect of any assessment of disablement taking into account any period commencing before, the date of the coming into operation of these regulations.

(4) Nothing in paragraphs (1) to (3) of this regulation shall be taken as affecting the general application by regulation 1(4) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeals) with regard to the effect of revocations.

Signed by authority of the Secretary of State for Social Services,

Brian O'Malley,
Minister of State,
Department of Health and Social Security.

3rd April 1975.

(**a**) 1965 c. 53.

(**b**) 1975 c. 11.

Regulation 2

SCHEDULE 1

PRESCRIBED DEGREES OF DISABLEMENT

	Description of injury	*Degree of disablement per cent.*
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100
5.	Very severe facial disfiguration	100
6.	Absolute deafness	100
7.	Forequarter or hindquarter amputation	100
	Amputation cases—upper limbs (either arm)	
8.	Amputation through shoulder joint	90
9.	Amputation below shoulder with stump less than 20·5 centimetres from tip of acromion	80
10.	Amputation from 20·5 centimetres from tip of acromion to less than 11·5 centimetres below tip of olecranon	70
11.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 11·5 centimetres below tip of olecranon ...	60
12.	Loss of thumb	30
13.	Loss of thumb and its metacarpal bone	40
14.	Loss of four fingers of one hand	50
15.	Loss of three fingers of one hand	30
16.	Loss of two fingers of one hand	20
17.	Loss of terminal phalanx of thumb	20
	Amputation cases—lower limbs	
18.	Amputation of both feet resulting in end-bearing stumps	90
19.	Amputation through both feet proximal to the metatarso-phalangeal joint	80
20.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
21.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
22.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
23.	Amputation at hip	90
24.	Amputation below hip with stump not exceeding 13 centimetres in length measured from tip of great trochanter	80
25.	Amputation below hip and above knee with stump exceeding 13 centimetres in length measured from tip of great trochanter, or at knee not resulting in end-bearing stump	70
26.	Amputation at knee resulting in end-bearing stump or below knee with stump not exceeding 9 centimetres	60
27.	Amputation below knee with stump exceeding 9 centimetres but not exceeding 13 centimetres	50
28.	Amputation below knee with stump exceeding 13 centimetres ...	40
29.	Amputation of one foot resulting in end-bearing stump	30
30.	Amputation through one foot proximal to the metatarso-phalangeal joint	30
31.	Loss of all toes of one foot through the metatarso-phalangeal joint	20
	Other injuries	
32.	Loss of one eye, without complications, the other being normal ...	40
33.	Loss of vision of one eye, without complications or disfigurement of eyeball, the other being normal	30

	Description of injury	*Degree of disablement per cent.*
Loss of:		
	A. Fingers of right or left hand	
	Index finger—	
34.	Whole	14
35.	Two phalanges	11
36.	One phalanx	9
37.	Guillotine amputation of tip without loss of bone	5
	Middle finger—	
38.	Whole	12
39.	Two phalanges	9
40.	One phalanx	7
41.	Guillotine amputation of tip without loss of bone	4
	Ring or little finger—	
42.	Whole	7
43.	Two phalanges	6
44.	One phalanx	5
45.	Guillotine amputation of tip without loss of bone	2
	B. Toes of right or left foot	
	Great toe—	
46.	Through metatarso-phalangeal joint	14
47.	Part, with some loss of bone	3
	Any other toe—	
48.	Through metatarso-phalangeal joint	3
49.	Part, with some loss of bone	1
	Two toes of one foot, excluding great toe—	
50.	Through metatarso-phalangeal joint	5
51.	Part, with some loss of bone	2
	Three toes of one foot, excluding great toe—	
52.	Through metatarso-phalangeal joint	6
53.	Part, with some loss of bone	3
	Four toes of one foot, excluding great toe—	
54.	Through metatarso-phalangeal joint	9
55.	Part, with some loss of bone	3

SCHEDULE 2

Regulation 6

SCALE OF DISABLEMENT GRATUITIES

Degree of disablement	Appropriate proportion of maximum disablement gratuity (as specified in paragraph 2 of Part V of Schedule 4 to the Act)
(1)	(2)
	per cent
1 per cent	10
2 per cent	15
3 per cent	20
4 per cent	25
5 per cent	30
6 per cent	35
7 per cent	40
8 per cent	45

SCALE OF DISABLEMENT GRATUITIES
(continued)

Degree of disablement (1)	Appropriate proportion of maximum disablement gratuity (as specified in paragraph 2 of Part V of Schedule 4 to the Act) (2)
	per cent
9 per cent	50
10 per cent	55
11 per cent	60
12 per cent	65
13 per cent	70
14 per cent	75
15 per cent	80
16 per cent	85
17 per cent	90
18 per cent	95
19 per cent	100

Regulation 10

SCHEDULE 3

RATE OF DISABLEMENT PENSION PAYABLE IN LIEU OF DISABLEMENT GRATUITY IN ACCORDANCE WITH REGULATION 10

Where the degree of disablement is as specified in column (1) of the following table, the weekly rate of the pension shall be determined in accordance with column (2) of that table:—

Degree of disablement (1)	Rate of pension (2)
less than 20 per cent but not less than 16 per cent	the appropriate weekly amount of disablement pension payable in respect of a degree of disablement of 20 per cent as specified in paragraph 3 of Part V of Schedule 4 to the Act;
less than 16 per cent but not less than 11 per cent	75 per cent of the appropriate weekly amount of disablement pension payable in respect of a degree of disablement of 20 per cent as specified in the said paragraph 3;
less than 11 per cent but not less than 6 per cent	50 per cent of the appropriate weekly amount of disablement pension payable in respect of a degree of disablement of 20 per cent as specified in the said paragraph 3;
less than 6 per cent	25 per cent of the appropriate weekly amount of disablement pension payable in respect of a degree of disablement of 20 per cent as specified in the said paragraph 3; a fraction of a penny, being for this purpose treated as a penny.

SCHEDULE 4

Regulations 18 and 25

PRESCRIBED RELATIONSHIPS

(*a*) Lineal descendant or ascendant in a direct line; and

(*b*) stepfather
stepmother
stepson
stepdaughter
brother
sister
half-brother
half-sister
stepbrother
stepsister

and

(*c*) the father or mother of any woman who is, or was at her death, the wife of the beneficiary or, as the case may be, was the wife of the deceased at either her or his death; and

(*d*) the father or mother of any man who is, or was at his death, the husband of the beneficiary or, as the case may be, was the husband of the deceased at either his or her death.

SCHEDULE 5

Regulation 20

MAXIMUM AMOUNTS OF GRATUITIES PAYABLE BY WAY OF DEATH BENEFIT TO PARENTS OR RELATIVES WHO WERE NOT WHOLLY MAINTAINED BY THE DECEASED

1. The amount of any gratuity payable by way of death benefit to a beneficiary who is a relative prescribed for the purposes of section 69 and who would, but for the provisions of Schedule 9 to the Act, have been entitled to a pension under the said section 69, shall not exceed 156 times the weekly rate of the contributions which the deceased at his death was or would but for the relevant accident have been making to that beneficiary's maintenance.

2. The amount of any gratuity payable by way of death benefit to any other beneficiary who is a parent within the meaning of section 68 or is a relative shall not exceed 104 times the said weekly rate of the contributions to such beneficiary's maintenance.

SCHEDULE 6

Regulation 21

PROVISIONS APPLYING THE LIMITS IMPOSED BY SCHEDULE 9 TO THE ACT ON THE AMOUNT PAYABLE BY WAY OF DEATH GRATUITIES

1. The amount of £78·00 in the case of parents' gratuities or of £52·00 or £104·00 (as the case may be) in the case of relatives' gratuities, shall (subject to the provisions of the next two following paragraphs in relation to relatives' gratuities) be apportioned between the persons entitled as parents or as relatives, as the case may be, in proportion to the respective weekly rates of the contributions which the deceased at his death was or would but for the relevant accident have been making to the several maintenance of those persons:

Provided that, where the amount ascertained under this paragraph in relation to any person entitled to a parent's or relative's gratuity, as the case may be, exceeds the maximum amount which can be paid to him under the provisions of the Act, the difference between the maximum amount and the amount so ascertained shall—

(*a*) if there is only one other person so entitled, be paid to that person; or

(*b*) if there are two or more other persons so entitled, be apportioned between such persons in accordance with the provisions of this paragraph.

2. Where there is only one relative who is by virtue of the provisions of Schedule 9 to the Act entitled to a gratuity in lieu of a pension under section 69, the amount payable to him shall be the full amount to which he is entitled under the relevant provisions of the Act, and the difference (if any) between £104·00 and the amount so payable to that relative shall—

(*a*) if there is only one other relative, be the amount of the gratuity payable to that other relative; and

(*b*) if there are two or more other relatives, be apportioned between them in accordance with the preceding paragraph of this Schedule.

3. Where there are two or more relatives each of whom is so entitled to a gratuity in lieu of a pension, the amount of £104·00 shall be apportioned equally between them.

4. Where, in respect of any death, a parent or relative has been paid the amount of any gratuity finally awarded to him as such, or any part of such amount, the death benefit payable to any person subsequently claiming to be entitled in respect of the same death to a gratuity as a parent or relative shall not exceed the difference between the sum or the aggregate of the sums previously paid as aforesaid in respect of parents' or relatives' gratuities, as the case may be, and—

(*a*) the amount of £78·00 in the case of parents' gratuities; or

(*b*) the amount of £52·00 (or £104·00 where appropriate) in the case of relatives' gratuities;

and the provisions of the Act and of this Schedule shall apply to any such subsequent claimant accordingly:

Provided that where any sum has been repaid or recovered in respect of a gratuity awarded to any person, the amount paid to him on account of that gratuity shall, for the purpose of this paragraph, be treated as reduced by the amount so repaid or recovered.

Regulation 23

SCHEDULE 7

ORDER OF PRIORITY OF TITLE TO ALLOWANCES UNDER SECTION 67

1. Such person as may be designated in a written notice to the Secretary of State, signed by all the persons satisfying such conditions as aforesaid.

2. A person who, not being entitled to death benefit as such, is the widow of the deceased or who was, before her remarriage, the widow of the deceased.

3. A person who is entitled to death benefit in respect of the deceased's death—

(*a*) by way of a pension; or

(*b*) by way of an allowance under section 70 as a woman having the care of a child or children of the deceased's family.

4. Such person as the Secretary of State may in his discretion determine, having regard to the circumstances of the case.

SCHEDULE 8 Regulation 49

REGULATIONS REVOKED

Citation	Statutory instrument	Extent of revocation
The National Insurance (Industrial Injuries) (Benefit) Regulations 1964	S.I. 1964/504 (1964 I, p. 833)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1965	S.I. 1965/36 (1965 I, p. 40)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1965	S.I. 1965/1804 (1965 III, p. 5471)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1966	S.I. 1966/338 (1966 I, p. 788)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment (No. 2) Regulations 1966	S.I. 1966/389 (1966 I, p. 876)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment (No. 3) Regulations 1966	S.I. 1966/673 (1966 II, p. 1512)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1967	S.I. 1967/832 (1967 II, p. 2482)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1967	S.I. 1967/1223 (1967 II, p. 3565)	The whole of the regulations.
The Family Allowances, National Insurance and Industrial Injuries (Consequential) Regulations 1968	S.I. 1968/524 (1968 I, p. 1246)	Regulation 4.
The National Insurance (Industrial Injuries) (Benefit) Amendment (No. 2) Regulations 1968	S.I. 1968/1007 (1968 II, p. 2669)	The whole of the regulations.

Citation	Statutory instrument	Extent of revocation
The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1969	S.I. 1969/1168 (1969 II, p. 3432)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1970	S.I. 1970/1551 (1970 III, p. 5310)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1971	S.I. 1971/1019 (1971 II, p. 2962)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1971	S.I. 1971/1201 (1971 II, p. 3514)	Regulations 2, 3, 4 and Schedule 2.
The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1972	S.I. 1972/393 (1972 I, p. 1481)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1972	S.I. 1972/1231 (1972 II, p. 3719)	Regulations 2, 3 and 4 and Schedule 2.
The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1973	S.I. 1973/1429 (1973 II, p. 4372)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1973	S.I. 1973/1479 (1973 II, p. 4520)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations 1974	S.I. 1974/1041 (1974 II, p. 3877)	The whole of the regulations.
The National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1975	S.I. 1975/125 (1975 I, p. 365)	The whole of the regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with certain modifications and additions, the National Insurance (Industrial Injuries) (Benefit) Regulations 1964 with the amendments made thereto. Certain of the modifications and additions included in these Regulations are made in order to achieve consistency between the conditions for the receipt of industrial injuries benefits and those relating to other Social Security benefits. Provision is also made for treating as satisfied in certain circumstances the conditions for receipt of the higher permanent rate of industrial death benefit for widows and the earnings level for the purposes of unemployability supplement is increased.

Other modifications and additions are of a temporary, consequential or minor nature.

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