1962 No. 301

WORKMEN'S COMPENSATION

The Workmen's Compensation and Benefit (Supplementation) Amendment Regulations, 1962

Made - - - -	*12th February*, 1962
Laid before Parliament	*21st February*, 1962
Coming into Operation	*26th February*, 1962

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 3 (1) of the Workmen's Compensation and Benefit (Supplementation) Act, 1956(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Workmen's Compensation and Benefit (Supplementation) Amendment Regulations, 1962, shall be read as one with the Workmen's Compensation and Benefit (Supplementation) Regulations, 1956(**b**) (hereinafter referred to as "the principal regulations") and shall come into operation on 26th February, 1962.

Amendment of regulation 16 *of the principal regulations*

2. For the proviso to paragraph (1) of regulation 16 of the principal regulations (which paragraph relates to the requirement to repay wrongly paid allowances) there shall be substituted the following proviso:—

> "Provided that, subject to the provisions of paragraph (2) of this regulation, repayment shall not be required in any case where it is shown to the satisfaction of the determining authority deciding the review or appeal that in the obtaining and receipt of the allowance the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment."

Transitional provision for regulation 2 *of these regulations*

3. Where a decision that a person was or was not liable to repay to the Industrial Injuries Fund a payment by way of an allowance to which regulation 16 of the principal regulations applied was given before the date of the coming into operation of these regulations, any appeal from or review of that decision determined on or after that date shall be determined in accordance with the provisions in force immediately before that date.

Dated this twelfth day of February, 1962.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

(**a**) 4 & 5 Eliz. 2. c. 51.

(**b**) S.I. 1956/1147 (1956 II, p. 2982).

EXPLANATORY NOTE

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

These Regulations amend those provisions of the Workmen's Compensation and Benefit (Supplementation) Regulations, 1956, which require repayment to the Industrial Injuries Fund of wrongly paid allowances, by substituting in the proviso, which specifies the circumstances in which repayment shall not be required, the condition that the beneficiary and any person acting for him has used due care and diligence to avoid overpayment, for the existing condition that he has acted in all respects in good faith. This brings the test into line with that introduced into the main insurance schemes by the Family Allowances and National Insurance Act, 1961.

The Regulations further provide that an appeal or review of a decision made prior to the coming into force of these regulations shall be determined on the basis of the original condition.