CHAPTER 22

Workmen's Compensation (Supplementation) Act, 1951

ARRANGEMENT OF SECTIONS

Section
1. Scheme for supplementing workmen's compensation in pre-1924 cases.
2. Limitations on power to provide allowances.
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SCHEDULE.—Enactments applied.

An Act to provide for the payment of allowances out of the Industrial Injuries Fund with a view to supplementing workmen's compensation where the accident happened before nineteen twenty-four, and for purposes connected therewith. [21st March 1951.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Scheme for supplementing workmen's compensation in pre-1924 cases.

1.—(1) The Minister of National Insurance (hereafter in this Act referred to as "the Minister") may, by scheme made with the consent of the Treasury, provide for conferring a right to allowances payable out of the Industrial Injuries Fund on persons who are or have since the commencement of this Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the first day of January, nineteen twenty-four.

(2) Subject to the following provisions of this Act, the right to an allowance under this Act or to a payment on account of such an allowance shall be subject to such conditions as may be provided by any scheme made for the purposes of this Act (hereafter in this Act referred to as "a scheme"), and the rate of any such allowance shall be such as may be so provided.

(3) A scheme may vary an earlier scheme, and may do so in such a way as to make allowances payable, or payable at an increased rate, under the earlier scheme in respect of periods before the making of the later scheme, and may also revoke an earlier scheme.

(4) The power to make a scheme shall be exercisable by statutory instrument, but the Minister shall not make a scheme unless

a draft of it has been laid before Parliament and approved by resolution of each House.

(5) For the purposes of this Act—

(*a*) the expression " workmen's compensation " means compensation under the Workmen's Compensation Act, 1906, the Workmen's Compensation (Silicosis) Act, 1918, or the Workmen's Compensation Acts, 1897 and 1900, or under any contracting-out scheme duly certified under any of those Acts ;

(*b*) a person shall be deemed entitled to weekly payments as mentioned in subsection (1) of this section at any time when he would be so entitled if the amount he is earning or able to earn in some suitable employment or business, or the amount of any payment, allowance or benefit received by him otherwise than by way of workmen's compensation, or both, were sufficiently reduced ;

(*c*) any reference in this Act to the happening of an accident shall, in relation to a case of disease, be construed in the same way as for the purposes of the Acts relating to workmen's compensation ;

(*d*) a payment under the Workmen's Compensation (War Addition) Acts, 1917 and 1919, shall be treated as a weekly payment by way of workmen's compensation.

Limitations on power to provide allowances.

2.—(1) A scheme shall not provide for the payment of an allowance under this Act to a person who is or has since the commencement of this Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the first day of January, nineteen twenty-four, except in respect of periods of total or partial incapacity for work resulting from the injury or disease in respect of which he is or has been so entitled (hereafter in this section referred to as " the relevant injury or disease ").

(2) The weekly rate of an allowance under this Act—

(*a*) in the case of an allowance payable to a man in respect of a period of total incapacity for work resulting from the relevant injury or disease, being a period during which he is residing with or wholly or mainly maintaining his wife (or is under the provisions of a scheme to be treated as doing so), shall not exceed fifty-six shillings less the amount of his workmen's compensation ; and

(*b*) in the case of an allowance payable to a person in any other circumstances, shall not exceed forty shillings less the amount of his workmen's compensation, and (except in respect of a period of total incapacity for

work resulting from the relevant injury or disease) shall also not exceed the difference between two-thirds of the amount representing his weekly loss of earnings due to the relevant injury or disease and the amount of that compensation.

(3) For the purpose of the references in the last foregoing subsection to a period of total incapacity for work resulting from the relevant injury or disease, a person who is or has been unable to obtain employment shall be treated as subject to such an incapacity if he is treated as being so for the purposes of his workmen's compensation in respect of the relevant injury or disease and in such other circumstances as may be provided by a scheme.

(4) For the purposes of paragraph (*b*) of subsection (2) hereof, the amount representing a person's weekly loss of earnings due to the relevant injury or disease shall be ascertained—

(*a*) by comparing the standard of remuneration from time to time obtaining in the class of employment in which he was employed at the time when the accident happened with the amount which in general he is earning or able to earn in some suitable employment or business; but

(*b*) if at that time he was less than twenty-one years of age, with due regard to the reasonable prospects of advancement at that time of a person of similar age in his grade of employment :

Provided that a scheme may make other provision for ascertaining the amount representing that loss where that class of employment has ceased to exist and in other special cases, and a scheme may also include provision for further defining the amount referred to in paragraph (*a*) of this subsection and the principles on which it is to be ascertained.

(5) Any reference in this section to the amount of a person's workmen's compensation shall (subject to the following provisions of this section) be taken as referring to the amount (if any) of the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled in respect of the relevant injury or disease:

Provided that—

(*a*) where in fixing the amount of those weekly payments under the provisions relating thereto regard was had to any payment, allowance or benefit which he might receive during the period of his incapacity from the person liable for the compensation,

and the amount is shown to have been reduced in consequence, the amount of those weekly payments shall for the purposes of this subsection be taken to be the reduced amount so fixed with the addition of the amount of the reduction; and

(*b*) where the amount of those weekly payments has not been fixed under the said provisions, it shall be fixed for the purposes of this subsection without regard to any such payment, allowance or benefit as aforesaid.

(6) Where a person is or has since the commencement of this Act been entitled to payments under the Workmen's Compensation (War Addition) Acts, 1917 and 1919, but has before that commencement ceased to be entitled to any other weekly payments by way of workmen's compensation in respect of the relevant injury or disease, the amount of his workmen's compensation shall for the purposes of this section be calculated as if he had not ceased to be entitled to such other payments.

(7) A scheme may provide for modifying the operation of subsections (3) to (5) of this section in relation to a person whose workmen's compensation is or was compensation under a contracting-out scheme in such manner as appears to the Minister to be proper having regard to the provisions of the contracting-out scheme.

(8) Nothing in the foregoing provisions of this section shall be taken to prevent a scheme providing for the payment of more than one allowance to the same person in respect of different injuries or diseases, but the aggregate weekly rate of the allowances payable to a person in respect of the same period shall not exceed fifty-six shillings, where they are payable to a man in respect of a period of total incapacity for work resulting from any relevant injury or disease, being a period during which he is residing with or wholly or mainly maintaining his wife (or is under the provisions of a scheme to be treated as doing so), or forty shillings in any other case.

Ancillary provisions.

3.—(1) A scheme may make such incidental or supplementary provision as appears to the Minister to be necessary or expedient for the purposes of this Act.

(2) A scheme shall in particular make provision with respect to the making of claims for allowances, with respect to the determination of questions arising on or in connection with any such claim or the payment of allowances and with respect to any other matters necessary for the proper administration of any scheme; and subject to any provisions of a scheme for reviewing decisions, the decision in accordance with a scheme of any question arising under a scheme shall be final for the purposes of this Act.

(3) Without prejudice to the generality of subsection (1) of this section, a scheme may make provision—

(*a*) for the constitution of a board to be charged with the general administration of any scheme and (subject to any provisions of a scheme) with the determination of questions arising under any scheme, and for enabling the decision of the board on any such question to be proved in legal proceedings by means of a certificate or otherwise;

(*b*) for enabling any class or description of such questions to be determined as if they had arisen under the National Insurance (Industrial Injuries) Act, 1946;

(*c*) for applying, with or without modifications, subsection (1) of section twenty-eight of that Act (which provides that benefit shall be inalienable) or any regulations under section twenty-seven of that Act (which relates to administration of benefit), or for making provision corresponding thereto;

(*d*) for requiring persons claiming or receiving allowances to furnish information and evidence and to undergo medical or other examination, for summoning persons to attend and give evidence or produce documents at any hearing for the purpose of determining questions arising under a scheme and for authorising the administration of oaths to witnesses at any such hearing;

(*e*) for requiring the repayment to the Industrial Injuries Fund in whole or in part of payments under this Act subsequently found not to have been due, for the deduction of any sums so required to be repaid from payments under this Act or under the National Insurance (Industrial Injuries) Act, 1946, and for the deduction from payments under this Act of any sums which may by virtue of any provision of that Act be recovered by deduction from any payment under that Act.

(4) The Minister may pay to members of any board constituted by a scheme such remuneration or allowances, and may make such other payments in connection with the administration of any scheme (including payments on account of travelling expenses or loss of remunerative time or both to persons required to undergo medical or other examination or to attend any hearing for the purpose of determining questions arising under any such scheme), as he may with the consent of the Treasury determine.

(5) The enactments mentioned in the Schedule to this Act (which respectively relate to the matters referred to in the second column of the Schedule) shall have effect as if any reference in those enactments to the National Insurance (Industrial Injuries)

Act, 1946, included a reference to this Act and any reference therein to benefit under that Act included a reference to allowances under this Act; and any review of, or report on, the operation of that Act made by the Government Actuary or Deputy Government Actuary under section fifty-nine of that Act shall extend also to the operation of this Act during the period covered by the review or report.

(6) Stamp duty shall not be chargeable upon such documents used in connection with business under this Act as may be specified in a scheme.

(7) Notwithstanding anything in this Act, a scheme shall not require a person to submit himself to medical treatment.

Offences.

4.—(1) If any person, for the purpose of obtaining any allowance or payment under this Act, whether for himself or some other person—

(*a*) knowingly makes any false statement or false representation; or

(*b*) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) A scheme may provide for the recovery on summary conviction of monetary penalties in respect of an offence under this Act, being a contravention of or failure to comply with a provision of a scheme, so, however, that such penalties shall not exceed ten pounds for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

(3) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to the Industrial Injuries Fund.

(4) Proceedings for an offence under this Act shall not be commenced more than twelve months after the commission of the offence.

(5) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent to give evidence, whether for or against the accused:

Provided that the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused.

Reciprocal arrangements with Northern Ireland.

5.—(1) The Minister may with the consent of the Treasury make reciprocal arrangements for payments under this Act to be made in Northern Ireland out of the same fund as payments under any corresponding legislation of Northern Ireland, and for payments under any such legislation to be made out of the Industrial Injuries Fund, and for making any necessary financial adjustments between the two funds resulting from the arrangements.

(2) In relation to payments out of the Industrial Injuries Fund by virtue of any such arrangements, subsection (1) of the last foregoing section and, to such extent and subject to such modifications as may be provided by a scheme, any provisions of a scheme shall apply as if they were payments under this Act.

(3) In connection with any such legislation of Northern Ireland, any limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall not apply in so far as it would preclude that Parliament from enacting a provision corresponding to any of the foregoing provisions of this section.

Short title.

6. This Act may be cited as the Workmen's Compensation (Supplementation) Act, 1951.

SCHEDULE

ENACTMENTS APPLIED

Enactment	*Subject matter*
The National Insurance (Industrial Injuries) Act, 1946.	
Section sixty	Expenses of Minister and other Government departments.
Section sixty-three	Proof of age, marriage and death.
Section seventy	Civil proceedings to recover sums due to Industrial Injuries Fund.
The National Insurance Act, 1946.	
Section forty-eight ...	Recovery of sums by deduction from benefit.
The National Assistance Act, 1948.	
Section thirteen	Prevention of duplication of payments.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Workmen's Compensation Act, 1906	6 Edw. 7. c. 58.
Workmen's Compensation (Silicosis) Act, 1918 ...	8 & 9 Geo. 5. c. 14.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.

CHAPTER 23

Reserve and Auxiliary Forces (Training) Act, 1951

ARRANGEMENT OF SECTIONS

PART I

TEMPORARY PROVISIONS FOR CALLING UP FOR TRAINING, ETC.

Section
1. Calling up of reserves and auxiliaries for training and instructor duties.
2. Procedure for calling up under s. 1.
3. Medical examination of persons to be called up for short-term training.
4. Release from service under s. 1.
5. Application to persons called up of Army Act and Air Force Act, and provisions as to discipline, pay, etc.
6. Penalty for incitement to disobedience.
7. Legal proceedings.

PART II

APPLICATION OF PART II OF NATIONAL SERVICE ACT, 1948 TO TRAINING AND SERVICE OF RESERVE AND AUXILIARY FORCES

8. Application of ss. 51 and 52 of 11 & 12 Geo. 6. c. 64 to short-term training under s. 1.
9. Reinstatement rights of persons called up or volunteering for longer periods.
10. Power to apply preceding provisions to other reserve and auxiliary liabilities.
11. Expenses under Part II.
12. Power to extend Part II to Isle of Man.

PART III

GENERAL

13. Provision in certain cases for reviving liability of released persons.
14. Extension of Part I to years 1952–1954.
15. Short title and interpretation.

SCHEDULE.—Modifications of ss. 51 and 52 of 11 & 12 Geo. 6. c. 64 and regulations thereunder.