EXPLANATORY NOTE

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

These Regulations amend the provisions of the Workmen's Compensation (Supplementation) Regulations (Northern Ireland), 1956, which contain the requirement to repay to the Industrial Injuries Fund wrongly paid allowances, so that they correspond to similar provisions in the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, as amended by the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962.

The Regulations also provide that the original provisions shall continue to apply, to any appeal from, or any review of, a decision as to repayment given before the coming into operation of these regulations.

1962. No. 23 **[C]**

WORKMEN'S COMPENSATION

Supplementation

REGULATIONS, DATED 19TH FEBRUARY, 1962, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) ACT (NORTHERN IRELAND), 1951.

The Ministry of Labour and National Insurance, with the consent of the Ministry of Finance, in exercise of powers conferred by the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951(a), as extended by section 1 of the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the Workmen's Compensation (Supplementation) Amendment (No. 2) Regulations (Northern Ireland), 1962, shall be read as one with the Workmen's Compensation (Supplementation) Regulations (Northern Ireland), 1951(c) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 28th February, 1962.

Amendment of the Scheme made by the principal regulations

2. The Scheme made by the principal regulations under the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951 (which Scheme forms the Schedule to those regulations, and is hereinafter referred to as "the Scheme"), shall be amended in accordance with the following provisions of these regulations and shall accordingly have effect as set out in the Schedule hereto.

(a) 1951. c. 16.
(b) 1962. c. 9.
(c) S.R. & O. (N.I.) 1951, No. 136.

Amendment of Part I of the Scheme

3. For Article 1 of the Scheme (which Article contains the interpretation provisions relating to the Scheme) there shall be substituted the following Article:

"Interpretation

1.—(1) In this Scheme—

"the Act" means the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951;

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**a**);

"the National Insurance Act" means the National Insurance Act (Northern Ireland), 1946(**b**);

"the 1956 Act" means the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1956(**c**);

"the 1962 Act" means the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962;

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

"the Industrial Injuries Fund" means the Northern Ireland Industrial Injuries Fund;

"the Ministry" means the Ministry of Labour and National Insurance;

"the Commissioner" means the Commissioner or a deputy Commissioner appointed for the purposes of the Industrial Injuries Act;

"the determining authority" means the Ministry or the Commissioner as the case may be;

"allowance" means an allowance payable by virtue of Part II or Part IIA;

"beneficiary" means a person entitled to an allowance;

"claimant" means a person claiming an allowance and includes, in relation to the review of an award or a decision, a beneficiary under the award or affected by the decision;

"workmen's compensation" means—

(*a*) in relation to a case to which Part II applies, compensation under the Workmen's Compensation Act, 1906(**e**), the Workmen's Compensation (Silicosis) Act, 1918(**f**), or the Workmen's Compensation Acts, 1897 and 1900(**g**), or under any contracting-out scheme duly certified under any of those Acts;

(*b*) in relation to a case to which Part IIA applies, compensation under the Workmen's Compensation Acts (Northern Ireland),

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(a) 1946. c. 21. (b) 1946. c. 23. (c) 1956. c. 9.
(d) S.R. & O. (N.I.) 1948, No. 203 as amended by S.R. & O. (N.I.) 1949, No. 73; 1951, No. 102; No. 182; 1952, No. 140; No. 199; 1953, No. 132; No. 135; 1955, No. 15; No. 164; 1956, No. 139; 1957, No. 131; No. 243; No. 264; 1958, No. 114; 1959, No. 93; 1960, No. 25; No. 140; 1961, No. 2 and No. 79.
(e) 6 Edw. 7. c. 58. (f) 8 & 9 Geo. 5. c. 14. (g) 60 & 61 Vict. c. 37; 63 & 64 Vict. c. 22.

1927 to 1943(a), or under any contracting-out scheme duly certified thereunder;

"the relevant injury or disease", in relation to any person, means—

(*a*) for the purposes of Part II, the injury or disease in respect of which he is or has since the commencement of the Act(b) been entitled to weekly payments by way of workmen's compensation, as defined for the purposes of that Part, in consequence of an accident happening before the 1st January, 1924;

(*b*) for the purposes of Part IIA, the injury or disease in respect of which he is or has since the passing of the 1962 Act(c) been entitled to weekly payments by way of workmen's compensation, as defined for the purposes of that Part, in consequence of an accident happening after the beginning of the year 1924.

(2) Any reference in this Scheme 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.

(3) (*a*) For the purposes of Part II—

(i) a person shall be deemed entitled to weekly payments by way of workmen's compensation, as defined for the purposes of that Part, in consequence of an accident happening before the 1st January, 1924, 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 such workmen's compensation, or both, were sufficiently reduced; and

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

(*b*) For the purposes of Part IIA—

(i) a person shall be deemed entitled to weekly payments by way of workmen's compensation, as defined for the purposes of that Part, in consequence of an accident happening after the beginning of the year 1924, at any time when he would be so entitled if the amount of any payment, allowance or benefit received by him otherwise than by way of such workmen's compensation were sufficiently reduced; and

(ii) a payment under the Workmen's Compensation (Supplementary Allowances) Act (Northern Ireland), 1940(e), as amended by the Workmen's Compensation (Temporary Increases) Act (Northern Ireland), 1943(f), shall be treated as a weekly payment by way of such workmen's compensation.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of this Scheme shall be deemed to have been given or sent, if it was sent by post to that person at his ordinary or last known address."

(a) 17 & 18 Geo. 5. c. 16 (N.I.); 21 & 22 Geo. 5. c. 16 (N.I.); 4 & 5 Geo. 6. c. 18 (N.I.); 5 & 6 Geo. 6. c. 16 (N.I.); 1943. c. 13.
(b) 24th July, 1951. (c) 13th February, 1962.
(d) 7 & 8 Geo. 5. c. 42; 9 & 10 Geo. 5. c. 83. (e) 4 & 5 Geo. 6. c. 18 (N.I.). (f) 1943. c. 13.

Amendment of Article 2 of the Scheme

4. In Article 2 of the Scheme (which Article relates to the allowances payable under the Scheme in cases of pre-1924 accidents) there shall be made the following amendments:

(*a*) after paragraph (3) there shall be inserted the following paragraph:

"(3A) For the purpose of calculating the weekly rate of the allowance of a beneficiary for any period for which he is not entitled to an allowance under the 1956 Act, the sum of forty shillings specified in sub-paragraphs (*a*) and (*b*) of paragraph (3) shall be increased to the sum of fifty shillings:

Provided that any increase in the weekly rate by virtue of this paragraph shall not exceed the sum of two shillings and sixpence for any period for which the beneficiary is entitled to an allowance in respect of partial disablement under any scheme made under the Industrial Diseases (Benefit) Acts, 1951 and 1954(a)."

(*b*) in paragraph (4) (which paragraph provides for an increase in the allowance payable in respect of a period of total incapacity for work where there is a wife) for the words "or wholly or mainly maintaining his wife or would under the provisions of the Industrial Injuries Act be treated as doing so" there shall be substituted the words "or is contributing at a weekly rate of not less than sixteen shillings to the maintenance of his wife".

Amendment of Article 7 of the Scheme

5. In Article 7 of the Scheme (which Article provides for entitlement to allowances in respect of two or more different injuries or diseases) for the words "forty shillings" there shall be substituted the words "fifty shillings".

Addition to the Scheme

6. After Article 7 of Part II of the Scheme there shall be added the following Part:

"PART IIA

Allowances payable under the Scheme in cases of post-1923 accidents

7A.—(1) Subject to the following provisions of this Scheme, a person who is or has since the passing of the 1962 Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening after the beginning of the year 1924, shall be entitled to an allowance under this Part at a weekly rate not exceeding ten shillings payable out of the Industrial Injuries Fund during any period of total or partial incapacity for work resulting from the relevant injury or disease during which he is not entitled to an allowance under the 1956 Act, so long as he is ordinarily resident in the United Kingdom:

Provided that a person shall not be entitled to an allowance for any period during which he is entitled to any payment under the Family Allowances and National Insurance Act, 1961.

(2) The weekly rate of an allowance—

(*a*) in the case of an allowance payable to a person in respect of a period of total incapacity for work resulting from the relevant injury or disease shall not exceed such sum as would together with the weekly payment by way of workmen's compensation disregarding any supplementary allowance for a child amount to two-thirds of his average weekly earnings before the happening of the accident

(a) 15 & 16 Geo. 6. & 1 Eliz. 2. c. 4; 2 & 3 Eliz. 2. c. 16.

(ascertained in accordance with Article 7C), nor where the amount of the workmen's compensation includes the amount of any supplementary allowance for a child, exceed such sum as would together with that compensation, including the supplementary allowance, amount to seven-eighths of such average weekly earnings;

(*b*) in the case of an allowance payable to a person in respect of a period of partial incapacity for work resulting from the relevant injury or disease shall not exceed the difference between two-thirds of the amount representing his weekly loss of earnings (ascertained in accordance with Article 7C) due to the relevant injury or disease and the amount of his workmen's compensation disregarding any supplementary allowance for a child, nor where the amount of the workmen's compensation includes the amount of any supplementary allowance for a child, exceed the difference between seven-eighths of the amount representing that loss of earnings and the amount of the workmen's compensation inclusive of the supplementary allowance.

(3) For the purposes of this Article "supplementary allowance" means an allowance under the Workmen's Compensation (Supplementary Allowances) Act (Northern Ireland), 1940, as amended by the Workmen's Compensation (Temporary Increases) Act (Northern Ireland), 1943.

Amount of workmen's compensation

7B.—(1) Any reference in Article 7A to the amount of a person's workmen's compensation shall (subject to the provisions of paragraph (2)) 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 Article 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 provisions relating thereto, it shall be fixed for the purposes of this Article without regard to any such payment, allowance or benefit as aforesaid.

(2) Where a person is or has since the passing of the 1962 Act been entitled to payments under the Workmen's Compensation (Supplementary Allowances) Act (Northern Ireland), 1940, as amended by the Workmen's Compensation (Temporary Increases) Act (Northern Ireland), 1943, but has before that date 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 Article 7A be calculated as if he had not ceased to be entitled to such other payments.

Computation of loss of earnings

7C.—(1) For the purposes of paragraph (2) of Article 7A the amount representing a person's loss of earnings due to the relevant injury or disease is the difference between the following amounts, that is to say—

(*a*) the amount of his average weekly earnings before the happening of the accident; and

(*b*) the average weekly amount which he is earning or is able to earn in some suitable employment or business.

(2) The amounts referred to in sub-paragraphs (*a*) and (*b*) of paragraph (1) shall be calculated in like manner as for the purpose of ascertaining the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled by way of workmen's compensation in respect of the relevant injury or disease, and any decision as to those amounts made for that purpose may be adopted for the purpose of this paragraph unless there is reason to reconsider it.

Allowances payable to beneficiaries who have ceased to be ordinarily resident in the United Kingdom

7D. Where the beneficiary ceases to be ordinarily resident in the United Kingdom he shall not by reason of that fact cease to be entitled to an allowance under this Part—

(*a*) where an application for a reference to a medical referee has been made and the medical referee certifies in accordance with section 16 of the Workmen's Compensation Act (Northern Ireland), 1927(a), that the incapacity resulting from the relevant injury or disease is likely to be of a permanent nature; or

(*b*) where no such application has been made, if the determining authority is satisfied that the said incapacity is likely to be of a permanent nature.

Allowances in respect of two or more different injuries or diseases

7E.—(1) Where a claimant or beneficiary is, or has since the passing of the 1962 Act been, entitled for the same period to weekly payments by way of workmen's compensation in respect of two or more different injuries or diseases, he shall, subject to the provisions of this Part, be entitled to an allowance under this Part in respect of each such injury or disease:

Provided that he shall not in respect of the same period be entitled to receive two or more allowances under this Part at an aggregate weekly rate exceeding ten shillings.

(2) Where a claimant or beneficiary is entitled for any period to an allowance in respect of partial disablement under any scheme made under the Industrial Diseases (Benefit) Acts, 1951 and 1954, he shall not be entitled to receive by way of allowance or allowances under this Part for that period a total weekly sum exceeding two shillings and sixpence:

Provided that where he is also entitled to an increase of benefit for that period under Article 2(3A) the weekly rate shall be further reduced by the amount of that increase of benefit.

(3) Where a claimant or beneficiary is entitled for any period to an allowance under Part II, he shall not be entitled to receive for that period an allowance under this Part at a weekly rate exceeding the sum which, together with any increase of the allowance payable by virtue of Article 2(3A), amounts to ten shillings."

(a) 17 & 18 Geo. 5. c. 16 (N.I.).

Amendment of Article 8 of the Scheme

7. In Article 8 of the Scheme (which Article provides for the procedure on determination of claims and questions arising in connection with claims and awards), for the word "umpire" wherever it occurs there shall be substituted the word "Commissioner".

Amendment of Article 9 of the Scheme

8. In Article 9 of the Scheme (which Article provides for the reference of questions to insurance officers) for the words "or wholly or mainly maintaining his wife (or would under the provisions of the Industrial Injuries Act be treated as doing so);" there shall be substituted the words "or contributing at a weekly rate of not less than sixteen shillings to the maintenance of his wife;".

Amendment of Article 22 of the Scheme

9. For the proviso to paragraph (1) of Article 22 of the Scheme (which Article relates to the requirement to repay wrongly paid allowance) there shall be substituted the following proviso:

"Provided that, subject to the provisions of paragraph (2), repayment of sums by way of an allowance in pursuance of the original decision shall not be required under this paragraph in any case where it is shown to the satisfaction of the determining authority that in the obtaining and receipt of those sums the person concerned, and any person acting for him, has throughout used due care and diligence to avoid overpayment."

Amendment of Article 24 of the Scheme

10. In Article 24 of the Scheme (which Article relates to contracting-out Schemes), after the words "Articles 2 and 4" there shall be inserted the words "and Articles 7A and 7B".

Amendment of paragraph 2 of the First Schedule to the Scheme

11. In sub-paragraph (*a*) of paragraph 2 of the First Schedule to the Scheme (which Schedule contains conditions relating to increase of allowance in respect of a wife), for the words "in paragraph (2) of regulation 5 of the National Insurance (Overlapping Benefit) Regulations (Northern Ireland), 1949", there shall be substituted the words "in paragraph (7) of regulation 5 of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1961".

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 19th day of February, nineteen hundred and sixty-two.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

The Ministry of Finance hereby consents to these regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 19th day of February, nineteen hundred and sixty-two.

(L.S.) *W. W. Arthur,*
Assistant Secretary.

SCHEDULE

CONTAINING THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) SCHEME, AS AMENDED*

Workmen's Compensation (Supplementation) Scheme

PART I

GENERAL

Interpretation

1.—(1) In this Scheme—

"the Act" means the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951(**a**);

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**b**);

"the National Insurance Act" means the National Insurance Act (Northern Ireland), 1946(**c**);

"*the* 1956 *Act" means the Workmen's Compensation* (*Supplementation*) *Act* (*Northern Ireland*), 1956(**d**);

"*the* 1962 *Act" means the Family Allowances and National Insurance and Assistance Act* (*Northern Ireland*), 1962(**e**);

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948(**f**);

"the Industrial Injuries Fund" means the Northern Ireland Industrial Injuries Fund;

"the Ministry" means the Ministry of Labour and National Insurance;

"the *Commissioner*" means the *Commissioner* or a deputy *Commissioner* appointed for the purposes of the Industrial Injuries Act;

"the determining authority" means the Ministry or the *Commissioner* as the case may be;

"allowance" means an allowance payable *by virtue of Part II or Part IIA*;

"beneficiary" means a person entitled to an allowance;

"claimant" means a person claiming an allowance and includes, in relation to the review of an award or a decision, a beneficiary under the award or affected by the decision;

"workmen's compensation" means—

(*a*) *in relation to a case to which Part II applies,* compensation under the Workmen's Compensation Act, 1906(**g**), the Workmen's Compensation (Silicosis) Act, 1918(**h**), or the Workmen's Compensation Acts, 1897 and 1900(**i**), or under any contracting-out scheme duly certified under any of those Acts;

(*b*) *in relation to a case to which Part IIA applies, compensation under the Workmen's Compensation Acts* (*Northern Ireland*), 1927 *to* 1943(**j**), or *under any contracting-out scheme duly certified thereunder*;

"the relevant injury or disease", in relation to any person, means—

(*a*) *for the purposes of Part II,* the injury or disease in respect of which he is or has since the commencement of the Act(**k**) been entitled to weekly payments by way of workmen's compensation, *as defined for the purposes of that Part,* in consequence of an accident happening before the 1st January, 1924;

(**a**) 1951. c. 16. (**b**) 1946. c. 21. (**c**) 1946. c. 23. (**d**) 1956. c. 9. (**e**) 1962. c. 9.
(**f**) S.R. & O. (N.I.) 1948, No. 203 as amended by S.R. & O. (N.I.) 1949, No. 73; 1951, No. 102; No. 182; 1952, No. 140; No. 199; 1953, No. 132; No. 135; 1955, No. 15; No. 164; 1956, No. 139; 1957, No. 131; No. 243; No. 264; 1958, No. 114; 1959, No. 93; 1960, No. 25; No. 140; 1961, No. 2 and No. 79.
(**g**) 6 Edw. 7. c. 58. (**h**) 8 & 9 Geo. 5. c. 14. (**i**) 60 & 61 Vict. c. 37; 63 & 64 Vict. c. 22.
(**j**) 17 & 18 Geo. 5. c. 16 (N.I.); 21 & 22 Geo. 5. c. 16 (N.I.); 4 & 5 Geo. 6. c. 18 (N.I.); 5 & 6 Geo. 6. c. 16 (N.I.); 1943. c. 6; 1943. c. 13.
(**k**) 24th July, 1951.

*The words added or substituted by these regulations are shown in italics

(*b*) *for the purposes of Part IIA, the injury or disease in respect of which he is or has since the passing of the* 1962 *Act*(**a**) *been entitled to weekly payments by way of workmen's compensation, as defined for the purposes of that Part, in consequence of an accident happening after the beginning of the year* 1924.

(2) Any reference in this Scheme 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.

(3) (*a*) For the purposes of *Part II*—

(i) a person shall be deemed entitled to weekly payments by way of workmen's compensation, *as defined for the purposes of that Part,* in consequence of an accident happening before the 1st January, 1924, 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 *such* workmen's compensation, or both, were sufficiently reduced; and

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

(*b*) *For the purposes of Part IIA*—

(*i*) *a person shall be deemed entitled to weekly payments by way of workmen's compensation, as defined for the purposes of that Part, in consequence of an accident happening after the beginning of the year* 1924, *at any time when he would be so entitled if the amount of any payment, allowance or benefit received by him otherwise than by way of such workmen's compensation were sufficiently reduced; and*

(*ii*) *a payment under the Workmen's Compensation (Supplementary Allowances) Act (Northern Ireland),* 1940(**c**), *as amended by the Workmen's Compensation (Temporary Increases) Act (Northern Ireland),* 1943(**d**), *shall be treated as a weekly payment by way of such workmen's compensation.*

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of this Scheme shall be deemed to have been given or sent, if it was sent by post to that person at his ordinary or last known address.

PART II

ALLOWANCES

Allowances payable under the Scheme in the cases of pre-1924 accidents

2.—(1) Subject to the following provisions of this Scheme, a person who is or has since the commencement of the Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the 1st January, 1924, shall be entitled to an allowance payable out of the Industrial Injuries Fund during any period of total or partial incapacity for work resulting from the relevant injury or disease so long as he is ordinarily resident in Northern Ireland:

Provided that a person shall not be entitled to an allowance for any period during which he is entitled to any payment under the Workmen's Compensation (Supplementation) Act, 1951.

(2) In this Article the expression "a period of total incapacity for work resulting from the relevant injury or disease" includes a period during which a person is treated as subject to such an incapacity under the provisions of Article 3.

(**a**) 13th February, 1962.
(**b**) 7 & 8 Geo. 5. c. 42; 9 & 10 Geo. 5. c. 83.
(**c**) 4 & 5 Geo. 6. c. 18 (N.I.).
(**d**) 1943, c. 13.

(3) The weekly rate of an allowance—

(*a*) in the case of an allowance payable to a person in respect of a period of total incapacity for work resulting from the relevant injury or disease shall be forty shillings less the amount of his workmen's compensation; and

(*b*) in the case of an allowance payable to a person in respect of a period of partial incapacity for work resulting from the relevant injury or disease shall be the difference between two-thirds of the amount representing his weekly loss of earnings (ascertained in accordance with Article 5) due to the relevant injury or disease and the amount of his workmen's compensation, so however that the aggregate of the said weekly rate and the amount of his workmen's compensation shall in no such case exceed forty shillings.

(3A) *For the purpose of calculating the weekly rate of the allowance of a beneficiary for any period for which he is not entitled to an allowance under the* 1956 *Act, the sum of forty shillings specified in sub-paragraphs* (*a*) *and* (*b*) *of paragraph* (3) *shall be increased to the sum of fifty shillings:*

Provided that any increase in the weekly rate by virtue of this paragraph shall not exceed the sum of two shillings and sixpence for any period for which the beneficiary is entitled to an allowance in respect of partial disablement under any scheme made under the Industrial Diseases (*Benefits*) *Acts,* 1951 *and* 1954(a).

(4) The weekly rate of an allowance payable to a man in respect of a period of total incapacity for work resulting from the relevant injury or disease shall, subject to the provisions of the First Schedule hereto, be increased by sixteen shillings for any period during which he is residing with *or is contributing at a weekly rate of not less than sixteen shillings to the maintenance of his wife.*

Partial incapacity to be treated as total in certain cases

3.—(1) For the purpose of the references in sub-section (3) of section 2 of the Act and in Article 2 of this Scheme to a period of total incapacity for work resulting from the relevant injury or disease, a person who is unable to obtain employment shall, subject to the provisions of paragraph (3) of this Article, be treated as subject to such an incapacity:

(*a*) if he is being treated as being so for the purposes of his workmen's compensation in respect of the relevant injury or disease; or

(*b*) if it appears to the determining authority—

(i) that, having regard to all the circumstances, it is probable that he would, but for the continuing effects of the relevant injury or disease, be able to obtain work in the same grade in the same class of employment as before the happening of the accident; or

(ii) that his inability to obtain employment is a consequence, wholly or mainly, of the relevant injury or disease.

(2) Where a person who is unable to obtain employment fails to satisfy the conditions laid down in paragraph (1) of this Article because of the supervening effects of an injury or disease other than the relevant injury or disease, or of physical or mental infirmity due to old age, he shall nevertheless be deemed to satisfy the said conditions if he proves to the satisfaction of the determining authority—

(*a*) that he would have satisfied either of the conditions set out in sub-paragraph (*b*) of the said paragraph at the time when he first became subject to the aforesaid supervening effects and that he was then unable to obtain employment; and

(*b*) that since that time the effects of the relevant injury or disease have not become substantially less serious.

(3) This Article shall not apply to any person for any period for which he receives unemployment benefit.

(a) 15 & 16 Geo. 6. & 1 Eliz. 2. c. 4; 2 & 3 Eliz. 2. c. 16.

Amount of Workmen's Compensation

4.—(1) Any reference in Article 2 to the amount of a person's workmen's compensation shall (subject to the provisions of paragraph (2) of this Article) 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 Article 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 provisions relating thereto, it shall be fixed for the purposes of this Article without regard to any such payment, allowance or benefit as aforesaid.

(2) Where a person is or has since the commencement of the 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 Article 2 be calculated as if he had not ceased to be entitled to such other payments.

Computation of loss of earnings

5.—(1) For the purposes of paragraph (*b*) of sub-section (2) of section 2 of the Act and of sub-paragraph (*b*) of paragraph (3) of Article 2 of this Scheme, the amount representing a person's weekly loss of earnings due to the relevant injury or disease shall, subject to the provisions of paragraph (2) of this Article 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 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.

(2) In ascertaining the amount representing a person's weekly loss of earnings for the purposes of paragraph (1) of this Article—

(*a*) where the class of employment in which he was employed at the time when the accident happened has ceased to exist or cannot be related to the wage structure from time to time obtaining in the industry in which he was employed at that time, the determining authority shall take the standard of remuneration to be such as appears to it to be appropriate, having regard to all the circumstances of the case;

(*b*) the reference to the amount which a person is earning or able to earn in some suitable employment or business shall be taken as referring—

(i) where that amount has been determined in fixing the amount of his workmen's compensation, to the amount so determined; and

(ii) where that amount has not been so determined, to such amount as the determining authority may determine having regard to the rules for calculating the weekly payments in the case of partial incapacity under the provisions relating to his workmen's compensation.

Allowances payable to beneficiaries who have ceased to be ordinarily resident in Northern Ireland

6. Where a beneficiary ceases to be ordinarily resident in Northern Ireland he shall not by reason of that fact cease to be entitled to an allowance—

(*a*) where an application for a reference to a medical referee has been made under paragraph 18 of the First Schedule to the Workmen's Compensation Act, 1906, if the medical referee, in pursuance of that paragraph, certifies that the incapacity resulting from the relevant injury or disease is likely to be of a permanent nature; or

(*b*) where no such application has been made, if the determining authority is satisfied that the said incapacity is likely to be of a permanent nature.

Allowances in respect of two or more different injuries or diseases

7. Where a claimant or beneficiary is or has since the commencement of the Act been entitled to weekly payments by way of workmen's compensation in respect of two or more different injuries or diseases, he shall, subject to the provisions of this Scheme, be entitled to an allowance in respect of each such injury or disease during any period of total or partial incapacity for work resulting from that injury or disease:

Provided that he shall not for the same period be entitled to receive—

(i) two or more allowances at an aggregate weekly rate exceeding *fifty shillings* (apart from any increase of an allowance under the provisions of paragraph (4) of Article 2 in respect of his wife);

(ii) more than one such increase of an allowance in respect of his wife.

PART IIA

*Allowances payable under the Scheme in cases of post-*1923 *accidents*

7A.—(1) *Subject to the following provisions of this Scheme, a person who is or has since the passing of the* 1962 *Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening after the beginning of the year* 1924, *shall be entitled to an allowance under this Part at a weekly rate not exceeding ten shillings payable out of the Industrial Injuries Fund during any period of total or partial incapacity for work resulting from the relevant injury or disease during which he is not entitled to an allowance under the* 1956 *Act, so long as he is ordinarily resident in the United Kingdom:*

Provided that a person shall not be entitled to an allowance for any period during which he is entitled to any payment under the Family Allowances and National Insurance Act, 1961.

(2) *The weekly rate of an allowance—*

(*a*) *in the case of an allowance payable to a person in respect of a period of total incapacity for work resulting from the relevant injury or disease shall not exceed such sum as would together with the weekly payment by way of workmen's compensation disregarding any supplementary allowance for a child amount to two-thirds of his average weekly earnings before the happening of the accident (ascertained in accordance with Article* 7C), *nor where the amount of the workmen's compensation includes the amount of any supplementary allowance for a child, exceed such sum as would together with that compensation, including the supplementary allowance, amount to seven-eighths of such average weekly earnings;*

(*b*) *in the case of an allowance payable to a person in respect of a period of partial incapacity for work resulting from the relevant injury or disease shall not exceed the difference between two-thirds of the amount representing his weekly loss of earnings (ascertained in accordance with Article* 7C) *due to the relevant injury or disease and the amount of his workmen's compensation disregarding any supplementary allowance for a child, nor where the amount of the workmen's compensation includes the amount of any supplementary allowance for a child, exceed the difference between seven-eighths of the amount representing that loss of earnings and the amount of the workmen's compensation inclusive of the supplementary allowance.*

(3) *For the purposes of this Article "supplementary allowance" means an allowance under the Workmen's Compensation (Supplementary Allowances) Act*

(Northern Ireland), 1940, as amended by the Workmen's Compensation (Temporary Increases) Act (Northern Ireland), 1943.

Amount of workmen's compensation

7B.—(1) *Any reference in Article 7A to the amount of a person's workmen's compensation shall (subject to the provisions of paragraph (2)) 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 Article 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 provisions relating thereto, it shall be fixed for the purposes of this Article without regard to any such payment, allowance or benefit as aforesaid.*

(2) *Where a person is or has since the passing of the 1962 Act been entitled to payments under the Workmen's Compensation (Supplementary Allowances) Act (Northern Ireland), 1940, as amended by the Workmen's Compensation (Temporary Increases) Act (Northern Ireland), 1943, but has before that date 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 Article 7A be calculated as if he had not ceased to be entitled to such other payments.*

Computation of loss of earnings

7C.—(1) *For the purposes of paragraph (2) of Article 7A the amount representing a person's loss of earnings due to the relevant injury or disease is the difference between the following amounts, that is to say—*

(*a*) *the amount of his average weekly earnings before the happening of the accident; and*

(*b*) *the average weekly amount which he is earning or is able to earn in some suitable employment or business.*

(2) *The amounts referred to in sub-paragraphs (a) and (b) of paragraph (1) shall be calculated in like manner as for the purpose of ascertaining the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled by way of workmen's compensation in respect of the relevant injury or disease, and any decision as to those amounts made for that purpose may be adopted for the purpose of this paragraph unless there is reason to reconsider it.*

Allowances payable to beneficiaries who have ceased to be ordinarily resident in the United Kingdom

7D. *Where the beneficiary ceases to be ordinarily resident in the United Kingdom he shall not by reason of that fact cease to be entitled to an allowance under this Part—*

(*a*) *where an application for a reference to a medical referee has been made and the medical referee certifies in accordance with section 16 of the Workmen's Compensation Act (Northern Ireland), 1927(a), that the incapacity resulting from the relevant injury or disease is likely to be of a permanent nature; or*

(*b*) *where no such application has been made, if the determining authority is satisfied that the said incapacity is likely to be of a permanent nature.*

(a) 17 & 18 Geo. 5. c. 16 (N.I.).

Allowances in respect of two or more different injuries or diseases

7E.—(1) *Where a claimant or beneficiary is, or has since the passing of the* 1962 *Act been, entitled for the same period to weekly payments by way of workmen's compensation in respect of two or more different injuries or diseases, he shall, subject to the provisions of this Part, be entitled to an allowance under this Part in respect of each such injury or disease:*

Provided that he shall not in respect of the same period be entitled to receive two or more allowances under this Part at an aggregate weekly rate exceeding ten shillings.

(2) *Where a claimant or beneficiary is entitled for any period to an allowance in respect of partial disablement under any scheme made under the Industrial Diseases (Benefit) Acts,* 1951 *and* 1954, *he shall not be entitled to receive by way of allowance or allowances under this Part for that period a total weekly sum exceeding two shillings and sixpence:*

Provided that where he is also entitled to an increase of benefit for that period under Article 2(3A) *the weekly rate shall be further reduced by the amount of that increase of benefit.*

(3) *Where a claimant or beneficiary is entitled for any period to an allowance under Part II, he shall not be entitled to receive for that period an allowance under this Part at a weekly rate exceeding the sum which, together with any increase of the allowance payable by virtue of Article* 2(3A), *amounts to ten shillings.*

PART III

DETERMINATION OF QUESTIONS

Procedure on determination of claims and questions arising in connection with claims and awards

8.—(1) Any claim for an allowance and any question arising in connection with a claim for or an award of an allowance (other than such a question as is mentioned in Article 9) shall be determined by the Ministry, and any person dissatisfied by a determination of the Ministry may bring an appeal against that determination to the *Commissioner.*

(2) An appeal shall be brought by giving notice thereof in writing to the Ministry within a period of three months of the date of the determination against which the appeal is made, and shall contain a statement of the grounds of the appeal:

Provided that an appeal brought after the expiry of the said period may be accepted if the *Commissioner* is satisfied that there is good cause for the delay.

(3) The Ministry shall, as soon as may be after receipt of any such appeal, forward the appeal to the *Commissioner* together with a statement of the grounds of the determination against which the appeal is made.

(4) If a person by whom notice of appeal is given or the Ministry makes a request to the *Commissioner* for a hearing of the appeal, the *Commissioner* shall grant such request, unless, after considering the record of the case and the reasons put forward in the request for the hearing, he is satisfied that the appeal can properly be determined without a hearing, in which event he shall inform the claimant or the Ministry, as the case may be, in writing and may proceed to determine the case without a hearing.

(5) If, in accordance with the provisions of paragraph (4) of this Article, a request for a hearing has been granted, or if notwithstanding that no request has been made the *Commissioner* is otherwise satisfied that a hearing is desirable, reasonable notice of the time and place of the hearing shall be given to the claimant.

(6) The *Commissioner* may require persons to attend at any such hearing to give evidence and to produce documents reasonably required for the purpose of determining the claim.

(7) The claimant, or an association of employed persons of which the claimant is or has been a member, shall have the right to be heard at a hearing by the *Commissioner,* and may be represented by some person duly authorised, and for the purposes of the proceedings at any such hearing any such representative shall have all the rights and powers to which the person whom he represents is entitled under this Part of the Scheme.

(8) If the claimant should fail to appear either in person or by representative at the hearing, the *Commissioner* may proceed to determine the claim or question notwithstanding his absence or may give such direction with a view to the determination of the claim or question as he thinks proper.

(9) The *Commissioner* shall in each case record his determination in writing and the claimant shall be informed in writing of the determination as soon as may be practicable.

(10) For the purpose of the determination of any question by the *Commissioner,* he may refer to a medical practitioner for examination and report any question arising for his determination.

Reference of questions to insurance officers

9. If on consideration of a claim or question the determining authority is of opinion that a question arises—

(*a*) whether for any period a person is or was residing with *or contributing at a weekly rate of not less than sixteen shillings to the maintenance of his wife;* or

(*b*) whether for any period his wife is or was engaged in any gainful occupation or occupations from which her weekly earnings exceed the amount specified in regulation 7 of the Benefit Regulations;

it shall refer that question for determination by an insurance officer appointed under the Industrial Injuries Act, who shall decide it in the same manner as a question arising in connection with a claim for benefit under that Act, and the determination of that question by the insurance officer shall be conclusive for the purposes of this Scheme subject to the same rights of appeal and review as would have been applicable if it had been given for the purposes of the Industrial Injuries Act.

Finality of determination

10. Except as provided by Article 21, any determination of a claim or question as provided by the foregoing Articles shall be final for the purposes of this Scheme.

PART IV

CLAIMS AND PAYMENTS

Claims to be made to the Ministry in writing

11. Every claim for an allowance shall be made in writing to the Ministry.

Information to be given when making a claim or obtaining payment of allowance

12. Every person who makes a claim for or is entitled to an allowance and every person to whom or on whose behalf sums are payable by way of an allowance shall furnish in such manner and at such times as the Ministry may determine such certificates, documents, information and evidence affecting the right to the allowance or to the receipt of any sums payable by way of an allowance as may reasonably be required by the Ministry, and, if so required, shall for that purpose attend at such office or place as the Ministry may direct.

Obligations of claimants and of persons in receipt of allowance to undergo medical examination

13. The Ministry may by notice in writing require any claimant for and any person in receipt of an allowance to undergo medical or other examination not less than three clear days after the date of such notice, and any such person

shall comply with every such requirement and shall attend at every such place and at every such time as may be required.

Date from which an allowance is to accrue

14. An allowance shall not be payable to any person in respect of any period more than six months before the claim for the allowance is made, except that in any particular case the determining authority may determine that the allowance shall be payable from such earlier date as it may consider reasonable in the special circumstances of the case, not being a date before the date from which, apart from this Article, the allowance would be payable.

Payment of allowances

15. Payment of allowances shall be made by the Ministry, and accordingly the provisions of the Industrial Injuries Act and of the regulations made thereunder specified in the Second Schedule hereto shall be applicable with the necessary modifications to claims for and payment of allowances as the same apply to industrial disablement benefit under that Act.

Obligation of beneficiaries to notify change of circumstances

16. Every beneficiary shall, as soon as may be practicable, notify the Ministry in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any allowance or any part thereof awarded to him, or to the receipt of any such allowance or part, and the Ministry shall forthwith take any question that may arise as to the continuance of a right to that allowance or part into consideration for determination in accordance with the provisions of Article 21.

Allowances to be inalienable

17. Subject to the following provisions of this Scheme, every assignment of, or charge on, an allowance, and every agreement to assign or charge an allowance, shall be void, and on the bankruptcy of a beneficiary, the allowance shall not pass to any trustee or other person acting on behalf of his creditors.

Forfeiture of allowances

18. If a claimant or beneficiary—

(*a*) fails to comply with any requirement of Articles 12, 13 or 16, he shall, if the determining authority so decides, forfeit any allowance which would, apart from this paragraph, be payable in respect of the period of such failure;

(*b*) wilfully obstructs or is guilty of other misconduct in connection with any medical or other examination which he is required under Article 13 to undergo, or with any proceedings under this Scheme for the determination of his right to an allowance or to the receipt thereof, he shall forfeit for such period as the determining authority shall determine any allowance which would, apart from this paragraph, be payable:

Provided that nothing in this paragraph providing for forfeiture of an allowance for failure to undergo medical or other examination or for obstruction or misconduct in connection with such examination shall authorise the disentitlement of the person concerned for a period exceeding six weeks on any forfeiture.

Suspension of payment of allowances

19. Where it appears to the Ministry that a question has arisen whether the award of an allowance ought to be revised in accordance with Article 21, it may suspend the payment of the allowance in whole or in part until the question has been determined, but if it does so it shall forthwith take the question into consideration for determination in accordance with the provisions of that Article.

Allowances during imprisonment

20. The provisions of the proviso to paragraph (2) of regulation 24 of the Benefit Regulations (which proviso limits the amount of benefit payable in respect

of periods of imprisonment) and of paragraph (2) of regulation 25 of those regulations (which paragraph relates to suspension of payment of benefit during such periods) shall be applicable with the necessary modifications to the payment of sums by way of an allowance as the same apply to benefit under the Industrial Injuries Act.

PART V

REVIEW, OVERPAYMENTS, RECOVERY

Review of determinations

21.—(1) The Ministry may at any time and from time to time review any determination under this Scheme—

(*a*) if it appears to it that the determination was erroneous either in view of new facts which have been brought to its notice since the date on which it was given or by reason of some mistake being made with respect to the facts or the law; or

(*b*) if there has been any relevant change of circumstances since the determination was given; or

(*c*) if the determination was based on the decision of a question specified in Article 9, and the decision is revised in accordance with the Industrial Injuries Act.

(2) Any question may be raised by a claimant with a view to the review of any determination by means of an application made in writing to the Ministry and stating the grounds of the application.

(3) A claimant shall have the same right of appeal against a determination given by the Ministry on review or against a refusal by the Ministry to review a previous determination as he would have had against the determination for the review of which he has applied.

(4) Subject to the provisions of this Scheme relating to the time of payment of allowances, where on review a determination is revised so as to make an allowance payable or to increase the rate of an allowance then the allowance shall be payable accordingly from such date as the determining authority may consider reasonable in the circumstances.

Requirement to repay wrongly paid allowance

22.—(1) Where on review a determination under this Scheme is revised, the determination given on review shall require repayment to the Industrial Injuries Fund of any sums paid by way of an allowance in pursuance of the original determination to the extent to which they would not have been payable if the determination on the review had been given in the first instance:

Provided that, subject to the provisions of paragraph (2), *repayment of sums by way of an allowance in pursuance of the original decision shall not be required under this paragraph in any case where it is shown to the satisfaction of the determining authority that in the obtaining and receipt of those sums the person concerned, and any person acting for him, has throughout used due care and diligence to avoid overpayment.*

(2) Where on review a determination is revised so as, in respect of any period, to make an increase of an allowance in respect of a wife not payable or to reduce such increase, and the person concerned has also been awarded an increase of benefit in respect of his wife under the National Insurance Act or the Industrial Injuries Act, the determination on review shall require repayment to the Industrial Injuries Fund of so much of the increase of the allowance in respect of the wife paid in pursuance of the original determination as does not exceed the amount of the increase of benefit which has been awarded under those Acts in respect of the same period.

Recovery of sums by deduction from allowances or benefit under the Industrial Injuries Act

23.—(1) Where any sums paid by way of an allowance are required to be repaid to the Industrial Injuries Fund under Article 22, such sums may, without

prejudice to any other method of recovery, be deducted from any allowances or from any benefit under the Industrial Injuries Act then or thereafter payable to the person by whom they are to be repaid, or to any person entitled to receive such allowance or benefit on his death, and such deduction may be made at such rate as the Ministry may determine.

(2) Where, in the case of any person, any sum may by virtue of any provision of the Industrial Injuries Act be recovered by deduction from any payment under that Act, it may instead be recovered in whole or in part by deduction from any allowance then or thereafter payable to him, or to any person entitled to receive such allowance on his death.

PART VI

MISCELLANEOUS

Contracting-out Schemes

24. In relation to a person whose workmen's compensation is or was compensation under a contracting-out Scheme, sub-section (5) of section 2 of the Act (which sub-section relates to the amount of a person's workmen's compensation) and Articles 2 and 4 *and Articles* 7A *and* 7B of this Scheme shall apply subject to the modification that, where by reason of the nature of the provisions of the contracting-out Scheme—

(*a*) there is in the opinion of the determining authority difficulty in distinguishing the amount to which that person is or was entitled by way of workmen's compensation under that Scheme from other payments to him; or

(*b*) the said amount is or was reduced in consequence of other payments to him;

the amount of his workmen's compensation shall be taken to be such an amount as the determining authority may think reasonable in his case, having regard to the provisions of the contracting-out Scheme and to the amount of the weekly payments by way of workmen's compensation which would, but for the contracting-out Scheme, have been payable to him in respect of the relevant injury or disease.

Exemption from stamp duty

25. Stamp duty shall not be chargeable upon such documents used in connection with business under this Scheme as are specified in the Third Schedule hereto.

Reciprocal arrangements with Great Britain

26. If in pursuance of sub-section (1) of section 5 of the Act (which relates to reciprocal arrangements with Great Britain) the Ministry makes reciprocal arrangements for payments under the Workmen's Compensation (Supplementation) Act, 1951, to be made out of the Industrial Injuries Fund, the provisions of this Scheme shall apply in relation to such payments as if they were payments under this Scheme.

Breach of regulations

27. If any person contravenes or fails to comply with any requirement of Articles 12 or 16 he shall for such offence be liable on summary conviction to a penalty not exceeding ten pounds.

FIRST SCHEDULE TO THE SCHEME

Article 2(4)

Conditions relating to increase of allowance in respect of a wife

1. An increase of an allowance under the provisions of paragraph (4) of Article 2 in respect of a wife shall not be payable for any period for which an increase of disablement benefit in respect of a wife would not be payable under the provisions of—

(*a*) sub-section (1) of section 32 of the Industrial Injuries Act (which sub-section relates to disqualification for periods of absence from Northern Ireland and of imprisonment); and

(*b*) regulation 7 of the Benefit Regulations (which regulation provides that an increase of benefit in respect of a wife shall not be payable for periods during which her earnings exceed the amount therein specified):

Provided that for the purpose of this sub-paragraph the weekly earnings of a wife shall be ascertained in the manner specified in sub-paragraph (*b*) or (*c*) of paragraph (2) of the said regulation (which sub-paragraphs relate to computation of earnings), whichever is appropriate.

2. Where for any period—

(*a*) any dependency benefit specified *in paragraph* (7) *of regulation* 5 *of the National Insurance* (*Overlapping Benefits*) *Regulations* (*Northern Ireland*), 1961(a) (which regulation relates to the adjustment of dependency benefit under the National Insurance Act by reference to other dependency benefit) is payable to a person in respect of his wife or any other adult dependant or to any other person in respect of his wife; or

(*b*) any one or more of the personal benefits specified in paragraph (2) of regulation 29 of the Benefit Regulations (which regulation relates to adjustment of dependency benefit under the Industrial Injuries Act by reference to personal benefits) is or are payable to his wife;

at a weekly rate (or if more than one) at an aggregate weekly rate—

(i) which is equal to or exceeds sixteen shillings, then for that period an increase of an allowance in respect of his wife shall not be payable; or

(ii) of less than sixteen shillings, then for that period such increase shall be reduced by an amount equal to the difference between the weekly rate or the aggregate weekly rate of such benefit or benefits and sixteen shillings.

SECOND SCHEDULE TO THE SCHEME

Article 15

Provisions of the Industrial Injuries Act and of the Regulations made thereunder applicable (with the necessary modifications) to Claims for and Payments of Allowances

Provisions of the Industrial Injuries Act and of the regulations made thereunder	Subject matter
Sub-section (4) of section 27	Fractions of a penny to be disregarded.
The National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland), 1948	
Regulation 15	Time and manner of payment of benefit.
Regulation 18	Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time.
Regulation 22	Persons unable to act.
Regulation 23	Payments on death.

(a) S.R. & O. (N.I.) 1961, No. 180.