1971. No. 245 **[C]**

WORKMEN'S COMPENSATION

Supplementation

REGULATIONS, DATED 5TH AUGUST 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) ACTS (NORTHERN IRELAND) 1966 TO 1971.

The Ministry of Health and Social Services, with the consent of the Ministry of Finance, in exercise of powers conferred by section 2 of the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 80(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**b**) as applied by section 9 of the first-mentioned Act.

Citation and commencement

1. These regulations, which may be cited as the Workmen's Compensation (Supplementation) Amendment Regulations (Northern Ireland) 1971, shall be read as one with the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1966(**c**) (hereinafter referred to as "the principal regulations") and shall come into operation on 22nd September 1971.

Amendment of regulation 7 of the principal regulations

2.—(1) In regulation 7(1) of the principal regulations (computation of loss of earnings) for the words "31st October 1969" there shall be substituted the words "18th September 1971".

(2) For the proviso to the said regulation 7(1) there shall be substituted the following proviso:

"Provided that—

(*a*) in assessing, in relation to any person, the standard of remuneration in any class of employment, regard shall be had to that person's reasonable prospects of advancement and the class of employment in which he was employed at the time when the accident happened shall be treated, for this purpose, as extending to and including employment in the capacities to which persons so employed are, in the normal course, advanced and to which if he had continued to be so employed, without the accident having happened, he would have had at least the normal prospects of advancement;

(*b*) where the amount representing a person's loss of earnings has been ascertained in accordance with this regulation, but by reference to a period earlier than that now specified herein, and the determining authority is satisfied that it is unlikely that there has been any material change in that amount, if the determining authority in its discretion so directs, such amount shall continue to represent that person's loss of earnings determined in accordance with this regulation notwithstanding that it has not been ascertained by reference to the period now specified.".

(**a**) 1966, c. 14 (N.I.). (**b**) 1966, c. 9 (N.I.).
(**c**) S.R. & O. (N.I.) 1966, No. 105 as amended by S.R. & O. (N.I.) 1967, No. 265; 1969, No. 236 and 1970, No. 15.

Amendment of regulation 10 *of the principal regulations*

3. In paragraph (*a*)(iii) of regulation 10 of the principal regulations (allowances in respect of two or more different injuries or diseases) for the sum "£3.05" there shall be substituted the sum "£3.65".

Amendment of Schedule 1 *to the principal regulations*

4. For the provisions set out in Schedule 1(**d**) to the principal regulations (calculation of amount of lesser incapacity allowances under regulations) there shall be substituted the provisions set out in the Schedule to these regulations.

Transitional provision

5. Where a lesser incapacity allowance has been awarded to a person under the principal regulations before 22nd September 1971 and a question arises as to the weekly rate of that allowance payable in consequence of these regulations, the case shall be reviewed by the Ministry in the light of the amendments made by these regulations and the allowance shall continue to be payable at the weekly rate specified in the award until the question shall have been determined in accordance with the provisions of the principal regulations.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 5th day of August 1971.

(L.S.) *C. G. Oakes,*
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 5th day of August 1971.

(L.S.) *C. F. Darling,*
Assistant Secretary.

(d) See Sch. 24 to S.R. & O. (N.I.) 1970, No. 15.

SCHEDULE Regulation 4

Schedule substituted for Schedule 1 to the principal regulations

SCHEDULE 1 Regulation 5

Loss of earnings	Rate of lesser incapacity allowance
£	£
0.49½	0.15
0.99½	0.30
1.74½	0.45
2.49½	0.60
3.24½	0.85
3.99½	1.10
4.74½	1.35
5.49½	1.75
6.24½	2.15
6.99½	2.55
7.74½	2.95
8.49½	3.35
8.50	3.65

EXPLANATORY NOTE

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

These regulations amend the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1966 so as to give effect to Article 11 of the Social Services (Parity) Order (Northern Ireland) 1971 by increasing the weekly rate of lesser incapacity allowance payable in certain circumstances. Consequent upon the increase, adjustments have been made to the intermediate rates of lesser incapacity allowance and the provisions in the regulations for determining a person's loss of earnings have been modified where those have previously been ascertained and the determining authority is satisfied that it is unlikely that there has been any material change therein.