ORDER DATED 8TH AUGUST, 1951, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION SIXTEEN OF THE WILD BIRDS PROTECTION ACT (NORTHERN IRELAND), 1931.

1951. No. 141

WHEREAS under Sub-section (1) of Section sixteen of the Wild Birds Protection Act (Northern Ireland), 1931, I, THE RIGHT HONOURABLE BRIAN MAGINESS, Minister of Home Affairs, am empowered to prescribe from time to time by order the variation or revocation of the time of special protection for any bird and any modification of the provisions of the Act with respect to the special protection of the eggs and nests of birds :

AND WHEREAS representations have been made to me —

That the time of special protection afforded to all birds in Category III of the First Schedule to the said Act should be extended.

AND WHEREAS Notice was duly given by me on the 6th July, 1951, in accordance with the provisions of Sub-section (6) of Section sixteen of the said Act of my intention to make such an order and the purport thereof :

AND WHEREAS objections to the making of such an order were received by me :

AND WHEREAS the said objections have been duly considered :

NOW, THEREFORE, I, the RIGHT HONOURABLE BRIAN MAGINESS, Minister of Home Affairs, hereby order and direct :

1. That the time of special protection afforded to all birds in Category III of the First Schedule to the Wild Birds Protection Act (Northern Ireland), 1931, shall be from the 1st day of February to the 31st day of August in each year.

2. This Order shall have effect as and from the date hereof.

Dated this 8th day of August, 1951.

Brian Maginess,
Minister of Home Affairs for Northern Ireland.

WORKMEN'S COMPENSATION (SUPPLEMENTATION)

REGULATIONS, DATED 27TH JULY, 1951, 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.

1951. No. 136

The Ministry of Labour and National Insurance, with the consent of the Ministry of Finance and in exercise of powers conferred by the

Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the Workmen's Compensation (Supplementation) Regulations (Northern Ireland), 1951, and shall come into operation on the 1st August, 1951.

2. The Scheme set out in the Schedule to these Regulations shall have full force and effect for the purposes of the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1951, on and from the date on which these regulations come into operation.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 27th day of July, nineteen hundred and fifty-one, in the presence of

(L.S.) *William Allen*,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

The Ministry of Finance hereby consents to these regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of July, nineteen hundred and fifty-one, in the presence of

(L.S.) *G. N. Cox*,
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

WORKMEN'S COMPENSATION (SUPPLEMENTATION) SCHEME

PART I

General

Interpretation.

1.—(1) In this Scheme, unless the context otherwise requires —

"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 ;

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

" 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 ;

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

" the relevant injury or disease ", in relation to any person, means the injury or disease in respect of which he 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 ;

" allowance " means an allowance payable under this Scheme ;

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

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

" 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 ;

" beneficiary " means a person entitled to an allowance ;

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

" the Benefit Regulations " means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948.

(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) For the purposes of this Scheme —

(*a*) a person shall be deemed entitled to weekly payments by way of workmen's compensation 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 workmen's compensation, or both, were sufficiently reduced ; and

(*b*) 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.

(4) Reference in this Scheme to any enactment, scheme or regulations shall include references to such enactment, scheme or regulations as amended by any subsequent enactment, order, scheme or regulations.

(5) 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.

(6) The Interpretation Act, 1921, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

PART II

Allowances

Allowances payable under the Scheme.

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.

(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.

(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 wholly or mainly maintaining his wife or would under the provisions of the Industrial Injuries Act be treated as doing so.

Partial incapacity to be treated as total in certain cases.

3.—(1) For the purpose of the references in subsection (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.

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 subsection (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 forty 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 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 umpire.

(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 umpire 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 umpire 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 umpire for a hearing of the appeal, the umpire 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 umpire 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 umpire 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 umpire, 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 umpire 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 umpire 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 umpire, 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 wholly or mainly maintaining his wife (or would under the provisions of the Industrial Injuries Act be treated as doing so) ; 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.

Finalty 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) of this Article, repayment shall not be required under this paragraph in any case where the person concerned is shown to the satisfaction of the determining authority to have acted in good faith in all respects as to the obtaining and receipt of the allowance.

(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, subsection (5) of section 2 of the Act (which subsection relates to the amount of a person's workmen's compensation) and Articles 2 and 4 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 subsection (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*) subsection (1) of section 32 of the Industrial Injuries Act (which subsection 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 (2) of regulation 5 of the National Insurance (Overlapping Benefit) Regulations (Northern Ireland), 1949, (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
Subsection (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.