WORKMEN'S COMPENSATION

Commencement, p. 739 | *Miscellaneous Provisions*, p. 739

WORKMEN'S COMPENSATION (SUPPLEMENTATION) Commencement Order (Northern Ireland), 1956

ORDER, DATED 25TH JULY, 1956, MADE BY THE MINISTER OF LABOUR AND NATIONAL INSURANCE UNDER THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) ACT (NORTHERN IRELAND), 1956.

1956. No. 121. [NC]

WHEREAS it is provided by section 2 of the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1956 (a) (hereinafter referred to as "the Act") that "the appointed day" shall be such day as the Minister of Labour and National Insurance may by order appoint:

NOW, THEREFORE, I, THE RIGHT HONOURABLE IVAN NEILL, Minister of Labour and National Insurance for Northern Ireland, hereby make the following Order:—

1. The appointed day for the purposes of section 2 of the Act shall be 28th August, 1956.

2. This Order may be cited as the Workmen's Compensation (Supplementation) Commencement Order (Northern Ireland), 1956.

Given under my hand at Stormont this 25th day of July, 1956.

Ivan Neill,
Minister of Labour and National Insurance for Northern Ireland.

Miscellaneous Provisions

REGULATIONS, DATED 17TH AUGUST, 1956, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) ACT (NORTHERN IRELAND), 1956.

1956. No. 127

The Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 3, 4 and 5 of the Workmen's

(a) 1956. c.9.

Compensation (Supplementation) Act, (Northern Ireland), 1956(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Workmen's Compensation (Supplementation) Regulations, (Northern Ireland), 1956, and shall come into operation on 28th August, 1956.

(2) In these regulations, unless the context otherwise requires—

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

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

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

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

"allowance" means an allowance payable under section 2 of the Act;

"allowance order" means an order for the payment through the Post Office of a weekly sum on account of an allowance;

"appropriate post office" means the post office at which an allowance order is payable in any particular case;

"beneficiary" in relation to an allowance, means the person entitled to that allowance;

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

"determining authority" means an insurance officer, a local appeal tribunal or the Umpire, as the case may require, appointed or constituted for the purposes of the Industrial Injuries Act;

and other expressions have the same meaning as in the Act.

(a) 1956. c. 9. (b) 1946. c. 21. (c) 1951. c. 16.

PART II

ALLOWANCES

Awards of Allowances

2. An allowance shall be payable, subject to the provisions of the Act and of these regulations, for such period as may be determined at the time it is granted, but may be renewed from time to time.

Residence qualifications

3.—(1) A person to whom the Act applies in consequence of an accident happening before the 1st January, 1924, or in consequence of two or more accidents all of which happened before that date, shall be disqualified from receiving an allowance for any period during which he is not ordinarily resident in Northern Ireland:

Provided that where he has been awarded an allowance and then ceases to be ordinarily resident in Northern Ireland he shall not be disqualified from receiving an allowance under this regulation if he satisfies the determining authority that the incapacity resulting from the relevant accident or accidents is likely to be of a permanent nature.

(2) A person to whom the Act applies in consequence of an accident happening after the 31st December, 1923, or in consequence of two or more accidents at least one of which happened after that date, shall be disqualified from receiving an allowance for any period during which he is not ordinarily resident in the United Kingdom:

Provided that he shall not be disqualified from receiving an allowance under this regulation for any period during which he remains entitled to weekly payments by way of workmen's compensation in respect of the relevant accident or accidents or, if he has ceased to be so entitled, satisfies the determining authority that the incapacity resulting therefrom is likely to be of a permanent nature.

(3) A person shall not be disqualified from receiving an allowance under this regulation for any period during which he remains entitled to payments under the Supplementation Act.

(4) For the purposes of this regulation, references 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.

Allowances during imprisonment

4.—(1) Where a person has become entitled, in respect of a period or any part of a period during which he is and has continuously been undergoing imprisonment or detention in legal custody, to sums by way of allowance which, in the aggregate, either—

(*a*) equal the total amount payable by way of an allowance for a period of one year, or

(*b*) together with any sums payable under the Supplementation Act, in respect of such period of imprisonment or detention in legal custody amount to one hundred pounds;

that person shall be disqualified from receiving any further sums by way of allowance in respect of such period or any part thereof.

(2) The provisions of paragraphs (2) and (3) of regulation 25 of the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948(a) (which paragraphs relate to the suspension of payment of benefit during periods of imprisonment or detention in legal custody) shall be applicable with the necessary modifications to the payment of an allowance as the same apply to benefit under the Industrial Injuries Act.

PART III

CLAIMS AND PAYMENTS

Information to be given when making a claim for an allowance

5. Every person who makes a claim for an allowance shall furnish to the Ministry such certificates, documents, information and evidence for the purpose of determining the claim 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.

Obligation of beneficiaries to notify change of circumstances

6. 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 an allowance awarded to him or to the receipt thereof.

Information to be given when obtaining payment of an allowance

7. Every beneficiary and every person by whom or on whose behalf sums by way of an allowance are receivable shall furnish in such manner and at such times as the Ministry may determine such certificates and other documents and such information of facts affecting the right to an allowance or to the receipt thereof as the Ministry may reasonably require.

Time and manner of payment of an allowance

8.—(1) Subject to the provisions of this regulation, an allowance shall be paid weekly in advance by means of allowance orders payable in each case to the beneficiary, at such post office as the Ministry, after enquiry of the beneficiary, may from time to time determine.

(2) In every case in which there is an award of an allowance the Ministry shall cause arrangements to be made whereby, on furnishing such evidence as to identity and such other particulars as may be required, the beneficiary may obtain a book of allowance orders, and the Ministry shall notify the beneficiary of the arrangements so far as they affect him.

(a) S.R. & O. 1948. No. 203.

(3) The Ministry shall arrange for the issue to every beneficiary entitled to an allowance, of a fresh book of allowance orders on the expiration of the previous book.

(4) Weekly sums on account of an allowance shall be payable on Wednesdays.

(5) Where by reason of any provision of the Act or of these regulations, the date as from which an allowance would commence is not a Wednesday, that allowance shall commence only as from the next Wednesday.

(6) Where the date on which any allowance would cease to be payable is not a Tuesday, that allowance shall continue to be payable in respect of the days of the week up to but not including the next Wednesday.

(7) A book of allowance orders issued to any person shall remain the property of the Ministry.

(8) Any person having a book of allowance orders or any unpaid allowance order shall, on the termination of the allowance to which such book or order relates, or when requested by the Ministry, deliver such book or order to the Ministry or to such other person as it may direct.

(9) Notwithstanding anything contained in the foregoing provisions of this regulation, the Ministry may in any particular case or class of cases arrange for the payment of an allowance otherwise than weekly in advance or otherwise than by means of allowance orders payable to the beneficiary.

Suspension of payment of an allowance

9. Where it appears to the Ministry that a question has arisen whether—

(*a*) the conditions for receipt of an allowance under an award are or were fulfilled; or

(*b*) an award of an allowance ought to be revised under Part IV of these regulations;

it may direct that payment of the allowance shall be suspended until that question has been determined.

Deduction of an allowance required to be repaid

10.—(1) Where any sums paid by way of an allowance are required to be repaid to the Industrial Injuries Fund under the provisions of regulation 15 of these regulations, such sums may, without prejudice to any other method of recovery, be deducted from an allowance or from any benefit under the Industrial Injuries Act or from any allowance under the Supplementation Act then or thereafter payable to the person by whom they are to be repaid, or to any person entitled to receive any such allowance or benefit on his death, and such deductions may be made at such rate as the Ministry may determine.

(2) Where, in the case of any person, any sum is recoverable by deduction—

(*a*) by virtue of any provision of the Industrial Injuries Act from any payment under that Act; or

(*b*) by virtue of any provision of the Supplementation Act 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.

Commencement of payment on review

11. Subject to the provisions of regulation 8 of these regulations, where on review a decision is revised so as to make an allowance payable, then, subject to the provisions of the Act and of these regulations, the allowance shall be payable accordingly for the period from the date of the application for the review or from such earlier date as the determining authority reviewing the decision may consider reasonable in the circumstances.

Application to allowances of the National Insurance (Industrial Injuries) (Claims and Payments) Regulations

12. Those provisions of the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (**a**), as amended (**b**) set out in the first column of the First Schedule to these regulations (which respectively relate to the matters referred to in the second column of that Schedule) shall apply, with the necessary modifications, to claims for and payment of allowances under the Act as the same apply to disablement benefit under the Industrial Injuries Act, but as though the references to three months in columns (2) and (3) of the Second Schedule to those regulations were references to six months.

PART IV

DETERMINATION OF CLAIMS AND QUESTIONS

Application to allowances of the Industrial Injuries Act and the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations

13. All claims for an allowance and all questions arising in connection with any such claim or with an award of an allowance, shall be submitted forthwith to an insurance officer appointed under section 44 of the Industrial Injuries Act and shall be dealt with as if they had arisen under that Act, and accordingly, those sections of that Act set out in the first column of Part I of the Second Schedule and those provisions of the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland), 1948 (**c**), set out in the first column of Part II of that Schedule (which sections and provisions respectively relate to the matters referred to in the second column of that Schedule) shall apply, with the necessary modifications, to the determination of such claims and questions as the same apply to the determination of claims and questions under that Act.

(**a**) S.R. & O. 1948 No. 204.
(**b**) The relevant amending regulations are S.R. & O. 1951 No. 101 and S.R. & O. 1952. No. 118.
(**c**) S.R. & O. 1948. No. 201.

Medical examinations

14.—(1) The Ministry may arrange for the medical examination of a claimant or beneficiary if the determining authority informs the Ministry that such examination is necessary in order to provide sufficient evidence for the proper determination of a claim or question which has been submitted to the authority.

(2) Except with the consent of the claimant or beneficiary, the Ministry shall not arrange for a medical examination unless the conditions set out in paragraph (1) of this regulation are satisfied.

(3) Where arrangements are made for a medical examination under paragraph (1) of this regulation, the Ministry shall give notice thereof in writing to the claimant or beneficiary, which notice shall require him to attend at such time and place as may be appointed in pursuance of those arrangements:

Provided that he shall not be required to attend any such appointment unless he has had at least three clear days notice of it in writing.

Requirement to repay wrongly paid allowances

15. Where on review or appeal a decision is revised, or is reversed or varied, the decision given on review or appeal shall require repayment to the Industrial Injuries Fund of an allowance paid in pursuance of the original decision to the extent to which it would not have been payable if the decision on review or appeal had been given in the first instance:

Provided that repayment shall not be required in any case where the beneficiary is shown to the satisfaction of the determining authority deciding the review or appeal to have acted in good faith in all respects as to the obtaining and receipt of the allowance.

Disqualification of persons entitled to allowances under corresponding legislation of Great Britain and treating payments under such legislation as paid on account of allowances

16.—(1) A person shall be disqualified from receiving an allowance for any period for which he has been awarded and is entitled to receive payments by way of an allowance under any corresponding legislation of Great Britain.

(2) Where an award of an allowance under any corresponding legislation of Great Britain is revised, or is reversed or varied by a decision on review or appeal, so as, in respect of any period, to make such allowance not payable, and the person concerned has also been awarded an allowance under the Act, any payments by way of allowance made under the corresponding legislation before the decision on review or appeal, shall be treated as having been paid on account of the allowance payable under the Act for the same period except in so far as such payments under the corresponding legislation have been directed to be repaid by the decision on review or appeal.

PART V

MISCELLANEOUS

Breach of regulations

17. If any person contravenes or fails to comply with any requirement of regulations 5, 6, 7 or paragraph (8) of regulation 8 of these regulations, he shall for such offence be liable on summary conviction to a penalty not exceeding ten pounds.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this
(L.S.) 17th day of August, 1956, in the presence of

H. Anderson,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

FIRST SCHEDULE

Regulation 12

Containing those provisions of the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland), 1948, which are applied for the purposes of Part III of these regulations.

Regulation	Subject matter
6	Claims to be made to the Ministry in writing.
7	Supply of claim forms.
8	Claims not on appropriate forms.
10	Amendment of claim form.
11	Claims made, and notices sent, by post.
12	Time for claiming benefit and forfeiture of benefit for failure to claim within the prescribed time.
18	Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time.
22	Persons unable to act.
23	Payments on death.
Second Schedule	The prescribed times for claiming benefit and the extent of forfeiture of benefit arising by reason of late claims.

SECOND SCHEDULE

Regulation 13

Parts I and II of this Schedule respectively contain those provisions of the Industrial Injuries Act and the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland), 1948, which are applied for the purposes of Part IV of these regulations.

PART I

Section	Subject matter
42	Appointment of Umpire and deputy Umpires.
43	Constitution of local appeal tribunals.
45	Determination of claims by insurance officer and references to local appeal tribunal.
46	Appeals to and decisions of local appeal tribunals.
47	Appeals to Umpire.
50	Review of decisions of insurance officer, local appeal tribunal or Umpire.

PART II

Regulation	Subject matter
14	Notice of insurance officer's decision.
15	Constitution of local appeal tribunals.
16	Medical assessors.
17	Notice of appeal and reference to a local appeal tribunal.
18	Hearings by local appeal tribunal.
19	Decisions of local appeal tribunals and procedure at such hearings.
20	Application for leave to appeal and for extension of time for appealing.
21	Notice of appeal to the Umpire.
22	Procedure before the Umpire.
24	Review of decisions of insurance officer, local appeal tribunal or Umpire.
25	Local referees.
26	Miscellaneous powers of insurance officer and insurance tribunal.
27	Right of audience and representation.