

National Insurance (Industrial Injuries) Act, 1946.

9 & 10 GEO. 6. CH. 62.

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CHAPTER 62.

An Act to substitute for the Workmen's Compensation Acts, 1925 to 1945, a system of insurance against personal injury caused by accident arising out of and in the course of a person's employment and against prescribed diseases and injuries due to the nature of a person's employment, and for purposes connected therewith. [26th July 1946.]

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

PART I.

INSURED PERSONS AND CONTRIBUTIONS.

1.—(1) Subject to the provisions of this Act, all persons employed in insurable employment shall be insured in manner provided by this Act against personal injury caused on or after the appointed day by accident arising out of and in the course of such employment. Persons to be insured.

(2) For the purposes of this Act, every employment specified in Part I of the First Schedule to this Act is an insurable employment unless it is an excepted employment, that is to say an employment specified in Part II of that Schedule:

Provided that Parts I and II of that Schedule shall have effect subject to the provision made by Part III thereof for preventing anomalies.

PART I.
—cont.
Source of
funds.

2. For the purpose of providing the funds required for paying benefit, and for making any other payments which under this Act are to be made out of the Industrial Injuries Fund established under this Act, contributions shall, subject to the provisions of this Act, be payable as follows:—

- (a) every insured person of the classes set out in the first column of Part I of the Second Schedule to this Act and every employer of any such person shall be liable as from the appointed day to pay weekly contributions at the respective rates set out in the second and third columns of that Part of that Schedule, unless exempted from that liability as provided in Part II of that Schedule; and
- (b) there shall be paid out of moneys provided by Parliament, in such manner and at such times as the Treasury may determine, sums estimated in manner aforesaid to be equal to one-fifth of the aggregate amount of contributions paid under the foregoing paragraph.

Payment of
contributions.

3.—(1) Except where regulations otherwise prescribe, the employer shall, in the first instance, be liable to pay both the contribution payable by himself and also, on behalf of and to the exclusion of the insured person, the contribution payable by that person; and for the purposes of this Act contributions paid by an employer on behalf of an insured person shall be deemed to be contributions by the insured person.

(2) A weekly contribution shall be payable for each contribution week during the whole or any part of which an insured person is employed:

Provided that—

- (a) where one weekly contribution has been paid in respect of an insured person for any week, no further contribution shall be payable in respect of him for the same week; and
- (b) where, as respects any insurable employment, no services have been rendered by an insured person during any week, and no remuneration is paid wholly or partly in respect of any day in that week other than a day on which he either—
 - (i) has been rendered incapable of work by reason of some specific disease or bodily or mental disablement and would but for the incapacity have been working; or
 - (ii) does not work in a normal week;

then, as respects that employment, no contribution shall be payable in respect of the insured person for that week.

(3) Regulations may provide, as respects any period during which no services are rendered by an insured person, that for the purposes of this Part of this Act any payments which the insured person receives or is entitled (whether conditionally or not) to receive in any prescribed circumstances are or are not to be deemed to be remuneration paid in respect of any day in that period.

PART I
—cont.

(4) If any employer or insured person fails to pay any contribution which he is liable under this Act to pay, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(5) The provisions of Part III of the Second Schedule to this Act shall have effect as respects the return of contributions paid erroneously, and the provisions of Part IV of that Schedule shall have effect as respects the payment of contributions through an employment exchange as defined in the said Part IV.

4.—(1) Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct from the wages or other remuneration of, or otherwise to recover from, the insured person the employer's contribution.

Employer's
contribution
irrecoverable
from insured
person.

(2) If an employer deducts or attempts to deduct from the wages or other remuneration of an insured person the whole or any part of the employer's contribution, he shall be liable on summary conviction to a fine not exceeding ten pounds.

5.—(1) Subject to the provisions of this section, and subject to any regulations, the employer shall be entitled to recover from the insured person in accordance with the provisions of this section the amount of any contributions paid or to be paid by him on behalf of that person :

Recovery by
employer of
insured
person's
contributions.

Provided that the amount of any contribution not yet paid shall not be recoverable except under and in accordance with the next following subsection.

(2) Where the insured person receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid or to be paid by the employer on behalf of the insured person shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from the wages of that person or from any other remuneration due from the employer to that person and not otherwise :

Provided that—

(a) no such deduction may be made from any wages or remuneration other than such as are paid wholly or partly in respect of the contribution week or part of the

PART I.
—cont.

contribution week for which the contribution is payable or may become payable, as the case may be ;

(b) no such deduction may be made of any contribution not yet paid except where it is not payable until after the date when the said wages or remuneration are paid.

(3) Where the insured person does not receive any wages or other pecuniary remuneration from the employer, but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the insured person shall (without prejudice to any other means of recovery) be recoverable from the insured person summarily as a civil debt, if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.

(4) Where the insured person does not receive any wages or other pecuniary remuneration either from his employer or from any other person, the employer shall be liable to pay the contributions payable both by himself and the insured person and shall not be entitled to recover any part thereof from the insured person.

Consequential amendment of enactments relating to minimum wages.

1 & 2 Geo. 6.
c. 44.
6 & 7 Geo. 6.
c. 24.
8 & 9 Geo. 6.
c. 17.

6. In the following enactments, that is to say—

(a) subsection (2) of section six of the Road Haulage Wages Act, 1938 ;

(b) subsection (1) of section ten of the Catering Wages Act, 1943 ; and

(c) subsection (1) of section thirteen of the Wages Councils Act, 1945 ;

(which provide among other things that, for the purpose of seeing whether a person's remuneration is less than the minimum provided for by those Acts, his remuneration shall be calculated before deduction of his contributions for unemployment insurance and national health insurance), there shall after the words, "the National Health Insurance Act, 1936," or "the National Health Insurance Acts, 1936 to 1941," as the case may be, be inserted the words "the National Insurance (Industrial Injuries) Act, 1946."

PART II.

BENEFIT.

Description of benefit and general conditions thereof.

Right to and description of benefit.

7.—(1) Subject to the provisions of this Act, where an insured person suffers personal injury caused on or after the appointed day by accident arising out of and in the course of his employment, being insurable employment, then—

(a) industrial injury benefit (in this Act referred to as "injury benefit") shall be payable to the insured

person if during such period as is hereinafter provided he is, as the result of the injury, incapable of work ;

- (b) industrial disablement benefit (in this Act referred to as “ disablement benefit ”) shall be payable to the insured person if at a time not falling within the said period he suffers, as the result of the injury, from such loss of physical or mental faculty as is hereinafter provided ;
- (c) industrial death benefit (in this Act referred to as “ death benefit ”) shall be payable to such persons as are hereinafter provided if the death of the insured person results from the injury.

(2) In this Act references to loss of physical faculty shall be construed as including references to disfigurement, whether or not accompanied by any actual loss of faculty.

(3) Subject to the provisions of Part VI of this Act relating to persons on ships and aircraft, benefit shall not be payable in respect of an accident happening while the insured person is outside Great Britain.

(4) For the purposes of this Act, an accident arising in the course of an insured person’s employment shall be deemed, in the absence of evidence to the contrary, also to have arisen out of that employment.

8. An accident shall be deemed to arise out of and in the course of an insured person’s employment, notwithstanding that he is at the time of the accident acting in contravention of any statutory or other regulations applicable to his employment, or of any orders given by or on behalf of his employer, or that he is acting without instructions from his employer, if—

- (a) the accident would have been deemed so to have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be ; and
- (b) the act is done for the purposes of and in connection with the employer’s trade or business.

9.—(1) An accident happening while an insured person is, with the express or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment, if—

- (a) the accident would have been deemed so to have arisen had he been under such an obligation ; and

PART II.
—cont.

(b) at the time of the accident, the vehicle—

(i) is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer ; and

(ii) is not being operated in the ordinary course of a public transport service.

(2) In this section references to a vehicle include references to a ship, vessel or aircraft.

Accidents
happening
while meeting
emergency.

10. An accident happening to an insured person in or about any premises at which he is for the time being employed for the purposes of his employer's trade or business shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

*Injury benefit and disablement benefit.*Injury
benefit.

11.—(1) An insured person shall be entitled to injury benefit in respect of any day on which, as the result of the relevant injury, he is incapable of work during the injury benefit period :

Provided that, subject to the provisions of this Act, an insured person shall not be entitled to injury benefit in respect of the first three such days, unless as the result of the relevant injury he is incapable of work during the said period on not less than twelve days.

(2) In determining whether the insured person is incapable of work on the day of the accident, any part of that day before the happening of the accident shall be disregarded.

(3) Injury benefit shall be an allowance payable at the weekly rate of forty-five shillings, and the amount payable for any day of incapacity shall be one-sixth of the weekly rate :

Provided that, for any period during which the beneficiary is under the age of eighteen and not for the time being entitled under the following provisions of this Part of this Act to an increase of benefit in respect of a child or adult dependant, the said weekly rate shall be as follows, that is to say :—

(a) for a period during which he is between the ages of seventeen and eighteen, thirty-three shillings and ninepence ; and

(b) for a period during which he is under the age of seventeen, twenty-two shillings and sixpence.

(4) For the purposes of this Act, the expression " the injury benefit period " means in relation to any accident, the period

of one hundred and fifty-six days (Sundays being disregarded) beginning with the day of the accident :

PART II.
—cont.

Provided that, if on any of the said days the insured person is not incapable of work as the result of the relevant injury, he may elect to treat the injury benefit period as having come to an end, subject to and in accordance with the following provisions, that is to say :—

- (a) he shall be deemed to have so elected if, but only if, on any such day on which he is not incapable as aforesaid, he makes a claim for disablement benefit in respect of the accident ;
- (b) if after making such a claim he withdraws it before it is finally determined, he shall be deemed also to have withdrawn his election ;
- (c) where by making a claim as aforesaid he elects to treat the injury benefit period as having come to an end, it shall be deemed to have come to an end with the last day thereof before the making of the claim on which he was incapable of work as aforesaid or with the third day thereof, whichever is the later.

12.—(1) Subject to the provisions of this section, an insured person shall be entitled to disablement benefit if, as the result of the relevant injury,—

- (a) at the end of the injury benefit period he is suffering from loss of physical or mental faculty which either—
 - (i) is likely to be permanent ; or
 - (ii) is substantial, that is to say, is such that the extent of the resulting disablement assessed in accordance with the following provisions of this section amounts to not less than twenty per cent. ;
 or
- (b) at some time after the end of the injury benefit period, he becomes subject to a loss of physical or mental faculty which is substantial and likely to be permanent :

Provided that for the purposes of this section there shall be deemed not to be any loss of faculty at any time when the extent of the resulting disablement would be assessed in accordance with the following provisions of this section as not amounting to one per cent.

(2) For the purposes of this section, the extent of disablement shall be assessed, by reference to the disabilities incurred by the claimant as a result of the relevant loss of faculty, in accordance with the following general principles :—

- (a) save as hereafter provided in this subsection, the disabilities to be taken into account shall be all disabilities (whether or not involving loss of earning power or

PART II.
—cont.

additional expense) to which the claimant may be expected, having regard to his physical and mental condition at the date of the assessment, to be subject during the period taken into account by the assessment as compared with a person of the same age and sex whose physical and mental condition is normal ;

- (b) any such disability shall be treated as having been incurred as a result of the relevant loss of faculty except that, subject to the provisions of any regulations made under the next following subsection, it shall not be so treated in so far as the claimant either—
- (i) would in any case have been subject thereto as the result of a congenital defect or of an injury or disease received or contracted before the relevant accident ; or
 - (ii) would not have been subject thereto but for some injury or disease received or contracted after, and not directly attributable to, that accident ;
- (c) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex, and physical and mental condition ;
- (d) the disabilities resulting from such loss of faculty as may be prescribed shall be taken as amounting to one hundred per cent. disablement and other disabilities shall be assessed accordingly.

(3) Provision may be made by regulations for further defining the principles on which the extent of disablement is to be assessed and such regulations may in particular direct that a prescribed loss of faculty shall be treated as resulting in a prescribed degree of disablement ; and, in connection with any such direction, nothing in paragraph (c) of the last foregoing subsection shall be taken to prevent the making of different provision, in the case of loss of faculty in or affecting hand or arm, for right handed and for left handed persons.

(4) The period to be taken into account by an assessment of the extent of a claimant's disablement shall be the period (beginning not earlier than the end of the injury benefit period, and limited by reference either to the claimant's life or to a definite date) during which the claimant has suffered and may be expected to continue to suffer from the relevant loss of faculty :

Provided that, if on any assessment the condition of the claimant is not such, having regard to the possibility of changes therein (whether predictable or not), as to allow of a final assessment being made up to the end of the said period,—

- (a) a provisional assessment shall be made, taking into account such shorter period only as seems reasonable

having regard to his condition and the possibility aforesaid ; and

- (b) on the next assessment the period to be taken into account shall begin with the end of the period taken into account by the provisional assessment.

(5) An assessment shall state the degree of disablement in the form of a percentage and shall also specify the period taken into account thereby and, where that is limited by reference to a definite date, whether the assessment is provisional or final :

Provided that—

- (a) the said percentage and period shall not be specified more particularly than is necessary for the purpose of determining in accordance with this section the claimant's rights as to disablement benefit ; and
- (b) a percentage between twenty and one hundred which is not a multiple of ten shall be treated—
- (i) if it is a multiple of five, as being the next higher percentage which is a multiple of ten ;
- (ii) if it is not a multiple of five, as being the nearest percentage which is a multiple of ten.

(6) Where the extent of the disablement is assessed for the period taken into account as amounting to less than twenty per cent., disablement benefit shall be an industrial disablement gratuity (in this Act referred to as a " disablement gratuity ")—

- (a) of an amount fixed, in accordance with the length of the said period and the degree of disablement, by a prescribed scale, but not in any case exceeding one hundred and fifty pounds ; and
- (b) payable, if and in such cases as regulations so provide, by instalments.

The scale prescribed for the purposes of this subsection shall be the same for all persons, except that a lower amount may be fixed thereby for cases where at the beginning of the period taken into account by the assessment the beneficiary is under the age of eighteen, and may be made to depend on the date on which he will attain that age ; but the said lower amount shall not in any case be less than one-half the amount to which the beneficiary would be entitled if at the beginning of the said period he were over that age, nor, in a case where the beneficiary was at the beginning of the said period over the age of seventeen, less than three-quarters of the last mentioned amount.

(7) Where the extent of the disablement is assessed for the period taken into account as amounting to twenty per cent.

PART II.
—cont.

or more, disablement benefit shall be an industrial disablement pension (in this Act referred to as a "disablement pension") for that period payable, for the several degrees of disablement set out in the first column of the Third Schedule to this Act, at the respective rates set out in the second column of that Schedule :

Provided that—

- (a) where that period is limited by reference to a definite date, the pension shall cease on the death of the beneficiary before that date ; and
- (b) for any part of that period during which the beneficiary is under the age of eighteen and not for the time being entitled under the following provisions of this Act to an increase of the pension in respect of a child or adult dependant, the rate for any degree of disablement shall be as follows, that is to say :—
 - (i) for a part of the said period during which he is between the ages of seventeen and eighteen, three-quarters of the rate set out as aforesaid ; and
 - (ii) for a part of the said period during which he is under the age of seventeen, one half of the rate set out as aforesaid.

Increase of
disablement
pension on
account of
unemploy-
ability.

13.—(1) The weekly rate of a disablement pension shall be increased by twenty shillings, if, as the result of the relevant loss of faculty, the beneficiary is incapable of work and likely to remain permanently so incapable :

Provided that, for any period during which the beneficiary is under the age of eighteen and not for the time being entitled under the following provisions of this Act to an increase of the pension in respect of a child or adult dependant, the increase under this section shall be as follows, that is to say :—

- (a) for a period during which he is between the ages of seventeen and eighteen, fifteen shillings ; and
- (b) for a period during which he is under the age of seventeen, ten shillings.

(2) For the purposes of this section, a person may be treated as being incapable of work and likely to remain permanently incapable of work, notwithstanding that the loss of faculty is not such as to prevent him being capable of work, if it is likely to prevent his earnings exceeding fifty-two pounds in a year.

(3) An increase of pension under this section (in this Act referred to as an "unemployability supplement") shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

14.—(1) The weekly rate of a disablement pension shall, subject to the following provisions of this section, be increased by eleven shillings and threepence, if as the result of the relevant loss of faculty the beneficiary—

PART II.
—cont.
Increase of
disablement
pension in
cases of special
hardship.

- (a) is incapable and likely to remain permanently incapable of following his regular occupation ; and
- (b) is incapable of following employment of an equivalent standard which is suitable in his case.

(2) In the foregoing subsection—

- (a) the reference to a person's regular occupation shall be taken as not including any subsidiary occupation of his ;
- (b) the reference to employment of an equivalent standard shall be taken as not including employment other than insurable employment ;

and in assessing the standard of remuneration in any employment, including a person's regular occupation, regard shall be had to his reasonable prospects of advancement.

(3) A beneficiary shall not be entitled to an increase of pension under this section for any period for which he is entitled to an unemployability supplement ; and the weekly rate of a disablement pension, apart from any increase in respect of the need for constant attendance or in respect of a child or adult dependant, shall not by virtue of this section be increased above forty-five shillings.

(4) Subject to the last foregoing subsection, an increase of pension under this section shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

(5) Regulations may make as respects a disablement gratuity provision corresponding to that made by this section as respects a disablement pension, and may include provision for payment of a pension in lieu of the gratuity.

15.—(1) The weekly rate of a disablement pension payable in respect of an assessment of one hundred per cent. shall be increased by such amount as is hereinafter mentioned, if as the result of the relevant loss of faculty the beneficiary requires constant attendance.

Increase of
disablement
pension where
constant
attendance
needed.

(2) The amount by which a pension is to be increased under this section shall be determined in accordance with regulations by reference to the extent and nature of the attendance required by the beneficiary, but shall not exceed twenty shillings, except in cases of exceptionally severe disablement, or forty shillings in any case.

PART II.
—cont.

(3) An increase of pension under this section shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time :

Provided that no such increase shall be payable in respect of a period for which the beneficiary is receiving free of charge medical treatment as an in-patient in a hospital or similar institution.

Increase of
disablement
pension during
approved
hospital
treatment.

16. Where a beneficiary entitled to a disablement pension enters any hospital or similar institution for the purpose of receiving approved hospital treatment, then if the degree of disablement in respect of which the pension is payable was assessed at less than one hundred per cent., it shall be treated for the period for which he receives such treatment as if it had been assessed at one hundred per cent.

Increase
of injury
benefit and
disablement
pension in
respect of
children.

17.—(1) For any period during which—

(a) a beneficiary entitled to injury benefit has a family which includes a child or children ; or

(b) a beneficiary entitled to a disablement pension has such a family and is either entitled to an unemployability supplement or receiving approved hospital treatment ;

the weekly rate of the injury benefit or disablement pension shall be increased by seven shillings and sixpence in respect of that child or the elder or eldest of those children.

(2) Where the beneficiary is a man, a child of the family of any woman for the time being residing with him shall be treated for the purposes of this section as a child of his family if the child either—

(a) is an illegitimate son or daughter of theirs ; or

(b) was born not less than six months before the date of the relevant accident and wholly or mainly maintained by the beneficiary throughout the six months ending with that date.

Increase of
injury benefit
and disable-
ment pension
in respect of
adult
dependants.

18.—(1) The weekly rate of injury benefit shall be increased by sixteen shillings for any period during which—

(a) the beneficiary is residing with or is wholly or mainly maintaining his wife ;

(b) the beneficiary is wholly or mainly maintaining her husband who is incapable of self-support ;

(c) the beneficiary has residing with him and is wholly or mainly maintaining any such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled ;
or

(d) some female person (not being a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of the last foregoing section, being a person in relation to whom such further conditions as may be prescribed are fulfilled.

(2) The last foregoing subsection shall, for any period for which the beneficiary either is entitled to an unemployability supplement or is receiving approved hospital treatment, apply to a disablement pension as it applies to injury benefit.

(3) Regulations may provide that a beneficiary shall not be entitled to an increase of benefit under this section in respect of a wife or husband where the earnings of the wife or husband (calculated or estimated in the prescribed manner and on the prescribed basis) exceed the prescribed amount.

(4) A beneficiary shall not be entitled to an increase of benefit under this section in respect of more than one person for the same period.

(5) In this section the expression "relative" does not include any person who is a child, but includes a person who is a relative by marriage or adoption and a person who would be a relative if some person born illegitimate had been born legitimate.

Death benefit.

19.—(1) The widow of the deceased shall be entitled to death benefit if at his death she either was residing with him or was receiving or entitled to receive, or would but for the relevant accident have been receiving or entitled to receive, from him periodical payments for her maintenance of not less than the prescribed amount. Widows

(2) In the case of a widow, death benefit shall be—

(a) a pension commencing from the death of the deceased and payable, at the weekly rate for the time being applicable under the following provisions of this section, for life or until she remarries; and

(b) a gratuity, payable on the termination of the pension in consequence of her remarriage, of an amount equal to fifty-two times the weekly rate of the pension to which she was then entitled.

(3) Subject to the following provisions of this section, the weekly rate of a pension payable under this section shall be thirty shillings—

(a) for any period for which the widow is entitled to an allowance under the following provisions of this Part

PART II.
—cont.

of this Act in respect of a child of the deceased's family ;
or

- (b) where the widow was over the age of fifty at the deceased's death or has attained the age of fifty during a period for which she was entitled to such an allowance ; or
- (c) where the widow at the deceased's death was permanently incapable of self-support ;

and in any other case shall be twenty shillings :

Provided that, unless the deceased and his widow were residing together at his death, the said weekly rate shall not exceed the aggregate weekly rate of the payments referred to in subsection (1) of this section.

(4) Regulations may provide that, for any prescribed period ending not later than thirteen weeks after the deceased's death, there shall be substituted for the weekly rate of pension otherwise applicable under the last foregoing subsection such higher rate not exceeding thirty-six shillings as may be prescribed.

(5) For the purposes of this section—

- (a) references to a widow receiving or being entitled to receive payments from the deceased shall be construed as referring, and as referring only, to her receiving or being entitled to receive whether from him or from another payments provided or procured by the deceased ;
- (b) the expression "entitled" means, in relation to any such payments, entitled under any order of a court, trust or agreement which the widow has taken reasonable steps to enforce.

Widowers.

20.—(1) The widower of the deceased shall be entitled to death benefit if at her death he—

- (a) was being wholly or mainly maintained by her or would but for the relevant accident have been so maintained ;
and
- (b) was permanently incapable of self-support.

(2) In the case of a widower, death benefit shall be a pension commencing from the death of the deceased, and payable, at the weekly rate of thirty shillings, for life.

Children of
the deceased's
family.

21.—(1) Where at his death the deceased had a family which included a child or children, then, for any period during which a person has a family which includes that child or one or more of those children, that person shall be entitled in respect of the child or the elder or eldest of the children to death benefit by

way of an allowance at the weekly rate of seven shillings and sixpence :

PART II.
—cont.

Provided that this subsection shall have effect subject to the provisions of the Fourth Schedule to this Act limiting the benefit payable in respect of any death.

(2) Where the deceased was a man,—

(a) a (legitimate) son or daughter of his, who—

(i) at his death was a child of his wife's, but not of his, family ; or

(ii) is born to him posthumously ; and

(b) an illegitimate son or daughter of him and any woman residing with him at his death, being a son or daughter who then was a child of her family and was being, or would but for the relevant accident have been, wholly or mainly maintained by him ;

shall be treated for the purposes of this section as having been a child of the deceased's family at his death.

22.—(1) A parent of the deceased shall be entitled to death benefit, if at the deceased's death he or she was being to a substantial extent maintained by the deceased, or would but for the relevant accident have been so maintained. Parents.

(2) In the case of a parent who, at the deceased's death, was being wholly or mainly maintained by the deceased, or would but for the relevant accident have been so maintained, death benefit shall be a pension commencing from the death of the deceased and payable for life or, in the case of the mother, until she remarries or marries.

(3) In the case of a parent entitled to death benefit under subsection (1) of this section but not to a pension under subsection (2) thereof, death benefit shall be a gratuity payable, if and in such cases as regulations so provide, by instalments.

(4) Subject to the following provisions of this Part of this Act—

(a) the weekly rate of a pension payable to a parent under subsection (2) of this section shall be fifteen shillings for any period for which the parents are living together and are both entitled to such a pension (whether in respect of the same or another death), and twenty shillings for any other period ;

(b) the amount of a gratuity payable to a parent under subsection (3) of this section shall be fifty-two pounds, so, however, that this paragraph shall have effect subject to the provisions of the Fourth Schedule to this Act limiting the benefit payable in respect of any death.

(5) In this section the expression " parent " includes a step-parent and, in a case where the deceased was illegitimate, his

PART II.
—cont.

mother, and the expression "mother" shall be construed accordingly.

Relatives.

23.—(1) Any such relative of the deceased as may be prescribed shall be entitled to death benefit if at the deceased's death—

- (a) the relative was being wholly or mainly maintained by the deceased or would but for the relevant accident have been so maintained ; or
- (b) the relative was being to a substantial extent maintained by the deceased, or would but for the relevant accident have been so maintained, and—
 - (i) in the case of a man, was permanently incapable of self-support ;
 - (ii) in the case of a woman, was herself permanently incapable of self-support or was living with her husband who was permanently incapable of self-support :

Provided that this section shall have effect subject to the provisions of the Fourth Schedule to this Act limiting the benefit payable in respect of any death.

(2) Subject to the provisions of the said Fourth Schedule, in the case of a relative entitled to death benefit under the foregoing subsection, the benefit shall be a pension, if—

- (a) the relative fulfils the condition specified in paragraph (a) of that subsection ; and
- (b) the relative or, in the case of a married woman living with her husband, she or her husband was at the deceased's death permanently incapable of self support ;

and any such pension shall commence from the deceased's death and be payable for such period as may be determined at the time it is granted, but may, if the beneficiary or her husband, as the case may be, continues to be permanently incapable of self-support, or, in the husband's case, has died during the continuance of that incapacity, be renewed from time to time :

Provided that the said pension shall cease on the death of the beneficiary within the period for which it was granted, and, in the case of a woman, shall also cease on her marriage or remarriage within the said period or, where the pension was granted by virtue of her husband's incapacity, on the termination of their marriage otherwise than by his death or on their ceasing to live together within the said period, and shall not thereafter be renewed.

(3) Subject to the provisions of the said Fourth Schedule, in the case of a relative entitled to death benefit under subsection (1) of this section but not to a pension under subsection (2) thereof, the benefit shall be—

- (a) if the relative fulfils the condition specified in paragraph (b) of subsection (1) of this section, but not the condition specified in paragraph (a) thereof, a gratuity payable, if and in such cases as regulations so provide, by instalments; and
- (b) if the relative fulfils the condition specified in the said paragraph (a) an allowance commencing from the deceased's death and payable for thirteen weeks from his death:

Provided that the said allowance shall cease on the death of the beneficiary within the said thirteen weeks.

(4) Subject to the provisions of the said Fourth Schedule and subject also to the following provisions of this Part of this Act—

- (a) the weekly rate of a pension payable under subsection (2) of this section shall be twenty shillings;
- (b) the amount of a gratuity payable under subsection (3) of this section shall be fifty-two pounds;
- (c) the weekly rate of an allowance payable under subsection (3) of this section shall be thirty-six shillings.

(5) In this section the expression "relative" does not include a husband or wife, or a parent within the meaning of the last foregoing section, but (subject to the foregoing provisions of this subsection) includes a person who is only a relative by marriage or adoption and a person who would be a relative if some person born illegitimate had been born legitimate.

(6) Notwithstanding anything in the foregoing provisions of this section, a relative who was a child at the deceased's death shall not be entitled to benefit thereunder—

- (a) until he ceases to be a child; or
- (b) unless he was at the deceased's death and is on ceasing to be a child permanently incapable of self-support;

and any pension payable to such a relative under this section shall commence only from the date on which he ceases to be a child.

(7) Where the deceased was a man, this section shall apply to a posthumous son or daughter of his (whether legitimate or illegitimate) subject to such modifications as may be prescribed.

PART II.
—cont.
Women having
the care of
deceased's
children.

24.—(1) Where, at the date of the relevant accident and throughout the period between that date and his death—

- (a) the deceased had a family which included a child or children ; and
- (b) a female person not being a child was residing with the deceased and had the care of the child or one or more of the children ;

she shall be entitled to death benefit if she was being wholly or mainly maintained by the deceased at the said date and was, or would but for the accident have been, so maintained throughout the said period :

Provided that this subsection shall have effect subject to the provisions of the Fourth Schedule to this Act limiting the benefit payable in respect of any death.

(2) Where the deceased was a man, any illegitimate son or daughter of him and the said female person shall be treated for the purposes of this section as having been a child of the deceased's family during any part of the said period during which he or she—

- (a) was a child of the female person's family ; and
- (b) was, or would but for the relevant accident have been, wholly or mainly maintained by the deceased.

(3) Benefit under this section shall be an allowance commencing from the death of the deceased and payable for any period during which the beneficiary has the care of the child or one or more of the children aforesaid, unless or until the beneficiary marries or remarries, and, subject to the following provisions of this Part of this Act, the weekly rate of any such allowance shall be twenty shillings.

Obligations of claimants and beneficiaries, and of employers.

Obligations of
claimants and
beneficiaries.

25.—(1) Regulations may provide—

- (a) for requiring the prescribed notice of any accident in respect of which benefit may be payable to be given within the prescribed time by the insured person, or, where within that time his death results from the accident, by such other person as may be prescribed, to the insured person's employer or other prescribed person ;
- (b) for requiring claims for benefit to be made within the prescribed time and in the prescribed manner, and for requiring claimants to furnish to the prescribed person any information required for the determination thereof or of any question arising in connection therewith ;

- (c) for requiring beneficiaries to give notice to the prescribed person of any change of circumstances affecting the continuance of the right to benefit or to the receipt thereof, and to furnish as aforesaid any information required for the determination of any question arising in connection with the award.

(2) Regulations may further provide for requiring claimants for, and beneficiaries in receipt of, injury benefit or disablement benefit—

- (a) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident, or the treatment appropriate to the relevant injury or loss of faculty ;
- (b) to submit themselves from time to time to appropriate medical treatment for the said injury or loss of faculty ;
- (c) to attend any vocational training course or industrial rehabilitation course provided under the Disabled Persons (Employment) Act, 1944, which in the opinion of the Minister of Labour and National Service is appropriate in their case. ^{7 & 8 Geo. 6. c. 10.}

(3) Regulations made under this section requiring persons to submit themselves to medical examination or treatment may—

- (a) require those persons to attend at such places and at such times as may be required ; and
- (b) with the consent of the Treasury, provide for the payment by the Minister to those persons of travelling and other allowances (including compensation for loss of remunerative time).

(4) Without prejudice to subsection (2) of this section, it shall be the duty of any person claiming or entitled to injury benefit in respect of any injury not to behave in any manner calculated to retard his recovery.

26. Regulations may provide for requiring employers—

Obligations
of employers.

- (a) to make reports, to such person and in such form and within such time as may be prescribed, of accidents in respect of which benefit may be payable ;
- (b) to furnish to the prescribed person any information required for the determination of claims or of questions arising in connection with claims or awards ;
- (c) to take such other steps as may be prescribed to facilitate the giving notice of accidents, the making of claims and the determination of claims and of questions arising as aforesaid.

PART II.
—cont.*Payment of benefit, and provisions as to adjustments,
disqualifications, etc.*Administra-
tion of benefit.

27.—(1) Provision may be made by regulations as to the time and manner of payment of benefit, and regulations made jointly by the Minister and the Postmaster General may provide for payment thereof through the Post Office.

(2) Regulations made under this section as to the time of payment of benefit may provide—

(a) notwithstanding anything in this Act, for adjusting the commencement and termination of benefit, or of changes in the rate of benefit, so that, except in the case of injury benefit, payments shall not be made in respect of periods less than a week or at different rates for different parts of a week ;

(b) for extinguishing the right to any sum payable by way of benefit where payment thereof is not obtained within six months or such shorter period as may be prescribed from the time at which that sum is receivable in accordance with the regulations.

(3) Regulations may also provide—

(a) for enabling a person to be appointed to exercise, on behalf of a claimant or beneficiary who is a child or who may be or become unable for the time being to act, any right or power which the claimant or beneficiary may be entitled to exercise under this Act, and for authorising a person so appointed to receive any sum payable by way of benefit on behalf of the claimant or beneficiary ;

(b) in connection with the death of a claimant or beneficiary, for enabling the claim to be proceeded with for authorising payment or distribution of benefit to or amongst persons claiming as personal representatives, legatees, next of kin or creditors of the claimant or beneficiary (or, in cases of illegitimacy of deceased persons, to or amongst others), and for dispensing with strict proof of the title of persons so claiming.

(4) Where any sum payable by way of benefit would, apart from this provision, include a fraction of a penny, that fraction shall be disregarded if it is less than a halfpenny and shall be treated as a penny if it is a halfpenny or more.

Benefit to be
inalienable.

28.—(1) Subject to the following provisions of this Act, every assignment of, or charge on, benefit, and every agreement to assign or charge benefit, shall be void, and, on the bankruptcy of a beneficiary, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

(2) In calculating for the purposes of section five of the Debtors Act, 1869, the means of any beneficiary, no account shall be taken of any increase of injury benefit or disablement benefit in respect of a child or of any death benefit.

PART II.

—cont.

32 & 33 Vict.
c. 62.

29.—(1) Where a person suffers two or more successive accidents against which he is insured under this Act,—

Adjustments
for
successive
accidents.

(a) he shall not for the same period be entitled (apart from any increase of benefit such as is mentioned in the following subsection) to receive benefit, either by way of injury benefit and a disablement pension or pensions or by way of two or more disablement pensions, at an aggregate weekly rate exceeding—

(i) if the beneficiary is over the age of eighteen or is for the time being entitled to an increase of benefit in respect of a child or adult dependant, forty-five shillings ;

(ii) if the beneficiary is between the ages of seventeen and eighteen and not for the time being entitled as aforesaid, thirty-three shillings and ninepence ;

(iii) if the beneficiary is under the age of seventeen and not for the time being entitled as aforesaid, twenty-two shillings and sixpence ;

(b) the provision of this Act excluding the right to injury benefit for the first three days of incapacity resulting from the relevant accident unless there are twelve such days during the injury benefit period shall, in relation to two or more accidents happening at intervals not greater than thirteen weeks as the result of each of which he is incapable of work on some day during its injury benefit period, apply so as to permit of there being taken into account, for the purpose of making up the said twelve days in the case of each of those accidents, any days which may be so taken into account in the case of any other of them ;

(c) regulations may provide for adjusting—

(i) injury benefit or disablement benefit, or the conditions for the receipt thereof, in any case where he has received or may be entitled to a disablement gratuity ;

(ii) any increase of benefit such as is mentioned in the following subsection, or the conditions for the receipt thereof.

(2) The increases of benefit referred to in the foregoing subsection are increases in the rate of injury benefit or a disablement pension under sections thirteen, fifteen, seventeen and eighteen

PART II.
—cont.

of this Act, and for the purposes of paragraph (a) of that subsection include also, in a case to which sub-paragraph (ii) or (iii) of that paragraph applies, any increase in the rate of a disablement pension under section fourteen of this Act.

Overlapping
benefits.
8 & 9 Geo. 6.
c. 41.

30.—(1) Provision may be made by regulations, in respect of any pension or allowance (excluding an allowance under the Family Allowances Act, 1945, but including benefit payable otherwise than in respect of the relevant accident) payable out of public funds, for adjusting—

- (a) any increase of benefit under sections thirteen, fifteen, sixteen, seventeen and eighteen of this Act, or the conditions for the receipt thereof, where any such pension or allowance is payable to or in respect of—
 - (i) the claimant or beneficiary or his wife or her husband ; or
 - (ii) any child or adult dependant, or the wife or husband of any adult dependant, in respect of whom the increase is claimed or payable ;
- (b) the weekly rate (apart from any such increase of benefit as aforesaid) of injury benefit or a disablement pension, where any such pension or allowance is payable to or in respect of the claimant or beneficiary or his wife or her husband in virtue of a relationship to, dependence on or other connection with some other person, whether living or dead ;
- (c) death benefit, or the conditions for the receipt thereof, where any such pension or allowance is payable to or in respect of—
 - (i) the claimant or beneficiary or his wife or her husband ; or
 - (ii) any child in respect of whom, under section twenty-one or twenty-four of this Act, the benefit is claimed or payable.

(2) Where a person is entitled to benefit under the said section twenty-one in respect of a child of his family, the allowances payable for that family under the Family Allowances Act, 1945, shall be such only as would be payable if that child were not included in the family :

Provided that this subsection shall not apply where that person—

- (a) is (or, if she has remarried, was) the deceased's widow ;
or

(b) is entitled to death benefit in respect of the deceased's death, by way of a pension or by way of an allowance payable to her as having the care of a child, in addition to the benefit under the said section twenty-one.

PART II.
—*cont.*

31.—(1) Where outdoor relief is granted to or on account of any person in respect of any period and there subsequently become payable to or in respect of that person any arrears of benefit by way of a pension or allowance for the same period, the Minister may treat the said arrears as reduced for the purposes of this Act by an amount not exceeding the amount of any reduction which the authority granting the relief certify that they would have made in the relief if the benefit had not been paid in arrear.

**Adjustment
of arrears of
benefit in
respect of out-
door relief, etc.**

(2) Regulations may make as respects gratuities provision corresponding to that made by the foregoing subsection as respects benefit by way of a pension or allowance.

(3) Where under this section the Minister treats any benefit as reduced in respect of outdoor relief, he may pay out of the Industrial Injuries Fund to the authority granting the relief an amount equal to that by which the benefit is treated as reduced.

(4) The foregoing provisions of this section shall apply to an allowance under the Unemployment Assistance Acts, 1934 to 1940, and to a supplementary pension under Part II of the Old Age and Widows' Pensions Act, 1940, as they apply to outdoor relief, with the substitution of references to the Assistance Board for references to the authority granting the relief.

**3 & 4 Geo. 6.
c. 13.**

32.—(1) Except where regulations otherwise provide, a person shall be disqualified for receiving any benefit, and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person—

**Disqualifica-
tions,
forfeitures and
suspensions.**

(a) is absent from Great Britain ; or

(b) is undergoing penal servitude, imprisonment or detention in legal custody ;

and regulations may provide for the suspension of payment to or in respect of any person during any such period as aforesaid of benefit which is excepted from the operation of the foregoing provisions of this subsection or which is payable otherwise than in respect of that period.

(2) Regulations may provide for the forfeiture of injury benefit by a claimant or beneficiary for failure without reasonable cause to comply with the requirements of subsection (4) of section twenty-five of this Act in respect of the relevant injury, and may

PART II. further provide for the forfeiture of benefit by a claimant or
—cont. beneficiary—

- (a) for failure without reasonable cause to comply with any requirement of regulations made by virtue of any other provision of that section (including, in the case of a claim for death benefit, a failure on the part of some other person to give the prescribed notice of the relevant accident) ;
- (b) for wilful obstruction of, or other misconduct in connection with, any examination or treatment to which he is required under regulations so made to submit himself, or any course which he is so required to attend, or any proceedings under this Act for the determination of his right to benefit or to the receipt thereof ;

or for suspending proceedings on the claim or payment of benefit, as the case may be, in the case of any such failure, obstruction or misconduct :

Provided that regulations under this subsection providing for the forfeiture of benefit for any of the following matters, that is to say—

- (i) for failure to comply with the requirements of subsection (4) of the said section twenty-five ;
- (ii) for failure to comply with the requirements of regulations under that section relating to medical examination or treatment ;
- (iii) for obstruction of or misconduct in connection with medical examination or treatment ;

shall not be made so as to disentitle a claimant or beneficiary to benefit for a period exceeding six weeks on any forfeiture.

(3) Where it appears to the Minister that a question has arisen whether—

- (a) the conditions for receipt of benefit under an award are or were fulfilled ; or
- (b) an award of benefit ought to be revised in accordance with Part III of this Act ;

he may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined.

Disqualifica-
tions, etc.,
to be dis-
regarded for
certain
purposes.

33. Regulations may provide that a person who would be entitled to any benefit but for the operation of any of the four last foregoing sections of this Act shall be treated as if he were entitled thereto for the purpose of any rights or obligations under this Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit.

Supplementary.

PART II.

—cont.

34.—(1) For the purposes of this Act the expression “ medical treatment ” means medical, surgical or rehabilitative treatment (including any course of diet or other regimen), and references to a person receiving or submitting himself to medical treatment shall be construed accordingly.

Definition of medical treatment and provisions relating thereto.

(2) References in this Act to a person receiving approved hospital treatment shall be construed, in relation to any benefit payable to him, as referring to his receiving, as an in-patient in a hospital or similar institution, with the approval of the Minister medical treatment for the relevant injury or loss of faculty.

(3) Regulations may provide—

- (a) for determining in what cases and for what periods a person receiving medical treatment as an in-patient is or is not to be treated for the purposes of this Act as receiving it free of charge ;
- (b) that where a person receives medical treatment as an in-patient for two or more distinct periods separated by an interval or intervals of less than a specified duration, he shall be treated for the purposes of this Act as receiving it continuously from the beginning of the first period until the end of the last.

35.—(1) Regulations may provide for determining the circumstances in which a person is or is not to be deemed for the purposes of this Act to be wholly or mainly, or to a substantial extent, maintaining another person.

Provisions as to maintenance and incapacity for self support.

(2) Regulations under the foregoing subsection as respects the circumstances in which a person is to be deemed to be wholly or mainly maintaining another person may provide, for the purposes of section eighteen of this Act, that where—

- (a) a person is partly maintained by each of two or more beneficiaries, each of whom would be entitled to an increase of benefit under that section in respect of that person if he were wholly or mainly maintaining that person ; and
- (b) the contributions made by those two or more beneficiaries towards the maintenance of that person amount in the aggregate to sums which would, if they had been contributed by one of those beneficiaries, have been sufficient to satisfy the requirements of those regulations ;

that person shall be deemed to be wholly or mainly maintained by such of those beneficiaries as may be prescribed.

PART II.
—cont.

(3) Regulations under subsection (1) of this section may further provide, for the purposes of sections twenty-two and twenty-three of this Act, that where—

- (a) a person was partly maintained by each of two or more insured persons of whom the first mentioned person was a parent within the meaning of the said section twenty-two, or a relative prescribed for the purposes of the said section twenty-three, as the case may be ; and
- (b) the insured persons have died as the result of accidents against which they were insured under this Act ;

the parent or relative shall be treated as having received from such of those insured persons as may be prescribed contributions to his maintenance equal to the aggregate amount which they were together contributing before the accidents happened, and as having received nothing from the others.

(4) In the case of death benefit, except where the deceased at his death was, or would but for the relevant accident have been, wholly maintaining the beneficiary,—

- (a) the weekly rate of any pension payable to the beneficiary as a parent within the meaning of the said section twenty-two, or as a relative prescribed for the purposes of the said section twenty-three, shall not exceed the weekly rate of the contributions which the deceased at his death was or would but for the relevant accident have been making to the beneficiary's maintenance ; and
- (b) the amount of any gratuity payable to the beneficiary as such a parent or relative shall not exceed such multiple of the weekly rate of the contributions aforesaid as may be determined by or in accordance with regulations :

Provided that in the case of a relative who was at the deceased's death a child, or is a posthumous son or daughter of the deceased, references in this subsection to the weekly rate of the contributions aforesaid shall be construed as references to the weekly rate of the contributions which the deceased might have been expected to have been making to the relative's maintenance when he ceased to be a child.

(5) For the purposes of this Act—

- (a) a person shall be deemed to be incapable of self support if, but only if, he is incapable of supporting himself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period ;

- (b) a person shall be deemed to be permanently incapable of self support if, but only if, he is incapable of supporting himself by reason aforesaid and is likely to remain so incapable for the remainder of his life.

PART II.
—cont.

PART III.

DETERMINATION OF QUESTIONS AND CLAIMS.

Persons to determine questions and claims.

36.—(1) Subject to the provisions of this Part of this Act, any Persons to determine questions and claims. of the following questions arising under this Act shall be determined as provided by this subsection, that is to say—

(a) any question—

(i) whether a person is or was employed in insurable employment ;

(ii) whether a person so employed or his employer is or was exempt from payment of contributions as provided in Part II of the Second Schedule to this Act ;

(iii) who is or was liable for payment of contributions as the employer of any insured person ;

(iv) at what rate contributions are or were payable by or in respect of any person or class of persons ;

(v) whether an increase of disablement pension in respect of the need of constant attendance is to be granted or renewed and, if so, for what period and of what amount ;

(vi) how the limitations under the Fourth Schedule to this Act on the benefit payable in respect of any death are to be applied in the circumstances of any case ;

shall be determined by the Minister ;

(b) any question—

(i) whether any person is or was a child or is or was under the upper limit of the compulsory school age ;

(ii) whether any person has or had a family including a child or children, or is or was a child of some other person's family (but not whether any person is to be treated for the purpose of any provision of this Act as having a family as aforesaid, or as being a child of some other person's family) ;

shall be determined in like manner, subject to any prescribed modifications and adaptations, as a corresponding question arising in respect of an allowance under the Family Allowances Act, 1945 ;

PART III.
—cont.

(c) any question—

(i) whether the relevant accident has resulted in a loss of faculty ;

(ii) whether a loss of faculty is likely to be permanent ;

(iii) at what degree the extent of disablement resulting from a loss of faculty is to be assessed, and what period is to be taken into account by the assessment ;

shall be determined by a medical board or medical appeal tribunal constituted in accordance with the following provisions of this Act.

(2) Subject to the foregoing provisions of this section, any claim for benefit and any question arising in connection with a claim for or award of benefit shall be determined by an insurance officer, a local appeal tribunal or the Commissioner appointed or constituted in accordance with the following provisions of this Act.

(3) Except as provided by this Part of this Act or by the Family Allowances Act, 1945, as applied by paragraph (b) of subsection (1) of this section, any decision of a claim or question as provided by the foregoing provisions of this section shall be final.

(4) Any decision of any such question as is mentioned in paragraph (b) of subsection (1) of this section, if given for the purposes of the Family Allowances Act, 1945, shall have effect also for the purposes of this Act or, if given for the purposes of this Act, shall have effect also for the purposes of that Act.

(5) Any such question as is mentioned in subsection (1) of this section is hereafter in this Act referred to as a "special question," and the questions mentioned in paragraph (c) of that subsection are hereafter so referred to as the "disablement questions."

*Determination of questions by Minister.*Appeal from,
and review of,
Minister's
decisions.

37.—(1) Any question of law arising in connection with the determination of any such question as is mentioned in sub-paragraphs (i) to (iv) of paragraph (a) of subsection (1) of the last foregoing section may, if the Minister thinks fit, be referred for decision to the High Court, and any person aggrieved by the decision of the Minister on any such question of law which is not so referred may appeal from that decision to the High Court.

(2) Provision shall be made by rules of court for regulating references and appeals to the High Court under this section,

and those rules shall provide for limiting the time within which appeals may be brought.

PART III.
—cont.

(3) The Minister shall be entitled to appear and be heard on any such reference or appeal.

(4) So much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires an appeal from any person to the High Court to be heard and determined by a divisional court shall not apply to appeals under this section. 15 & 16 Geo. 5. c. 49.

(5) Notwithstanding anything in any Act, the decision of the High Court on a reference or appeal under this section shall be final and on any such reference or appeal the court may order the Minister to pay the costs of any other person, whether or not the decision is in his favour and whether or not the Minister appears on the reference or appeal.

(6) The Minister may, on new facts being brought to his notice, review a decision given by him of any such question as is mentioned in paragraph (a) of subsection (1) of the last foregoing section :

Provided that a decision of any such question as is mentioned in sub-paragraphs (i) to (iv) of that paragraph shall not be reviewed while an appeal is pending against the decision of the Minister on a question of law arising in connection therewith or before the time for bringing such an appeal has expired, and subsection (1) of this section shall apply in relation to the determination or decision on a review of any such question as is mentioned in the said sub-paragraphs as it applies to the original determination or decision of such a question.

Determination of questions by medical boards and medical appeal tribunals.

38.—(1) Medical boards for the purposes of this Act shall be appointed by the Minister and shall consist of two or more medical practitioners of whom one shall be appointed as chairman : Constitution of medical boards and medical appeal tribunals.

Provided that the Minister may arrange with any other Government department that any medical board consisting of two or more medical practitioners appointed or recognised by that department shall be a medical board for the purposes of this Act.

(2) Medical appeal tribunals for the purposes of this Act shall be appointed by the Minister and shall consist of a chairman and two medical practitioners.

(3) Subject as aforesaid the constitution of medical boards and medical appeal tribunals shall be determined by regulations.

PART III.

—cont.

References to
medical boards
and appeals
and references
to medical
appeal
tribunals.

39.—(1) The case of any claimant for disablement benefit shall be referred by the insurance officer to a medical board for determination of the disablement questions in accordance with the following provisions of this Part of this Act relating to the determination of claims, and if, on that or any subsequent reference, the extent of the disablement is provisionally assessed, shall again be so referred not later than the end of the period taken into account by the provisional assessment.

(2) If the claimant is dissatisfied with the decision of a medical board, he may appeal in the prescribed manner and within the prescribed time and the case shall be referred to the medical appeal tribunal:

Provided that an appeal shall not lie against a provisional assessment of the extent of disablement before the expiration of two years from the date of the first reference of the case to a medical board under the foregoing subsection, nor where the period taken into account by the assessment falls wholly within the said two years.

(3) If the Minister notifies the insurance officer within the prescribed time that he is of opinion that any decision of a medical board ought to be considered by a medical appeal tribunal, the insurance officer shall refer the case to a medical appeal tribunal for their consideration, and the tribunal may confirm, reverse or vary the decision in whole or in part as on an appeal.

Review of
decisions of
medical boards
and medical
appeal
tribunals.

40.—(1) Any decision under this Act of a medical board or a medical appeal tribunal may be reviewed at any time by a medical board if satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent).

(2) Any assessment of the extent of the disablement resulting from the relevant loss of faculty may also be reviewed by a medical board, if satisfied that since the making of the assessment there has been a substantial and unforeseen aggravation of the results of the relevant injury:

Provided that an assessment shall not be revised under this subsection unless the medical board are of opinion that, having regard to the period taken into account by the assessment and the probable duration of the aggravation aforesaid, substantial injustice will be done by not revising it.

(3) Except with the leave of a medical appeal tribunal, an assessment shall not be reviewed under the last foregoing subsection on any application made less than five years, or, in the case of a provisional assessment, six months, from the date thereof, and (notwithstanding the provisions of Part II of this

Act) on such a review the period to be taken into account by any revised assessment shall not include any period before the date of the application.

PART III.
—cont.

(4) Subject to the foregoing provisions of this section, a medical board may deal with a case on a review in any manner in which they could deal with it on an original reference to them, and in particular may make a provisional assessment notwithstanding that the assessment under review was final; and the last foregoing section shall apply to an application for a review under this section and to a decision of a medical board in connection with such an application as it applies to an original claim for disablement benefit and to a decision of a medical board in connection with such a claim.

41.—(1) Notwithstanding anything in the foregoing provisions of this Part of this Act, regulations may provide that the disablement questions may, with the consent of the claimant, be referred to a single medical practitioner appointed by the Minister instead of to a medical board: Reference to single doctor of questions as to temporary disablement.

Provided that the period to be taken into account by any assessment made by virtue of this section shall not exceed three months.

(2) Any decision on a reference made by virtue of this section shall have effect as if it were a decision of a medical board, and shall be subject to appeal and review, and may be referred for consideration to a medical appeal tribunal, accordingly.

(3) Regulations may make provision as to the procedure to be adopted where, on a reference under this section, the medical practitioner is of opinion that a final assessment can be made but that the period to be taken into account exceeds three months.

*Determination of claims and questions by Commissioner,
local appeal tribunals and insurance officers.*

42.—(1) For the purposes of this Act an Industrial Injuries Commissioner (in this Act referred to as "the Commissioner") may be appointed by His Majesty and such number of deputy Commissioners as His Majesty thinks fit may be so appointed. Appointment of Commissioner and deputy Commissioners.

The Commissioner and deputy Commissioners shall be barristers or advocates of not less than ten years standing.

(2) Regulations may make provision for enabling any case to be dealt with—

- (a) if it appears to involve a question of law of special difficulty, not by the Commissioner or any deputy Commissioner alone, but by a tribunal consisting of any three of them;
- (b) if it appears to involve a question of fact of special difficulty, wholly or partly with the assistance of an assessor or assessors specially qualified;

PART III.
—cont.

and for enabling both the powers aforesaid to be exercised in a case which involves questions both of law and of fact.

(3) Unless the context otherwise requires, any reference in this Act to the Commissioner shall include a reference to a deputy Commissioner and to any tribunal constituted in pursuance of regulations made by virtue of subsection (2) of this section.

Constitution
of local appeal
tribunals.

43.—(1) A local appeal tribunal for the purposes of this Act shall consist of one or more members chosen to represent employers, with an equal number of members chosen to represent insured persons, and a chairman appointed by the Minister.

(2) Regulations may make provision that in such cases as may be prescribed one or more medical practitioners shall sit with the tribunal either as additional members or as assessors and for the appointment by the Minister of medical practitioners to act for this purpose either generally or for such cases or for such tribunals as the Minister may determine.

(3) Panels of persons chosen to represent employers and insured persons respectively shall be constituted by the Minister for such areas as the Minister may think fit, and the members of the local appeal tribunal to be chosen to represent employers and insured persons shall be selected from those panels in the prescribed manner.

(4) Subject as aforesaid the constitution of local appeal tribunals shall be determined by regulations.

Appointment
of insurance
officers.

44. For the purposes of this Act, officers, in this Act referred to as "insurance officers", shall be appointed by the Minister (subject to the consent of the Treasury as to number) to act for such areas as the Minister directs.

Determination
of claims by
insurance
officer and
references to
local appeal
tribunal.

45.—(1) All claims for benefit shall be submitted forthwith to one of the insurance officers and, subject to the provisions of this Part of this Act, all questions arising in connection with any such claim or with an award of benefit shall in the first instance be so submitted.

(2) The insurance officer shall forthwith take into consideration any claim or question submitted to him for examination as aforesaid.

(3) If on consideration of a claim or question the insurance officer is of opinion that no special question arises, then—

(a) if he is satisfied that the claim ought to be allowed in whole or in part or that the question ought to be determined in favour of the claimant or beneficiary, he may allow the claim or determine the question accordingly ;

(b) in so far as he is not so satisfied, he may either—

PART III.
—cont.

(i) refer the claim or question (so far as is practicable within fourteen days from the date on which it was submitted to him for examination) to the local appeal tribunal for their decision ; or

(ii) himself determine that an award cannot be made, or determine the question adversely to the claimant or beneficiary, as the case may be.

46.—(1) Where—

Appeals to and
decisions of
local appeal
tribunals.

(a) a claimant or beneficiary is dissatisfied with the insurance officer's decision ; or

(b) a person's right to benefit is or may be, under the Fourth Schedule to this Act, affected by the insurance officer's decision in favour of the claimant or beneficiary ;

he may appeal in the prescribed manner and within the prescribed time and the case shall be referred to the local appeal tribunal :

Provided that, where a special question has arisen in connection with the decision and has been determined as required by this Act, and the insurance officer certifies that the decision on that question is the sole ground of his decision, no appeal shall lie without the leave of the chairman of the local appeal tribunal.

(2) A local appeal tribunal shall—

(a) record in writing all their decisions (whether on an appeal or on a reference from the insurance officer) ; and

(b) include in the record of every decision a statement of their findings on questions of fact material to the decision.

47.—(1) Subject as hereinafter provided, an appeal shall lie Appeals to
to the Commissioner from any decision of a local appeal Commissioner.
tribunal—

(a) at the instance of an insurance officer ;

(b) at the instance of the claimant or beneficiary or a person whose right to benefit is or may be, under the Fourth Schedule to this Act, affected by the decision appealed against ; or

(c) at the instance of an association of employed persons of which the claimant or beneficiary or, in a case relating to death benefit, the deceased was a member at the time of the relevant accident :

Provided that no such appeal shall lie without the leave of the tribunal or of the Commissioner.

(2) An appeal to the Commissioner must be brought within three months from the date of the decision of the local appeal tribunal or such further period as may be prescribed or as the Commissioner may in any case for special reasons allow.

PART III.
—cont.

(3) Where leave to appeal from a local appeal tribunal is not granted when the decision of the tribunal is given, an application for such leave may be made by the person desiring to appeal in such form and within such time after the date of the decision as may be prescribed, but any such application shall be made in the first instance to that tribunal and not to the Commissioner except where the application is combined with an application under the last foregoing subsection for extension of the time for appealing.

(4) An application for leave to appeal under this section shall be granted by the tribunal or Commissioner if it appears to them or him that there is a principle of importance involved in the case, or that there are any other special circumstances by reason of which leave to appeal ought to be given.

(5) Where the local appeal tribunal grant leave to appeal, they shall record in writing a statement of the grounds on which leave to appeal is granted.

Reference of
special
questions.

48.—(1) If on consideration of a claim or question the insurance officer is of opinion that a special question arises, he shall, subject to and in accordance with regulations—

- (a) refer the special question for determination as required by this Part of this Act; and
- (b) deal with any other questions as if the special question had not arisen.

(2) Regulations made under the last foregoing subsection may provide—

- (a) for authorising the postponement of the reference of or dealing with any question until after other questions have been determined; and
- (b) for authorising (in cases where the determination of any question disposes of a claim or any part thereof) the making of an award, or of a decision that an award cannot be made, as to the claim or that part thereof without referring or dealing with, or before the determination of, any other question.

(3) The foregoing provisions of this section shall apply to a local appeal tribunal and the Commissioner as they apply to the insurance officer, except that a local appeal tribunal or the Commissioner, instead of themselves or himself referring a special question for determination as required by this Part of this Act, shall direct it to be so referred by the insurance officer.

Declarations
that accident
is an industrial
accident.

49.—(1) Where, in connection with any claim for benefit, it is determined that the relevant accident was or was not an industrial accident, an express declaration of that fact shall be made and recorded and (subject to the provisions of subsection (3) of this

section) a claimant shall be entitled to have the question whether the relevant accident was an industrial accident determined notwithstanding that his claim is disallowed on other grounds.

PART III.
—cont.

(2) Subject to the provisions of the next following subsection, any person suffering personal injury by accident shall be entitled, if he claims the accident was an industrial accident, to have that question determined and a declaration made and recorded accordingly, notwithstanding that no claim for benefit has been made in connection with which the question arises, and the provisions of this Part of this Act shall apply for that purpose as if the question had arisen in connection with a claim for benefit.

(3) Notwithstanding anything in the last two foregoing subsections, the insurance officer, local appeal tribunal or Commissioner, as the case may be, may refuse to determine the question whether an accident was an industrial accident if satisfied that it is unlikely that it will be necessary to determine the question for the purposes of any claim for benefit; but any such refusal of an insurance officer or local appeal tribunal shall be subject to appeal to the local appeal tribunal or Commissioner, as the case may be.

(4) Subject to the provisions of this Part of this Act as to appeal and review, any declaration under this section that an accident was or was not an industrial accident shall be conclusive for the purposes of any claim for benefit in respect of that accident, whether or not the claimant is the person at whose instance the declaration was made.

(5) For the purposes of this section, an accident whereby a person suffers personal injury shall be deemed, in relation to him, to be an industrial accident if—

- (a) it arises out of and in the course of his employment;
- (b) that employment is insurable employment; and
- (c) payment of benefit is not, under the provisions of Part II of this Act, precluded because the accident happened while he was outside Great Britain;

and references in the following provisions of this Act to an industrial accident shall be construed accordingly.

50.—(1) Any decision under this Act of an insurance officer, a local appeal tribunal or the Commissioner may be reviewed at any time by an insurance officer, or, on a reference from an insurance officer, by a local appeal tribunal, if—

- (a) he or they is or are satisfied by fresh evidence that the decision was given in ignorance of, or was based on a mistake as to, some material fact; or
- (b) there has been any relevant change of circumstances since the decision was given; or

Review of
decisions of
insurance
officer, local
appeal
tribunal or
Commissioner.

PART III.
—cont.

- (c) the decision was based on the decision of a special question and the decision of the special question is revised under this Part of this Act or the Family Allowances Act, 1945 :

Provided that a decision that an accident was not an industrial accident shall not be subject to review, and a decision that an accident was an industrial accident shall only be subject to review where the insurance officer or local appeal tribunal, as the case may be, is or are satisfied by fresh evidence that the decision was given in consequence of any wilful non-disclosure or misrepresentation of a material fact.

- (2) Any decision given on a review under this section, and any refusal to review a decision under this section, shall be subject to appeal in like manner as an original decision.

General provisions as to determination of claims and questions.

Procedure,
evidence, etc.

51.—(1) Regulations may provide—

- (a) for prescribing the procedure to be followed and the form of any document required in connection with the consideration and determination of claims and questions by the Minister, an insurance tribunal and insurance officers or in connection with the withdrawal of a claim ;
- (b) for authorising any insurance tribunal consisting of two or more members to proceed with any case, with the consent of the claimant, in the absence of any member ;
- (c) for giving the chairman or acting chairman of an insurance tribunal consisting of two or more members a second or casting vote where the number of members present is an even number ;
- (d) for extending and defining the functions of assessors for the purposes of this Part of this Act ;
- (e) for prescribing the evidence to be required in connection with the determination of a claim or of any question arising in connection with a claim or an award ;
- (f) for requiring or authorising the Minister to hold, or to appoint a person to hold, an inquiry in connection with the consideration of any question by the Minister ;
- (g) for empowering the Minister, an insurance tribunal or an insurance officer to refer to a medical practitioner for examination and report any question arising for his or their decision ;
- (h) for empowering the prescribed person by summons to require persons to attend and give evidence or produce documents on the consideration of any claim or question

by an insurance tribunal or at any inquiry held by virtue of regulations under this subsection ;

- (j) for prescribing the manner in which and the time within which any question may be raised with a view to its decision by the Minister under this Part of this Act, or with a view to the review of any decision under this Part of this Act.

(2) At any inquiry held by virtue of regulations under the foregoing subsection, the witnesses shall, if the person holding the inquiry thinks fit, be examined on oath, and the person holding the inquiry shall have power to administer oaths for the purpose.

(3) Regulations under subsection (1) of this section prescribing the procedure to be followed in cases before a local appeal tribunal or the Commissioner shall provide that any hearing shall be in public except in so far as the tribunal or Commissioner for special reasons otherwise directs, and it is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not.

(4) The Arbitration Acts, 1889 to 1934, shall not apply to any proceedings under this Part of this Act, except so far as they may be applied by regulations.

(5) In this section the expression " insurance tribunal " means the Commissioner, a local appeal tribunal, a medical appeal tribunal, a medical board or a single medical practitioner acting in place of a medical board.

52.—(1) The Minister may make regulations with respect to the payment of benefit during any period intervening between any application for the determination of a claim for benefit or any question arising in connection with such a claim or with an award and the final determination of the claim or question : Interim payments, arrears and repayments.

Provided that, except in the case of a gratuity, benefit shall be payable in accordance with an award, notwithstanding that an appeal against the award is pending, and, subject to the following provisions of this section, shall be treated as having been duly paid and shall not be recoverable under the provisions of this Act or otherwise.

(2) Where by a decision on review or appeal a person entitled to benefit is awarded—

- (a) a pension in lieu of a gratuity or allowance previously awarded ; or
 (b) a gratuity in lieu of a pension or allowance previously awarded ; or
 (c) an allowance in lieu of a pension or gratuity previously awarded ;

PART III.
—cont.

the decision on the review or appeal shall, subject to and in accordance with regulations, direct that any payments already made on account of the benefit originally awarded shall be treated as having been made on account of the benefit awarded by the decision on review or appeal.

(3) Where on review a decision under this Part of this Act is revised so as to make benefit by way of a pension or allowance payable, or to increase the rate of such benefit, then, subject to the provisions of this section, benefit shall be payable accordingly for the period from the date of the application for the review or from such earlier date as may be prescribed.

(4) Where on review or appeal a decision under this Part of this Act is revised, or is reversed or varied, the decision given on the review or appeal shall require repayment to the Industrial Injuries Fund of any benefit paid in pursuance of the original decision to the extent to which it—

(a) would not have been payable if the decision on the review or appeal had been given in the first instance ; and

(b) is not directed to be treated as paid on account of the benefit awarded by the decision on review or appeal :

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

(5) Where—

(a) on appeal against an award of benefit by way of a pension or allowance, a decision under this Part of this Act is reversed or varied, so that such benefit is not payable or is payable at a less rate ; and

(b) on review, the decision on that appeal is revised so as to make such benefit payable or payable at a higher rate from a date before the decision on appeal ;

any benefit paid in pursuance of the award before the decision on appeal shall, to the extent to which it would not have been payable if the decision on appeal had been given in the first instance, be treated as having been paid on account of any benefit made payable for the same period by the decision on review, except in so far as it has, in pursuance of the decision on appeal, been repaid or treated as paid on account of the benefit awarded by that decision.

(6) Regulations may provide (without prejudice to any other method of recovery) for the deduction of any benefit required to be repaid by reason of a decision given on an appeal or review under this Part of this Act from any benefit then or thereafter payable to the person by whom it is to be repaid or any persons entitled to receive his benefit on his death.

(7) Where a person has received sums on account of an allowance under the Family Allowances Act, 1945, to which by virtue of this Act he was not entitled by reason of his being entitled to death benefit under section twenty-one thereof subsequently awarded (whether in respect of the same or a different child), those sums shall be treated as paid on account of the death benefit and the amount thereof shall be repaid to the Treasury out of the Industrial Injuries Fund.

(8) Where it has been decided by the Minister that contributions under this Act are not payable or are payable at a rate less than the maximum in respect of any person or any class of persons, and that decision is subsequently revised so as to make contributions payable, or payable at a higher rate, in respect of that person or that class of persons, contributions shall be so payable only as from the date on which the decision was so revised.

53.—(1) The Minister shall pay to the Commissioner and any deputy Commissioner such salary or other remuneration as the Treasury may determine, and such expenses incurred in connection with the work of the Commissioner as may be so determined.

(2) The Minister may pay—

(a) to insurance officers, such salaries or other remuneration ;

(b) to—

(i) persons appointed to sit as assessors with the Commissioner ;

(ii) the chairman and other members of local appeal tribunals, medical boards and medical appeal tribunals ;

(iii) medical practitioners sitting as assessors with a local appeal tribunal ;

(iv) medical practitioners appointed to act instead of a medical board ;

such remuneration and such travelling and other allowances ;

(c) to persons required to attend—

(i) on the consideration of a case before the Commissioner or before any such tribunal or board or before a medical practitioner acting in place of a medical board ;

(ii) at any inquiry held by virtue of regulations under this Part of this Act ;

PART III.
—cont.

(iii) at proceedings on any reference under this Part of this Act to referees appointed under the Family Allowances Act, 1945 ;

such travelling and other allowances ;

(d) such other expenses incurred in connection with the work of any such tribunal or board or any medical practitioner acting in place of a medical board or in connection with any such inquiry or proceedings ;

as the Minister with the consent of the Treasury may determine.

(3) In this section references to travelling and other allowances include references to compensation for loss of remunerative time :

Provided that such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this section.

Superannuation allowance for Commissioner and deputy Commissioners.

54.—(1) The Minister may from time to time recommend to the Treasury that there shall be paid to the Commissioner or any deputy Commissioner an annual sum by way of superannuation allowance calculated in accordance with the Fifth Schedule to this Act if either—

- (a) he is at the time of his retirement over the age of seventy-two or, where he retires after fifteen years' service, the age of sixty-five ; or
- (b) the Minister is satisfied by means of a medical certificate that at the time of his retirement he is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.

(2) For the purposes of the foregoing subsection and the said Schedule—

- (a) service as Commissioner or deputy Commissioner which is not remunerated by means of a salary shall be disregarded ;
- (b) service as deputy Commissioner shall, subject to the foregoing paragraph, count (in the case of a person retiring as Commissioner) as service as Commissioner ;
- (c) the Treasury may by regulations provide for counting as service as Commissioner or as deputy Commissioner pensionable service in any other capacity under the Crown.

(3) The decision of the Treasury shall be final on any question arising as to—

- (a) the amount of any superannuation allowance under this section ; or
- (b) the reckoning of any service for the purpose of calculating such an allowance.

(4) Where the rate of a Commissioner or deputy Commissioner's superannuation allowance under this section is increased by virtue of regulations made under paragraph (c) of subsection (2) thereof in respect of service in some other capacity, the allowance shall be paid and borne partly in the manner provided by subsections (1) and (2) of the section of this Act relating to the expenses of Government departments and partly in the manner in which a pension payable wholly in respect of service in that other capacity would have been paid and borne, in such proportions as may be determined by the Treasury regard being had to the relative length of service and rate of remuneration in each capacity.

PART III.
—cont.

(5) In this section the expression "pension" includes any superannuation or other retiring allowance or gratuity and the expression "pensionable" shall be construed accordingly.

PART IV.

EXTENSION OF INSURANCE TO DISEASES ETC.

55.—(1) Subject to the provisions of this Part of this Act, Industrial a person who is under this Act insured against personal injury diseases, caused by accident arising out of and in the course of his and industrial employment shall be insured also against any prescribed injuries not disease and against any prescribed personal injury not so caused, caused by accident. being a disease or injury due to the nature of that employment and developed on or after the appointed day.

(2) A disease or injury may be prescribed for the purposes of this Part of this Act in relation to any insured persons, if the Minister is satisfied that—

- (a) it ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of their occupations and not as a risk common to all persons; and
- (b) it is such that, in the absence of special circumstances, the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty.

(3) Regulations prescribing any disease or injury for the purposes of this Part of this Act may provide that a person who developed the disease or injury on or at any time after a date specified in the regulations, being a date before the regulations came into force but not before the appointed day, shall be treated for the purposes of this Part of this Act, subject to any prescribed modifications, as if the regulations had been in force when he developed the disease or injury.

PART IV.
—cont.

(4) Provision may be made by regulations for determining the time at which a person is to be treated for the purposes of this Act as having developed any disease or injury prescribed for the purposes of this Part of this Act, and the circumstances in which any such disease or injury is, where the person in question has previously suffered therefrom, to be treated as having recrudesced or as having been contracted or received afresh.

(5) Nothing in this Part of this Act shall affect the right of any person to benefit in respect of a disease which is a personal injury by accident within the meaning of this Act, except that a person shall not be entitled to benefit in respect of a disease as being an injury by accident arising out of and in the course of any employment if at the time of the accident the disease is in relation to him a prescribed disease by virtue of the occupation in which he is engaged in that employment.

Application
to prescribed
diseases and
injuries of
provisions
as to
benefit
and claims.

56.—(1) The benefit payable under this Part of this Act in respect of a prescribed disease or injury, and the conditions for receipt of such benefit, shall be the same as in the case of personal injury by accident arising out of and in the course of a person's employment, subject, however, to the power to make different provision by regulations as respects any matter which is to be prescribed and to the following provisions of this Part of this Act.

(2) Regulations may provide, in relation to prescribed diseases and injuries, for modifying the provisions of Part II of this Act relating to injury benefit and disablement benefit and for adapting references in the said Part II to accidents, and shall provide for applying in relation to claims for benefit under this Part of this Act in respect of a prescribed disease or injury, and in relation to questions arising in connection therewith or with an award of benefit, the provisions of Part III of this Act, subject to any prescribed additions or modifications.

(3) Without prejudice to the generality of the foregoing subsection, the said regulations may in particular include provision—

(a) for presuming any prescribed disease or injury—

(i) to be due, unless the contrary is proved, to the nature of a person's employment where he was employed in any prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease or injury ;

(ii) not to be due to the nature of a person's employment unless he was employed in some prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether

continuous or not) before, he developed the disease or injury ;

PART IV.
—cont.

- (b) for the establishment of special medical boards and the appointment of medical officers for the purposes of the regulations (including, in the case of any such board, the purposes for which medical boards and medical appeal tribunals are established under Part III of this Act) ;
- (c) for the payment by the prescribed persons of fees of the prescribed amount in connection with any medical examination by any such board or officer and their return in any prescribed cases, and (so far as not required to be returned) their payment into the Industrial Injuries Fund and recovery as sums due to the fund ;
- (d) for such matters as appear to the Minister to be incidental to or consequential on provisions included in the regulations by virtue of the foregoing provisions of this section.

(4) The Minister may pay such remuneration to any member of a medical board established by virtue of this section and to any medical officer appointed by virtue thereof, and such travelling and other allowances (including, subject as hereinafter provided, compensation for loss of remunerative time) to any such member or officer, and such other expenses in connection with any such board or with the work of any such officer, as the Minister, with the consent of the Treasury, may determine :

Provided that compensation for loss of time shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this subsection.

57.—(1) As respects pneumoconiosis, regulations may further provide—

- (a) that, where any person is found to be suffering from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis shall be treated for the purposes of this Part of this Act as if they were effects of the pneumoconiosis ;
- (b) for requiring persons to be medically examined before, or within a prescribed period after, becoming employed in any occupation in relation to which pneumoconiosis is prescribed, and to be medically examined periodically while so employed, and to furnish information required for the purposes of any such examination ;
- (c) for suspending from employment in any such occupation, and in such other occupations as may be prescribed, persons found on such an examination—
 - (i) to be suffering from pneumoconiosis or tuberculosis ; or

Special provisions as to certain respiratory diseases.

PART IV.
—cont.

(ii) to be unsuitable for such employment, having regard to the risk of pneumoconiosis and such other matters affecting their susceptibility thereto as may be prescribed ;

(d) for the payment (for any period not exceeding six months) of special benefit (not exceeding the injury benefit to which he would be entitled in respect of a personal injury by accident) to any person who is found on such an examination to be suffering from pneumoconiosis and by reason thereof suspended from employment as aforesaid and is not otherwise entitled to benefit in respect of the pneumoconiosis ;

(e) for the forfeiture of benefit in respect of pneumoconiosis by any person who fails without reasonable cause to submit himself to any such examination or to furnish information required by the regulations for the purposes thereof or who engages in any employment from which he has been suspended as aforesaid ;

(f) for requiring employers—

(i) to provide facilities for such examinations ;

(ii) not to employ in any occupation a person who has been suspended as aforesaid from employment therein or who has failed without reasonable cause to submit himself to such an examination ;

(iii) to give to such medical board or officer as may be prescribed the prescribed notice of the commencement of any prescribed industry or process ;

and for the recovery on summary conviction of monetary penalties in respect of any contravention of or failure to comply with any such requirement as is mentioned in this paragraph, so, however, that such penalties shall not exceed five pounds for every day on which the contravention or failure occurs or continues ;

(g) for such matters as appear to the Minister to be incidental to or consequential on provisions included in the regulations by virtue of the foregoing provisions of this subsection.

(2) Unless otherwise provided by regulations, a person shall not be entitled to injury or disablement benefit under this Part of this Act in respect of byssinosis except where he is totally and permanently incapacitated for work as the result thereof and benefit shall not be payable in respect thereof except in the case of men.

(3) In this section the expression "pneumoconiosis" means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust-reticulation.

PART IV
—cont.

PART V.

FINANCE, ADMINISTRATION AND LEGAL PROCEEDINGS.

Finance.

58.—(1) For the purposes of this Act, there shall be established, under the control and management of the Minister, a fund called "the Industrial Injuries Fund", into which shall be paid all contributions payable under this Act by employers and insured persons and out of moneys provided by Parliament, and out of which shall be paid all claims for benefit and any other payments which under this Act are payable out of the fund.

Industrial
Injuries
Fund.

(2) Accounts of the Industrial Injuries Fund shall be prepared in such form, in such manner and at such times as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before Parliament.

(3) Any moneys forming part of the Industrial Injuries Fund may from time to time be paid over to the National Debt Commissioners and by them invested, in accordance with such directions as may be given by the Treasury, in any securities which are for the time being authorised by Parliament as investments for savings banks funds.

(4) The National Debt Commissioners shall present to Parliament annually an account of the securities in which moneys forming part of the Industrial Injuries Fund are for the time being invested.

59.—(1) The Government Actuary shall—

Reports by
Government
Actuary.

(a) review the operation of this Act during the period ending with the thirty-first day of March next after the expiration of five years from the appointed day and thereafter during the period ending with the thirty-first day of March in every fifth year and, on each such review, make a report to the Treasury on the financial condition of the Industrial Injuries Fund and the adequacy or otherwise of the contributions payable under this Act to support the benefits payable thereunder;

(b) make an interim review of, and report to the Treasury on, the operation of this Act during the period ending with the thirty-first day of March next after the expiration

PART V.
—cont.

of one year from the appointed day and thereafter during the period of twelve months ending with the thirty-first day of March in every year other than a year in which the period to be covered by a review and report under the foregoing paragraph ends :

Provided that the Treasury may at any time direct that the period to be covered by any review and report under paragraph (a) of this subsection shall be reduced and that the making of that and subsequent reviews and reports under that paragraph shall be accelerated accordingly, and may dispense with the making of a review and report under paragraph (b) thereof in any year.

(2) The Treasury shall lay before Parliament a copy of every report made to them under this section.

(3) Any function under this section of the Government Actuary may be performed by the Deputy Government Actuary.

Expenses of
Minister and
other
Government
departments.

60.—(1) There shall be paid out of moneys provided by Parliament any expenses incurred by the Minister or any other Government department in carrying this Act into effect, except expenses required by some provision thereof to be paid out of the Industrial Injuries Fund.

(2) There shall be paid to the Treasury out of the Industrial Injuries Fund, at such times and in such manner as the Treasury may direct, such sum as the Minister may estimate in accordance with directions given by the Treasury to be the amount of the said expenses of the Minister or any other Government department ; and in estimating expenses for the purposes of this subsection there shall be included—

(a) such amount as in the opinion of the Treasury approximately represents the amount of the accruing liability in respect of any superannuation allowances, lump sums or gratuities payable under the Superannuation Acts, 1834 to 1943, to which any officers, inspectors or servants employed for the purposes of this Act or the legal personal representatives of any such persons will become entitled in respect of that employment ;

(b) in respect of the use of any premises belonging to the Crown and used for the purposes of this Act, an amount determined by the Treasury with the consent of the Minister, regard being had to the rental value of the premises.

*Administration.*Industrial
Injuries
Advisory
Council.

61.—(1) There shall be constituted an Industrial Injuries Advisory Council, which shall consist of a chairman appointed by the Minister and such number of other members so appointed

as the Minister may determine, including an equal number of persons appointed by him, after consultation with such organisations as he thinks fit, to represent employers and insured persons respectively.

PART V.
—cont.

(2) Where the Minister proposes to make any regulations under this Act, he shall (unless it appears to him that by reason of the urgency of the matter it is inexpedient so to do) refer the proposals, in the form of draft regulations or otherwise, to the said Council for consideration and advice; and the Minister may from time to time refer to the said Council for consideration and advice such questions relating to this Act as he thinks fit.

(3) The Minister may pay to the chairman and other members of the said Council and to persons attending meetings at the request of the Council such expenses and travelling and other allowances as the Minister with the consent of the Treasury may determine.

62.—(1) For the purposes of this Act, the Minister may appoint such inspectors as he may with the consent of the Treasury determine, and may pay to them such salaries or remuneration as may be so determined. Inspectors.

(2) An inspector appointed under this Act shall, for the purposes of the execution of this Act, have power to do all or any of the following things, namely:—

- (a) to enter at all reasonable times any premises or place liable to inspection under this section;
- (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are being or have been complied with in any such premises or place or for investigating the circumstances in which any injury or disease which has given or may give rise to a claim for benefit was or may have been received or contracted;
- (c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act on which he may reasonably require information, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an insured person or employed by the employer of any insured person, and to require every such person to be so examined;
- (d) to exercise such other powers as may be necessary for carrying this Act into effect.

PART V.
—cont.

(3) The occupier of any premises or place liable to inspection under this section and any person who is or has been employing any insured person, and the servants and agents of any such occupier or other person, and any insured person, shall furnish to any inspector all such information, and produce for his inspection all such documents, as the inspector may reasonably require for the purpose of ascertaining whether contributions are or have been payable, or have been duly paid, by or in respect of any person, or whether benefit is or was payable to or in respect of any person.

(4) If any person—

- (a) wilfully delays or obstructs an inspector in the exercise of any power under this section ; or
- (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this section ;

he shall be liable on summary conviction to a fine not exceeding ten pounds in the case of a first offence under this subsection, and not exceeding fifty pounds in the case of a second or subsequent such offence :

Provided that no one shall be required under this section to answer any question or to give any evidence tending to incriminate himself.

(5) Every inspector shall be furnished with a certificate of his appointment and on applying for admission to any premises or place for the purposes of this Act shall, if so required, produce the said certificate.

(6) The premises and places liable to inspection under this section are any premises or places where an inspector appointed under this Act has reasonable grounds for supposing that any insured persons are employed, or that any injury or disease has been or may have been received or contracted which has given or may give rise to a claim for benefit, except that they do not include any private dwelling house not used by or by permission of the occupier for the purposes of a trade or business.

(7) Where any premises or place are or is liable to be inspected by inspectors or officers appointed or employed by, or are or is under the control of, some other Government department, the Minister may make arrangements with that other Government department for any of the powers and duties of inspectors under this section being carried out by inspectors or officers appointed or employed by that other Government department, and, where such an arrangement is made, such inspectors and officers shall have all the powers of an inspector under this section.

63.—(1) Where the age, marriage or death of a person is required to be ascertained or proved for the purposes of this Act, any person shall,—

PART V.
—cont.
Proof of age,
marriage and
death.

- (a) on presenting to the custodian of the register under the enactments relating to the registration of births, marriages and deaths wherein particulars of the birth, marriage or death, as the case may be, of the first-mentioned person are entered a duly completed requisition in writing in that behalf; and
- (b) on payment of a fee, in the case of a birth certificate, of sixpence, and, in the case of a marriage or death certificate, of one shilling;

be entitled to obtain a copy, certified under the hand of the custodian, of the entry of those particulars.

(2) Requisitions for the purposes of the last foregoing subsection shall be in such form and contain such particulars as may from time to time be specified by the Registrar General, and suitable forms thereof shall, on request, be supplied without charge by every superintendent registrar and registrar.

(3) In this section the expression “Registrar General” means the Registrar General of births, deaths and marriages, and the expressions “superintendent registrar” and “registrar” mean, respectively, a superintendent registrar and registrar for the purposes of the enactments relating to the registration of births, deaths and marriages.

64. Stamp duty shall not be chargeable upon such documents used in connection with business under this Act as are specified in the Sixth Schedule to this Act.

Exemption
from stamp
duty.

Insurance stamps and cards.

65.—(1) Subject to the provisions of this Act, regulations may provide for any matters incidental to the payment and collection of contributions under this Act, and in particular—

Regulations as
to payment of
contributions
by stamps, etc.

- (a) for payment of contributions by means of adhesive or other stamps (in this Act referred to as “insurance stamps”) affixed to or impressed upon cards (in this Act referred to as “insurance cards”) or otherwise, and for regulating the manner, times, and conditions in, at and under which insurance stamps are to be affixed or impressed or payments are otherwise to be made;
- (b) for the issue, sale, replacement, custody, production and delivery up of insurance cards;

PART V.
—cont.

and any such regulations relating to the time of payment of contributions may require or authorise an employer, where an insured person's remuneration is paid in advance and in such other cases as may be prescribed, to pay contributions in advance and in connection therewith may make provision for the event of contributions so paid proving not to be payable.

(2) If provision is made by the regulations aforesaid for the payment of contributions, at the option of the persons liable to pay, either—

(a) by means of adhesive stamps ; or

(b) by some alternative method, the use of which involves greater expense in administration to the Government departments concerned than would be incurred if the contributions were paid by means of adhesive stamps ;

a provision may be included in the regulations for the payment to the Minister by any person who adopts the alternative method, and for the recovery by the Minister, of such fees as may be determined by the Minister, with the concurrence of the Treasury, to represent the difference between the expenses incurred by the said departments by reason of the fact that the alternative method has been adopted and the expenses which would have been incurred by the said departments if the contributions payable by that person had been paid by means of adhesive stamps.

Issue of
insurance
stamps.

66.—(1) Insurance stamps shall be prepared and issued in such manner as the Postmaster-General, with the consent of the Treasury, may direct.

54 & 55 Vict.
c. 38.
54 & 55 Vict.
c. 39.
8 Edw. 7. c. 48.

(2) The Postmaster-General may by regulations provide for applying with the necessary adaptations, as respects insurance stamps, the provisions (including penal provisions) of the Stamp Duties Management Act, 1891, as amended by any subsequent enactment, and section nine of the Stamp Act, 1891, as so amended, and section sixty-five of the Post Office Act, 1908, as so amended.

(3) The Postmaster-General may provide for the sale of insurance stamps through any Post Office.

*Legal proceedings, etc.*General
provisions as
to offences and
penalties.

67.—(1) If any person—

(a) buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn any insurance card or any used insurance stamp ; or

(b) affixes any used insurance stamp to any insurance card ;
or

(c) for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act—

PART V.
—cont.

(i) knowingly makes any false statement or false representation ; or

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

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

(2) Subject to the express provisions of this Act, regulations may provide for the recovery on summary conviction of monetary penalties in respect of any offence under this Act, being a contravention of or failure to comply with regulations (not being regulations requiring any person to submit himself to medical treatment), so, however, that such penalties shall not exceed ten pounds for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) In any proceedings under subsection (1) of this section with respect to used stamps, a stamp shall be deemed to have been used if it has been affixed to an insurance card or cancelled or defaced in any way whatsoever and whether it has actually been used for the purpose of payment of a contribution or not.

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

68.—(1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Minister or by an inspector or other officer authorised in that behalf by special or general directions of the Minister. General provisions as to prosecutions under Act.

PART V.
—cont.

(2) Any such inspector or other officer may, although not of counsel or a solicitor, prosecute or conduct before a court of summary jurisdiction any such proceedings as aforesaid.

(3) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.

(4) For the purposes of the last foregoing subsection, a certificate purporting to be signed by or on behalf of the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

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

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

Recovery of
contributions
on prosecu-
tions under
Act.

69.—(1) In any case where an employer has been convicted of the offence under Part I of this Act of failing to pay a contribution, he shall be liable to pay to the Industrial Injuries Fund a sum equal to the amount which he failed to pay.

(2) In any case where—

(a) an employer is convicted of an offence under paragraph (b) of subsection (1) of section sixty-seven of this Act or of an offence under section thirteen of the Stamp Duties Management Act, 1891, as applied by regulations made under this Part of this Act or of an offence under regulations made under this Act ; and

(b) the evidence on which he is convicted shows that the employer, for the purpose of paying any contribution which he was liable to pay, has affixed to any insurance card any used insurance stamp within the meaning of the said paragraph (b) ;

the employer shall be liable to pay to the Industrial Injuries Fund a sum equal to the amount of the contribution in respect of which the stamp was affixed.

(3) On any such conviction as is mentioned in either of the last two foregoing subsections, if notice of intention to do so

has been served with the summons or warrant, evidence may be given—

PART V.
—*cont.*

- (a) of the failure on the part of the employer to pay other contributions in respect of the same person during the two years preceding the date of the offence ; and
- (b) in the case of any such conviction as is mentioned in subsection (1) of this section, of the failure on his part to pay other contributions during those two years in respect of any other person employed by him ;

and on proof of such failure the employer shall be liable to pay to the Industrial Injuries Fund a sum equal to the total of all the contributions which he is so proved to have failed to pay.

(4) Where an employer is charged with any such offence as is mentioned in subsection (1) or subsection (2) of this section, and an order is made under subsection (1) of section one of the Probation of Offenders Act, 1907, the foregoing provisions of this section shall apply as if the making of the order were a conviction. 7 Edw. 7. c. 17.

(5) Any sum ordered to be paid to the Industrial Injuries Fund under this section shall be recoverable as a penalty.

(6) Any sum paid by an employer under the foregoing provisions of this section shall be treated as a payment in satisfaction of the unpaid contributions and the insured person's portion of those contributions shall not be recoverable by the employer from the insured person.

(7) If the employer, being a body corporate, fails to pay to the Industrial Injuries Fund any sum which the employer has been ordered to pay under this section, that sum, or such part thereof as remains unpaid, shall be a debt due to the Industrial Injuries Fund jointly and severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contribution or contributions in question.

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

70.—(1) All sums due to the Industrial Injuries Fund under this Act shall be recoverable as debts due to the Crown, and without prejudice to any other remedy may be recovered by the Minister summarily as a civil debt. Civil proceedings to recover sums due to Industrial Injuries Fund.

PART V.
—cont.

(2) Proceedings for the summary recovery as civil debts of sums due to the Industrial Injuries Fund may, notwithstanding anything in any Act to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(3) Proceedings for the summary recovery as civil debts of sums due to the Industrial Injuries Fund may be instituted by an inspector or other officer authorised in that behalf by special or general directions of the Minister, and any such inspector or officer may, although not of counsel or a solicitor, conduct such proceedings.

Priority of contributions in winding up and bankruptcy. 19 & 20 Geo. 5. c. 23.

71.—(1) Sections seventy-eight, two hundred and sixty-four and two hundred and ninety-eight of the Companies Act, 1929 (which relate to the debts of a company which are to be paid in priority to other debts) shall have effect as if this Act were included among the enactments mentioned in paragraph (e) of subsection (1) of the said section two hundred and sixty-four.

4 & 5 Geo. 5. c. 59.

(2) Subsection (1) of section thirty-three of the Bankruptcy Act, 1914, shall have effect as if at the end thereof there were inserted the following paragraph:—

“(f) all amounts due, in respect of contributions payable during the twelve months before the date of the receiving order, by the bankrupt as the employer of any persons under the National Insurance (Industrial Injuries) Act, 1946.”

Decisions to be conclusive for purposes of proceedings under Act.

72.—(1) In any proceedings—

- (a) for an offence under this Act ; or
- (b) involving any question as to the payment of contributions under this Act ; or
- (c) for the recovery of any sums due to the Industrial Injuries Fund ;

the decision of the Minister on any question which under this Act is required to be determined by him subject to an appeal on a question of law to the High Court shall, unless such an appeal is pending or the time for so appealing has not expired, be conclusive for the purpose of those proceedings.

(2) In any such proceedings as aforesaid—

- (a) the decision of the Minister on any question which under this Act is required to be determined in like manner as a corresponding question arising under the Family

Allowances Act, 1945, shall, unless the question has been referred under subsection (2) of section five of that Act or the time for applying for such a reference has not expired, be conclusive for the purpose of those proceedings; and

PART V.
—cont.

(b) where the question has been so referred, the decision of the referee or referees shall be conclusive as aforesaid unless a case has been stated for the decision of the High Court under proviso (b) to the said subsection (2) or the time for applying for such a case to be stated has not expired.

(3) If such a decision of the Minister has not been obtained and the decision of any such question is necessary for the determination of the proceedings, the question shall be referred to the Minister for determination as required by this Act.

(4) Where any such appeal is pending, or any such application for a reference or for a case to be stated has been made, or the time for so appealing or making such an application has not expired, or where any question has been referred to the Minister as aforesaid, the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

PART VI.

MISCELLANEOUS AND GENERAL.

Prevention of accidents and after-care of injured persons.

73.—(1) The Minister may promote research into the causes and incidence of, and methods of prevention of, accidents, injuries and diseases against which persons are insured under this Act or which it is contemplated might be prescribed for the purpose of Part IV of this Act, either by himself employing persons to conduct such research or by contributing to the expenses of, or otherwise assisting, other persons engaged in such research. Research.

(2) The Minister may pay to persons employed by him as aforesaid such salaries or remuneration, and such travelling and other allowances, as he may with the consent of the Treasury determine.

74.—(1) The Minister may make arrangements with the Vocational Minister of Labour and National Service for securing that persons entitled to disablement benefit may take full advantage of vocational training courses, industrial rehabilitation courses, and facilities in connection with employment or work under special conditions, provided under the Disabled Persons (Employment) training,
industrial re-
habilitation,
etc.

PART VI.
—cont.

Act, 1944, and may make towards the cost of providing those courses and facilities such contributions as he may, with the consent of the Treasury, determine.

(2) Any contribution under the foregoing subsection shall be paid out of the Industrial Injuries Fund.

Provision of
artificial
limbs, etc.

75.—(1) The Minister may make arrangements to secure the provision and maintenance, free of charge or at a reduced charge, of equipment and appliances for any person who, by reason of the loss of a limb or otherwise, is in need of them as the result of any injury or disease against which he was insured under this Act, and in connection with the provision or maintenance of any equipment or appliances for any person under this section may pay to that person such expenses incurred by him as the Minister may determine.

(2) Any expenses incurred by the Minister under any such arrangements or otherwise under this section shall be paid out of the Industrial Injuries Fund.

*Special classes of persons.*Persons
employed
by or under
the Crown.

76. This Act shall apply to persons employed by or under the Crown to whom this Act would apply if the employer were a private person, subject however to such modifications as may be made therein by Order in Council for the purpose of adapting the provisions of this Act to the case of such persons :

Provided that employment in the naval, military or air force service of the Crown and any other prescribed employment under the Crown shall be excepted employments.

Mariners and
airmen.

77.—(1) The Minister may make regulations modifying in such manner as he thinks proper the provisions of this Act in their application in relation to—

- (a) persons who are insured persons by virtue of paragraphs 2, 3 and 4 of Part I of the First Schedule to this Act (hereafter in this section referred to as "mariners");
- (b) persons who are insured persons by virtue of paragraph 5 of the said Part I (hereafter so referred to as "airmen").

(2) Any such regulations may in particular, without prejudice to the generality of the foregoing subsection, provide—

- (a) for excepting from insurance mariners or airmen who neither are domiciled nor have a place of residence in the United Kingdom or for exempting from payment of contributions any such mariner or airman, and for excluding from benefit any mariner or airman who is so exempted ;

- (b) in the case of a mariner who is employed as master or a member of the crew of a fishing vessel and is remunerated in whole or in part by a share in the profits or gross earnings of the fishing vessel, for the removal of the restriction of the right of deducting or otherwise recovering the employer's contribution in respect of him ;
- (c) for the payment of benefit to mariners and airmen in respect of accidents happening, and prescribed diseases and injuries contracted or received, while they are outside Great Britain ;
- (d) for treating as accidents arising out of and in the course of the employment of a mariner or airman accidents happening while he is proceeding to or from his ship, vessel, or aircraft or in any other prescribed circumstances ;
- (e) for the taking of evidence, for the purpose of any claim by a mariner or airman to benefit—
- (i) in any part of His Majesty's dominions, before a judge or magistrate or by a superintendent within the meaning of the Merchant Shipping Act, 1894 ;
- (ii) in a foreign country, by a British consular officer ;
- (f) for withholding any benefit that may be payable to a mariner for any period during which the owner of his ship or vessel is under a statutory obligation to pay him wages ;
- (g) for enabling a mariner or airman to authorise the payment of the whole or any part of any benefit to which he is or may become entitled to such of his dependants as may be prescribed.
- (3) Where a mariner is exempt from payment of contributions by virtue of this section, the contributions payable in respect of him by his employer—
- (a) shall not be taken into account for the purpose of estimating the contributions to be paid out of moneys provided by Parliament ;
- (b) shall be administered and applied in such manner and for such purposes as may be prescribed ;

and regulations made for the purposes of paragraph (b) of this subsection may provide for applying, with or without modifications, to any fund into which those contributions are to be paid any provisions of Part V of this Act relating to the recovery of contributions as they apply to the Industrial Injuries Fund.

PART VI.
—cont.

(4) Any regulations making the provision mentioned in paragraph (c) of subsection (2) of this section may be extended—

- (a) so far as they relate to mariners, to any person who, in the course of his employment as an apprentice pilot, is on board any ship or vessel, whether or not he is a mariner within the meaning of this section ;
- (b) so far as they relate to airmen, to any person who, in the course of insurable employment, is on board an aircraft on a test flight starting in Great Britain, whether or not he is an airman within the meaning of this section.

Police.

11 & 12 Geo. 5.
c. 31.

78. This Act shall, in its application to members of a police force within the meaning of the Police Pensions Act, 1921, and persons employed in any other prescribed employment, being employment in respect of which benefits are payable under that Act as extended by or under any enactment, have effect subject to such modifications as may be prescribed.

Children under
school age.

79.—(1) A child and his employer shall be exempt from payment of contributions while the child is under the upper limit of the compulsory school age.

(2) A child under the upper limit of the compulsory school age shall not be entitled to injury benefit except in so far as may be provided by regulations.

Persons to
be treated
as employers
in certain
cases.

80.—(1) In relation to—

- (a) any person who is an insured person otherwise than by virtue of a contract of service or apprenticeship ; or
- (b) any other insured person employed for the purpose of any game or recreation and engaged or paid through a club ;
or
- (c) any other insured person in whose case it appears to the Minister there is special difficulty in the application of all or any provisions of this Act relating to employers ;

regulations may provide that a person prescribed by the regulations shall be treated for the purposes of this Act as the insured person's employer.

(2) Subject to the provisions of any regulations made under the foregoing subsection, where an insured person is employed by more than one person in any contribution week, the first person employing him in that week or such other person as may be prescribed shall be deemed to be his employer for the purpose of the provisions of this Act relating to contributions.

(3) Where insured persons work under the general control and management of some person other than their immediate employer, regulations may provide—

PART VI.
—cont.

- (a) that that other person shall be treated as the employer for the purposes of this Act; and
- (b) for allowing that other person to deduct the amount of any contributions (other than employer's contributions) which he may become liable to pay from any sums payable by him to the immediate employer; and
- (c) for enabling the immediate employer to recover from the insured persons the like sums and in the like manner as if he were liable to pay contributions.

Additional rights to benefit.

81.—(1) Where a claim for benefit is made under this Act in respect of any accident or of any prescribed disease or injury, or an application is made thereunder for a declaration that any accident was an industrial accident, or for a corresponding declaration as to any prescribed disease or injury, the Minister may direct that for the purposes of this Act the relevant employment shall, in relation to that accident, disease or injury, be treated as having been insurable employment, notwithstanding that, by reason of a contravention of or non-compliance with some provision contained in or having effect under any enactment passed for the protection of employed persons or of any class of employed persons, the contract purporting to govern the employment was void or the employed person was not lawfully employed therein at the time when or in the place where the accident happened or the disease or injury was contracted or received.

Accidents in
course of
illegal
employment,
etc.

(2) In this section the expression "relevant employment" means, in relation to an accident, the employment out of and in the course of which the accident arises and, in relation to a prescribed disease or injury, the employment to the nature of which the disease or injury is due.

82.—(1) Regulations may provide for conferring on persons who—

Extension of
unemploy-
ability
supplement
and
attendance
allowance to
past cases.

- (a) are or have been on or after the appointed day entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts, or under any contracting out scheme duly certified thereunder; and
- (b) as the result of that injury or disease are, or could for the purpose of the provisions of this Act relating to unemployability supplement be treated as being, incapable of work and likely to remain permanently so incapable;

PART VI.
—cont.

the like right to payments under this Act by way of unemployability supplement as if the injury or disease were one in respect of which a disablement pension were for the time being payable.

(2) Regulations may also provide for conferring on persons who—

- (a) are or have been on or after the appointed day entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts, or under any contracting out scheme duly certified thereunder; and
- (b) as the result of that injury or disease require constant attendance;

the like right to payments under this Act in respect of the need of constant attendance as if the injury or disease were one in respect of which a disablement pension were for the time being payable in respect of an assessment of one hundred per cent.

(3) Such regulations may further provide for applying, in relation to payments under this section, the provisions of this Act relating to benefit and to the making of claims and the determination of claims and questions in so far as those provisions apply in relation to an unemployability supplement or to an increase of a disablement pension in respect of the need of constant attendance, as the case may be, subject to any additions or modifications.

(4) All payments under this section shall be paid out of the Industrial Injuries Fund.

(5) In this section the expression "Workmen's Compensation Acts" means the Workmen's Compensation Acts, 1925 to 1945, or the enactments repealed by the Workmen's Compensation Act, 1925, or the enactments repealed by the Workmen's Compensation Act, 1906.

15 & 16 Geo. 5.
c. 84.
5 Edw. 7. c. 58.

Supplementary
schemes.

83.—(1) Any body of persons claiming to represent, or to be entitled to be treated as representing, insured persons of any class and their employers may submit to the Minister a scheme (hereafter in this Act referred to as a "supplementary scheme") for supplementing the rights conferred on those insured persons by this Act, whether by providing for additional payments in cases for which benefit is provided by this Act, or by providing for payments in other cases, or otherwise.

(2) The Minister may by order approve, whether with or without amendment, any supplementary scheme if he is satisfied that it is expedient that the scheme should come into operation:

Provided that the Minister before approving a supplementary scheme shall take steps to ascertain so far as practicable the views of any insured persons or employers affected thereby who

in his opinion are not represented by the body submitting the scheme.

PART VI.
—cont.

(3) Subject to the provisions of this section, a supplementary scheme may—

- (a) apply for the purposes of the scheme (including in particular the purpose of determining any question as to the application of the scheme to any person or class of persons) any of the provisions of this Act or of regulations, with or without modifications ;
- (b) make such provision for the constitution of a body to be charged with the administration of the scheme and with respect to the supervision of the administration of the scheme and accounts as the Minister considers to be necessary for the purpose of giving effect to the scheme (including provision for the making of returns to the Minister as to matters affecting the operation of the scheme) ;
- (c) provide for the participation of the Minister in the administration of the scheme to such an extent and for such purposes as may be therein specified ;
- (d) provide for the defraying, out of any funds which may be available for the purposes of the scheme, of such fees and other charges as may be determined by the Minister, with the concurrence of the Treasury, in respect of the participation of the Minister in the administration of the scheme as aforesaid ;
- (e) contain such other provisions as the Minister considers to be necessary for the purpose of giving effect to the scheme.

(4) No part of the funds required for providing benefits under a supplementary scheme or otherwise in connection therewith shall be derived from moneys provided by Parliament :

Provided that nothing in this subsection shall prevent the making, in respect of persons whose remuneration is or may be defrayed out of moneys provided by Parliament, of a scheme whereunder contributions are payable by employers.

(5) The provisions (other than this section) of this Act, and the provisions of any regulations, shall not, except in so far as they are applied by a supplementary scheme, apply to or have effect in relation to or for the purposes of the scheme.

(6) Section thirty-three of the Finance Act, 1921 (which exempts from income tax income receivable for the purposes of a supplementary scheme in connection with unemployment insurance by the body charged with the administration of the scheme) shall apply in relation to a supplementary scheme under this section as it applies in relation to a supplementary scheme under any other enactment. ^{11 & 12 Geo. 5. c. 32.}

PART VI.
—cont.

(7) A supplementary scheme when approved by the Minister shall continue in force until determined in accordance with the provisions thereof.

(8) The Minister may by order—

(a) vary or amend the provisions of a supplementary scheme in any manner and at any time if so requested by—

(i) the body by whom it was submitted, or any other body of persons which in his opinion is concerned as representing insured persons or employers ; or

(ii) the body charged with the administration of the scheme ; and

(b) where it appears to him that, having regard to any periodic audit and valuation, the fund constituted under the scheme—

(i) is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities ; or

(ii) is and is likely to continue to be more than reasonably sufficient to discharge its liabilities ;

after consultation with the last-mentioned body make such modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as appear to him to be required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities ;

and a supplementary scheme may empower the body charged with the administration of the scheme to make, if the Minister so directs, such temporary modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as are, in the opinion of the Minister, sufficient to secure the solvency of the fund constituted under the scheme.

Corresponding systems in other countries.

Northern
Ireland.

84.—(1) If legislation is passed for purposes similar to the purposes of this Act by the Parliament of Northern Ireland, the Minister may, with the consent of the Treasury, make reciprocal arrangements with the appropriate authority in Northern Ireland for co-ordinating the two systems of insurance established respectively by this Act and the said legislation so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system.

(2) On the making of any such arrangements there shall be constituted a Joint Authority (hereafter in this Act referred to as "the Joint Authority") consisting of the Minister and of the appropriate authority in Northern Ireland, and the Joint

Authority shall have power, in connection with the arrangements—

PART VI.
—*con.*

- (a) to make any necessary financial adjustments between the Industrial Injuries Fund and any fund established under the Northern Irish legislation ; and
- (b) to discharge such other functions for the co-ordination of the said two systems as may be provided by the arrangements.

The provisions of the Seventh Schedule to this Act shall have effect with respect to the constitution of the Joint Authority and other matters relating thereto.

(3) The Minister may make regulations for giving effect in Great Britain to any such arrangements, and any such regulations may provide—

- (a) that this Act shall have effect in relation to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provision—
 - (i) for securing that acts, omissions and events having any effect for the purposes of the Northern Irish legislation shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit) ;
 - (ii) for determining, in cases where rights accrue both under this Act and under the Northern Irish legislation, which of those rights shall be available to the person concerned ;
 - (iii) for making the provisions as to the administration and enforcement of this Act referred to in the Eighth Schedule to this Act applicable also for the purposes of the Northern Irish legislation ; and
- (b) that the Joint Authority shall be substituted for the Minister in relation to the making of any regulations (other than regulations providing for such a substitution).

(4) In connection with any such legislation as is mentioned in subsection (1) of this section, any limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall not apply in so far as it would preclude that Parliament from enacting a provision corresponding to some provision of this Act ; and in particular any such legislation as aforesaid may make provision for the repeal as respects Northern Ireland of enactments of the Parliament of the United Kingdom which, as respects Great Britain, are repealed by this Act or were repealed by an enactment so repealed.

PART VI.
—cont.

(5) In this section the expression “appropriate authority” means such authority as may be specified in the Northern Irish legislation.

Dominions,
colonies and
foreign
countries.

85.—(1) For the purpose of giving effect to any agreement with the government of any part of His Majesty’s dominions other than Northern Ireland, or the government of any foreign country, providing for reciprocity in matters relating to the payment of compensation or benefit to employed persons in respect of industrial or similar injuries, it shall be lawful for His Majesty by Order in Council to make provision for modifying or adapting this Act in its application to cases affected by the agreement.

(2) The modifications of this Act which may be made by virtue of the foregoing subsection shall include provision—

- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit) ;
- (b) for determining, in cases where rights accrue both under this Act and under the law of the said country, which of those rights shall be available to the person concerned ;
- (c) for making the provisions as to the administration and enforcement of this Act referred to in the Eighth Schedule to this Act applicable also for the purposes of the law of the said country ;
- (d) for making any necessary financial adjustments by payments into or out of the Industrial Injuries Fund.

General.

Provisions as
to powers to
make Orders
in Council and
regulations.

86.—(1) Except in so far as this Act otherwise provides, any power conferred thereby to make an Order in Council or regulations may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case ; and
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise) ;
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of this Act ;

(iii) any such provision either unconditionally or subject to any specified condition.

PART VI.
—cont.

(2) Any power conferred by this Act to make an Order in Council shall include power to vary or revoke any Order in Council so made by a subsequent Order in Council.

87.—(1) No order shall be made under the section of this Act relating to supplementary schemes and no regulations shall be made under section seventy-seven of this Act unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament. Regulations to be laid before Parliament.

(2) All regulations made (whether by the Minister or otherwise) under this Act, other than those to which the foregoing subsection applies, shall be laid before Parliament as soon as may be after they are made and if, within the period of forty days beginning with the day on which any such regulations are so laid before it, either House of Parliament resolves that the regulations be annulled, they shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulations.

(3) In reckoning the said period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(4) Section one of the Rules Publication Act, 1893 (which requires notice to be given of a proposal to make statutory rules) shall not apply to regulations made under this Act (whether by the Minister or otherwise). 56 & 57 Vict. c. 66.

88.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them— Interpretation.

“appointed day” means such day as the Minister may by order appoint;

“beneficiary,” in relation to any benefit, means the person entitled to that benefit;

“benefit” means, unless the context otherwise requires, benefit under this Act;

“claimant” means a person claiming benefit, and includes—

(a) an applicant for a declaration that an accident was or was not an industrial accident; and

(b) in relation to the review of an award or decision, a beneficiary under the award or affected by the decision;

and references to a claim shall be construed accordingly;

“contribution week” means the period of seven days commencing from midnight between Sunday and Monday;

PART VI.
—cont.

“ day ” means a period of twenty-four hours from midnight to midnight or such other period of twenty-four hours as the Minister may prescribe ;

“ the deceased,” in relation to death benefit, means the person in respect of whose death the benefit is claimed or payable ;

“ earnings,” where used in relation to a person, includes any remuneration or profit derived from a gainful occupation ;

“ His Majesty’s dominions ” includes British protectorates and protected states and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the government of any part of His Majesty’s dominions ;

“ hospital or similar institution ” includes a workhouse ;

“ insured person ” means a person employed in insurable employment ;

“ medical examination ” includes bacteriological and radiographical tests and similar investigations, and references to being medically examined shall be construed accordingly ;

“ medical practitioner ” means a registered medical practitioner ;

“ the Minister ” means the Minister of National Insurance ;

“ prescribe ” means, unless the context otherwise requires, prescribe by regulations ;

“ regulations ” means, unless the context otherwise requires, regulations made by the Minister under this Act ;

“ relevant accident ” and “ relevant injury ” mean respectively, in relation to any benefit, the accident and injury in respect of which that benefit is claimed or payable ; and “ relevant loss of faculty ” means the loss of faculty resulting from the relevant injury.

(2) For the purposes of this Act—

(a) the expression “ child ” means a person who would be treated as a child for the purposes of the Family Allowances Act, 1945 ;

(b) a child shall be deemed to be under the upper limit of the compulsory school age if he would be treated as being so for the purposes of the said Act ;

(c) a person shall be deemed to have a family which includes a child or children if that person (not being a child) and a child or children (with or without a wife or husband of that person) would be treated for the purposes of the said Act as constituting a family, and references to a child of a person’s family shall be construed accordingly.

(3) For the purpose of any provision of this Act providing that benefit shall not be payable to a woman after her marriage or re-marriage, references to marriage shall include references to cohabitation with a man as his wife.

(4) For the purposes of this Act—

- (a) a man and his wife shall not be deemed to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation incident to the desertion has not come to an end ;
- (b) two persons shall not be deemed to have ceased to reside together by reason of any temporary absence of either or both of them, and in particular by reason of any such absence at school or while receiving medical treatment as an in-patient in a hospital or similar institution.

(5) For the purposes of this Act—

- (a) a person shall be deemed to be over or under any age therein mentioned if he has or has not attained that age ;
- (b) a person shall be deemed to be between any two ages therein mentioned if he has attained the first mentioned age and has not attained the second mentioned age ;
- (c) a person shall be deemed, according to the law in England as well as according to the law in Scotland, not to have attained the age of eighteen years until the commencement of the eighteenth anniversary of the day of his birth, and similarly with respect to any other age ;
- (d) regulations may provide that, for the purpose of determining whether a contribution is payable in respect of any person, or at what rate a contribution is payable, that person shall be treated as having attained at the beginning of a contribution week, or as not having attained until the end of a contribution week, any age which he attains during the course of that week.

(6) For the purposes of this Act, the exercise and performance of the powers and duties of a public or local authority shall be treated as the trade or business of the authority.

89.—(1) Workmen's compensation shall not be payable in respect of any employment on or after the appointed day, and accordingly the enactments set out in the Ninth Schedule to this Act are hereby repealed as from that day to the extent mentioned in the third column of that Schedule :

PART VI.
—cont.

Provided that—

- (a) the said enactments shall continue to apply to cases to which they would have applied if this Act had not been passed, being cases where a right to compensation arises or has arisen in respect of employment before the appointed day, except where, in the case of a disease or injury prescribed for the purposes of Part IV of this Act, the right does not arise before the appointed day and the workman, before it does arise, has been insured under this Act against that disease or injury ;
- (b) regulations may make such transitional or consequential provisions as appear to the Minister to be necessary or expedient, having regard to the repeal of the said enactments in relation to diseases and to injuries not caused by accident, including provision for modifying or winding up any scheme made thereunder ;
- (c) the repeal of the Workmen's Compensation Act, 1925, shall not affect any rules of court made under the Workmen's Compensation (Transfer of Funds) Act, 1927, or the power to make new rules of court thereunder.
- 17 & 18 Geo. 5.
c. 15.
- (2) Subject to the provisions of the foregoing subsection, the Workmen's Compensation (Temporary Increases) Act, 1943, shall be made permanent and accordingly shall have effect as if section four were omitted.
- 6 & 7 Geo. 6.
c. 49.
- (3) His Majesty may by Order in Council make or authorise the making of such provision as appears to Him to be necessary or expedient, having regard to the provisions of this section, for—
- (a) modifying or winding up any contracting out scheme certified under section thirty-one of the Workmen's Compensation Act, 1925 ;
- (b) modifying, in relation to employers' liability insurance business, the Assurance Companies Act, 1909, or any Act passed before the appointed day amending that Act ;
- 9 Edw. 7. c. 49.
- (c) winding up any compensation trust established under the Workmen's Compensation (Coal Mines) Act, 1934 ;
- 24 & 25 Geo. 5.
c. 23.
- (d) amending or repealing any enactment contained in a local or private Act or an order confirmed by such an Act ;

and rules made under section four of the Workmen's Compensation (Coal Mines) Act, 1934, in relation to deposits made under that section by mutual indemnity associations may, notwithstanding the repeal of that Act by this section, make provision for any matters consequential on the passing of this section.

(4) The repeal by this section of subsections (2) and (3) of section fifty of the Workmen's Compensation Act, 1925, shall not affect the application of the Acts repealed by that Act or by the Workmen's Compensation Act, 1906, to cases to which by virtue of those subsections respectively they are to continue to apply.

PART VI.
—cont.

90. In its application to Scotland this Act shall have effect subject to the following modifications:—

Application
to Scotland.

- (a) for any reference to the High Court there shall be substituted a reference to the Court of Session, for any reference to the county court there shall be substituted a reference to the sheriff, for any reference to a workhouse there shall be substituted a reference to a poorhouse and for any reference to a contract of bailment there shall be substituted a reference to a contract of letting to hire;
- (b) for any reference to the Registrar General there shall be substituted a reference to the Registrar General of births, deaths and marriages in Scotland and references to a superintendent registrar shall be omitted;
- (c) any provision as to sums recoverable summarily or the summary recovery of sums as civil debts shall have effect as if the words "summarily" and "summary" were omitted;
- (d) section twenty-eight shall have effect as if for the reference to section five of the Debtors Act, 1869, there were substituted a reference to section four of the Civil Imprisonment (Scotland) Act, 1882; 45 & 46 Vict.
c. 42.
- (e) section fifty-one shall have effect as if for any reference to a summons there were substituted a reference to an order;
- (f) section sixty-eight shall have effect as if—
 - (i) subsections (1) and (2) were omitted;
 - (ii) for any reference to evidence sufficient to justify a prosecution there were substituted a reference to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution;
- (g) section sixty-nine shall have effect as if for any reference to a summons or warrant there were substituted a reference to a complaint and as if subsection (5) thereof were omitted;
- (h) nothing in subsection (2) of section seventy shall be construed as limiting the period within which proceedings for the recovery of any sum may be brought;

PART VI.
—cont.

(j) section seventy-one shall have effect as if for subsection (2) there were substituted the following subsection :—

3 & 4 Geo. 5.
c. 20.

“(2) Subsection (1) of section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, shall have effect as if at the end thereof there were inserted the following paragraph—

‘(f) all sums due in respect of contributions payable during the twelve months before the said date by the bankrupt as the employer of any persons under the National Insurance (Industrial Injuries) Act, 1946’.”

Short title
and extent.

91.—(1) This Act may be cited as the National Insurance (Industrial Injuries) Act, 1946.

(2) This Act shall not extend to Northern Ireland except in so far as it enlarges the powers of the Parliament of Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

INSURABLE AND EXCEPTED EMPLOYMENTS.

PART I.

INSURABLE EMPLOYMENTS.

1. Employment in Great Britain under any contract of service or apprenticeship, whether written or oral, and whether expressed or implied (in this Schedule referred to as a "contract of service").

2.—(1) Employment under a contract of service either as master or a member of the crew of any ship or vessel to which this paragraph applies, or in any other capacity on board any such ship or vessel where—

(a) the employment in that other capacity is for the purposes of the ship or vessel or her crew or of any passengers or cargo or mails carried thereby; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on her voyage;

and any other prescribed employment as master or a member of the crew of any such ship or vessel, being a fishing vessel, where the person employed is remunerated in whole or in part by a share in the profits or gross earnings of the fishing vessel.

(2) This paragraph applies, with such exceptions as may be prescribed—

(a) to all ships and vessels belonging to His Majesty;

(b) to all ships and vessels whose port of registry is a port in Great Britain;

(c) to all other British ships and vessels (not being ships or vessels whose port of registry is a port in Northern Ireland) of which the owner (or managing owner if there is more than one owner) or the manager resides or has his principal place of business in Great Britain.

(3) In this paragraph the expression "manager" means, in relation to any ship or vessel, the ship's husband or other person to whom the management of the ship or vessel is entrusted by or on behalf of the owner; and references in this paragraph to the owner of a ship or vessel shall, in relation to a ship or vessel which has been demised, be construed as referring to the person for the time being entitled as charterer to possession and control of the ship or vessel by virtue of the demise or any sub-demise.

3. Employment as pilot on board any ship or vessel in any case where the person employed holds a licence or deep sea certificate from a pilotage authority in Great Britain covering that employment and in such other cases as may be prescribed.

1ST SCH.
—cont.

4. Employment as a regular or enrolled member of the crew of any lifeboat stationed in Great Britain under the control of the Royal National Lifeboat Institution.

5.—(1) Employment under a contract of service either as pilot, commander, navigator or member of the crew of any aircraft to which this paragraph applies, or in any other capacity on board any such aircraft where—

(a) the employment in that other capacity is for the purposes of the aircraft or its crew or of any passengers or cargo or mails carried thereby; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the aircraft is in flight.

(2) This paragraph applies, with such exceptions as may be prescribed, to all aircraft belonging to His Majesty and to all aircraft registered in the United Kingdom of which the owner (or managing owner if there is more than one owner) resides or has his principal place of business in Great Britain.

(3) In this paragraph references to the owner of an aircraft shall, in relation to an aircraft which has been hired, be taken as referring to the person for the time being entitled as hirer to possession and control of the aircraft by virtue of the hiring or any subordinate hiring.

6. Employment in Great Britain under any public or local authority constituted in Great Britain.

7. Employment in Great Britain in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.

8. Employment in Great Britain as a member, or as a person training to become a member, of any such fire brigade, rescue brigade, first-aid party or salvage party at a factory, mine or works as may be prescribed, or of any such similar organisation as may be prescribed.

PART II.

EXCEPTED EMPLOYMENTS.

1. Any prescribed employment in Great Britain under a public or local authority constituted in Great Britain.

2. Employment under a contract of service—

(a) as master or a member of the crew of any ship or vessel, being neither a ship or vessel to which paragraph 2 of Part I of this Schedule applies nor a ship or vessel which is employed exclusively in Great Britain; or

(b) in any other capacity on board any ship or vessel where the employment in that other capacity is for the purposes of the ship or vessel or her crew or of any passengers or cargo or mails carried thereby and is employment under a contract of service entered into with a view to its performance (in whole or in part) while the ship or vessel is on her voyage, and either—

(i) the ship or vessel is not one to which the said paragraph 2 applies nor one which is employed exclusively in Great Britain; or

- (ii) the said contract was entered into outside the United Kingdom;

1ST SCH.
—cont.

but not including any such employment as is mentioned in paragraph 3 of Part I of this Schedule.

3. Employment under a contract of service—

- (a) as pilot, commander, navigator or member of the crew of any registered aircraft, not being an aircraft to which paragraph 5 of Part I of this Schedule applies; or
- (b) in any other capacity on board any registered aircraft where the employment in that other capacity is for the purposes of the aircraft or its crew or of any passengers or cargo or mails carried thereby and is employment under a contract of service entered into with a view to its performance (in whole or in part) while the aircraft is in flight, and either—
- (i) the aircraft is one to which the said paragraph 5 does not apply; or
- (ii) the said contract was entered into outside the United Kingdom.

4. Employment of a casual nature, not being employment—

- (a) for the purposes of the employer's trade or business; or
- (b) as a pilot on board a ship or vessel; or
- (c) for the purposes of any game or recreation where the persons employed are engaged or paid through a club; or
- (d) as a member of any such organisation as may be prescribed for the purposes of paragraph 8 of Part I of this Schedule.

5. Employment in the service of the husband or wife of the employed person.

6. Employment by the father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother or half-sister of the person employed, in so far as the employment—

- (a) is employment in a private dwelling house in which both the person employed and the employer reside; and
- (b) is not employment for the purposes of any trade or business carried on there by the employer.

7. Employment of any class prescribed for the purposes of this paragraph with the consent of the Treasury, as being of such a nature that it is ordinarily adopted as subsidiary employment only.

8. Employment of any class prescribed for the purposes of this paragraph with the consent of the Treasury, where the person employed is employed therein to no greater extent than such as may be so prescribed as being inconsiderable.

PART III.

PREVENTION OF ANOMALIES.

Where it appears to the Minister—

- (a) that the nature and other circumstances of the service rendered or the work performed in any employment which is insurable employment and in any employment which is not insurable

1ST SCH.
—cont.

employment (whether by reason of the fact that it is an excepted employment or otherwise) are so similar as to result in anomalies in the operation of this Act ; and

(b) either—

(i) that the first mentioned employment can conveniently be included among the excepted employments ; or

(ii) that the second mentioned employment can conveniently be included among the insurable employments ;

the Minister may by regulations made with the consent of the Treasury provide that the employment shall be so included.

Sections 2, 3.

SECOND SCHEDULE.

PROVISIONS AS TO CONTRIBUTIONS.

PART I.

WEEKLY RATES OF CONTRIBUTIONS PAYABLE BY INSURED PERSONS
AND EMPLOYERS.

Class of insured person to whom rate applies.	Weekly rate of contribution.	
	By the insured person.	By the employer.
Men over the age of eighteen	4d.	4d.
Women over the age of eighteen	3d.	3d.
Boys under the age of eighteen	2½d.	2½d.
Girls under the age of eighteen	2d.	2d.

PART II.

EXEMPTIONS FROM CONTRIBUTIONS.

1. An insured person shall be exempt from any liability to pay contributions arising by reason of his being employed in any employment in respect of which such exemption is conferred by regulations made under section seventy-seven of this Act.

2. An insured person or his employer or both (as may be prescribed) shall be exempt from any liability to pay contributions arising by reason of the insured person being employed—

(a) in employment of any class prescribed for the purposes of this paragraph with the consent of the Treasury as being of such a nature that it is ordinarily adopted as subsidiary employment only ;

(b) in employment of any other class so prescribed, where the insured person is employed therein to no greater extent than such as may be so prescribed as being inconsiderable.

An employment may be prescribed by regulations made under sub-paragraph (a) or (b) of this paragraph as respects insured persons employed therein, notwithstanding that in relation to other persons so employed it is an excepted employment by virtue of regulations made under paragraph 7 or 8, as the case may be, of Part II of the First Schedule to this Act.

2ND SCH.
—cont.

PART III.

RETURN OF CONTRIBUTIONS PAID ERRONEOUSLY.

1. Regulations shall provide, subject to the provisions of this Part of this Schedule, for the return to a person and to his employer of any contributions paid by them respectively under the erroneous belief that the contributions were payable in respect of that person under the provisions of this Act.

2. Regulations made under this Part of this Schedule—

(a) shall provide that a return of contributions shall not be made except on an application made in the prescribed manner and within the prescribed period (not being less than one year) from the date on which the contributions were paid ; and

(b) shall provide that a return of an employed person's contributions shall, in a case where the contributions were paid under the erroneous belief that his employment was insurable employment, be subject to the deduction of an amount not exceeding the aggregate sum awarded under such erroneous belief and received (whether by him or by any other person) by way of benefit—

(i) in respect of an injury or disease caused to or contracted by him, being an injury caused by accident arising out of and in the course of that employment or a disease or injury due to the nature of that employment ; and

(ii) since the date on which the first contribution so paid within the said period was paid ;

(c) may provide, in the case of contributions paid by an employer on behalf of any person employed by him and not recovered from that person, for the return being made to the employer instead of to that person.

PART IV.

PAYMENT OF CONTRIBUTIONS THROUGH EMPLOYMENT EXCHANGE.

1. The Minister may, in such cases and on such conditions as may be prescribed, make an arrangement with any employer who is liable to pay employer's contributions under this Act, whereby, in respect of persons engaged by that employer through an employment exchange or in the employ of that employer at the date of the arrangement, the performance of all or any of the duties required under this Act to be performed in connection with the payment of contributions by the employer in respect of those persons whether on his own behalf or on behalf of those persons, shall be undertaken on behalf of the employer by the employment exchange.

2ND SCH. —cont. 9 Edw. 7. c. 7. 2. In this Part of this Schedule the expression "employment exchange" has the same meaning as the expression "labour exchange" in the Labour Exchanges Act, 1909, and includes a branch employment office and a juvenile employment bureau.

Section 12.

THIRD SCHEDULE.

RATES OF DISABLEMENT PENSION.

<i>Degree of disablement.</i>	<i>Weekly rate.</i>
100 per cent.	45 shillings
90 per cent.	40 shillings and 6 pence
80 per cent.	36 shillings
70 per cent.	31 shillings and 6 pence
60 per cent.	27 shillings
50 per cent.	22 shillings and 6 pence
40 per cent.	18 shillings
30 per cent.	13 shillings and 6 pence
20 per cent.	9 shillings

Section 21.

FOURTH SCHEDULE.

PROVISIONS LIMITING BENEFIT PAYABLE IN RESPECT OF ANY DEATH.

1.—(1) Where two or more persons satisfy the conditions, in respect of the same death, for receipt of an allowance under section twenty-one of this Act for any period, only one of those persons shall be entitled for that period to that allowance, and where two or more persons satisfy the conditions, in respect of the same death, for receipt of—

- (a) a pension under section twenty-three of this Act ; or
- (b) an allowance under section twenty-four thereof ;

only one of those persons shall be entitled to the pension or allowance, as the case may be.

(2) In the case of an allowance under the said section twenty-one,—

- (a) where the deceased leaves a widow or widower, then, for any period for which she or he is entitled to death benefit as the deceased's widow or widower and satisfies the conditions for receipt of the allowance, she or he shall be the person entitled to the allowance ;
- (b) subject to paragraph (a) of this sub-paragraph, regulations may make provision as to the priority in any prescribed circumstances of two or more persons satisfying the said conditions.

2. No person shall be entitled in respect of the death of any insured person to a pension under the said section twenty-three, where any person is entitled in respect of the deceased's death to a pension as the deceased's widow or widower or the deceased's parent.

4TH SCH.
—cont.

3.—(1) Where a person would but for either of the foregoing paragraphs be entitled in respect of the death of an insured person to a pension under the said section twenty-three, he shall, subject to the following provisions of this Schedule, be entitled in lieu thereof to a gratuity.

(2) The amount of any gratuity payable by virtue of this paragraph shall, subject to the provisions of this Act limiting that amount by reference to the deceased's contributions to the beneficiary's maintenance, and subject also to the following provisions of this Schedule, be one hundred and four pounds; and any such gratuity shall be payable, if and in such cases as regulations so provide, by instalments.

(3) No person shall be entitled in respect of the death of any insured person both to a gratuity under this paragraph and to an allowance under the said section twenty-three.

4. No person shall be entitled in respect of the death of any insured person both to an allowance under the said section twenty-four and to a pension or gratuity, or to an allowance both under the said section twenty-three and under the said section twenty-four.

5.—(1) The death benefit payable in respect of the death of any insured person by way of parents' gratuities shall not exceed seventy-eight pounds.

(2) The death benefit payable as aforesaid by way of relatives' gratuities shall not exceed fifty-two pounds, except where either—

(a) no person is entitled in respect of the deceased's death to a pension; or

(b) some person is entitled in respect thereof to a gratuity in lieu of a pension;

and shall not in any case exceed one hundred and four pounds.

(3) The limits imposed by the last foregoing sub-paragraph may be applied either by excluding from the right to a gratuity some of the persons satisfying the conditions for receipt thereof, or by reducing in any proportions the gratuities payable to those persons, or partly in one way and partly in the other; and regulations may make provision as to the manner in which any of the limits imposed by this paragraph are to be applied in any prescribed circumstances.

6.—(1) A person shall be treated for the purposes of this Schedule as satisfying the conditions for the receipt of a pension under the said section twenty-three notwithstanding that he is a child, if he may satisfy those conditions on ceasing to be a child.

(2) The provision of this Schedule limiting the number of persons entitled to a pension under the said section twenty-three shall not preclude a person from becoming so entitled on ceasing to be a child by reason only of some other person having previously been so entitled.

(3) For the purposes of sub-paragraph (2) of the last foregoing paragraph, any pension or gratuity under the said section twenty-three to which a person may become entitled on ceasing to be a child shall be disregarded.

4TH SCH.
—cont.

7.—(1) Where a person entitled, or who may become entitled, to any such benefit as is mentioned in this Schedule dies within the prescribed time after the deceased without being awarded that benefit, that person shall be disregarded for the purposes of this Schedule, except in so far as it relates to an allowance under section twenty-one of this Act :

Provided that where an award of benefit in respect of the deceased's death, based on the fact that that person was or might become entitled as aforesaid, has been made in favour of some other person, the death of the first-mentioned person shall not affect that award so as to deprive that other person of any benefit thereby awarded, except where, by reason of the first-mentioned person's death, a further award of benefit of a different description is made on review in favour of that other person.

- (2) For the purposes of this paragraph, a person shall be treated—
- (a) as having died without being awarded benefit, if an award of benefit in his favour in force at his death is thereafter reversed on appeal or review ; and
- (b) as not having died without being awarded benefit, if an award of benefit is, on a claim made by him before his death, made after his death and not reversed as aforesaid.

Section 54.

FIFTH SCHEDULE.

SCALE OF SUPERANNUATION ALLOWANCES OF
COMMISSIONER AND DEPUTY COMMISSIONERS.

When the number of completed years of service is as specified in the first column of the following table, the annual allowance shall not exceed the fraction of the last annual salary respectively specified in the second column of that table :—

<i>Years of service</i>				<i>Fraction of salary</i>
less than 5	...	...	...	Six-thirtieths.
5	...	...	...	Ten-thirtieths.
6	...	...	...	Eleven-thirtieths.
7	...	...	...	Twelve-thirtieths.
8	...	...	...	Thirteen-thirtieths.
9	...	...	...	Fourteen-thirtieths.
10	...	...	...	Fifteen-thirtieths.
11	...	...	...	Sixteen-thirtieths.
12	...	...	...	Seventeen-thirtieths.
13	...	...	...	Eighteen-thirtieths.
14	...	...	...	Nineteen-thirtieths.
15 or more	...	...	...	Twenty-thirtieths.

SIXTH SCHEDULE

Section 64.

DOCUMENTS EXEMPT FROM STAMP DUTY.

1. Draft or order or receipt given in respect of benefit payable under this Act or under any supplementary scheme, or in respect of any sums payable to the body charged with the administration of a supplementary scheme.
2. Letter or power of attorney granted by any person as trustee for the transfer of any money vested in his name in the public funds or in any other securities and forming part of any funds applicable for the purpose of any supplementary scheme.
3. Agreement, bond or other security made or given for the purpose of, or in connection with, any supplementary scheme.
4. Appointment or revocation of appointment of an agent, appointment of a new trustee, and any conveyance or transfer made for effectuating the appointment of a new trustee and any other document authorised by or in pursuance of this Act or of any supplementary scheme or otherwise required in order to give effect to the provisions of this Act, including a statutory declaration.
5. Receipt given in respect of a refund or return of contributions or fees paid under this Act.

SEVENTH SCHEDULE.

Section 84.

CONSTITUTION ETC. OF JOINT AUTHORITY.

1. The Joint Authority shall be a body corporate by the name of "the Industrial Injuries Joint Authority", and shall have an official seal which shall be officially and judicially noticed, and the seal of the Authority may be authenticated by either member of, or the secretary to, the Authority, or by any person authorised by the Authority to act on behalf of the secretary.
2. Either member of the Joint Authority shall be entitled, subject to and in accordance with any rules laid down by the Authority, to appoint a deputy to act for him at meetings of the Authority at which he is unable to be present.
3. The Documentary Evidence Act, 1868, shall apply to the Joint Authority as if that Authority were included in the first column of the Schedule to the said Act, and as if either member or the secretary, or any person authorised to act on behalf of the secretary, of the Authority were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Authority.

Section 84.

EIGHTH SCHEDULE.

PROVISIONS WHICH MAY BE APPLIED FOR PURPOSES
OF NORTHERN IRISH LEGISLATION.

<i>Provision.</i>	<i>Subject matter.</i>
Subsection (4) of section three.	Penalty for not paying contributions.
Subsection (2) of section four.	Penalty for unlawful deduction of employer's contribution.
Section twenty-six ...	Obligations of employers.
Section twenty-eight ...	Benefit to be inalienable.
Subsections (2) to (6) of section sixty-two.	Powers of inspectors.
Section sixty-three ...	Proof of age, marriage and death.
Section sixty-four ...	Exemption from stamp duty.
Section sixty-seven ...	General provisions as to offences and penalties.
Section sixty-eight ...	General provisions as to prosecutions.
Section sixty-nine ...	Recovery of contributions on prosecutions.
Section seventy ...	Civil proceedings to recover sums due to Industrial Injuries Fund.
Section seventy-one ...	Priority of contributions in winding up and bankruptcy.
Section seventy-two ...	Decisions to be conclusive for purposes of proceedings under Act.

Section 88.

NINTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short title.	Extent of repeal.
5 Edw. 7. c. 10.	The Shipowners' Negligence (Remedies) Act, 1905.	Subsection (4) of section one.
3 & 4 Geo. 5. c. 20.	The Bankruptcy (Scotland) Act, 1913.	Paragraph (d) of subsection (1) of section one hundred and eighteen.
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act, 1914.	Paragraph (d) of subsection (1) of section thirty-three.
9 & 10 Geo. 5. c. 22.	The Disabled Men (Facilities for Employment) Act, 1919.	The whole Act.
13 & 14 Geo. 5. c. 42.	The Workmen's Compensation Act, 1923.	The whole Act except subsections (2) and (3) of section twenty-eight.

Session and Chapter.	Short title.	Extent of repeal.
15 & 16 Geo. 5. c. 84.	The Workmen's Compensation Act, 1925.	The whole Act.
16 & 17 Geo. 5. c. 48.	The Workmen's Compensation Act, 1926.	The whole Act.
17 & 18 Geo. 5. c. 35.	The Sheriff Courts and Legal Officers (Scotland) Act, 1927.	Sections fifteen and seventeen.
18 & 19 Geo. 5. c. 24.	The Northern Ireland (Miscellaneous Provisions) Act, 1928.	Subsection (4) of section two.
19 & 20 Geo. 5. c. 23.	The Companies Act, 1929.	Paragraph (d) of subsection (1) and subsection (2) of section two hundred and sixty-four and paragraph (b) of subsection (3) of section two hundred and ninety-eight.
20 & 21 Geo. 5. c. 28.	The Finance Act, 1930	In section forty-four, the words "(14(A)) Receipt given in respect of any sum payable as compensation under the Workmen's Compensation Act, 1925."
20 & 21 Geo. 5. c. 29.	The Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.	The whole Act.
21 & 22 Geo. 5. c. 18.	The Workmen's Compensation Act, 1931.	The whole Act.
24 & 25 Geo. 5. c. 23.	The Workmen's Compensation (Coal Mines) Act, 1934.	The whole Act.
24 & 25 Geo. 5. c. 34.	The Adoption of Children (Workmen's Compensation) Act, 1934.	The whole Act.
24 & 25 Geo. 5. c. 53.	The County Courts Act, 1934.	In section one hundred and sixty-five the words "and paragraphs 1 and 3 of the Second Schedule to the Workmen's Compensation Act, 1925."
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937.	Subsection (9) of section one hundred and twenty-six and subsection (14) of section one hundred and fifty-six.
1 & 2 Geo. 6. c. 27.	The Workmen's Compensation (Amendment) Act, 1938.	The whole Act.
2 & 3 Geo. 6. c. 82.	The Personal Injuries (Emergency Provisions) Act, 1939.	In paragraph (a) of subsection (1) of section three the words "the Workmen's Compensation Acts, 1925 to 1938 or".
3 & 4 Geo. 6. c. 47.	The Workmen's Compensation (Supplementary Allowances) Act, 1940.	The whole Act.

9TH SCH
—cont

9TH SCH.
--cont.

Session and Chapter.	Short title.	Extent of repeal.
3 & 4 Geo. 6. c. 56.	The Workmen's Compensation and Benefit (Byssinosis) Act, 1940.	The whole Act except section two.
4 & 5 Geo. 6. c. 39.	The National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.	Part II.
6 & 7 Geo. 6. c. 6.	The Workmen's Compensation Act, 1943.	The whole Act, except sections two, three and four.
6 & 7 Geo. 6. c. 49.	The Workmen's Compensation (Temporary Increases) Act, 1943.	The whole Act.
8 & 9 Geo. 6. c. 28.	The Law Reform (Contributory Negligence) Act, 1945.	Section two and in section four the definitions of "employer" and "workman".
8 & 9 Geo. 6. c. 41.	The Family Allowances Act, 1945.	In subsection (1) of section thirteen, paragraph (a) and the words "a supplementary allowance" and "supplementary allowance"; in subsection (2) of that section the words "a supplementary allowance" and "supplementary allowance", where they first occur, and the words from the beginning of paragraph (a) to the word "aforesaid" in paragraph (b); subsections (3) and (4) of that section.
9 & 10 Geo. 6. c. 16.	The Workmen's Compensation (Pneumoconiosis) Act, 1945.	The whole Act.
9 & 10 Geo. 6. c. 28.	The Assurance Companies Act, 1946.	Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section five; paragraph (b) of subparagraph (2) of paragraph 3 of Part III of the Second Schedule.

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