

1972 No. 375

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations 1972

Made - - - 10th March 1972

Laid before Parliament 17th March 1972

Coming into Operation 6th April 1972

The Secretary of State for Social Services in exercise of his powers under sections 25(1) and 54(1) of the National Insurance (Industrial Injuries) Act 1965^(a) and of all other powers enabling him in that behalf, and after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations 1972, shall be read as one with the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964^(b) as amended^(c) (hereinafter referred to as “the principal regulations”) and shall come into operation on 6th April 1972.

Amendment of regulation 12 of the principal regulations

2. In the proviso to regulation 12(1) of the principal regulations, for the words “reasonable cause” there shall be substituted the words “good cause”.

Amendment of regulation 16 of the principal regulations

3. In regulation 16(10)(a) of the principal regulations, for the words “the last preceding regulation” there shall be substituted the words “regulation 15 of these regulations”.

(a) 1965 c. 52.

(b) S.I. 1964/73 (1964 I, p. 115).

(c) There is no amendment which relates expressly to the subject matter of these regulations.

Amendment of regulation 18 of the principal regulations

4. The following amendments shall be made in regulation 18(1) of the principal regulations (suspension of payment of benefit pending appeals or references):—

- (i) after the words “until after the expiration of a period of 21 days from that date” there shall be inserted the words “(or, in the case of an appeal by an insurance officer from the decision of a local tribunal, from the date on which an insurance officer received the record of that decision)”;
- (ii) after the words “an appeal from the award or from a decision on which the award was based is brought” there shall be inserted the words “(or in the case of such an appeal by an insurance officer notice of appeal is given or sent to the claimant)”;

and the said regulation shall accordingly have effect as set out in the Schedule to these regulations.

Keith Joseph,

Secretary of State for Social Services.

10th March 1972.

THE SCHEDULE

Regulation 4

Containing Regulation 18(1) of the Principal Regulations as amended by these Regulations.*

Suspension of payment of benefit pending appeals or references

18.—(1) So much of a pension or of an allowance (other than injury benefit) or of an increase of disablement benefit as is awarded in respect of a period before the date of the award shall not be payable until after the expiration of a period of 21 days from that date (*or, in the case of an appeal by an insurance officer from the decision of a local tribunal, from the date on which an insurance officer received the record of that decision*) and if before the expiration of that period an appeal from the award or from a decision on which the award was based is brought (*or, in the case of such an appeal by an insurance officer, notice of appeal is given or sent to the claimant*), until after the decision on that appeal is given; and a gratuity or any part thereof shall not be payable until after the expiration of the time limited for an appeal from the award thereof or from a decision on which the award was based, and where any such appeal is brought, until after the decision on that appeal is given:

Provided that—

- (i) this paragraph shall not apply to an award made by an insurance officer of disablement benefit (including any increase thereof) based upon the decision of a medical appeal tribunal or of death benefit (other than a gratuity), or to any award of benefit made by the Commissioner;
- (ii) during the period intervening between the award of a gratuity under section 22 or 23 of the Act or under Schedule 4 of the Act and the date when in accordance with the foregoing provisions of this paragraph such gratuity becomes payable, there shall be paid to the beneficiary on account of such gratuity weekly payments at a rate not exceeding the weekly rate of the contribution which the deceased at his death was, or would but for the relevant accident have been, making towards the maintenance of the beneficiary;
- (iii) payment of benefit shall not be suspended under the provisions of this paragraph if in any case or class of cases the Minister so directs.

*The words inserted by these regulations are shown in italics.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend regulation 18 of the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964, which provides for the suspension of the payment of arrears of benefit that have been awarded, in certain cases, where an appeal has been made against the award within 21 days. The amendment provides that when the benefit is awarded by a local tribunal and an insurance officer appeals, the period of 21 days begins when an insurance officer receives the record of the tribunal's decision (instead of on the date of the decision, as previously) and that the provision for suspension of payment applies if an insurance officer gives or sends notice of his appeal to the claimant within that period (previously it applied only if the claimant received notice of the appeal within the 21 days).

These Regulations also amend paragraph (1) of regulation 12 of the said Regulations in order to secure consistency between that paragraph and paragraph (2) of the said regulation which was so amended by the National Insurance &c. Act 1964 (1964 c. 96).

The amendment to regulation 16 of the said Regulations is of a minor consequential character.

SI 1972/375
ISBN 0-11-020375-5

