

1973 No. 1479

SOCIAL SECURITY
**The National Insurance (Industrial Injuries) (Benefit)
Amendment Regulations 1973**

<i>Made</i>	- - -	<i>9th August 1973</i>
<i>Laid before Parliament</i>		<i>29th August 1973</i>
<i>Coming into Operation</i>		<i>3rd October 1973</i>

The Industrial Injuries Joint Authority(a), in exercise of the powers conferred by sections 29(1)(c) and 30 of the National Insurance (Industrial Injuries) Act 1965(b), and the Secretary of State for Social Services, in exercise of the powers conferred by section 16(2) of that Act and now vested in him(c), and of all other powers enabling them in that behalf, and after reference to the Industrial Injuries Advisory Council, hereby make the following regulations:—

Citation, interpretation and commencement

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Benefit) Amendment Regulations 1973 and shall come into operation on 3rd October 1973.

(2) In these regulations “the principal regulations” means the National Insurance (Industrial Injuries) (Benefit) Regulations 1964(d) as amended(e).

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(f) shall apply in relation to this instrument and to the revocations effected by it as if this instrument and the provisions revoked by it were enactments and as if the said revocations were repeals.

Amendment of regulations 8, 16(3)(b) and 37 of the principal regulations

2. In the heading to regulation 8 and in regulations 16(3)(b) and 37 of the principal regulations the word “approved” shall be omitted wherever it appears.

(a) See S.I. 1948/1300 (Rev. XVI, p. 541; 1948 I, p. 3030) and sections 83(4)(b) and 87(1) of the National Insurance (Industrial Injuries) Act 1965.

(b) 1965 c. 52.

(c) See section 2 of the Ministry of Social Security Act 1966 (c. 20) and Article 2 of the Secretary of State for Social Services Order 1968 (S.I. 1968/1699; (1968 III, p.4585)).

(d) S.I. 1964/504 (1964 I, p. 833).

(e) The relevant amending instrument is S.I. 1970/46 (1970 I, p. 243).

(f) 1889 c. 63.

Amendment of regulation 36(1) of the principal regulations

3. In regulation 36(1) of the principal regulations, for the words "National Insurance (Overlapping Benefits) Regulations 1948" there shall be substituted the words "National Insurance (Overlapping Benefits) Regulations 1972"^(a) as amended^(b).

Amendment of regulation 38(2) of the principal regulations

4. For regulation 38(2) of the principal regulations there shall be substituted:—

"(2) For the purposes of this regulation the specified dependency benefits shall be:—

(a) any dependency benefit under the Act;

(b) any dependency benefit under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-18 War Injuries Scheme except such benefit which is payable with a disablement pension to a beneficiary who is not entitled to a supplement on account of unemployment under any such Scheme or Instrument;

(c) any dependency benefit under any training scheme;

except any dependency benefit by way of an allowance in respect of a child payable for the purpose of his education."

Amendment of regulation 39 of the principal regulations

5. In regulation 39 of the principal regulations the proviso to paragraph (1), shall be revoked, and in sub-paragraph (c) of paragraph (2) for the figure "70" there shall be substituted the figure "65".

Transitional provision

6. Where the date as from which the weekly rate of benefit under the Act is increased under an Order made under section 9(5) of and paragraph 1 of Schedule 6 to the National Insurance and Supplementary Benefit Act 1973^(c) is a later date than that on which these regulations come into operation, regulation 38(2) of the principal regulations (as substituted by regulation 4 of these regulations) shall apply as respects that benefit only as from the date on which its weekly rate is so increased.

Given under the official seal of the Industrial Injuries Joint Authority.

(L.S.)

Keith Joseph,
Secretary of State for Social Services,
a member of the Industrial Injuries Joint Authority.

9th August 1973.

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(a) S.I. 1972/604 (1972 I, p. 1994).
(c) 1973 c. 42.

(b) S.I. 1973/1478 (1973 II, p. 4516).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Regulation 4 of these Regulations amends Regulation 38(2) of the principal Regulations to provide that dependency increases payable with industrial injuries benefits shall no longer be subject to adjustment by reference to certain dependency increases paid with war pensions.

Regulation 6 of these Regulations contains a transitory provision related to the disregard for adjustment purposes of the dependency increases of war pensions.

The other amendments made by these Regulations are of a minor and consequential nature.

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