

**Injury benefit for accidents at work : National insurance (industrial injuries) act 1946 / Ministry of National Insurance.**

**Contributors**

Great Britain. Ministry of National Insurance

**Publication/Creation**

[London] : Ministry of National Insurance, 1948.

**Persistent URL**

<https://wellcomecollection.org/works/zwy4tn3b>

**License and attribution**

This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.



Wellcome Collection  
183 Euston Road  
London NW1 2BE UK  
T +44 (0)20 7611 8722  
E [library@wellcomecollection.org](mailto:library@wellcomecollection.org)  
<https://wellcomecollection.org>

NATIONAL INSURANCE  
(INDUSTRIAL INJURIES) ACT

1946

**Injury Benefit  
for  
Accidents  
at Work**



*April, 1948*

MINISTRY OF NATIONAL INSURANCE



**THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT**, takes the place of the Workmen's Compensation Acts and establishes a system of insurance against accidents at work and prescribed industrial diseases. There are three main types of benefit—Injury Benefit, Disablement Benefit and Death Benefit. This is one of a series of leaflets setting out the main provisions of the Act. It explains in general terms who is covered by the Act, and what are the accidents to which the Act applies; it also gives the rates of injury benefit and explains how to make a claim. A separate leaflet (N.I.2) deals with the special provisions relating to industrial diseases and gives a list of the prescribed diseases. Disablement benefit is dealt with more fully in leaflet N.I.6 and death benefit in leaflet N.I.10.

\* \* \*

THESE LEAFLETS MUST NOT BE TAKEN AS SETTING OUT THE LAW. THE INTERPRETATION OF THE ACTS AND REGULATIONS LIES WITH THE STATUTORY AUTHORITIES.

\* \* \*

### **IMPORTANT**

The information given in this leaflet is based on draft regulations which have been submitted to the Industrial Injuries Advisory Council but still require to be laid before Parliament. Until that action has been completed the information must be regarded as provisional and subject to alteration.



# **Injury Benefit for Accidents at Work**

## **WHO IS COVERED?**

1. Broadly, the Act covers all employed persons, including non-manual workers. That is to say, everybody who is insured in Class 1 under the general National Insurance scheme is also insured against industrial injuries. Certain other employments not included in Class 1 are also covered by the Industrial Injuries Act.

These are:—

Minor employments which are excluded from Class 1 as being subsidiary or inconsiderable;

Share-fishermen;

Taxi-drivers and others plying for hire under a contract of bailment;

Harbour and deep-sea pilots;

Unpaid apprentices.

The Act does not apply to members of the Armed Forces; nor to employment outside Great Britain, except in the case of persons employed on British ships and aircraft (see leaflet N.I.24).

Married women who choose to contract out of Class 1 (as explained in leaflet N.I.1) will, if they are employed persons, be insured under the Industrial Injuries Act. If you are in any doubt as to your insurance position you should ask at your local National Insurance Office. Employment in any occupation covered by the Industrial Injuries Act is referred to as *insurable employment*.

2. Contributions will be paid by stamps and, where a Class 1 contribution is also required, the same stamp and card will cover the contributions under both schemes. The right to benefit under the Industrial Injuries Act does not depend on the number of contributions paid.

## **TO WHAT ACCIDENTS DOES THE ACT APPLY?**

3. The benefits under the Act are payable if injury results from accident arising out of and in the course of the injured person's employment. There are two further conditions—the employ-



ment must be insurable employment (see para. 1 of this leaflet), and the accident must have occurred on or after the 5th July, 1948. Accidents occurring before that date are dealt with under the Workmen's Compensation Acts, but certain of the additional benefits under the new scheme are provided for persons who are entitled to weekly payments of workmen's compensation and are unemployable or need constant attendance (see leaflet N.I.7).

4. The word *accident* is interpreted in a wide sense as meaning any unexpected occurrence resulting in personal injury, whether the effects of the injury follow immediately from the accident (as when a fall results in a broken leg), or develop at a later date (as, for example, where blood-poisoning follows a cut or scratch).

5. The accident must both

- (a) arise out of the employment—that is it must occur in consequence of the injured person doing something which he was employed to do, or because he was exposed by reason of his employment to some particular risk, and
- (b) occur in the course of the employment.

Accidents which occur in the course of the employment are treated as having arisen out of the employment unless there is evidence to the contrary. Benefit is not payable if the accident happened before the employment began or after it ended. The time at which the employment begins or ends is not necessarily the same as the time when the injured person begins or stops work. It may be held to have begun, for example, when he arrived on his employer's premises on the way to work; this is a point which depends on the circumstances of the case. Apart from this the Act provides specifically that an accident sustained while travelling to or from work in a vehicle operated (otherwise than in the ordinary course of a public transport service) by or on behalf of the employer may be treated as an accident arising out of and in the course of employment. The Act is also extended to cover accidents sustained in meeting an emergency (e.g. in rescue work) arising at any premises used for the employer's business.



6. If at the time of the accident the injured person was doing something which was prohibited by his employer's orders or by regulation, the accident may still be regarded as an accident arising out of and in the course of the employment so long as the act was done for the purposes of and in connection with the employer's trade or business.

## **WHAT ARE THE BENEFITS?**

7. **Fatal Cases.** If the accident results in death, dependants of the deceased person will, subject to certain conditions, be entitled to death benefit, which may be either a pension, an allowance, or a gratuity. Benefit in fatal cases is dealt with more fully in leaflet N.I.10.

8. **Non-fatal Cases.** For non-fatal cases there are two types of benefit: Injury Benefit and Disablement Benefit. They are not both payable at the same time, but disablement benefit may be payable when injury benefit ceases.

- (a) **Injury Benefit** is a weekly payment during incapacity for work. The rates of injury benefit are given in paragraph 11 of this leaflet. It is payable if, as a result of the accident, the injured person is unfit for work for more than three days, and continues as long as incapacity lasts, up to a maximum of twenty-six weeks. If incapacity continues after twenty-six weeks have elapsed since the accident, injury benefit is replaced by disablement benefit (and sickness benefit, see paragraph 10.) The period of twenty-six weeks beginning with the accident is referred to as the "Injury Benefit Period," but the injury benefit period may be ended before twenty-six weeks if the injured person ceases to be unfit for work and makes a claim to disablement benefit. No payment of injury benefit is made in respect of the first three days of incapacity unless there are at least twelve days of incapacity during the injury benefit period. The day of the accident counts as the first day of incapacity if the accident prevents further work being done on that day.



- (b) **Disablement Benefit** is payable if, at the end of the injury benefit period, the injured person continues to suffer disablement which is either substantial or likely to be permanent. The rate of disablement benefit depends on the extent of disablement and *not* on the injured person's loss of earnings. For minor degrees of disablement, benefit is a gratuity not exceeding £150. In other cases it is a weekly pension which continues as long as substantial disablement lasts. The weekly rate of pension varies from 9s. for 20% disablement to 45s. for 100% disablement, and there are additional allowances in special cases. Full details about disablement benefit are given in leaflet N.I.6.

9. The distinction between Injury Benefit and Disablement Benefit may be illustrated as follows:—

If an insured person sustains an industrial accident which renders him incapable of work for, say, 3 or 4 weeks, he will receive injury benefit during that period. If he then recovers completely (or if he is left with only slight disablement which is not likely to be permanent) no further benefit will be payable. But if, although he has ceased to be incapable of work, he is left with a substantial disablement, he will then be entitled to disablement benefit, which will be a weekly pension. If his disablement is not substantial but is likely to be permanent, disablement benefit will be a gratuity. It will occasionally happen that an industrial accident does not incapacitate the injured person for more than 3 days, but does cause a substantial disablement. In this case disablement benefit will generally be payable as from the fourth day from the accident without an intervening period on injury benefit.

10. **Sickness Benefit or Unemployment Benefit** under the general National Insurance scheme is not payable at the same time as injury benefit. But if there is incapacity after the end of the Injury Benefit Period (whether or not due to the accident) sickness benefit is payable in addition to disablement benefit, subject to the necessary contributions having been paid, but the benefits together may not exceed 65s. a week (plus dependant's benefit if payable). When, however, 13 further contributions have been paid in employment since the accident, sickness (or unemployment) benefit is payable in full in all cases.



## WHAT ARE THE RATES OF INJURY BENEFIT?

11. The rate of injury benefit for an adult of either sex is 45s. weekly—

*plus*

16s. weekly for an adult dependant

7s. 6d. weekly for a child.

For persons under 18 without dependants the weekly rates are—

Between 17 and 18—33s. 9d.

Under 17 but over school leaving age—22s. 6d.

Persons under 18 with dependant(s) are entitled to benefit at the adult rate. A person who is receiving a lower rate of benefit on account of his age will have it increased when he reaches the age for a higher rate.

Where a person who has received benefit in respect of an industrial injury sustains a further accident special rules apply.

If the injured person is a child under school-leaving age, the rate of injury benefit depends on whether or not, at the time of the accident, the child was engaged in full-time employment. If it was full-time employment the rate of injury benefit is 22s. 6d. a week; if it was not, the rate is 7s. 6d. a week. Payment of injury benefit does not affect the right to a family allowance under the Family Allowances Act in respect of the child.

12. Injury benefit is not payable for Sundays, but it is payable for other holiday periods (whether wages are paid or not): odd days are paid for at one-sixth of the weekly rate.



## WHAT ARE THE CONDITIONS FOR DEPENDANT'S BENEFIT?

13. **Adult Dependant.** An increase of benefit (16s.), may be paid to the injured person for any one of the following persons who is not a child :—

1. THE CLAIMANT'S WIFE, if—
  - (a) either she resides with him *or* he normally contributes more than half the cost of her maintenance; *and*
  - (b) she is not earning more than 20s. a week.
2. THE CLAIMANT'S HUSBAND, if—
  - (a) he cannot support himself; *and*
  - (b) she normally contributes more than half the cost of his maintenance.
3. A CLOSE RELATIVE\* OF THE CLAIMANT, if—
  - (a) the relative resides with him (or her); *and*
  - (b) the claimant normally contributes more than half the cost of relative's maintenance; *and*
  - (c) the relative (if a woman) is not earning more than 20s. a week, and (if married) is not residing with her husband and is unable to obtain any financial assistance from him;  
*or* (if a man) is incapable of self-support.
4. A WOMAN LOOKING AFTER THE CLAIMANT'S CHILD OR CHILDREN (provided that the claimant is eligible for a 7s. 6d. allowance for one of his children), if—
  - (a) she resides with the claimant who normally contributes more than half the cost of her maintenance, and she does not earn more than 20s. a week in other employment; *or*
  - (b) she is employed by the claimant to look after his child, at a wage not less than 16s. a week, and she does not earn more than 30s. a week in other employment.

---

\* MALE RELATIVES :—Father (or stepfather), grandfather, brother (or stepbrother or half-brother), son (or stepson), grandson.

FEMALE RELATIVES :—Mother (or stepmother) grandmother, sister (or stepsister or half-sister), daughter (or stepdaughter), granddaughter.



**14. Child Dependant.** The child for whom an increase of benefit (7s. 6d.) can be paid must be a child within the meaning of the Family Allowances Act, 1945, for whom a family allowance is not actually in payment because the child is the first or only child of the family. This means, broadly speaking, that the increase is payable for a child of the claimant or his wife or a child who is maintained by the claimant. The increase is only payable while the child is under the upper limit of the compulsory school age, i.e. fifteen years, or up to, but not including, the 1st August following the sixteenth birthday, if the child is still at school or is an apprentice. An apprentice is a person undergoing full-time training for any trade, business, profession, office, employment or vocation, and not in receipt of earnings which provide him wholly or substantially with a livelihood. A person who is in any doubt whether, for the purpose of the increase, a child can be included in his or her family, should read Leaflet FAM.1, which can be obtained from any National Insurance office.

**15. Maintenance of Dependants.** The claimant cannot be treated as wholly or mainly maintaining a dependant unless when in employment before the accident (except where the dependency did not arise until after the accident), he contributed more than half the cost of the dependant's maintenance. It is also a condition, except in the case of a child or of the claimant's wife if she is residing with him, that he contributes whilst incapacitated, towards the maintenance of the dependant, the amount of the increase of benefit received. If the dependant is wholly or mainly maintained by two or more claimants between them, each of whom is entitled to benefit under the National Insurance or the Industrial Injuries scheme, and each of whom satisfies the other conditions for an increase of benefit for that dependant, then in the absence of agreement, the increase will be paid to the elder or eldest of them.

## **HOW IS INJURY BENEFIT CLAIMED?**

**16. Notice of Accident.** If you meet with an accident you (or somebody acting on your behalf) should immediately notify your employer or his foreman or some other person in authority. In factories, mines and quarries and at larger business premises an accident book will be kept for this purpose. An entry in the accident book is sufficient, but if there is no



accident book, or if you are unable to get the particulars entered in it, you can give notice either by word of mouth or by letter. If it is given in writing, the notice must state the name, address and occupation of the injured person, the cause and nature of the injury, and the date, time and place of the accident. If notice is given on behalf of the injured person, it must also state the name, address and occupation of the person giving it.

It is of particular importance that notice should be given as soon as possible after the accident. Otherwise you may have difficulty in proving your claim. Even if it is only trivial (a scratch may cause blood poisoning) see that a note is made of it—in the accident book if there is one. Otherwise let your employer know as soon as you can.

**17. Claims to Benefit.** Claims to injury benefit are made in the same way as claims to sickness benefit under the general National Insurance scheme. You should get a "First Medical Certificate" \* from your doctor, (or, if you are in hospital, from the hospital) and yourself fill in and sign Part II (the left-hand part of the certificate, headed "Notice of Incapacity and Claim to Benefit") and Part IV on the back of the certificate. If you have not reported the accident to your employer, you should also attach (on a separate sheet of paper) a brief description of how the accident happened. If you wish to claim an allowance for a dependant who comes under the conditions set out in paragraph 13 or 14 of this leaflet you should fill in Part III as well: you may be asked to give further particulars of the dependant later. Send the form to your National Insurance office *as soon as possible*. If you delay your claim, you may lose some benefit, unless you have some good excuse for the delay. If you are not well enough to fill in the form yourself somebody else may do it on your behalf provided he states on the form that he is doing so.

**18.** If you have claimed sickness benefit and it subsequently appears that you are entitled to injury benefit your claim may be treated as a claim to injury benefit. Similarly, if you claim

---

\* These are issued by National Health Service doctors. If you receive some other kind of certificate you should send this to your National Insurance Office, indicating that you have had an accident at work, and further instructions will then be given to you.



injury benefit and it is decided that your incapacity is not due to an industrial accident or disease, the claim may be treated as a claim to sickness benefit.

19. Even if the accident does not cause incapacity lasting for more than three days, but does result in disablement which is substantial or likely to be permanent, you will be entitled to disablement benefit. A claim form for disablement benefit (B.I.100) may be obtained from any National Insurance office. Full particulars of how to claim are given in leaflet N.I.6.

20. If the accident does not immediately result in incapacity or disablement but you think there is a possibility that it may do so in the future, you can safeguard your future right to benefit by applying for a declaration that the accident was an industrial accident. The application form (B.I.95) can be obtained from any National Insurance office. The application should be made as soon as possible after the accident; the question can then be decided while the facts are fresh and the decision will be on record in the event of any subsequent claim to injury or disablement benefit.

### **HOW ARE CLAIMS DECIDED?**

21. Claims to benefit are dealt with in the first instance by an Insurance Officer. An Insurance Officer may either decide a claim himself or may refer it to one of the Local Tribunals set up under the Act for a decision on any of the following questions:—

whether the accident was an industrial accident,  
whether the claimant is incapable of work,  
if so, whether the incapacity is the result of the accident;  
or on any other question relating to injury benefit except the “special questions” referred to in paragraph 23. The claimant also has a right of appeal to a Local Tribunal on any question other than a “special question” if he is dissatisfied with the decision of the Insurance Officer. A Local Tribunal consists of representatives of employers and employed persons, presided over by a chairman appointed by the Minister. An appeal may be brought from the decision of the Local Tribunal to the Industrial Injuries Commissioner, whose decision is final.

22. If you wish the advice of your Trade Union or Association about appealing, you should enter the name and address of the local representative on the postcard which will be sent to you



by the local National Insurance office when they notify you of an adverse decision or of the reference of your claim to the Local Tribunal for consideration. When you return the postcard, the local office will send full details of your claim to the local representative, and you can be represented, if you wish, by him or by another official of your union or association at the hearing by the local tribunal. If you consider that some particular difficulty may arise and you wish to be legally represented at the hearing, you should apply beforehand to the Tribunal for their consent.

23. The "special questions" excepted from the above procedure are

- (a) whether an employment is insurable.  
This is decided by the Minister subject to an appeal on points of law to the High Court; and
- (b) whether child dependant's benefit is payable. This is decided in the same way as similar questions under the Family Allowances Act—that is, by the Minister subject to an appeal to one or more of a panel of referees.

Information about the right of appeal in any particular circumstances will be given when the decision is notified to the claimant.

## **HOW IS BENEFIT PAID?**

24. Injury benefit is paid in the same way as sickness benefit. You will probably find it most convenient to have it sent to you by post in the form of orders which you, or someone on your behalf, can cash at a post office chosen by you. But if you prefer, it can be paid in cash at your National Insurance office. If for any reason you want arrangements made for it to be paid in cash at your home, you should explain your position to the National Insurance office.

25. Payment begins as soon as possible after your claim has been settled, but if it appears that the final settlement of your



claim may be delayed, sickness benefit will normally be paid provided you are unfit for work and are otherwise qualified to receive it. Such payments of sickness benefit will be treated as injury benefit paid on account, in the event of your claim to injury benefit being successful.

## **WHAT ARE THE CONDITIONS FOR PAYMENT OF BENEFIT?**

26. While you are unfit for work you must send in "Intermediate Medical Certificates" (which you get from your doctor). These are normally required weekly, but if your incapacity is likely to last a long time your doctor can issue "Special Intermediate Certificates" at longer intervals. You must sign the declaration on each intermediate certificate; and if, since the last certificate, there has been any change in the circumstances of a dependant for whom you have claimed an allowance, you should send a note with the certificate explaining the position.

27. The payment of injury benefit is also subject to the conditions that the injured person:—

- (a) submits to appropriate medical treatment;
- (b) does not behave in a manner calculated to retard recovery.

These conditions are directed to speed recovery and to minimise the economic and other consequences of the injury—in the claimant's interest as well as that of the community. He may consequently be required to be medically examined in order to determine the effect of the injury or the treatment or training which is appropriate. A failure, without reasonable cause, to comply with any of the above conditions or the wilful obstruction of any medical examination or treatment may lead to the suspension or forfeiture of benefit. Whilst suspension



means that benefit is held back, forfeiture entails loss of benefit, but it is limited in these instances to a maximum of six weeks on any occasion. There is a right of appeal against forfeiture.

28. Failure to comply with the requirements of regulations, e.g. to notify a change of circumstances, may result in a fine not exceeding £10, or in the case of a continuing failure a fine of up to £10 with a further £10 for each day on which the offence is continued. This penalty does not apply to the requirement to give notice of an accident or a requirement to submit to medical treatment or examination.

29. **Absence from Great Britain.** Injury benefit is ordinarily paid only in Great Britain or Northern Ireland or, in a case of temporary residence (i.e. for not more than six months), in the Channel Islands, the Isle of Man or Eire. If, however, an insured person goes abroad for the purpose of receiving treatment for an injury sustained in this country, arrangements may be made to pay his injury benefit to someone in this country authorised by him to receive it, or payment may be suspended until he returns.

## **REVIEW OF DECISIONS AND RECOVERY OF BENEFIT OVERPAID**

30. **Review of decisions.** A decision on a claim to benefit can be revised at any time if fresh evidence comes to light. It is important that any new evidence should be reported to the local National Insurance office without delay, as otherwise it may not be possible to pay arrears of benefit earlier than the date on which the application was made for review of the decision.

31. **Repayments.** If because of a revised decision the claimant is not entitled to some of the benefit which he has received, he may be required to repay it unless the Insurance Officer or a Local Appeal Tribunal or the Commissioner, is



satisfied that he received the benefit in good faith. Any sum which has to be repaid may be deducted from any benefit for which the claimant may qualify under the National Insurance or Industrial Injuries schemes. This right of deduction is without prejudice to the right of the Ministry to recover the money in some other way, such as by local proceedings.

## **RIGHT TO OTHER NATIONAL INSURANCE BENEFITS**

32. The following National Insurance benefits are not payable for any day for which you are receiving Injury Benefit:

Unemployment Benefit.

Sickness Benefit.

Maternity Allowance (this does not apply to Maternity Grant and Attendance Allowance).

Retirement Pension.

A person receiving Injury Benefit cannot be treated as being dependent on some other person for the purpose of the latter's right to dependant's benefit for a child or adult under the Industrial Injuries or National Insurance schemes.

## **FRAUDULENT STATEMENTS.**

33. Any person who knowingly makes any false representation in order to obtain benefit, is liable to prosecution and, on conviction, to a fine not exceeding £100 or imprisonment for a term not exceeding three months or both.



## WHAT I DO IF I HAVE AN ACCIDENT AT WORK

1. Even if it is only a scratch I have it seen to. Prompt first aid treatment is likely to prevent complications.
2. I have it entered in the accident book or else I tell the 'boss' or drop him a line, or get someone else to do it for me.
3. I see my doctor if I have to stay away from work.
4. I fill up the claim form on the medical certificate which my doctor gives me and send it without delay to my local National Insurance office.
5. I send weekly certificates.
6. I send a final certificate before going back to work.
7. I claim Disablement Benefit if I am still suffering from the effects of the accident when I go back to work.
8. If I am in any doubt I ask my local National Insurance office to help or advise me.

WELLCOME  
LIBRARY

P10316



22502670197

ALWAYS GIVE YOUR NATIONAL INSURANCE  
NUMBER WHEN WRITING TO THE MINISTRY.