trustees for the purposes of that scheme, and under reg. 2 the trustees of the National Coal Board's principal superannuation scheme are in each case substituted for those trustees.

Under reg. 3, every right to receive a payment under a policy of insurance, in so far as the payment relates to a benefit in respect of which the relevant scheme is kept alive by reg. 6, passes to the trustees of the National Coal Board's principal superannuation scheme in their capacity (by virtue of reg. 2) as trustees of the right for the purposes of the scheme concerned. All other assets and outstanding liabilities pass to them in their capacity as trustees of the Board's principal superannuation scheme; and any surplus after discharge of these liabilities is to be applied for the purposes of that scheme.

The saving provisions in reg. 6 keep alive so much of each of the schemes as relates to the payment of benefits to or in respect of persons already entitled thereto and to or in respect of such of the members or former members as have not entered into the employment of the National Coal Board and become members of the Board's principal superannuation scheme.

SUBSIDENCE

1957 No. 2199

The Coal-Mining (Subsidence) (Assessment of Disablement) Regulations, 1957

Made - - - -	17*th December*, 1957
Laid before Parliament	30*th December*, 1957
Coming into Operation	31*st December*, 1957

The Minister of Power in exercise of the powers conferred upon him by subsection (3) of section twelve of the Coal-Mining (Subsidence) Act, 1957(**a**), and of all other powers him enabling, hereby makes the following regulations:—

1. These regulations shall come into operation on the thirty-first day of December, nineteen hundred and fifty-seven, and may be cited as the Coal-Mining (Subsidence) (Assessment of Disablement) Regulations, 1957.

2.—(1) In these regulations the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"the Act" means the Coal-Mining (Subsidence) Act, 1957;

"relevant injury" means any injury caused by the happening of subsidence damage;

"relevant loss of faculty" means the loss of faculty resulting from any relevant injury;

"the Schedule" means the Schedule to these regulations;

"subsidence damage" has the meaning assigned to it by subsection (1) of section one of the Act.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 5 & 6 Eliz. 2. c. 59. (b) 52 & 53 Vict. c. 63.

3. Subject to the following provisions of these regulations the extent of disablement for the purposes of section twelve of the Act 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*) subject to paragraph (*b*) of this regulation, the disabilities to be taken into account shall be all disabilities (whether or not involving loss of earning power or additional expense) to which the claimant, having regard to his physical and mental condition, is subject 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 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 injury was received; or

(ii) would not have been subject thereto but for some injury or disease received or contracted after, and not directly attributable to, the relevant injury;

(*c*) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex, and physical and mental condition, and shall state the degree of disablement in the form of a percentage.

4.—(1) Where the claimant has suffered a relevant injury specified in the Schedule then, unless the case is one to which the next following paragraph applies, the relevant loss of faculty shall be treated as resulting in the degree of disablement set against such injury in the Schedule:

Provided that where the claimant has suffered a relevant injury specified in the Schedule, which includes any other injury so specified, this paragraph shall only apply to the first mentioned injury.

(2) Where the claimant has suffered a relevant injury specified in the Schedule, but—

(*a*) as a result of that injury the claimant may be expected having regard to his physical and mental condition to be subject to greater disabilities than would normally be incurred as a result of such an injury; or

(*b*) the part of the body by which the injury was sustained would not, apart from that injury, have been normal;

the relevant loss of faculty shall be treated as resulting in the degree of disablement set against such injury in the Schedule subject to such adjustment as may be reasonable in the circumstances of the case.

5. For the purpose of assessing the extent of the disablement resulting from any relevant injury which is not specified in the Schedule such regard as may be appropriate may be had to the provisions of regulation four hereof.

Dated this seventeenth day of December, nineteen hundred and fifty-seven.

Mills,
Minister of Power.

SCHEDULE

PRESCRIBED DEGREES OF DISABLEMENT

Description of Injury	*Degree of Disablement Per cent.*
1. Loss of both hands or amputation at higher sites	100
2. Loss of a hand and a foot	100
3. Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4. Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential ...	100
5. Very severe facial disfigurement	100
6. Absolute deafness	100
Amputation cases—Upper Limbs (either arm)	
7. Amputation through shoulder joint	90
8. Amputation below shoulder with stump less than 8 inches from tip of acromion	80
9. Amputation from 8 inches from tip of acromion to less than 4½ inches below tip of olecranon	70
10. Loss of a hand or of the thumb and four fingers of one hand or amputation from 4½ inches below tip of olecranon ...	60
11. Loss of thumb	30
12. Loss of thumb and its metacarpal bone	40
13. Loss of four fingers of one hand	50
14. Loss of three fingers of one hand	30
15. Loss of two fingers of one hand	20
16. Loss of terminal phalanx of thumb	20
Amputation Cases—Lower Limbs	
17. Amputation of both feet resulting in end-bearing stumps ...	90
18. Amputation through both feet proximal to the metatarso-phalangeal joint	80
19. Loss of all toes of both feet through the metatarso-phalangeal joint	40
20. Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
21. Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
22. Amputation at hip	90
23. Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	80
24. Amputation below hip with stump exceeding 5 inches in length measured from tip of great trochanter, but not beyond middle thigh	70
25. Amputation below middle thigh to 3½ inches below knee ...	60
26. Amputation below knee with stump exceeding 3½ inches but not exceeding 5 inches	50
27. Amputation below knee with stump exceeding 5 inches ...	40
28. Amputation of one foot resulting in end-bearing stump ...	30
29. Amputation through one foot proximal to the metatarso-phalangeal joint	30
30. Loss of all toes of one foot through the metatarso-phalangeal joint	20

	Degree of Disablement Per cent.
Other Injuries	
31. Loss of one eye, without complications, the other being normal	40
32. Loss of vision of one eye, without complications or disfigurement of eyeball, the other being normal	30
Loss of	
A. Fingers of right or left hand	
Index finger—	
33. Whole	14
34. Two phalanges	11
35. One phalanx	9
36. Guillotine amputation of tip without loss of bone	5
Middle finger—	
37. Whole	12
38. Two phalanges	9
39. One phalanx	7
40. Guillotine amputation of tip without loss of bone	4
Ring or little finger—	
41. Whole	7
42. Two phalanges	6
43. One phalanx	5
44. Guillotine amputation of tip without loss of bone	2
B. Toes of right or left foot	
Great toe—	
45. Through metatarso-phalangeal joint	14
46. Part, with some loss of bone	3
Any other toe—	
47. Through metatarso-phalangeal joint	3
48. Part, with some loss of bone	1
Two toes of one foot, excluding great toe—	
49. Through metatarso-phalangeal joint	5
50. Part, with some loss of bone	2
Three toes of one foot, excluding great toe—	
51. Through metatarso-phalangeal joint	6
52. Part, with some loss of bone	3
Four toes of one foot, excluding great toe—	
53. Through metatarso-phalangeal joint	9
54. Part, with some loss of bone	3

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations prescribe, for the purposes of s. 12 (3) of the Coal-Mining (Subsidence) Act, 1957, the manner in which disablement is to be assessed in a case where a person is suffering from loss of physical or mental faculty which is likely to be permanent as the result of an injury caused by the happening of subsidence damage.

Certain principles of assessment are defined, and degrees of disablement in respect of particular losses of faculty are prescribed by reference to the Schedule.