# 1954 No. 1442

## The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1954

| | |
|---|---|
| *Made* - - - - | *29th October*, 1954 |
| *Laid before Parliament* | *5th November*, 1954 |
| *Coming into Operation* | *8th November*, 1954 |

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 55, 56, 57 and 86 of the National Insurance (Industrial Injuries) Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation, interpretation and commencement*

**1.** These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1954, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948(b) (hereinafter referred to as "the principal regulations") as amended(c), and shall come into operation on the 8th November, 1954.

*Amendment of regulations* 8 *and* 8A *of the principal regulations*

**2.** Paragraph (3) of regulation 8 of the principal regulations (which paragraph relates to the date of development in the case of pneumoconiotics certified under schemes made under the Workmen's Compensation Acts) and regulation 8A of those regulations, as amended(d), (which relates to the re-employment of pneumoconiotics) shall have effect subject to the modification that they shall not apply to the case of any person who has been certified by a medical board under the provisions of any scheme made under the Workmen's Compensation Acts to be suffering from silicosis, asbestosis or pneumoconiosis, or from any of those diseases accompanied by tuberculosis unless compensation has been awarded or paid to him or in respect of his death under the provisions of any such scheme.

*Addition to the principal regulations and revocation*

**3.**—(1) The following regulation shall be inserted in the principal regulations after regulation 10 thereof:—

"*Benefit not payable in cases covered by the Industrial Diseases (Benefit) Acts*

10A. Benefit shall not be payable by virtue of the provisions of these regulations in respect of the incapacity, disablement or death of any person as a result of any disease, if an award of benefit under the provisions of any Scheme made under the Industrial Diseases (Benefit) Acts, 1951 and 1954 (not being an award which is subsequently reversed on review) has at any time been made in respect of any attack of the disease suffered by him, or in respect of his death".

(2) In consequence of the foregoing provisions of this regulation, the provisions of paragraph (4) of regulation 3 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1953(e) and

(a) 9 & 10 Geo. 6. c. 62.
(b) S.I. 1948/1371 (Rev. XVI, p. 482: 1948 I, p. 3001).
(c) S.I. 1948/2723 (Rev. XVI, p. 482: 1948 I, p. 3022), 1949/230, 1697, 2316, 1950/1565, 1951/305, 306, 918, 1542, 1952/1208, 1250, 1953/669, 1227, 1740, 1954/5 (1949 I, pp. 2765–8; 1950 II, p. 41; 1951 I, pp. 1511–9; 1952 II, pp. 2216, 2231; 1953 I, pp. 1450, 1419, 1452; 1954 I, p. 1440).
(d) *Inserted by* regulation 2, S.I. 1951/918 (1951 I, p. 1516).
(e) S.I. 1953/669 (1953 I, p. 1450).

the provisions of paragraph (4) of regulation 4 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1954(a) are hereby revoked, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

*Transitional provisions relating to death benefit*

**4.** Where at any time after the appointed day but before the date on which these regulations come into operation, the death of any person has resulted from pneumoconiosis and death benefit would have been payable in respect of his death but for the provisions of sub-paragraph (*b*) of paragraph (3) of regulation 8 of the principal regulations, that person shall be treated for the purposes of Part IV of the Act (which relates to extension of insurance to diseases) and of the principal regulations, as amended, as if these regulations had been in force at the date of death, subject to the following modifications:—

(*a*) no benefit shall be payable in respect of the death of that person—

(i) by way of pension or allowance for any period before the said date on which these regulations come into operation;

(ii) by way of gratuity, on a claim made by or on behalf of any other person who has died before that date, or to the widow of the deceased if she has re-married before that date:

Provided that a person who would be entitled to any benefit but for the operation of this sub-paragraph shall (except as provided in the next succeeding sub-paragraph) be treated as if he were entitled thereto for the purposes of any rights or obligations under the Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit;

(*b*) in applying, in respect of the death of that person, the provisions of the Fourth Schedule to the Act (which limit benefit payable in respect of any death), any person who has died before the said date on which these regulations come into operation shall be disregarded.

Dated this 29th day of October, 1954.

*Osbert Peake,*
Minister of Pensions and National Insurance.

---

## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations provide that regulations 8 and 8A of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948, in so far as they restrict the right to benefit for pneumoconiosis under the National Insurance (Industrial Injuries) Act, 1946, in cases where a certificate has been obtained under the provisions of the Workmen's Compensation Acts, shall not apply where no compensation under those Acts has been awarded or paid. The Regulations also contain transitional provisions relating to persons who have already died from the disease.

In addition, they provide that benefit under the Industrial Injuries Act shall not be payable for any disease in a case in which benefit has been awarded under any Scheme made under the Industrial Diseases (Benefit) Acts, 1951 and 1954, for any attack of that disease or in respect of the death.

---

(a) S.I. 1954/5, p. 1440 above.