SCHEDULE Regulation 4

Paragraph 8 of Part I of the First Schedule to the principal regulations as amended.*

Description of disease or injury	Nature of occupation
Poisoning by: 8. A nitro- or *amino-derivative* of benzene or of a homologue of benzene.	Any occupation involving: The use or handling of, or exposure to the fumes of, or vapour containing, a nitro- or *amino-derivative* of benzene or of a homologue of benzene.

* The amendments made by these regulations are shown in italics.

EXPLANATORY NOTE

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

These Regulations, by substituting a new paragraph for paragraph (*c*) of regulation 2 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948, extend insurance under the National Insurance (Industrial Injuries) Act, 1946, against byssinosis to persons employed in certain rooms in waste cotton factories. They also provide for payment of disablement and death benefit from the date when the regulations come into operation in the case of the persons dealt with in the regulations who suffered or died from the disease before that date.

The regulations further replace an outmoded definition of one of the poisonous derivatives of benzene or its homologue by substituting " amino " for " amido " in the description of poisoning by benzene derivatives, and the occupation in relation to which it is prescribed.

The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 3) Regulations, 1951

1951 No. 918

Made - - - -	*24th May*, 1951
Laid before Parliament	*24th May*, 1951
Coming into Operation	*4th June*, 1951

M.N.I./I.I. 133

The Minister of 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 her 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. 3) Regulations, 1951, shall be read as one with the National Insurance (Industrial Injuries)

(a) 9 & 10 Geo. 6. c. 62.

(Prescribed Diseases) Regulations, 1948(a) (hereinafter referred to as "the principal regulations") as amended(b), and shall come into operation on the 4th June, 1951.

Addition to the principal regulations

2. The following regulation shall be included in Part III of the principal regulations after regulation 8 thereof:—

"*Re-employment of pneumoconiotics*

8A.—(1) Where a person—

(*a*) has been certified by a medical board under the provisions of any scheme made under the provisions of the Workmen's Compensation Acts to be suffering from silicosis or pneumoconiosis not accompanied in either case by tuberculosis and for that reason has been suspended from employment in any industry or process or in any particular operation or work in any industry, and

(*b*) wishes to start work in insurable employment in any occupation involving work underground in any coal mine, or the working or handling above ground at any coal mine of any minerals extracted therefrom, or any operation incidental thereto, being an occupation in which he is allowed by certificate of the medical board to engage,

he shall, before starting any such work, submit himself under arrangements made or approved by the Minister for medical examination by a pneumoconiosis medical board appointed by the Minister under the Act.

(2) Where a person submits himself for medical examination in accordance with the provisions of the foregoing paragraph, the provisions of the Act and the regulations made thereunder shall apply to him subject to the following modifications:—

(*a*) The pneumoconiosis medical board shall determine at what degree the extent of disablement resulting from pneumoconiosis at the time of their examination would be assessed in his case, if that question had been referred to them for determination by an insurance officer on consideration of a claim for disablement benefit, and the provisions of the Act and of the Determination of Claims and Questions Regulations which relate to reference of cases to a medical appeal tribunal and to review of decisions of medical boards and medical appeal tribunals (other than the provisions relating to the review of assessments on the grounds of substantial and unforeseen aggravation) shall apply as if the decision of the pneumoconiosis medical board were a final assessment of the extent of disablement.

(*b*) Where the extent of disablement has been determined in his case in accordance with the provisions of the foregoing sub-paragraph by a pneumoconiosis medical board or a medical appeal tribunal, and he starts any such work as is mentioned in the foregoing paragraph, the provisions of paragraph (*a*) of regulation 38 (which paragraph relates to periodical examinations) shall apply to him as if he were making a claim for benefit in respect of pneumoconiosis, and the provisions of paragraph (3) of regulation 8 (which paragraph provides that pneumoconiosis shall in certain cases be treated as not having developed on or after the appointed day) shall cease to apply to him as from the date of starting such work.

(a) S.I. 1948 (No. 1371) I, p. 3001.
(b) S.I. 1948 (No. 2723) I, p. 3022; S.I. 1949 (Nos. 230, 1697 and 2316) I, pp. 2765–8; S.I. 1950 (No. 1565) II, p. 41; S.I. 1951 Nos. 305 and 306, pp. 1511–4 above.

(*c*) If, after having started work as aforesaid, he makes a claim at any time for disablement benefit in respect of pneumoconiosis, the extent of disablement in his case shall be assessed as if, to the extent certified in the decision of the pneumoconiosis medical board or medical appeal tribunal given under sub-paragraph (*a*) of this paragraph, his disabilities resulting from pneumoconiosis were contracted before the date of development and were not incurred as the result of the relevant loss of faculty.

(*d*) A person to whom a disablement pension is payable in respect of an assessment made in accordance with the provisions of the last foregoing sub-paragraph and who requires constant attendance shall, if the sum of that assessment and the assessment made in his case in accordance with the provisions of sub-paragraph (*a*) of this paragraph is not less than one hundred per cent., have the like right to payments in respect of the need of such constant attendance as if the disablement pension were payable in respect of an assessment of one hundred per cent.

(3) Where a person to whom sub-paragraph (*a*) of paragraph (1) applies has started any such work as is mentioned in sub-paragraph (*b*) thereof without having submitted himself for medical examination in accordance with the provisions of that paragraph, he may nevertheless, at any time whilst he is engaged in any such work, so submit himself for medical examination, and the provisions of the foregoing paragraph shall, if he continues thereafter to be engaged in any such work, apply to him as if he had started that work immediately after the medical examination.

(4) The Minister, in making or approving any such arrangements for medical examination of any person as are mentioned in paragraph (1) of this regulation, shall, as far as possible, co-ordinate those arrangements with any arrangements for medical examination of that person made or approved under the principal regulations or under the Workmen's Compensation Acts.

Dated this 24th day of May, 1951.

Edith Summerskill,
Minister of National Insurance.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948, by adding thereto a provision under which persons who have been certified under the provisions of the Workmen's Compensation Acts to be suffering from silicosis or pneumoconiosis not accompanied in either case by tuberculosis, may, notwithstanding the certificate, obtain benefit under the National Insurance (Industrial Injuries) Act, 1946, in respect of any worsening of the disease, if they have worked in certain mining occupations after examination by a pneumoconiosis medical board.