The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 4) Regulations, 1951

1951 No. 1542

Made - - - -	*22nd August*, 1951
Laid before Parliament	*22nd August*, 1951
Coming into Operation	*27th August*, 1951

M.N.I./I.I. 139.

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 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. 4) Regulations, 1951, 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 27th August, 1951.

Amendment relating to occupations in relation to which pneumoconiosis is prescribed

2. Part II of the First Schedule to the principal regulations, as amended(**d**), (which Part sets out the occupations in relation to which pneumoconiosis is prescribed) shall be further amended by the addition at the end thereof of the occupations set out in the Schedule hereto.

Transitional provisions

3.—(1) Where a person, who has been employed on or at any time after the appointed day(**e**) in insurable employment in any of the occupations set out in the Schedule hereto, is suffering from a loss of faculty as the result of pneumoconiosis on the date on which these regulations come into operation, and the disease is due to the nature of that employment, the provisions of regulation 6 of the principal regulations (which relates to date of development) shall be applied subject to the modification that the said date on which these regulations come into operation shall be treated as the day on which he first suffered from the relevant loss of faculty, and the date of development shall be determined accordingly.

(2) Where a person to whom the last foregoing paragraph applies is awarded disablement benefit in respect of pneumoconiosis and claims an increase of that benefit under section 14 of the Act (which section relates to increase of disablement pension in cases of special hardship), then, if at any time after having been employed as aforesaid but before the date on which these regulations come into operation that person has abandoned any occupation as a result of the disease, the fact that he has abandoned that occupation shall be disregarded in determining his regular occupation for the purposes of the said section 14.

(**a**) 9 & 10 Geo. 6. c. 62.
(**b**) S.I. 1948 (No. 1371) I, p. 3001.
(**c**) 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, 306, and 918, pp. 1511–6 above.
(**d**) *See* regulation 2, S.I. 1950 (No. 1565) II, p. 41.
(**e**) 5th July, 1948, *see* S.I. 1948 (No. 53) I, p. 2914.

(3) Where at any time after the appointed day but before the date on which these regulations come into operation, the death of any person who has been employed as aforesaid has resulted from pneumoconiosis, and the disease was due to the nature of that employment, 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 only 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 remarried 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 22nd day of August, 1951.

Edith Summerskill,
Minister of National Insurance.

SCHEDULE **Regulation 2**

11. Any occupation in or incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom.

EXPLANATORY NOTE

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

These Regulations, by making an addition to the occupations set out in Part II of the First Schedule to the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948, extend insurance under the National Insurance (Industrial Injuries) Act, 1946, against pneumoconiosis to persons employed in the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide.

In addition, they contain transitional provisions relating to persons who have worked in that employment since 5th July, 1948 (when the Act came into force), and who have already died from the disease or are suffering from it on the date when these regulations come into operation. These provisions deal in particular with payment of benefit from that date.