any of these examinations a person is found to be suffering from pneumoconiosis or tuberculosis or (on an initial examination) not to fulfil certain requirements as to physique, he may, with certain exceptions, be suspended from further employment in such occupations and subject to such conditions as the board think fit (regulations 39, 40 and 41). The employers of persons undergoing initial or periodical examinations are required to provide facilities for such examinations and to pay medical fees similar to those paid hitherto under the Workmen's Compensation Acts.

The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1948

1948 No. 2723

Made - - - -	*17th December,* 1948
Laid before Parliament	*17th December,* 1948
Coming into Operation	*28th December,* 1948

M.N.I./1.1.116.

9 & 10 Geo. 6. c. 62.

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

Citation, commencement and interpretation.

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1948, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948(**a**) (hereinafter referred to as " the principal regulations "), and shall come into operation on the 28th December, 1948.

Amendment of provisions as to increase of disablement pension in cases of special hardship, in relation to prescribed diseases.

2.—(1) Sub-paragraph (*b*) of regulation 13 of the principal regulations (which sub-paragraph substitutes the date of development for the end of the injury benefit period in the application of subsections (1) and (4) of section 12 of the Act to cases where disablement benefit is not preceded by injury benefit) shall apply also to subsection (1) of section 14 of the Act and to regulation 4A of the Benefit Regulations(**b**) and shall accordingly have effect as if after the words " (which section relates to disablement benefit) " there were inserted the words " and subsection (1) of section 14 of the Act and regulation 4A of the Benefit Regulations (which subsection and regulation relate to increase of disablement pension in cases of special hardship) ".

(2) Regulation 20 of the principal regulations (which relates to the application of the Claims and Payments Regulations and the Benefit Regulations in relation to prescribed diseases) shall be amended by the

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(**a**) S.I. 1948 No. 1371, p. 3001 above.
(**b**) *See* S.I. 1948 No. 1372, p. 2918 above, as amended by S.I. 1948 No. 1532, p. 2940 above.

addition, at the end thereof, of the words " and in regulation 4A of the Benefit Regulations (which regulation relates to increase of disablement pension in cases of special hardship), the reference to the effects of the relevant injury shall be deemed to include a reference to the effects of the relevant disease ".

Amendments in relation to pneumoconiosis.

3. Part VI of the principal regulations (which Part contains special provisions in respect of pneumoconiosis and byssinosis) shall, in its application in respect of pneumoconiosis be amended by inserting, after regulation 34, the following new regulation:—

"Increase of disablement pension in respect of pneumoconiosis in cases of special hardship.

34A. Where a beneficiary in receipt of a disablement pension in respect of pneumoconiosis receives advice from a pneumoconiosis medical board that in consequence of the disease he should not follow his regular occupation unless he complies with certain special restrictions as to the place, duration or circumstances of his work, or otherwise, then for the purpose of determining whether he fulfils the conditions laid down in subsection (1) of section 14 of the Act (which section relates to increases of disablement pension in respect of special hardship) and for that purpose only—

(*a*) the beneficiary shall be deemed, unless the contrary is proved by evidence other than the aforesaid advice—

(i) to be incapable of following his regular occupation and likely to remain permanently so incapable; and

(ii) to be incapable of following employment of an equivalent standard which is suitable in his case;

(*b*) where the beneficiary has ceased to follow any occupation to which the aforesaid special restrictions were applicable, the fact that he had followed such an occupation in the period between the date of development of the disease and the date of the current assessment of his disablement, or for a reasonable period of trial thereafter, shall be disregarded."

Amendments in relation to byssinosis.

4. The principal regulations in their application to byssinosis shall be amended as follows:—

(*a*) For paragraph (2) of regulation 33 (which paragraph relates to special conditions for disablement benefit in respect of byssinosis) there shall be substituted the following paragraph:—

" (2) Subsection (2) of section 57 of the Act in so far as it provides that disablement benefit shall not be payable in respect of byssinosis except where the claimant is totally and permanently incapacitated for work as the result thereof, shall be subject to the modification that disablement benefit shall not be payable in respect of byssinosis unless the claimant is found to be suffering as the result thereof from loss of faculty which is likely to be permanent and is such that the extent of the resulting disablement is assessed at not less than fifty per cent."

(*b*) After the said paragraph (2) there shall be added the following new paragraph:—

" (3) Notwithstanding paragraph (*a*) of the proviso to subsection (4) of section 12 of the Act (which subsection relates

to the period to be taken into account by an assessment of the extent of the claimant's disablement) the period to be taken into account by an assessment of the extent of the claimant's disablement in respect of byssinosis, if not limited by reference to the claimant's life, shall not be less than one year."

(*c*) Sub-paragraph (*a*) of paragraph (1) of regulation 24 of the principal regulations and paragraph 1 of the Second Schedule thereto (which relate to the determination of diagnosis questions) shall have effect as if the references therein to the question whether any person is or has been totally and permanently incapacitated for work as the result of byssinosis were omitted.

Dated this 17th day of December, 1948.

James Griffiths,
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 (S.I. 1948, No. 1371) in three respects, namely:—

(1) The provisions of section 14 (1) of the National Insurance (Industrial Injuries) Act, 1946, and of regulation 4A of the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948 (S.I. 1948, No. 1372, as amended by S.I. 1948, No. 1532) are adapted to cases of prescribed diseases (*a*) by substituting the date of development for the end of the injury benefit period in cases where disablement benefit is not preceded by injury benefit, and (*b*) by extending the reference in the above-mentioned regulation to the effects of the relevant injury to include a reference to the effects of the relevant disease.

(2) If a beneficiary in receipt of a disablement pension for pneumoconiosis has been advised by a medical board that he should not follow his regular occupation except under special restrictions, he is to be presumed, unless the contrary is proved, to fulfil the conditions laid down in the said section 14 (1) for an increase of that pension in respect of special hardship. In addition, if he has ceased to follow an occupation to which the restrictions applied, the fact that he had followed such an occupation between the date of development of the disease and the date of the current assessment of his disablement, or for a reasonable period of trial thereafter, is to be disregarded.

(3) Disablement benefit in respect of byssinosis (which has hitherto been payable only where total and permanent incapacity for work results from the disease) is now extended to cases where the disease causes loss of faculty which is likely to be permanent and is such that the resulting disablement is assessed at not less than fifty per cent. Assessments in respect of byssinosis, unless limited by reference to the claimant's life, are not to be for a period of less than one year, and there is a consequential modification to the procedure for determining claims and questions.