The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1951

1951 No. 305

Made - - - -	*26th February*, 1951
Laid before Parliament	*26th February*, 1951
Coming into Operation	*1st March*, 1951

M.N.I./I.I. 131.

The Minister of National Insurance, in exercise of powers conferred by sections 55, 56 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.—(1) These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment 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 1st March, 1951.

(2) For the purposes of these regulations and of the principal regulations in so far as they are amended by these regulations, but for those purposes only, the expression "tuberculosis" means disease due to tuberculous infection, and the definition of tuberculosis in paragraph (2) of regulation 1 of the principal regulations shall accordingly apply only where that expression is used in connection with pneumoconiosis.

Amendment of Part I of the First Schedule to the principal regulations

2. Part I of the First Schedule to the principal regulations, as amended(**d**), shall be further amended by the addition at the end of the first and second columns thereof, respectively, of the disease specified in the first column of the Schedule hereto, and of the occupations set against the said disease in the second column of that Schedule.

Presumption

3.—(1) Paragraph (1) of regulation 4 of the principal regulations (which paragraph specifies the circumstances in which certain diseases shall be presumed to be due to the nature of insurable employment) shall not apply to tuberculosis, and accordingly there shall be substituted for the proviso to the said paragraph (1) the following proviso:—

"Provided that this paragraph shall not apply to the diseases numbered 24 (*b*) and 38, respectively, in the said Schedule."

(**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.
(**d**) *See* regulation 2, S.I. 1949 (No. 230) I, p. 2765 and regulation 2, S.I. 1949 (No. 2316) I, p. 2768.

(2) The said regulation 4 shall be further amended by the addition at the end thereof of the following paragraph:—

"(4) Where an insured person in relation to whom tuberculosis is prescribed in paragraph 38 of Part I of the said First Schedule has developed that disease, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment if the date on which, under the subsequent provisions of these regulations, he is treated as having developed the disease is not less than six weeks after the date on which he was first employed in any occupation set against the disease in the second column of the said Part and not more than two years after the date on which he was last so employed in insurable employment."

Transitional provisions

4.—(1) Where a person, who has been employed on or at any time after the appointed day(**a**) in insurable employment in any of the occupations specified in the second column of the Schedule hereto, is as the result of tuberculosis incapable of work or, as the case may be, suffering from a loss of faculty 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 first day on which he was incapable of work or, as the case may be, 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 tuberculosis 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.

(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 tuberculosis, 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:

(**a**) 5th July, 1948, *see* S.I. 1948 (No. 53) I, p. 2914.

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 26th day of February, 1951.

Edith Summerskill,
Minister of National Insurance.

SCHEDULE

Regulation 2

Description of disease or injury	Nature of occupation
38. Tuberculosis	Any occupation involving close and frequent contact with a source or sources of tuberculous infection by reason of employment— (*a*) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing; (*b*) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity; (*c*) as a research worker engaged in research in connection with tuberculosis; (*d*) as a laboratory worker, pathologist or post mortem worker, where the occupation involves working with material which is a source of tuberculous infection, or in an occupation ancillary to such employment.

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 diseases prescribed in Part I of the First Schedule to the National Insurance (Industrial Diseases) (Prescribed Diseases) Regulations, 1948, extend insurance under the National Insurance (Industrial Injuries) Act, 1946, to tuberculosis in the case of nurses and certain other persons insurably employed in occupations involving close and frequent contact with a source or sources of tuberculous infection. The Regulations also specify the circumstances in which the disease may be presumed to be due to the nature of the employment.

In addition, they contain transitional provisions relating to persons who have worked in any of the prescribed occupations 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 benefits from the date on which the regulations come into operation.

The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1951

1951 No. 306

Made - - - -	*26th February*, 1951
Laid before Parliament	*26th February*, 1951
Coming into Operation	*1st March*, 1951

M.N.I./I.I.132.

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. 2) 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 1st March, 1951.

Amendment relating to occupations in relation to which byssinosis is prescribed

2. There shall be substituted for paragraph (*c*) of regulation 2 of the principal regulations (which paragraph specifies the insured persons in relation to whom byssinosis is prescribed) the following paragraph :—

" (*c*) byssinosis is prescribed in relation to all insured persons who have been employed—

(i) in insurable employment at any time on or after the appointed day ; and

(ii) for a period or periods (whether before or after the appointed day) amounting in the aggregate to not less than twenty years ;

in any occupation in any room where any process up to and including the carding process is performed in factories in which the spinning or manipulation of raw or waste cotton is carried on."

(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 No. 305, p. 1511 above.