EXTENSION OF INSURANCE

1956 No. 118

The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1956

Made - - - -	1*st February*, 1956
Laid before Parliament	6*th February*, 1956
Coming into Operation	8*th February*, 1956

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 Regulations, 1956, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948(b) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 8th February, 1956.

Amendment relating to poisoning by cadmium

2. Part I of the First Schedule to the principal regulations, as amended(c), 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.

Amendments relating to byssinosis

3.—(1) In sub-paragraph (ii) of paragraph (*c*) of regulation 2 of the principal regulations, as amended(d), (which sub-paragraph specifies the insured persons in relation to whom byssinosis is prescribed), for the words "not less than twenty years" there shall be substituted the words "not less than ten years".

(2) Regulation 33 of the principal regulations, as amended(e), (which regulation contains special provisions as to pneumoconiosis and byssinosis) shall be further amended as follows:—

(*a*) in paragraph (1) of regulation 33 (which paragraph provides special conditions for disablement benefit in respect of pneumoconiosis), immediately after the words "no disablement gratuity shall be payable in respect of pneumoconiosis" there shall be inserted the words "or byssinosis";

(a) 9 & 10 Geo. 6. c. 62.
(b) S.I. 1948/1371 (Rev. XVI, p. 482: 1948 I, p. 3001).
(c) The relevant amending regulations are S.I. 1949/230, 2316, 1951/305, 306, 1953/1740 (1949 I, pp. 2765, 2768; 1951 I, pp. 1511, 1514; 1953 I, p. 1452).
(d) The relevant amending regulation is S.I. 1951/306 (1951 I, p. 1514).
(e) The relevant amending regulations are S.I. 1948/2723 (Rev. XVI, p. 482: 1948 I, p. 3022), 1954/5, 1955/48 (1954 I, p. 1440; 1955 I, p. 1668).

(*b*) in paragraph (2) of regulation 33 (which paragraph relates to special conditions for disablement benefit in respect of byssinosis), the words "and is such that the extent of the resulting disablement is assessed at not less than fifty per cent." shall be deleted.

Transitional provisions

4.—(1) For the purposes of sub-paragraphs (2) and (3) of this regulation, "a transitional case" means a case where—

(*a*) a person has been employed on or at any time after the 5th July, 1948, in insurable employment in any occupation specified in the Schedule hereto and is, as a result of poisoning by cadmium which is due to the nature of that employment, 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; or

(*b*) a person in relation to whom byssinosis is prescribed is suffering, on the date on which these regulations come into operation, from a loss of faculty as a result of byssinosis which is likely to be permanent and, immediately before the said date, either—

(i) that loss of faculty was such that the extent of the resulting disablement is assessed at less than fifty per cent., or

(ii) he had been employed for not less than ten years but for less than twenty years in any of the occupations set out in paragraph (*c*) of regulation 2 of the principal regulations.

(2) Regulation 6 of the principal regulations (which relates to date of development) shall be applied to a transitional case subject to the modification that the date on which these regulations come into operation shall be treated as the first day on which the claimant was incapable of work as the result of the disease, 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.

(3) Where in a transitional case disablement benefit is awarded and the date of development is determined under the last foregoing paragraph and an increase of that benefit is claimed 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 in an occupation in respect of which the relevant disease is prescribed, but before the date on which these regulations come into operation the claimant has abandoned any occupation as a result of the relevant 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.

(4) Where a person has been employed in insurable employment on or at any time after the 5th July, 1948, in any occupation specified in the Schedule hereto, or has been employed for a period or periods amounting in the aggregate to not less than ten years but less than twenty years (some part of which employment, being insurable employment, has taken place on or after the 5th July, 1948) in any of the occupations set out in paragraph (*c*) of regulation 2 of the principal regulations as amended and, before the date on which these regulations come into operation, the death of that person has resulted from poisoning by cadmium or from byssinosis, as the case may be, 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 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 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 1st day of February, 1956.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

SCHEDULE Regulation 2

Description of disease or injury	Nature of occupation
40. Poisoning by cadmium	Any occupation involving exposure to cadmium fumes.

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 Injuries) (Prescribed Diseases) Regulations, 1948, extend insurance under the National Insurance (Industrial Injuries) Act, 1946, to cadmium poisoning in the case of persons insurably employed in occupations involving exposure to cadmium fumes and by amending regulation 2 and regulation 33 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948, extend

insurance under the National Insurance (Industrial Injuries) Act, 1946, against byssinosis by reducing the period of qualifying employment in any prescribed occupation from twenty years to ten years and by removing the qualification that the extent of disablement resulting from the relevant loss of faculty must be not less than fifty per cent. They also apply to byssinosis the provisions relating to pneumoconiosis under which a disablement pension is payable in respect of assessments of less than twenty per cent.

The Regulations contain transitional provisions relating to persons who have already died from the diseases or are suffering from them on the date when these Regulations come into operation.

RECIPROCAL AGREEMENTS

1956 No. 1698

The Family Allowances, National Insurance and Industrial Injuries (Refugees) Order, 1956

For the text of this Order, *see* p. 1658 above.

1956 No. 1897

The National Insurance and Industrial Injuries (Malta) Order, 1956

For the text of this Order, *see* p. 1663 above.