(3) *Any person who exercises the right conferred by this regulation to be heard at any of the proceedings mentioned in sub-paragraphs (a), (b) or (d) of paragraph (1) of this regulation may call witnesses, and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.*

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) (Determination of Claims and Questions) Regulations, 1948 so as to remove the limitation upon the right to be represented by a barrister, advocate or solicitor at a hearing of a case by a local appeal tribunal and to provide for the calling of witnesses and the putting of questions directly to them in proceedings before the Commissioner, a local appeal tribunal or a medical appeal tribunal.

EXTENSION OF INSURANCE TO DISEASES, ETC.

1958 No. 1068

The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1958

Made - - - -	*26th June*, 1958
Laid before Parliament	*2nd July*, 1958
Coming into Operation	*7th July*, 1958

The Minister of Pensions and 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 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, 1958, 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 7th July, 1958.

Amendment of Part I of the First Schedule to, and of Regulation 4, of the principal regulations and consequential provisions

2.—(1) Subject to the provisions of regulation 3 of these regulations, the First Schedule hereto shall be substituted for, and shall be deemed to be, Part I of the First Schedule to the principal regulations (which, as amended by the regulations referred to in the next succeeding paragraph, lists the diseases and the injuries which are prescribed by the regulations against the occupations in relation to which they are so prescribed) and the said Part I of the First Schedule to the principal regulations as hitherto in operation is accordingly revoked.

(2) Subject as aforesaid the regulations specified in Part I of the Second Schedule to these regulations are hereby revoked to the extent mentioned in the third column of that part of the Schedule.

(a) 9 & 10 Geo. 6. c. 62. (b) S.I. 1948/1371 (Rev. XVI, p. 482: 1948 I, p. 3001).

(3) In regulation 1(2) of the principal regulations, for the definition of "tuberculosis" there shall be substituted the following:—

"'tuberculosis' in the description of the disease numbered 38 in Part I of the First Schedule to these regulations means disease due to tuberculous infection, but when used elsewhere in these regulations in connection with pneumoconiosis means tuberculosis of the respiratory system only;"

(4) In regulation 4 of the principal regulations (which relates to the giving of a presumption in certain cases that a prescribed disease is due to the nature of an insurable employment)—

(*a*) for the proviso to paragraph (1) there shall be substituted the following proviso:—

"Provided that this paragraph shall not apply to the diseases numbered 38, 41 and 42, respectively, in the said Schedule.";

(*b*) paragraph (4) which was added by regulation 3 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1951(a) (which regulations are revoked by paragraph (2) of this regulation) is hereby re-enacted in the same form;

and the regulation shall accordingly have effect as set out in Part II of the Second Schedule to these regulations.

Transitional Provisions

3.—(1) In this regulation, "the old Schedule" means Part I of the First Schedule to the principal regulations as in force immediately before the coming into operation of these regulations, and "the new Schedule" means the First Schedule hereto.

(2) Where a disease was prescribed in relation to any person under the old Schedule and is not so prescribed under the new Schedule, the old Schedule shall continue to apply for the purposes of any claim by that person in respect of that disease, and of any claim in respect of his death therefrom, if—

(*a*) he would under the provisions of the principal regulations be treated for the purposes of that claim, assuming the disease to be prescribed in relation to him, as having developed the disease on a date between the 5th July, 1948 and the date on which these regulations come into operation, or

(*b*) he has been awarded benefit in respect of the disease at any time before the date when these regulations come into operation and that award has not been reversed on appeal or review.

(3) Where a disease was not prescribed in relation to a person under the old Schedule and is so prescribed under the new Schedule then—

(*a*) if on the date on which these regulations come into operation the person is incapable of work or, as the case may be, suffering from a loss of faculty as the result of that disease, the provisions of regulation 6 of the principal regulations (which relates to date of development) shall be applied subject to the modification that the 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;

(*b*) if disablement benefit is awarded in respect of that disease 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

(a) S.I. 1951/305 (1951 I p. 1511).

hardship), and, if at any time after having been employed in an occupation in respect of which that 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 at any time after the 5th July, 1948 but before the date on which these regulations come into operation, the death of any person has resulted from a disease which was not included or was not prescribed in relation to him in the old Schedule, but the disease is included in the new Schedule and he had been employed in insurable employment on or after the 5th July, 1948 in any occupation which is set against that disease in that Schedule 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 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 limits 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.

(5) The construction of references in the principal regulations to persons suffering from "the same disease" shall not be affected by re-numbering or by changes in the description of diseases in the new Schedule as compared with the old Schedule:

Provided that where, having suffered before the date on which these regulations come into force from an attack of one of the diseases numbered 24 (*a*), 24 (*b*) or 25 in the old Schedule, a person suffers after that date from an attack of one of the diseases numbered 25, 41 or 42 in the new Schedule or, having suffered before the said date from an attack of one of the diseases numbered 28, 29 or 30 in the old Schedule, a person suffers after that date from an attack of the disease numbered 28 in the new Schedule, regulation 7 of the principal regulations shall apply as if he had suffered from another attack of the same disease.

(6) Save as provided in this regulation the revocation of the old Schedule and of the regulations mentioned in Part I of the Second Schedule hereto shall be without prejudice to anything duly done or suffered or to any right, privilege, or obligation or liability acquired, accrued or incurred thereunder.

Dated this twenty-sixth day of June, 1958.

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

FIRST SCHEDULE Regulation 2.

(*Note.* The following provisions are by regulation 2 of these regulations substituted for, and are deemed to be, Part I of the First Schedule to the principal regulations).

"FIRST SCHEDULE

PART I Regulations 2 and 4.

Description of disease or injury	Nature of occupation
Poisoning by:	Any occupation involving:
1. Lead or a compound of lead	The use or handling of, or exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead.
2. Manganese or a compound of manganese.	The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.
3. Phosphorus or phosphine or poisoning due to the anti-cholinesterase action of organic phosphorus compounds.	The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus.
4. Arsenic or a compound of arsenic.	The use or handling of, or exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic.
5. Mercury or a compound of mercury.	The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.
6. Carbon bisulphide	The use or handling of, or exposure to the fumes or vapour of, carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide.
7. Benzene or a homologue ...	The use or handling of, or exposure to the fumes of, or vapour containing, benzene or any of its homologues.
8. A nitro- or amino- or chloro-derivative of benzene or of a homologue of benzene, or poisoning by nitrochlorbenzene.	The use or handling of, or exposure to the fumes of, or vapour containing, a nitro- or amino- or chloro-derivative of benzene or a homologue of benzene or nitrochlorbenzene.
9. Dinitrophenol or a homologue or by substituted dinitrophenols or by the salts of such substances.	The use or handling of, or exposure to the fumes of, or vapour containing, dinitrophenol or a homologue or substituted dinitrophenols or the salts of such substances.
10. Tetrachlorethane	The use or handling of, or exposure to the fumes of, or vapour containing, tetrachlorethane.
11. Tri-cresyl phosphate	The use or handling of, or exposure to the fumes of, or vapour containing, tri-cresyl phosphate.

Description of disease or injury	Nature of occupation
Poisoning by:	Any occupation involving:
12. Tri-phenyl phosphate ...	The use or handling of, or exposure to the fumes of, or vapour containing, tri-phenyl phosphate.
13. Diethylene dioxide (dioxan)...	The use or handling of, or exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan).
14. Methyl bromide	The use or handling of, or exposure to the fumes of, or vapour containing, methyl bromide.
15. Chlorinated naphthalene ...	The use or handling of, or exposure to the fumes of, or dust or vapour containing, chlorinated naphthalene.
16. Nickel carbonyl	Exposure to nickel carbonyl gas.
17. Nitrous fumes	The use or handling of nitric acid or exposure to nitrous fumes.
18. Gonioma kamassi (African boxwood).	The manipulation of gonioma kamassi or any process in or incidental to the manufacture of articles therefrom.
19. Anthrax	The handling of wool, hair, bristles, hides or skins or other animal products or residues, or contact with animals infected with anthrax.
20. Glanders	Contact with equine animals or their carcases.
21. (*a*) Infection by Leptospira icterohaemorrhagiae.	Work in places which are, or are liable to be, infested by rats.
(*b*) Infection by Leptospira canicola	Work at dog kennels or the care or handling of dogs.
22. Ankylostomiasis	Work in or about a mine.
23. (*a*) Ulceration of the corneal surface of the eye, (*b*) Localised new growth of the skin, papillomatous or keratotic, (*c*) Squamous-celled carcinoma of the skin, due in any case to arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances.	The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances.
25. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or blood dyscrasia, or cataract, due to electro-magnetic radiations (other than radiant heat), or to ionising particles.	Exposure to electro-magnetic radiations other than radiant heat, or to ionising particles.

Description of disease or injury	Nature of occupation
26. Heat cataract	Any occupation involving: Frequent or prolonged exposure to rays from molten or red-hot material.
27. Decompression sickness	Subjection to compressed or rarefied air.
28. Cramp of the hand or forearm due to repetitive movements.	Prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.
31. Subcutaneous cellulitis of the hand (Beat hand).	Manual labour causing severe or prolonged friction or pressure on the hand.
32. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (Beat knee).	Manual labour causing severe or prolonged external friction or pressure at or about the knee.
33. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (Beat elbow).	Manual labour causing severe or prolonged external friction or pressure at or about the elbow.
34. Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths.	Manual labour, or frequent or repeated movements of the hand or wrist.
35. Miner's nystagmus	Work in or about a mine.
36. Poisoning by beryllium or a compound of beryllium.	The use or handling of, or exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium, or a substance containing beryllium.
37. (*a*) Carcinoma of the mucous membrane of the nose or associated air sinuses (*b*) Primary carcinoma of a bronchus or of a lung	Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.
38. Tuberculosis	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 person taking part in or assisting at post-mortem examinations of human remains where the occupation involves working with material which is a source of tuberculous infection.

Description of disease or injury	Nature of occupation
39. Primary neoplasm of the epithelial lining of the urinary bladder (Papilloma of the bladder), or of the epithelial lining of the renal pelvis or of the epithelial lining of the ureter.	Any occupation involving: (*a*) Work in a building in which any of the following substances is produced for commercial purposes:— (i) alpha-naphthylamine or beta-naphthylamine; (ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group; (iii) any of the substances mentioned in sub-paragraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups; (iv) the salts of any of the substances mentioned in sub-paragraphs (i) to (iii) above; (v) auramine or magenta; (*b*) the use or handling of any of the substances mentioned in sub-paragraphs (i) to (iv) of paragraph (*a*), or work in a process in which any such substance is used or handled or is liberated; (*c*) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in paragraph (*b*), or the cleaning of clothing used in any such building as is mentioned in paragraph (*a*) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works.
40. Poisoning by cadmium	Exposure to cadmium fumes.
41. Inflammation or ulceration of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour.	Exposure to dust, liquid or vapour.
42. Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electro-magnetic radiations other than radiant heat).	Exposure to dust, liquid, or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionising particles or electro-magnetic radiations other than radiant heat)."

SECOND SCHEDULE

PART I

Regulation 2

REGULATIONS REVOKED

Statutory Instrument	Citation	Extent of Revocation
S.I. 1949/230 (1949 I, p. 2765).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1949	The whole of the regulations.
S.I. 1949/2316 (1949 I, p. 2768).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 3) Regulations, 1949.	The whole of the regulations.
S.I. 1951/305 (1951 I, p. 1511).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1951.	The whole of the regulations.
S.I. 1951/306 (1951 I, p. 1514).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1951.	Regulation 4.
S.I. 1953/1740 (1953 I, p. 1452).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1953.	The whole of the regulations.
S.I. 1956/118 (1956 I, p. 1693).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1956.	Regulation 2.

PART II

Regulation 2

REGULATION 4 OF THE PRINCIPAL REGULATIONS AS AMENDED*

Presumption

4.—(1) Where an insured person has developed a disease which is prescribed in relation to him in Part I of the First Schedule hereto, that disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment if that employment was in any occupation set against that disease in the second column of the said Part and he was so employed on, or at any time within one month immediately preceding, the date on which, under the subsequent provisions of these regulations, he is treated as having developed the disease:

Provided that this paragraph shall not apply to the diseases numbered 38, 41 *and* 42, *respectively, in the said Schedule.*

(2) Where an insured person in relation to whom pneumoconiosis is prescribed in Part II of the said First Schedule has developed pneumoconiosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment if he has been employed in one or other of the occupations set out in the said Part II for a period or periods amounting in the aggregate to not less than two years in employment which either—

(*a*) was insurable employment; or

(*b*) would have been insurable employment if it had taken place on or after the appointed day.

* The words substituted by these regulations are shown in italics.

(3) Where an insured person in relation to whom byssinosis is prescribed in sub-paragraph (*c*) of regulation 2 develops byssinosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment.

(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.

EXPLANATORY NOTE

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

These Regulations introduce a new Schedule of prescribed diseases in place of Part I of the First Schedule to the Prescribed Diseases Regulations, 1948, made under the National Insurance (Industrial Injuries) Act, 1946. The new Schedule includes all the diseases which have been added to the original Schedule since it was introduced in 1948, and also makes certain amendments which were recommended by the Industrial Injuries Advisory Council in their report (Cmnd. 416). The principal alterations are in the description of various forms of industrial dermatitis and of diseases due to radiation, and in the occupations in respect of which tuberculosis is prescribed. Diseases are numbered in the new Schedule to correspond as closely as possible with the numbers they bore in the old Schedule, gaps being left in the numbering in the new Schedule where the descriptions of diseases have been amalgamated or substantially altered.

There are transitional provisions which preserve rights acquired under the old Schedule and secure that certain cases shall continue to be treated under the old Schedule where this is more advantageous to the claimant. Where the new Schedule is more advantageous it will be applied, with certain qualifications, from the date of the instrument, to cases where the disease was contracted or the death occurred before that date, under the retrospective power contained in section 55 of the Act.

1958 No. 2112

The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1958

Made - - - -	12*th December*, 1958
Laid before Parliament	17*th December*, 1958
Coming into Operation	5*th January*, 1959

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 56 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.—(1) These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1958, shall be read as one with the National Insurance (Industrial Injuries)

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