STATUTORY INSTRUMENTS

1961 No. 691

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1961

Made - - - -	*7th April*, 1961
Laid before Parliament	18*th April*, 1961
Coming into Operation	28*th April*, 1961

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, and after reference to the Industrial Injuries Advisory Council, 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, 1961, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1959(b) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 28th April, 1961.

Amendment of paragraph 23 of Part I of the First Schedule to the principal regulations

2. In paragraph 23 of Part I of the First Schedule to the principal regulations there shall be made the following amendments:—

(*a*) in the first column thereof for the words "Ulceration of the corneal surface of the eye" there shall be substituted the words "Dystrophy of the cornea (including ulceration of the corneal surface) of the eye", and after the word "product" there shall be inserted the words "(including quinone or hydroquinone)";

(*b*) in the second column thereof there shall be inserted after the word "product" the words "(including quinone or hydroquinone),"

and the paragraph shall accordingly have effect as set out in the Schedule hereto.

Transitional Provisions

3.—(1) Where a person, who has been employed on or at any time after the 5th July, 1948, in insurable employment in any of the occupations set out in the Schedule hereto, is, on the date on which these regulations come into operation, incapable of work or, as the case may be, suffering from a loss of faculty as the result of dystrophy of the cornea of the eye other than ulceration of the corneal surface of the eye, (hereinafter referred to in these regulations as "the disease") the provisions of regulation 6 of the principal regulations (which relates to the date of development) shall be applied subject to the modification that the date on which these regulations

(a) 9 & 10 Geo. 6. c. 62. (b) S.I. 1959/467 (1959 II, p. 1943).

come into operation shall be treated as the first day on which he is 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 the disease and an increase of that benefit is claimed under section 14 of the National Insurance (Industrial Injuries) Act, 1946, (which section relates to increase of disablement pension in cases of special hardship), and, if at any time after having been employed in an occupation in respect of which the disease is prescribed but before the date on which these regulations come into operation the claimant has abandoned any occupation as the 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 5th July, 1948, 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 the disease, 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 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 seventh day of April, 1961.

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

SCHEDULE Regulation 2.

Paragraph 23 of Part I of the First Schedule to the principal regulations as amended*

Description of disease or injury	Nature of occupation
23.—(*a*) *Dystrophy of the cornea (including 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 (*including quinone or hydroquinone*), 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 (*including quinone or hydroquinone*), or residue of any of these substances.

EXPLANATORY NOTE

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

These Regulations, by amending paragraph 23 of Part I of the First Schedule to the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1959, extend insurance under the National Insurance (Industrial Injuries) Act, 1946, to dystrophy of the cornea of the eye in the case of persons insurably employed in certain occupations involving exposure to quinone or hydroquinone.

In addition they contain transitional provisions relating to persons who have worked in any such occupation since the 5th July, 1948, and who have already died as a consequence of the disease or are suffering from it on the date when these Regulations come into operation.

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