STATUTORY INSTRUMENTS

# 1965 No. 1264

# NATIONAL INSURANCE (INDUSTRIAL INJURIES)

## The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1965

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| *Made* - - - - | 14*th June* 1965 |
| *Laid before Parliament* | 18*th June* 1965 |
| *Coming into Operation* | 21*st June* 1965 |

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 her in that behalf, 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 1965, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959(b) (hereinafter referred to as "the principal regulations"), as amended (c), and shall come into operation on 21st June 1965.

*Amendment of Part I of Schedule* 1 *to the principal regulations*

**2.** Part I of Schedule 1 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, hereinafter referred to as "farmer's lung", specified in the first column of Schedule 1 hereto and of the occupations set against the said disease in the second column of that Schedule.

*Amendment of regulation* 1 *of the principal regulations*

**3.** In regulation 1(2) of the principal regulations (which relates to interpretation) after the definition of "tuberculosis" there shall be inserted the following definition :—

" 'farmer's lung' means the disease numbered 43 in Part I of the First Schedule to these regulations;".

*Amendment of regulations* 22 *and* 25 *of the principal regulations*

**4.** In the principal regulations, regulation 22 (which relates to the application of provisions for the determination of claims and questions to prescribed diseases) and regulation 25(2) (which relates to the reference of diagnosis and recrudescence questions to a medical practitioner for report) shall be amended by the substitution, for the words "pneumoconiosis or byssinosis", of the words "pneumoconiosis, byssinosis or farmer's lung".

(a) 9 & 10 Geo. 6. c. 62. (b) S.I. 1959/467 (1959 II, p. 1943).
(c) The amendment does not relate expressly to the subject matter of these Regulations.

*Amendment of regulation 26 of the principal regulations*

**5.** After paragraph (1) of regulation 26 of the principal regulations (which relates to power to dispense with reference to medical practitioners for report) there shall be added the following paragraph :—

"(1A) The insurance officer may, if he is satisfied that a reference for report as provided in regulation 25(2) may be dispensed with on any of the grounds specified in the preceding paragraph of this regulation, refer for the decision of a pneumoconiosis medical board any diagnosis or recrudescence question in connection with a claim in respect of farmer's lung without having referred such a question for report as aforesaid.".

*Amendment of Part VI of the principal regulations*

**6.**—(1) For the heading of Part VI of the principal regulations there shall be substituted the following words *"Special Provisions as to Pneumoconiosis, Byssinosis and Farmer's Lung"*.

(2) Regulation 40 of the principal regulations (which relates to the constitution and procedure of pneumoconiosis medical panels and boards) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Schedule 2 to these regulations.

(3) In paragraph (2) of the said regulation 40 for the words "pneumoconiosis and byssinosis" there shall be substituted the words "pneumoconiosis, byssinosis and farmer's lung".

(4) At the end of paragraph (3) of the said regulation 40 there shall be added the following words :—

"and in connection with a claim in respect of farmer's lung shall also have power to make or cause to be made serological and lung function tests and to obtain reports upon the results of such tests.".

(5) In paragraph (4) of the said regulation 40 after the words "diagnosis question" there shall be inserted the words "in respect of pneumoconiosis or byssinosis" and at the end of the said paragraph (4) there shall be added the words "on any such question.".

*Transitional provisions*

**7.**—(1) Where a person, who has been employed on or at any time after 5th July 1948 in insurable employment in any of the occupations specified in the second column of Schedule 1 hereto, is, as the result of farmer's lung, either incapable of work or 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 the employment, 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 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 farmer's lung 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.

*Margaret Herbison,*
Minister of Pensions and National Insurance.

14th June 1965.

Regulation 2

## SCHEDULE 1

| Description of disease or injury | Nature of occupation |
|---|---|
| 43. Pulmonary disease due to the inhalation of the dust of mouldy hay or of other mouldy vegetable produce, and characterised by symptoms and signs attributable to a reaction in the peripheral part of the broncho-pulmonary system, and giving rise to a defect in gas exchange (Farmer's lung). | Any occupation involving exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment :—<br>(*a*) in agriculture, horticulture or forestry; or<br>(*b*) loading or unloading or handling in storage such hay or other vegetable produce; or<br>(*c*) handling bagasse. |

Regulation 6

## SCHEDULE 2

CONTAINING REGULATION 40 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Constitution of pneumoconiosis medical panels and boards

40.—(1) Panels of specially qualified medical practitioners (hereinafter referred to as "pneumoconiosis medical panels") shall be constituted by the Minister for such areas as the Minister may think fit.

(2) Pneumoconiosis medical boards shall be appointed by the Minister to carry out, in connection with *pneumoconiosis, byssinosis and farmer's lung,* the duties imposed upon medical boards by Part III of the Act and by these regulations, and at least two members of any such board shall be members of a pneumoconiosis medical panel.

(3) Pneumoconiosis medical boards shall have power, in any case where they consider necessary, to make or cause to be made radiographic examination of the lungs of the claimant, and to obtain the report of a radiologist on the case, *and in connection with a claim in respect of farmer's lung shall also have power to make or cause to be made serological and lung function tests and to obtain reports upon the results of such tests.*

(4) The decision of a pneumoconiosis medical board on any diagnosis question *in respect of pneumoconiosis or byssinosis* shall be final, and accordingly regulation 30, and regulation 32, in so far as it relates to the powers of a medical appeal tribunal, of these regulations shall not apply to a decision of a pneumoconiosis medical board *on any such question.*

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

(5) Subject to the foregoing provisions of this regulation, the constitution and procedure of pneumoconiosis medical boards shall be governed by the provisions applicable to medical boards appointed for the purposes of Part V of these regulations.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

The Regulations, by making an addition to the diseases prescribed in Part I of Schedule 1 to the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959 extend insurance under the National Insurance (Industrial Injuries) Act 1946 to the respiratory complaint known as "farmer's lung" in the case of persons insurably employed in occupations involving exposure to the dust of certain mouldy vegetable produce known to cause the disease.

The functions of medical boards under the Act and regulations made thereunder in cases of farmer's lung are to be performed by pneumoconiosis medical boards and the necessary amendments are made to the regulations relating to the reference to, and determination of questions by, such boards. Provision is made to enable a claimant to appeal from, or the Minister to refer, a decision of such a board, on any question relating to this disease, to a medical appeal tribunal.

The Regulations also contain transitional provisions relating to persons who are already suffering from the disease on the date when these Regulations come into operation.