1959 No. 467

The National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1959

Made - - - -	18*th March*, 1959
Laid before Parliament	26*th March*, 1959
Coming into Operation	31*st March*, 1959

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 55, 56 (as extended by paragraph 7 (2) of the Second Schedule to the National Insurance (Industrial Injuries) Act, 1953(a)), 57 and 86 of the National Insurance (Industrial Injuries) Act, 1946(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1959, and shall come into operation on 31st March, 1959.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the National Insurance (Industrial Injuries) Act, 1946;

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts, 1925 to 1945, or the enactments repealed by the Workmen's Compensation Act, 1925(c), or the enactments repealed by the Workmen's Compensation Act, 1906(d);

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(e);

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations, 1948(f);

"the Determination of Claims and Questions Regulations" means the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations, 1948(g);

"the Minister" means the Minister of Pensions and National Insurance;

"the appointed day" means the 5th July, 1948, being the day appointed by the Minister for the purposes of the Act;

"local office" has the same meaning as in the Determination of Claims and Questions Regulations;

"asbestos textiles" means yarn or cloth composed of asbestos or of asbestos mixed with any other material;

"coal mine" means any mine where one of the objects of the mining operations is the getting of coal (including bituminous coal, cannel coal, anthracite, lignite, and brown coal);

(a) 1 & 2 Eliz. 2. c. 43. (b) 9 & 10 Geo. 6. c. 62. (c) 15 & 16 Geo. 5. c. 84.
(d) 5 Edw. 7. c. 58. (e) S.I. 1948/1372 (Rev. XVI, p. 441: 1948 I, p. 2918).
(f) S.I. 1948/1362 (Rev. XVI, p. 505: 1948, I, p. 2942).
(g) S.I. 1948/1299 (Rev. XVI, p. 524: 1948 I, p. 2971).

" foundry " means those parts of industrial premises where the production of metal articles (other than pig iron or steel ingots) is carried on by casting (not being diecasting or other casting in metal moulds), together with any part of the same premises where any of the following processes are carried on incidentally to such production, namely, the drying and subsequent preparation of sand for moulding (including the reclamation of used moulding sand), the preparation of moulds and cores, knock-out operations and dressing or fettling operations;

" grindstone " means a grindstone composed of natural or manufactured sandstone and includes a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted;

" mine " includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting or dressing of minerals or the preparation of minerals for sale;

" pneumoconiosis " means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust reticulation but does not include byssinosis;

" pneumoconiosis medical board " and " pneumoconiosis medical panel " mean respectively a pneumoconiosis medical board appointed, and a pneumoconiosis medical panel constituted, by the Minister under regulation 40;

" prescribed disease " means a disease or injury prescribed under Part II of these regulations, and references to a prescribed disease being contracted shall be deemed to include references to a prescribed injury being received;

" silica rock " means quartz, quartzite, ganister, sandstone, gritstone and chert, but not natural sand or rotten rock;

" 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;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment, scheme or regulations shall include references to such enactment, scheme or regulations as amended by any subsequent enactment, order, scheme or regulations.

(4) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

PART II

PRESCRIPTION OF DISEASES AND PRESUMPTION AS TO THEIR ORIGIN

Prescription of diseases and injuries

2. For the purposes of Part IV of the Act—

(*a*) each disease or injury set out in the first column of Part I of the First Schedule hereto is prescribed in relation to all insured persons who

(a) 52 & 53 Vict. c. 63.

have been employed on or after the appointed day in insurable employment in any occupation set against such disease or injury in the second column of the said Schedule;

(*b*) pneumoconiosis is prescribed—

(i) in relation to all insured persons who have been employed on or after the appointed day in insurable employment in any occupation set out in Part II of the said Schedule; and

(ii) in relation to all other insured persons who have been so employed in any occupation involving exposure to dust and who have not worked at any time (whether in insurable employment or not) in any occupation in relation to which pneumoconiosis is prescribed by virtue of regulations (apart from this sub-paragraph) in force—

(*a*) in the case of any claim for disablement benefit or a claim for death benefit in respect of the death of a person to whom disablement benefit has been awarded in respect of pneumoconiosis, on the date of the claim for disablement benefit;

(*b*) in the case of a claim for death benefit in respect of the death of any other person, on the date of the death of that person;

(*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 ten 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.

Sequelae or resulting conditions

3. Where a person—

(*a*) is insured under the Act and these regulations against a prescribed disease; and

(*b*) is suffering from a condition which, in his case, has resulted from that disease;

the provisions of Part IV of the Act and of these regulations shall apply to him as if he were suffering from that disease, whether or not the condition from which he is suffering is itself a prescribed disease.

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 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.

(3) Where an insured person in relation to whom pneumoconiosis is prescribed by virtue of sub-paragraph (*b*) (i) of regulation 2 of these regulations 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 Part II of the said First Schedule 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.

(4) 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.

PART III

DATE OF DEVELOPMENT AND RECRUDESCENCE

Development of Disease

5. If on a claim for benefit under Part IV of the Act in respect of a prescribed disease, a person is found to be or to have been suffering from the disease, or to have died as the result thereof, the disease shall, for the purposes of such claim, be treated as having developed on a date (hereafter in these regulations referred to as " the date of development ") determined in accordance with the provisions of the two next following regulations.

Date of Development

6.—(1) For the purposes of the first claim in respect of a prescribed disease suffered by an insured person, the date of development shall be determined in accordance with the following provisions of this regulation, and, save as provided in regulation 7, that date shall be treated as the date of development for the purposes of any subsequent claim in respect of the same disease suffered by the same person:

Provided that if, on the consideration of a claim, no award of benefit is made, any date of development determined for the purposes of that claim shall be disregarded for the purposes of any subsequent claim.

(2) Where the claim for the purposes of which the date of development is to be determined is—

(*a*) a claim for injury benefit, the date of development shall be the first day on which the claimant was incapable of work as the result of the disease on or after the appointed day; or, if later, the date as from which benefit could be paid on that claim;

(*b*) a claim for disablement benefit, the date of development shall be the day on which the claimant first suffered from the relevant loss of

faculty on or after the appointed day; or, if later, the date as from which benefit could be paid on that claim; or

(*c*) a claim for death benefit, the date of development shall be the date of death.

(3) In the foregoing paragraph, the expression "the date as from which benefit could be paid on that claim" means, in relation to any claim, the first day of the period in respect of which benefit could be paid on that claim having regard to the provisions of regulation 12 of, and the Second Schedule to, the Claims and Payments Regulations(a), or could have been so paid but for the proviso to subsection (1) of section 11 of the Act (which provides that, in the circumstances therein specified, injury benefit shall not be payable in respect of the first three days of incapacity in the injury benefit period).

Recrudescence

7.—(1) If a person after having been awarded benefit in respect of a prescribed disease other than pneumoconiosis or byssinosis recovers wholly or partially from the attack of the disease, and thereafter suffers from another attack of the same disease, or dies as the result thereof, then—

(*a*) if the further attack commences or the death occurs during an injury benefit period or during a period taken into account by an assessment of disablement relating to such a previous award (either of which periods is hereinafter referred to as a "relevant period"), the disease shall be treated as a recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in the following sub-paragraph;

(*b*) if the further attack commences or the death occurs otherwise than during a relevant period, or if it is determined in the manner provided in Part V of these regulations that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(2) For the purposes of the foregoing paragraph, a further attack of a prescribed disease shall be deemed to have commenced on the date which would be treated as the date of development under the provisions of regulation 6 if no previous claim had been made in respect of that disease.

(3) Where, under the foregoing provisions of this regulation, a disease is treated as having been contracted afresh, the provisions of regulation 6 shall be applied as though no previous claim had been made in respect of that disease and the date of development shall be determined accordingly.

(4) Where, under the provisions aforesaid, a disease is treated as a recrudescence during a period taken into account by a previous assessment of disablement, any assessment of disablement in respect of the recrudescence shall be by way of review of such previous assessment, and such review shall be subject to the provisions of regulation 31.

Transitional provisions

8.—(1) If under the foregoing provisions of this Part of these regulations a date of development has to be determined for the purposes of a claim for benefit in respect of a prescribed disease, other than pneumoconiosis or byssinosis, suffered by a person to whom compensation under the Workmen's Compensation Acts has been awarded or paid in respect of the same disease and, at the date of such claim for benefit, or, if it is a claim for death benefit, at the date of death—

(a) *See* S.I. 1952/1208 (1952 II, p. 2216).

(*a*) that person was in receipt of weekly payments in respect of such compensation; or

(*b*) any liability or alleged liability for such compensation had been redeemed by the payment of a lump sum, or had been the subject of a composition agreement under the provisions of the said Acts;

the disease in respect of which the claim is made shall be treated for the purposes of these regulations as a recrudescence of the disease in respect of which such compensation was awarded or paid and not as having developed on or after the appointed day unless it is determined in the manner provided in Part V of these regulations that the disease was in fact contracted afresh.

(2) If it is determined as provided in the foregoing paragraph that the disease was contracted afresh, or if compensation is not being or has not been paid as provided in sub-paragraph (*a*) or (*b*) thereof, the date of development shall be determined in accordance with regulations 5 to 7 as if no compensation under the Workmen's Compensation Acts had been paid in respect of that disease.

(3) If the date of development has to be determined as aforesaid in respect of pneumoconiosis or byssinosis suffered by a person to whom compensation has been awarded or paid in respect of the same disease or in respect of whose death compensation has been awarded or paid under the provisions of any scheme made under the provisions of the Workmen's Compensation Acts relating to compensation for silicosis, asbestosis, pneumoconiosis or byssinosis, the disease in respect of which the claim is made shall be treated for the purposes of these regulations as not having developed on or after the appointed day.

(4) If, after the date of a claim for benefit in respect of a prescribed disease, the claimant receives a weekly payment of compensation in respect of that disease under the Workmen's Compensation Acts which he was not receiving at the date of such claim, or if the amount of any such weekly payment which he was receiving at that date is increased, then any decision on any question arising in connection with that claim, if given before the date of, or in ignorance of the fact of, the receipt of such weekly payment or increased weekly payment, may be reviewed as if it had been given in ignorance of a material fact, and on such review the question may be decided as if the claimant had been in receipt of such weekly payment or increased weekly payment at the date of the claim, and the foregoing provisions of this regulation shall apply accordingly.

(5) For the purposes of this regulation, a person shall be deemed to be, or to have been, in receipt of a weekly payment of compensation if—

(*a*) he is or was in fact receiving such payment; or

(*b*) he is or was entitled thereto under an award or agreement made under the Workmen's Compensation Acts.

(6) This regulation shall apply to compensation under any contracting out scheme duly certified under the Workmen's Compensation Acts as it applies to compensation under those Acts.

Re-employment of pneumoconiotics

9.—(1) Where a person—

(*a*) has been certified by a medical board under the provisions of any scheme made under the provisions of the Workmen's Compensation Acts to be suffering from silicosis or pneumoconiosis not accompanied in

either case by tuberculosis and has been awarded or paid compensation under the provisions of any such scheme, and by reason of such certification has been suspended from employment in any industry or process or in any particular operation or work in any industry, and

(*b*) wishes to start work in insurable employment in any occupation involving work underground in any coal mine, or the working or handling above ground at any coal mine of any minerals extracted therefrom, or any operation incidental thereto, being an occupation in which he is allowed by certificate of the medical board under the provisions of the scheme to engage,

he shall, before starting any such work, submit himself under arrangements made or approved by the Minister for medical examination by a pneumoconiosis medical board appointed by the Minister under the Act.

(2) Where a person submits himself for medical examination in accordance with the provisions of the foregoing paragraph, the provisions of the Act and the regulations made thereunder shall apply to him subject to the following modifications:—

(*a*) The pneumoconiosis medical board shall determine at what degree the extent of disablement resulting from pneumoconiosis at the time of their examination would be assessed in his case, if that question had been referred to them for determination by an insurance officer on consideration of a claim for disablement benefit, and the provisions of the Act and of the Determination of Claims and Questions Regulations which relate to the determination of disablement questions (other than the provisions relating to the review of assessments on the grounds of unforeseen aggravation) shall apply as if the decision of the pneumoconiosis medical board were a final assessment of the extent of disablement.

(*b*) Where the extent of disablement has been determined in his case in accordance with the provisions of the foregoing sub-paragraph by a pneumoconiosis medical board or a medical appeal tribunal, and he starts any such work as is mentioned in the foregoing paragraph, the provisions of paragraph (*a*) of regulation 42 (which paragraph relates to periodical examinations) shall apply to him as if he were making a claim for benefit in respect of pneumoconiosis, and the provisions of paragraph (3) of regulation 8 (which paragraph provides that pneumoconiosis shall in certain cases be treated as not having developed on or after the appointed day) shall cease to apply to him as from the date of starting such work.

(*c*) If, after having started work as aforesaid, he makes a claim at any time for disablement benefit in respect of pneumoconiosis, the extent of disablement in his case shall be assessed as if, to the extent certified in the decision of the pneumoconiosis medical board or medical appeal tribunal given under sub-paragraph (*a*) of this paragraph, his disabilities resulting from pneumoconiosis were contracted before the date of development and were not incurred as the result of the relevant loss of faculty.

(*d*) A person to whom a disablement pension is payable in respect of an assessment made in accordance with the provisions of the last foregoing sub-paragraph and who requires constant attendance shall, if the sum of that assessment and the assessment made in his case in accordance with the provisions of sub-paragraph (*a*) of this paragraph is not less than one hundred per cent., have the like right to payments in respect of the need of such constant attendance as if the disablement pension were payable in respect of an assessment of one hundred per cent.

(3) Where a person to whom sub-paragraph (*a*) of paragraph (1) applies has started any such work as is mentioned in sub-paragraph (*b*) thereof without having submitted himself for medical examination in accordance with the provisions of that paragraph, he may nevertheless, at any time whilst he is engaged in any such work, so submit himself for medical examination, and the provisions of the foregoing paragraph shall, if he continues thereafter to be engaged in any such work, apply to him as if he had started that work immediately after the medical examination.

(4) The Minister, in making or approving any such arrangements for medical examination of any person as are mentioned in paragraph (1) of this regulation, shall, as far as possible, co-ordinate those arrangements with any arrangements for medical examination of that person made or approved under Part VI of these regulations or under the Workmen's Compensation Acts.

PART IV

APPLICATION OF PART II OF THE ACT AND OF REGULATIONS MADE THEREUNDER

Definition

10. In this Part of these regulations, unless the context otherwise requires, the expression "relevant disease" means, in relation to any claim for benefit in respect of a prescribed disease, the prescribed disease in respect of which benefit is claimed, but does not include any previous or subsequent attack of that disease, suffered by the same person, which, under the provisions of Part III of these regulations, is or has been treated—

(*a*) as having developed on a date other than the date which, under the said provisions, is treated as the date of development for the purposes of the claim under consideration;

(*b*) as a recrudescence of a disease for which compensation has been paid or awarded under the Workmen's Compensation Acts.

Application of Part II of the Act

11. The provisions of Part II of the Act (which relates to benefit) shall, in relation to prescribed diseases, be subject to the following provisions of this Part of these regulations, and, subject as aforesaid, to the additions and modifications set out in the Second Schedule hereto.

Application of Claims and Payments Regulations and Benefit Regulations and the constructions of references in those regulations

12.—(1) Save in so far as they are expressly varied or excluded by, or are inconsistent with, the provisions of this Part of these regulations, the Claims and Payments Regulations and the Benefit Regulations shall apply in relation to prescribed diseases as they apply in relation to accidents.

(2) Save as provided in this Part of these regulations or where the context otherwise requires, references in the aforesaid regulations to accidents shall be construed as references to prescribed diseases, references to the relevant accident shall be construed as references to the relevant disease, references to the date of the relevant accident shall be construed as references to the date of development of the relevant disease, and in regulation 4A of the Benefit Regulations(**a**), (which regulation relates to increase of disablement pension in cases of special hardship), the reference to the effects of the relevant injury shall be construed as a reference to the effects of the relevant disease.

(**a**) *See* S.I. 1952/1633 (1952 II, p. 2214).

Benefit not payable in cases covered by the Industrial Diseases (Benefit) Acts

13. Benefit shall not be payable by virtue of the provisions of these regulations in respect of the incapacity, disablement or death of any person as a result of any disease, if an award of benefit under the provisions of any Scheme made under the Industrial Diseases (Benefit) Acts, 1951 and 1954(**a**) (not being an award which is subsequently reversed on review) has at any time been made in respect of any attack of the disease suffered by him, or in respect of his death.

Diseases contracted outside Great Britain

14. For subsection (3) of section 7 of the Act (which subsection deals with accidents happening outside Great Britain) there shall be substituted the provision that, subject to the provisions of Part VI of the Act relating to persons on ships and aircraft, for the purpose of determining whether a prescribed disease is, or, under the provisions of Part II of these regulations is to be presumed to be, due to the nature of the person's insurable employment, that person shall be regarded as not being or as not having been in insurable employment during any period for which he is or was outside Great Britain, and accordingly benefit shall not be payable in respect of a prescribed disease which is due to the nature of employment in an occupation in which the insured person has only been engaged outside Great Britain.

Injury Benefit

15.—(1) Subsection (2) of section 11 of the Act (which subsection provides that in determining whether the insured person is incapable of work on the day of the accident, any part of that day before the happening of the accident shall be disregarded) shall not apply.

(2) Save as provided in the next following regulation, the injury benefit period shall begin with the date of development.

Disablement benefit not preceded by injury benefit

16.—(1) Where an insured person, not having been entitled to injury benefit in respect of the relevant disease, claims disablement benefit in respect of that disease, and under the provisions of Part III of these regulations a date of development is determined for the purposes of that claim, the following provisions shall apply, that is to say:—

(*a*) subsection (4) of section 11 and subsection (1A) of section 12 of the Act(**b**), (which subsections relate to the period for which disablement benefit is not available) shall not apply and the claim shall be treated as if there had been no injury benefit period;

(*b*) subsection (4) of section 12 of the Act (which subsection relates to the period to be taken into account by an assessment of the extent of the claimant's disablement) and subsection (1) of section 14 of the Act(**c**), and regulation 4A of the Benefit Regulations(**d**), (which subsection and regulation relate to increase of disablement pension in cases of special hardship) shall have effect as if for references therein to the end of the injury benefit period (wherever those words occur) were substituted references to the date of development.

(2) The reference in paragraph (2) of regulation 25C of the Benefit Regulations(**e**), to regulation 13 of the National Insurance (Industrial Injuries)

(**a**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 4 and 2 & 3 Eliz. 2. c. 16.
(**b**) *See* National Insurance (Industrial Injuries) Act, 1953.
(**c**) *See* National Insurance (Industrial Injuries) Act, 1948 (11 & 12 Geo. 6. c. 42).
(**d**) *See* S.I. 1952/1633 (1952 II, p. 2214).
(**e**) *See* S.I. 1953/1314 (1953 I, p. 1425).

(Prescribed Diseases) Regulations, 1948(a), shall be construed as a reference to this regulation.

Assessment of extent of disablement

17. For the purposes of paragraph (*b*) of subsection (2) of section 12 of the Act (which subsection relates to the disabilities to be taken into account in assessing the extent of the claimant's disablement), and of paragraph (5) of regulation 2 of the Benefit Regulations (which relates to assessments in the case of injury to one of two similar organs), an injury or disease other than the relevant disease shall be treated as having been received or contracted before the relevant disease if it was received or contracted on or before the date of development, and as having been received or contracted after the relevant disease if it was received or contracted after that date.

Death benefit for woman having care of deceased's children

18.—(1) Section 24 of the Act (which relates to the entitlement to death benefit of a woman having the care of a child or children of the deceased's family) shall have effect as if for references to the date of the relevant accident there were substituted references to the relevant date.

(2) For the purposes of the last foregoing paragraph, the relevant date means the date of development of the relevant disease, or the first day of the period of twenty-six weeks ending with the date of death, whichever is the later.

Special provision as to determination of regular occupation in relation to persons claiming an increase of benefit under section 14 of the Act

19. Where a person who is or has been awarded disablement benefit in respect of a prescribed disease establishes that he has abandoned any occupation as a result of the relevant disease at any time after having been insured against the disease but before the date on which it is treated as having developed under regulation 6 of these regulations, then for the purpose of determining his right to, or the rate of, an increase of that benefit under section 14 of the Act(b), (which section relates to increase of disablement benefit in cases of special hardship), any occupation he has so abandoned may be treated as his regular occupation for the purposes of the said section 14 if it would have been so treated had the date of development as determined under the said regulation 6 fallen immediately before he so abandoned it.

Exception from requirements as to notice

20. Regulation 2 of the Claims and Payments Regulations (which relates to the giving of notice of accidents in respect of which benefit may be payable) shall not apply in relation to prescribed diseases.

Provisions as to medical examination

21. Those provisions of subsections (2) and (3) of section 25 of the Act which relate to the obligation of claimants and beneficiaries to submit themselves to medical examination for the purpose of determining the effect of the relevant accident shall apply also to medical examinations for the purpose of determining whether a claimant or beneficiary is suffering or has suffered from a prescribed disease, and regulation 4 of the Claims and Payments Regulations shall be construed accordingly.

(a) S.I. 1948/1371 (Rev. XVI, p. 482: 1948 I, p. 3001).
(b) *See* National Insurance (Industrial Injuries) Act, 1948.

PART V

PROCEDURE FOR DETERMINATION OF CLAIMS AND QUESTIONS

Application of this Part of these regulations

22. The provisions of this Part of these regulations shall apply to all claims for benefit under Part IV of the Act in respect of a prescribed disease and to all questions arising in connection with such claims or with any award of benefit thereon, but in their application in respect of pneumoconiosis or byssinosis shall be subject to the provisions of Part VI of these regulations.

Application of Part III of the Act and of the Act of 1953

23.—(1) The provisions of section 49 of the Act (which relates to declarations that an accident is an industrial accident) and of subsection (3) of section 4 of the National Insurance (Industrial Injuries) Act, 1953(a) (which subsection relates to the effect of decisions as to loss of faculty) shall not apply in relation to prescribed diseases.

(2) Save as provided in the foregoing paragraph, the provisions of Part III of the Act (which relates to the determination of claims and questions) and of subsection (1) of section 4 of the said Act of 1953 (which subsection relates to reviews of decisions given by the Minister) shall apply to the determination of such claims and questions as aforesaid, subject to the additions and modifications set out in the Second Schedule hereto and to the following provisions of this Part of these regulations.

Application of and references in the Determination of Claims and Questions Regulations

24.—(1) All claims and questions to which this Part of these regulations applies shall be determined in accordance with the provisions of the Determination of Claims and Questions Regulations, save in so far as those provisions are inconsistent with or are varied by these regulations.

(2) Save as provided in this Part of these regulations, any reference in the Determination of Claims and Questions Regulations to the relevant accident shall be construed as a reference to the relevant disease and any reference to the date of the relevant accident shall be construed as a reference to the date of development of the relevant disease.

Reference of diagnosis and recrudescence questions for report

25.—(1) In the following provisions of these regulations any question arising in connection with a claim for or award of injury benefit or disablement benefit—

(*a*) whether any person is suffering or has suffered from a prescribed disease, is referred to as a diagnosis question;

(*b*) whether a prescribed disease has, in fact, been contracted afresh, in a case where that question arises under the provisions of regulation 7 or 8, is referred to as a recrudescence question.

(2) Subject to the provisions of the next following regulation, if a diagnosis or recrudescence question arises in any case, the insurance officer shall forthwith refer that question for examination and report to one or more medical practitioners who, in the case of pneumoconiosis or byssinosis, shall be a member or members of a pneumoconiosis medical panel and shall have power, if he or they consider necessary, to make or cause to be made a radiological examination of the person's lungs.

(a) 1 & 2 Eliz. 2. c. 43.

Power to dispense with reference for report

26.—(1) The insurance officer may determine a diagnosis or recrudescence question without referring it as provided in paragraph (2) of the foregoing regulation if he is satisfied that such reference can be dispensed with having regard to—

(*a*) a medical report signed by a medical practitioner on the staff of a hospital at which the claimant or beneficiary is receiving or has received treatment for a condition due to a prescribed disease, or by a medical officer engaged at the place of work where the claimant or beneficiary is or was employed ; or

(*b*) the decision on any similar diagnosis or recrudescence question which has been determined on the consideration of any previous claim or question arising in respect of the same disease suffered by the same person (including the date and terms of any medical reports on which such previous decision was based and of any medical certificates submitted by the claimant or beneficiary):

Provided that a reference for report shall not be dispensed with on the grounds specified in sub-paragraph (*a*) of this paragraph except where a diagnosis question is determined in favour of the claimant or beneficiary or where a recrudescence question arises in connection with a diagnosis question which has been so determined under this regulation.

(2) If the insurance officer is of the opinion that the claim or question submitted to him or any part thereof can be disposed of without determining any diagnosis or recrudescence question, he may make an award or determine that an award cannot be made or may determine the question submitted to him accordingly without referring such diagnosis or recrudescence question for report as aforesaid or before so referring it.

(3) If during a period taken into account by an assessment of disablement relating to an award of disablement benefit in respect of a prescribed disease, the beneficiary either—

(*a*) applies for a review of such assessment ; or

(*b*) makes a further claim for disablement benefit in respect of a fresh attack of the disease ;

any recrudescence question arising on such application or further claim instead of being referred for report as aforesaid shall be referred for decision to the medical board together with any disablement question which arises.

(4) The provisions of paragraph (2) of regulation 25 and of the foregoing paragraphs of this regulation shall apply to a local appeal tribunal and the Commissioner as they apply to an insurance officer with this modification, that a local appeal tribunal or the Commissioner, instead of themselves or himself referring a diagnosis or recrudescence question to a medical practitioner in accordance with regulation 25, shall direct the insurance officer to refer it to a medical board in accordance with regulation 27.

Procedure on receipt of report

27.—(1) If a diagnosis or recrudescence question has been referred as provided by paragraph (2) of regulation 25, the insurance officer shall, subject to the provisions of paragraph (6) of this regulation, proceed with the consideration of that question as soon as possible after he has received the report of the medical practitioner or practitioners to whom it was so referred.

(2) If the question so referred was a diagnosis question, then, subject to paragraph (4) of this regulation, the insurance officer may—

(*a*) himself determine the question in favour of the claimant or beneficiary; or

(*b*) refer the question to a medical board for their decision; or

(*c*) himself determine the question adversely to the claimant or beneficiary.

(3) If the question so referred was a recrudescence question, then, subject to paragraphs (4) and (5) of this regulation, the insurance officer—

(*a*) if he is satisfied having regard to such report as aforesaid that the disease ought to be treated as having been, in fact, contracted afresh, shall so treat it and shall determine the question accordingly;

(*b*) if he is not so satisfied, shall treat the disease as a recrudescence of the previous attack or as not having developed on or after the appointed day, as the case may require, and shall determine the question accordingly.

(4) If, on the consideration of a diagnosis or recrudescence question, the insurance officer is of opinion that there arises a disablement question, he shall not determine the diagnosis or recrudescence question but shall refer it to the medical board together with the disablement question.

(5) If a diagnosis question is referred to a medical board under the foregoing provisions of this regulation or under the provisions of regulation 29, the insurance officer shall not himself determine any recrudescence question which arises in connection therewith but shall refer it to the medical board together with the diagnosis question.

(6) Subject to the provisions of these regulations, those provisions of sections 46, 48 and 50 of the Act and of regulation 23 of the Determination of Claims and Questions Regulations which relate to the determination of claims and questions in cases where a special question arises, shall apply as if a diagnosis or recrudescence question were a special question, and as if references in those sections to the determination of, or to the review of the decision of, a special question under Part III of the Act included references to the determination of, or to the review of the decision of, a diagnosis or recrudescence question under these regulations.

Notification of decision and right of appeal

28.—(1) Where, under the provisions of regulation 26 or 27, an insurance officer has determined a diagnosis question adversely to the claimant or beneficiary, or has determined a recrudescence question, the claimant or beneficiary shall be notified in writing of the decision and the reasons therefor, and his right of appeal therefrom.

(2) A claimant or beneficiary who desires to appeal from any decision of an insurance officer such as is mentioned in the last foregoing paragraph shall do so by giving to a local office notice of appeal within ten days after the claimant or beneficiary has been notified of the insurance officer's decision:

Provided that a notice of appeal given after the expiry of the said period of ten days may be accepted if the Minister is of opinion that there was good cause for the delay.

Appeal or reference to medical board

29.—(1) As soon as practicable after receiving notice of appeal given under the provisions of the last foregoing regulation, the insurance officer shall refer the question to a medical board for their decision.

(2) If notice of appeal is given on a recrudescence question, the insurance officer shall also refer the diagnosis question, and the medical board may confirm, reverse or vary the decision on that question as on an appeal.

Appeal or reference to medical appeal tribunal

30.—(1) Subject to the provisions of regulation 40 of these regulations, if a claimant is dissatisfied with the decision of a medical board on a diagnosis or recrudescence question he may appeal and the case shall be referred to a medical appeal tribunal.

(2) Subject as aforesaid, if the Minister notifies the insurance officer that he is of opinion that any decision of a medical board on a diagnosis or recrudescence question ought to be considered by a medical appeal tribunal, the insurance officer shall refer the case to a medical appeal tribunal for their consideration and the tribunal may confirm, reverse or vary the decision as on an appeal.

(3) Where a diagnosis or recrudescence question is referred to a medical appeal tribunal under the foregoing provisions of this regulation the tribunal, upon determining the question referred, may proceed to determine any recrudescence or diagnosis question which arises in connection therewith, and where a decision on any such question has been given by a medical board, may confirm, reverse or vary that decision.

Review of previous assessment

31. Where, by reason of the provisions of paragraph (4) of regulation 7, the decision of a recrudescence question necessitates the review of a previous assessment of disablement, the medical board may review such previous assessment accordingly, as provided by section 40 of the Act(a), so however that, in any such case, notwithstanding the provisions of subsection (3) of that section, a previous assessment may be reviewed as provided by this regulation at any time without the leave of a medical appeal tribunal.

Review of decision on diagnosis or recrudescence question

32.—(1) Any decision on a diagnosis or recrudescence question of an insurance officer, medical board or medical appeal tribunal may be reviewed at any time by a medical board if they are satisfied by fresh evidence that the decision was given in ignorance of, or was based on a mistake as to, some material fact:

Provided that a decision of a medical appeal tribunal on a diagnosis or recrudescence question shall not be reviewed by a medical board without the leave of a medical appeal tribunal.

(2) A question may be raised with a view to the review of any decision on a diagnosis or recrudescence question by means of an application in writing to an insurance officer, stating the grounds of the application, and on receipt of such application the insurance officer shall proceed to refer such question to a medical board:

Provided that where in the opinion of the insurance officer such application raises a question as to the review of a decision of a medical appeal tribunal on a diagnosis or recrudescence question, the insurance officer shall submit the application to a medical appeal tribunal so that such tribunal may consider whether leave shall be granted and shall not refer the question to a medical board unless that medical appeal tribunal grant such leave.

(a) *See* National Insurance (Industrial Injuries) Act, 1953.

(3) Subject to the foregoing provisions of this regulation, a medical board may deal with a case on a review in any manner in which they would deal with it on an original reference to them, and regulation 30 of these regulations shall apply to a decision of a medical board in connection with such an application to review as it applies to a decision on an original reference to them.

Constitution and procedure of medical board and medical appeal tribunal

33.—(1) Save in so far as they are inconsistent with, or are varied by, the foregoing provisions of this Part of these regulations, the Determination of Claims and Questions Regulations shall apply to the reference to or determination by a medical board or medical appeal tribunal of a diagnosis or recrudescence question as they apply in the case of a disablement question, so however that—

(*a*) if a diagnosis or recrudescence question is referred to a medical board to which there is also referred a disablement question and the decision of the medical board on the diagnosis or recrudescence question enables the case to be decided adversely to the claimant, the medical board shall not determine the disablement question;

(*b*) regulation 7 of the Determination of Claims and Questions Regulations (which provides for disablement questions to be referred with the consent of the claimant or beneficiary to a single medical practitioner instead of to a medical board) shall not apply to a diagnosis or recrudescence question;

(*c*) the reference to subsection (3) of section 39 of the Act in paragraph (3) of regulation 11 of the Determination of Claims and Questions Regulations shall be construed as a reference to regulation 30 (2) of these regulations.

(2) Notwithstanding the provisions of paragraph (1) of regulation 6 of the Determination of Claims and Questions Regulations (which provides that with one exception a medical board shall consist of two members) a medical board to which there is referred any question to which this Part of these regulations applies may consist of three members and the decision of such a board, if not unanimous, shall be that of the majority of such members.

PART VI

SPECIAL PROVISIONS AS TO PNEUMOCONIOSIS AND BYSSINOSIS

SECTION A—BENEFIT

Injury Benefit not payable

34. Injury benefit shall not be payable in respect of pneumoconiosis or byssinosis, and accordingly the provisions of regulation 16 shall apply to every claim for disablement benefit in respect of either of those diseases.

Special conditions for disablement benefit

35.—(1) No disablement gratuity shall be payable in respect of pneumoconiosis or byssinosis but if in any case the extent of disablement is such that, when assessed in accordance with section 12 of the Act(a), (which relates to disablement benefit), it amounts to less than twenty per cent., the beneficiary shall, subject to the proviso to subsection (7) of the said section 12,

(a) *See* National Insurance (Industrial Injuries) Act, 1953.

be entitled to a disablement pension for the period taken into account by the assessment, payable, if such assessment does not exceed ten per cent., at the weekly rate specified in the Third Schedule to the Benefit Regulations(a), (which Schedule relates to the rate of disablement pension payable in lieu of disablement gratuity) for a degree of disablement of less than eleven per cent. but not less than six per cent., and in any other case at the weekly rate so specified for a degree of disablement of less than twenty per cent. but not less than sixteen per cent.

(2) Subsection (2) of section 57 of the Act in so far as it provides that disablement benefit shall not be payable in respect of byssinosis except where the claimant is totally and permanently incapacitated for work as the result thereof, shall be subject to the modification that disablement benefit shall not be payable in respect of byssinosis unless the claimant is found to be suffering as the result thereof from loss of faculty which is likely to be permanent.

(3) Notwithstanding paragraph (*a*) of the proviso to subsection (4) of section 12 of the Act (which subsection relates to the period to be taken into account by an assessment of the extent of the claimant's disablement) the period to be taken into account by an assessment of the extent of the claimant's disablement in respect of byssinosis, if not limited by reference to the claimant's life, shall not be less than one year.

Effects of tuberculosis

36. Where any person is found to be suffering from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis shall be treated for the purposes of Part IV of the Act and of these regulations as if they were effects of the pneumoconiosis.

Increase of disablement pension in respect of pneumoconiosis in cases of special hardship

37. Where a beneficiary in receipt of a disablement pension in respect of pneumoconiosis receives advice from a pneumoconiosis medical board that in consequence of the disease he should not follow his regular occupation unless he complies with certain special restrictions as to the place, duration or circumstances of his work, or otherwise, then for the purpose of determining whether he fulfils the conditions laid down in subsection (1) of section 14 of the Act(b), (which section relates to increases of disablement pension in respect of special hardship) and for that purpose only—

(*a*) the beneficiary shall be deemed, unless the contrary is proved by evidence other than the aforesaid advice—

(i) to be incapable of following his regular occupation and likely to remain permanently so incapable ; and

(ii) to be incapable of following employment of an equivalent standard which is suitable in his case ;

(*b*) where the beneficiary has ceased to follow any occupation to which the aforesaid special restrictions were applicable, the fact that he had followed such an occupation in the period between the date of development of the disease and the date of the current assessment of his disablement, or for a reasonable period of trial thereafter, shall be disregarded.

(a) *See* S.I. 1957/2074 (1957 II, p. 1730).
(b) *See* National Insurance (Industrial Injuries) Act, 1948.

Special provision as to determination of certain claims in respect of pneumoconiosis

38.—(1) Part V of these regulations shall apply to any claim for disablement benefit in respect of pneumoconiosis by an insured person in relation to whom the disease is prescribed by virtue of sub-paragraph (ii) of paragraph (*b*) of regulation 2 subject to the modification that if the claimant fails to show to the satisfaction of the insurance officer that there is reasonable cause for suspecting that the claimant is suffering or has suffered from the disease, the insurance officer shall on that ground and without referring the diagnosis question as provided in paragraph (2) of regulation 25, determine that an award cannot be made.

(2) The provisions of the last foregoing paragraph shall apply to a local tribunal and the Commissioner as they apply to the insurance officer.

Extension of benefit for byssinosis to women

39. Those provisions of subsection (2) of section 57 of the Act which prevent the payment of benefit in respect of byssinosis in the case of women shall not apply.

SECTION B—MEDICAL EXAMINATIONS AND SUSPENSION

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 and byssinosis, 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 a radiographic examination of the lungs of the claimant, and to obtain the report of a radiologist on the case.

(4) The decision of a pneumoconiosis medical board on any diagnosis question 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.

(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.

Initial examinations

41.—(1) Where any person is, on or after the appointed day, engaged for employment in any occupation specified in paragraph (2) of this regulation, or is transferred by his employer to such employment, he shall submit himself, before the end of the second month of such new employment, for medical examination (hereinafter in these regulations referred to as an "initial examination") under arrangements made or approved by the Minister:

Provided that a person who—

(*a*) being twenty-one years of age or over, has been employed, within the three years previous to such engagement or transfer, in that occupation or in some other occupation specified in the said paragraph (2); or

(*b*) being under twenty-one years of age, has previously submitted himself for medical examination as aforesaid and has been found on such examination to satisfy the requirements with respect to physique set out in regulation 43;

shall not be required to submit himself to an initial examination under the provisions of this paragraph.

(2) For the purposes of this regulation, the specified occupations shall be any occupation in an industry or process to which the First Schedule to the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931(a), applied immediately before the appointed day, or to which the said Schedule would have applied if such industry or process had been carried on at that time.

Periodical examinations

42. Any person employed on or after the appointed day in insurable employment in an occupation in relation to which pneumoconiosis is prescribed shall submit himself for medical examination (hereafter in these regulations referred to as a "periodical examination"), under arrangements made or approved by the Minister, on the occasions and at the intervals specified in such of the following provisions of this paragraph as may be appropriate in his case, that is to say—

(*a*) in the case of any person who makes a claim for benefit in respect of pneumoconiosis—

when required to do so on making such claim, and, if required by a pneumoconiosis medical board, at such intervals thereafter as such a board may in his case from time to time direct;

(*b*) in the case of a person who is employed in an occupation specified in paragraph (2) of the last foregoing regulation—

at intervals of two years whilst so employed, or at such other intervals as a pneumoconiosis medical board may in his case from time to time direct.

Suspension on initial examination

43.—(1) If a pneumoconiosis medical board are satisfied that a person undergoing an initial examination—

(*a*) is suffering from pneumoconiosis or from tuberculosis; or

(*b*) not having been previously employed in any occupation included in Part II of the First Schedule hereto, is unsuitable for work in the occupation by reason of his failure to satisfy the requirements with respect to physique set out in the next following paragraph;

the board may issue a certificate of suspension in accordance with the provisions of regulation 45.

(2) For the purposes of the foregoing paragraph, the requirements with respect to physique shall be that the person is not suffering from any of the following conditions, namely:—

(*a*) Tuberculosis of any organ, active or inactive, except a healed pulmonary primary focus.

(*b*) Pneumoconiosis or other marked pulmonary abnormality to an extent discernible by radiological examination.

(a) S.R. & O. 1931/341, 889 (Rev. XXIV, p. 642: 1931, p. 680; 1934 II, p. 731), 1939/705 (Rev. XXIV, p. 655: 1939 II, p. 3555).

(*c*) Chronic bronchitis or asthma if causing marked incapacity.

(*d*) Severe thoracic deformity.

(*e*) Rheumatic valvular heart disease.

(*f*) Other heart disease causing disability.

Suspension on periodical examination

44. If a pneumoconiosis medical board are satisfied that a person undergoing a periodical examination is suffering from pneumoconiosis or from tuberculosis, the board may issue a certificate of suspension in accordance with the provisions of the next following regulation:

Provided that a certificate of suspension shall not be so issued in respect of a person who is found to be suffering from pneumoconiosis unaccompanied by tuberculosis, and who—

(*a*) is employed in an occupation included in paragraph 10 of Part II of the First Schedule hereto or in an occupation to which sub-paragraph (ii) of paragraph (*b*) of regulation 2 applies where in either case the occupation involves work at any coal mine or the trimming of coal; or

(*b*) is included in the Third Schedule hereto and has not applied in writing for such certificate.

Conditions of suspension

45.—(1) A certificate of suspension issued under the provisions of either of the last two foregoing regulations shall suspend the person to whom it relates from further employment in any occupation in relation to which pneumoconiosis is prescribed, with such exceptions and subject to such conditions (if any) as may be specified in the certificate.

(2) A pneumoconiosis medical board may at any time revoke or vary a certificate of suspension on the application of the person to whom it relates, but unless so revoked or varied, such certificate shall remain in force throughout the life of such person.

(3) No person who has been suspended from employment may engage or continue in employment, and no employer may employ or continue to employ any such person, in any occupation in relation to which pneumoconiosis is prescribed, except in accordance with the terms of the certificate of suspension in his case.

Duties of employers

46. Every employer who employs or intends to employ any persons in any occupation specified in paragraph (2) of regulation 41—

(*a*) shall give notice to the Minister of his commencing to carry on any industry or process which will involve the employment of any persons in any such occupation;

(*b*) shall arrange for the initial examination of any person newly engaged or transferred in his employment in circumstances in which such examination is required by regulation 41;

(*c*) shall provide such facilities as the Minister may reasonably require for the periodical examination of any persons employed by him in circumstances in which such examination is required by sub-paragraph (*b*) of regulation 42.

Fees for initial and periodical examinations

47. When a person undergoes an initial examination or a periodical examination under the provisions of sub-paragraph (*b*) of regulation 42, the employer by whom that person is employed at the time of such examination

shall pay to the Industrial Injuries Fund, in respect of an initial examination a fee of six shillings, and in respect of a periodical examination a fee of nineteen shillings with an additional fee of one pound eleven shillings and sixpence if a radiographic examination is required.

Revocation and Transitional Provisions

48.—(1) The regulations (hereinafter called " the old regulations ") specified in the Fourth Schedule hereto are hereby revoked to the extent mentioned in the third column of that Schedule.

(2) Any application, claim, award, assessment, determination, reference, examination, report, requirement or arrangement made, any certificate issued, any notice, decision or approval given or any other thing done under the old regulations and of effect immediately before the coming into operation of these regulations shall continue to have effect as if made, issued, given or done under the corresponding provisions of these regulations, and any panel constituted or board appointed under and for the purposes of the old regulations shall be deemed to have been constituted or appointed under and for the purposes of these regulations.

Dated this eighteenth day of March, 1959.

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

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.

Description of disease or injury	Nature of occupation
Poisoning by:	Any occupation involving:
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 of 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.
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.

Description of disease or injury	Nature of occupation
	Any occupation involving:
20. Glanders	Contact with equine animals or their carcases.
21. (*a*) Infection by Leptospira icterohaemorrhagiae. (*b*) Infection by Leptospira canicola	Work in places which are, or are liable to be, infested by rats. 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.
26. Heat cataract	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.

Description of disease or injury	Nature of occupation
	Any occupation involving:
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.
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.	(*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;

Description of disease or injury	Nature of occupation
Primary neoplasm—*cont.*	Any occupation involving: (*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).

PART II

Regulations 2, 4, 42, 43, 44 and 45.

1. Any occupation involving—

(*a*) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);

(*b*) the handling of any of the materials specified in the foregoing sub-paragraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.

2. Any occupation involving the breaking, crushing, or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint, or substantial exposure to the dust arising from any of such operations.

3. Any occupation involving sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from such sand blasting.

4. Any occupation involving work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations:—

(*a*) the freeing of steel castings from adherent siliceous substance;

(*b*) the freeing of metal castings from adherent siliceous substance—

(i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel; or

(ii) by the use of power-driven tools.

5. Any occupation in or incidental to the manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom.

6. Any occupation involving the grinding of mineral graphite, or substantial exposure to the dust arising from such grinding.

7. Any occupation involving the dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.

8. Any occupation involving the use, or preparation for use, of a grindstone, or substantial exposure to the dust arising therefrom.

9. Any occupation involving—

(*a*) the working or handling of asbestos or any admixture of asbestos;

(*b*) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;

(*c*) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;

(*d*) substantial exposure to the dust arising from any of the foregoing operations.

10. Any occupation involving—

(*a*) work underground in any mine in which one of the objects of the mining operations is the getting of any mineral;

(*b*) the working or handling above ground at any coal or tin mine of any minerals extracted therefrom, or any operation incidental thereto;

(*c*) the trimming of coal in any ship, barge, or lighter, or in any dock or harbour or at any wharf or quay;

(*d*) the sawing, splitting or dressing of slate, or any operation incidental thereto.

11. Any occupation in or incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom.

12. Any occupation involving boiler scaling or substantial exposure to the dust arising therefrom.

SECOND SCHEDULE Regulations 11 and 23 (2).

MODIFICATION OF PARTS II AND III OF THE ACT IN THEIR APPLICATION TO BENEFIT AND TO CLAIMS AND QUESTIONS TO WHICH THESE REGULATIONS APPLY

1. In Part II of the Act references to accidents against which a person is insured under the Act shall be construed as references to prescribed diseases against which he is so insured, and in Part II and Part III of the Act references to the relevant accident shall be construed as references to the relevant disease, and references to the date of the relevant accident shall be construed as references to the date of development of the relevant disease.

2. The following paragraph shall be added immediately after paragraph (*c*) of subsection (1) of section 36:—

"(*d*) any question—

(i) whether a person is suffering or has suffered from a prescribed disease or injury;

(ii) whether a prescribed disease or injury suffered by a person who has previously been awarded benefit under this Act or who is or has been in receipt of compensation under the Workmen's Compensation Acts, 1925 to 1945, or under any contracting-out scheme duly certified thereunder, in respect of the same disease or injury, has been contracted or received afresh (if and in so far as regulations made under Part IV of this Act necessitate the determination of that question);

shall, if the question arises in connection with a claim for or award of injury benefit or disablement benefit, be determined by an insurance officer in the light of medical advice, or by a medical board or by a medical appeal tribunal as provided by regulations."

3. The following amendment shall be made to subsection (5) of section 36:—

Before "subsection (1)" insert "paragraph (*a*), (*b*) or (*c*) of".

4. The following subsection shall be added at the end of section 46:—

"(3) No appeal shall lie under the provisions of this section from the insurance officer's decision on any of the questions referred to in paragraph (*d*) of subsection (1) of section 36."

5. The following sub-paragraph shall be added immediately after sub-paragraph (i) of paragraph (*c*) of subsection (1) of section 36:—

"(ii) where the claim is made in respect of byssinosis, whether a loss of faculty is likely to be permanent;"

THIRD SCHEDULE

Regulation 44.

Persons Exempted from Compulsory Suspension for Pneumoconiosis Unaccompanied by Tuberculosis

1. Any person who is forty-five years of age or over and has been employed for not less than twenty years in the occupation in respect of employment in which the periodical examination is made:

Provided that this paragraph shall not apply to persons employed in an occupation included in paragraph 3 of this Schedule.

2. A skilled craftsman employed in the pottery industry (that is, the manufacture of china or earthenware including sanitary earthenware, electrical earthenware and earthenware tiles).

For the purposes of this paragraph, skilled craftsmen include all persons carrying on any of the aforesaid occupations, excepting assistants and apprentices, mill labourers, china biscuit oddmen and china biscuit warehouse workers, dust carriers and female tile pressers and fettlers.

3. Any person employed in the sandstone industry, as defined in paragraph 2 of the Sandstone Industry (Silicosis) Scheme, 1931(a), who has been employed in the industry or, in the case of a skilled mason, who has been employed as such, whether in the industry or not, for not less than twenty years and has reached the age of forty years.

(a) S.R. & O. 1931/346 (Rev. XXIV, p. 620: 1931, p. 728).

FOURTH SCHEDULE Regulation 48.

REGULATIONS REVOKED

Statutory Instrument	Citation	Extent of Revocation
S.I. 1948/1371 (Rev. XVI, p. 482: 1948 I, p. 3001).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948.	The whole of the regulations.
S.I. 1948/2723 (Rev. XVI, p. 482: 1948 I, p. 3022).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1948.	The whole of the regulations.
S.I. 1949/1697 (1949 I, p. 2766).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1949.	The whole of the regulations.
S.I. 1950/1565 (1950 II, p. 41).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1950.	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.	The whole of the regulations.
S.I. 1951/918 (1951 I, p. 1516).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 3) Regulations, 1951.	The whole of the regulations.
S.I. 1951/1542 (1951 I, p. 1519).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 4) Regulations, 1951.	The whole of the regulations.
S.I. 1952/1208 (1952 II, p. 2216).	The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations, 1952.	Regulation 7 (3).
S.I. 1953/669 (1953 I, p. 1450).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1953.	The whole of the regulations.
S.I. 1953/1227 (1953 I, p. 1419).	The National Insurance (Industrial Injuries) (Transitional Provisions and Consequential Amendments) Regulations, 1953.	Regulation 6 and the entries in the Schedule under the heading "The Prescribed Diseases Regulations".
S.I. 1954/5 (1954 I, p. 1440).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1954.	The whole of the regulations.
S.I. 1954/1442 (1954 I, p. 1445).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1954.	The whole of the regulations.
S.I. 1956/118 (1956 I, p. 1693).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1956.	The whole of the regulations.
S.I. 1957/964 (1957 II, p. 1736).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1957.	The whole of the regulations.
S.I. 1958/1068 (1958 II, p. 1673).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1958.	The whole of the regulations.
S.I. 1958/2112 (1958 II, p. 1681).	The National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations, 1958.	The whole of the regulations.

EXPLANATORY NOTE

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

These Regulations consolidate the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948 and subsequent amending regulations which are set out in the Fourth Schedule and are revoked by regulation 48.

No amendments other than those of a drafting nature have been made.

NURSES AND MIDWIVES

1959 No. 2057 (S. 112)

The Nurses (Regional Nurse-Training Committees) (Scotland) Amendment Order, 1959

Made - - - -	*2nd December*, 1959
Laid before Parliament	*4th December*, 1959
Coming into Operation	*7th December*, 1959

In exercise of the powers conferred on me by subsection (1) of section 19 of and the Fourth Schedule to the Nurses (Scotland) Act, 1951(**a**), and of all other powers enabling me in that behalf, and after consultation with the General Nursing Council for Scotland, I hereby make the following Order:—

1. This Order may be cited as the Nurses (Regional Nurse-Training Committees) (Scotland) Amendment Order, 1959, and shall come into operation on the 7th day of December, 1959.

2. The Interpretation Act, 1889(**b**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. Part III of the Second Schedule to the Nurses (Regional Nurse-Training Committees) (Scotland) Order, 1956(**c**), as amended(**d**), shall be amended as follows:—

(*a*) For paragraph 1 there shall be substituted the following paragraph:—

"1. An allowance not exceeding 53s. 6d. shall be payable in respect of each night when a member is necessarily absent from his home or place of business, on the business of the Committee or sub-committee. The allowance shall be reduced after the first seven nights at one place to 43s. 6d. a night, and any case in which a member is likely to spend, or does spend, more than twenty-eight nights in one place shall be reported to the Secretary of State who shall fix a special rate in accordance with the circumstances."

(**a**) 14 & 15 Geo. 6. c. 55. (**b**) 52 & 53 Vict. c. 63. (**c**) S.I. 1956/1422 (1956 II, p. 1711).
(**d**) S.I. 1957/1318, 1958/275 (1957 II, p. 1749; 1958 II, p. 1698).