WORKMEN'S COMPENSATION

The Pneumoconiosis (Medical Arrangements) (Modification) Regulations, 1949

1949 No. 239

Made - - - -	*17th February*, 1949
Laid before Parliament	*17th February* 1949
Coming into Operation	*1st March*, 1949

M.N.I./I.I.118.

The Minister of National Insurance, in exercise of powers conferred by proviso (*b*) to subsection (1) of section 89 of the National Insurance (Industrial Injuries) Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

9 & 10 Geo. 6. c. 62

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the Pneumoconiosis (Medical Arrangements) (Modification) Regulations, 1949, and shall come into operation on the 1st March, 1949.

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

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

"the Minister" means the Minister of National Insurance;

"the Scheme" means the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931(a);

"the Medical Board" means the Medical Board appointed under the Scheme(b);

"the Medical Expenses Fund" means the Medical Expenses Fund established under the Scheme;

"the responsible officers" means the Trustees and the executive officer for the time being appointed to administer the Medical Expenses Fund and to act as Secretary thereof respectively under the provisions of the Scheme;

"the transfer date" means the 1st March, 1949;

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

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

52 & 53 Vict. c. 63.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Modification of Scheme.

2. The Scheme shall have effect subject to the provisions of these regulations, and accordingly, subject as aforesaid, paragraphs 17 to 20 inclusive of the Scheme are hereby revoked:

Provided that the responsible officers shall continue to hold office for the purpose of winding up the affairs of the Medical Expenses Fund in accordance with the provisions of these regulations for the period from the transfer date to the completion of such winding up.

(a) S.R. & O. 1931 (No. 341) p. 680 as amended by S.R. & O. 1934 (No. 889) I, p. 731; 1939 (No. 705) II, p. 3555; 1943 (No. 887) I, p. 1024; 1946 (No. 591) I, p. 2246; and S.I. 1948 (No. 1396) I, p. 4717.

(b) *See* para. 3, S.R. & O. 1931 (No. 341) p. 680.

Assets of Medical Expenses Fund to become assets of Industrial Injuries Fund.

3.—(1) Subject to the following provisions of these regulations, on the transfer date all assets of the Medical Expenses Fund shall become assets of the Industrial Injuries Fund(a).

(2) All sums accrued due on or accruing due after the transfer date which, but for the provisions of these regulations, would have been payable into the Medical Expenses Fund shall be paid into the Industrial Injuries Fund and, if not so paid, shall be recoverable as sums due to that Fund under the Industrial Injuries Act.

Provision as to liabilities.

4.—(1) All expenses incurred on or after the transfer date in respect of the performance of the functions of the Medical Board which, but for the provisions of these regulations, would have been payable out of the Medical Expenses Fund shall be discharged by the Minister as expenses of carrying the Act into effect.

(2) Save as aforesaid, all liabilities accrued on or accruing after the transfer date which were or, but for the provisions of these regulations, would have been liabilities of the Medical Expenses Fund shall be liabilities of the Industrial Injuries Fund.

Balancing and audit of accounts.

5. The books and accounts of the Medical Expenses Fund shall be made up as at the transfer date, and shall be audited by an auditor appointed by the Minister.

Winding up of the Medical Expenses Fund and transfer of assets.

6.—(1) Subject to the provisions of regulations 3 and 4, on the transfer date, or as soon as practicable thereafter, the affairs of the Medical Expenses Fund shall be wound up by the responsible officers in accordance with such arrangements as the Minister may make for that purpose, and in particular the said assets of the Medical Expenses Fund—

(*a*) in so far as they consist of stocks, shares, funds, bonds, loans and other securities, shall be transferred to the National Debt Commissioners;

(*b*) in so far as they consist of any property which is not transferred to the National Debt Commissioners in accordance with the foregoing sub-paragraph, shall be transferred to the Minister.

(2) Any such arrangements by the Minister shall provide for the payment of such expenses incurred by the responsible officers in connection with the said winding up as the Minister may consider necessary.

Assets to be transferred free from trusts.

7. Every asset which is transferred in accordance with these regulations shall vest free from any trust existing immediately before the transfer date.

Power of sale.

8. Where any of the said assets of the Medical Expenses Fund are in the opinion of the Minister unsuitable for retention as assets of the Industrial Injuries Fund, they may be sold or otherwise disposed of in such manner as he may, with the approval of the Treasury, determine.

Dated this 17th day of February, 1949.

James Griffiths,
Minister of National Insurance.

(a) *See* s. 58(1), National Insurance (Industrial Injuries) Act, 1946.

EXPLANATORY NOTE

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

These Regulations revoke the paragraphs of the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931, relating to the Medical Expenses Fund, and provide that the assets of that Fund shall become assets of the Industrial Injuries Fund on the 1st March, 1949. The Regulations also contain consequential provisions dealing with the necessary arrangements for the discharge of liabilities and the winding up and transfer of assets of the Medical Expenses Fund.