Prescribed Diseases

REGULATIONS, DATED 3RD JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1948. No. 212

The Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 54, 55, 56 and 85 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Amended 1949 S.R.&O.(N.I.) 173

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948, and shall come into operation on the 5th July, 1948.

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

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

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts (Northern Ireland), 1927 to 1943, or the enactments repealed by the Workmen's Compensation Act (Northern Ireland), 1927, or the enactments repealed by the Workmen's Compensation Act, 1906;

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

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

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

"the Ministry" means the Ministry of Labour and National Insurance for Northern Ireland;

"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);

"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;

"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" means tuberculosis of the respiratory system;

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

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

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

PART II

Prescription of diseases and presumption as to their origin

2. For the purposes of Part IV of the Act— Prescription of diseases and injuries.

(*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 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 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.

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 disease numbered 24 (*b*) in the said Schedule.

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

(*a*) was insurable employment; or

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

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.

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: Date of development.

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 17 (2) of the Claims and Payments Regulations, 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).

7.—(1) If a person after having been awarded benefit in respect of a prescribed disease other than pneumoconiosis 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— Recrudescence.

(*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 29.

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, 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*) 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, 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.

(4) 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.

PART IV

Application of Part II of the Act and of regulations made thereunder

Definition. **9.** 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. **10.**—(1) 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.

(2) Subject as aforesaid, references in the said Part II to accidents against which a person is insured under the Act shall be deemed to include references to prescribed diseases against which he is so insured, and references to the relevant accident shall be deemed to include references to the relevant disease.

Diseases contracted outside Northern Ireland.

11. For subsection (3) of section 7 of the Act (which subsection deals with accidents happening outside Northern Ireland) there shall be substituted the provision that, subject to the provisions of Part VI of the Act, 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 a 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 Northern Ireland, 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 Northern Ireland.

Injury benefit.

12.—(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.

13. Where an insured person, not having been entitled to injury benefit in respect of the relevant disease, elects to make a claim for 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 purpose of that claim, the following provisions shall apply, that is to say:—

(*a*) proviso (*c*) to subsection (4) of section 11 of the Act (which subsection relates to bringing the injury benefit period to an end by making a claim for disablement benefit) shall not apply and the claim shall be treated as if there had been no injury benefit period;

(*b*) subsections (1) and (4) of section 12 of the Act (which section relates to disablement benefit) shall have effect as if for references therein to the end of the injury benefit period (wherever those words occur) there were substituted references to the date of development.

Assessment of extent of disablement.

14. 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.

References to date of relevant accident.

15. Save as provided in the next following regulation, any reference in Part II of the Act or in the Benefit Regulations to the date of the relevant accident shall be construed as a reference to the date of development of the relevant disease.

Death benefit for women having care of deceased's children.

16.—(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.

Exception from requirements as to notice.

17. 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.

18. 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.

Time for claiming disablement benefit.

19. For paragraph (2) of regulation 12 of the Claims and Payments Regulations (which paragraph relates to the time for claiming disablement benefit) there shall be substituted the provision that every claim for disablement benefit to which these regulations apply shall be made not later than one month after the first day of the period in respect of which the claim is made.

Application of Claims and Payments Regulations and Benefit Regulations.

20. Save in so far as they are expressly varied or excluded by, or are inconsistent with, the foregoing 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, and save where the context otherwise requires, references in those regulations to accidents shall be deemed to include references to prescribed diseases and references to the relevant accident shall be deemed to include references to the relevant disease.

PART V

Procedure for determination of claims and questions

Application of this Part of these regulations.

21. 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 shall be subject to the provisions of Part VI of these regulations.

Application of Part III of the Act.

22.—(1) The provisions of section 49 of the Act (which relates to declarations that an accident is an industrial accident) 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) 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 Determination of Claims and Questions Regulations.

23. 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.

Reference of diagnosis and recrudescence questions for report.

24.—(1) In the following provisions of these regulations—

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

(*b*) any question 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 in any case a diagnosis or recrudescence question arises as respects any living person, the insurance officer shall forthwith refer that question for examination and report to one or more medical practitioners who, in the case of pneumoconiosis, shall have power, if he or they consider necessary, to make or cause to be made a radiographic examination of the person's lungs.

(3) Any diagnosis or recrudescence question arising in any case as respects any person who is not alive at the date when the question arises shall be decided as provided by subsection (2) of section 36 of the Act.

Power to dispense with reference for report.

25.—(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 24 and of the foregoing paragraphs of this regulation shall apply to a local appeal tribunal and the umpire as they apply to an insurance officer with this modification, that a local appeal tribunal or the umpire, instead of themselves or himself referring a diagnosis or recrudescence question to

a medical practitioner in accordance with regulation 24, shall direct the insurance officer to refer it to a medical board in accordance with regulation 26.

Procedure on receipt of report.

26.—(1) If a diagnosis or recrudescence question has been referred as provided by paragraph (2) of regulation 24, 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 respecting any living person, 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 28, the insurance officer shall not himself determine any recrudescence question which arises in connnection 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 revision 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.

27.—(1) Where, under the provisions of regulation 25 or 26, 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 the Ministry 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 Ministry is of opinion that there was good cause for the delay.

Appeal or reference to medical board.

28.—(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, it shall be treated also as notice of appeal on the diagnosis question and both questions shall be referred to the medical board.

(3) Subject to the provisions of regulation 30, the decision of a medical board on any diagnosis or recrudescence question referred to them under this Part of these regulations shall be final.

Review of previous assessment.

29. 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, 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.

30.—(1) Any decision on a diagnosis or recrudescence question concerning any living person 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.

(2) A question may be raised with a view to the review of such a decision as aforesaid by means of an application in writing to an insurance officer, stating the grounds of the application, and on receipt of such an application the insurance officer shall refer such question to

a medical board, who may deal with the case in any manner in which they could deal with it on an original reference to them of a diagnosis or recrudescence question, as the case may be.

Constitution and procedure of medical boards.

31.—(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 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.

(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

Abolition of injury benefit.

32. Injury benefit shall not be payable in respect of pneumoconiosis, and accordingly the provisions of regulation 13 shall apply to every claim for disablement benefit in respect thereof.

Special conditions for disablement benefit.

33. No disablement gratuity shall be payable in respect of pneumoconiosis, but if in any case the extent of disablement is such that, when assessed in accordance with section 12 of the Act (which relates to disablement benefit), it amounts to less than twenty per cent. and not less than five per cent., the beneficiary shall, subject to the proviso to subsection (7) of the said section 12, be entitled to a disablement pension for the period taken into account by the assessment, payable, if such assessment does not exceed fourteen per cent., at the weekly rate of four shillings and sixpence, and in any other case at the weekly rate of nine shillings.

34. 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. Effects of tuberculosis.

35. Medical boards shall, when determining any question in respect of pneumoconiosis, 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. Special power of medical board in pneumoconiosis cases.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 3rd day of July, 1948, in the presence of

L.S.

William Allen,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

FIRST SCHEDULE

Regulations 2 and 4.

PART I

Description of disease or injury	Nature of occupation
Poisoning by :	Any occupation involving :
1. 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	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	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	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	The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.
6. Carbon bisulphide	The use or handling of, or exposure to the fumes or vapour of, carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide.
7. Benzene or a homologue	The use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues.
8. A nitro- or amido-derivative of benzene or of a homologue of benzene.	The use or handling of, or exposure to the fumes of, or vapour containing, a nitro- or amido-derivative of benzene or of a homologue of benzene.

Description of disease or injury	Nature of occupation
Poisoning by :	Any occupation involving :
9. Dinitrophenol or a homologue ...	The use or handling of, or exposure to the fumes of, or vapour containing dinitrophenol or any of its homologues.
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, tricresyl phosphate.
12. Tri-phenyl phosphate	The use or handling of, or exposure to the fumes of, or vapour containing triphenyl 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 (excluding the condition known as chlor-acne).	The use or handling of, or exposure to the fumes of, or dust or vapour containing chlorinated naphthalene.
16. Nickel carbonyl	Exposure to nickel carbonyl gas.
17. Nitrous fumes	The use or handling of nitric acid or exposure to nitrous fumes.
18. Gonioma kamassi (African boxwood).	The manipulation of Gonioma Kamassi or any process in or incidental to the manufacture of articles therefrom.
19. Anthrax	The handling of wool, hair, bristles, hides or skins or other animal products or residues, or contact with animals infected with anthrax.
20. Glanders	Contact with equine animals or their carcases.
21. Infection by leptospira icterohaemorrhagiae.	Work in rat-infested places.
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*) Epitheliomatous cancer or ulceration of the skin, due in any case to 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, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances.
24. (*a*) Chrome ulceration	The use or handling of chromic acid, chromate or bichromate of ammonium potassium, sodium, or zinc, or any preparation or solution containing any of these substances.
(*b*) Inflammation or ulceration of the skin or of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour (including the condition known as chlor-acne but excluding chrome ulceration).	Exposure to dust, liquid or vapour.

Description of disease or injury	Nature of occupation
Poisoning by :	Any occupation involving :
25. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or leukaemia, or anaemia of the aplastic type, due to X-rays, ionising particles, radium or other radio-active substance ; or inflammation of the skin due to other forms of radiant energy.	Exposure to X-rays, ionising particles, radium or other radio-active substance or other forms of radiant energy.
26. Cataract produced by exposure to the glare of, or rays from, molten glass or molten or red-hot metal.	Frequent or prolonged exposure to the glare of, or rays from, molten glass or molten or red-hot metal.
27. Compressed air illness	Subjection to compressed air.
28. Telegraphist's cramp	The use of Morse key telegraphic instruments for prolonged periods.
29. Writer's cramp	Hand-writing for prolonged periods.
30. Twister's cramp	The twisting of cotton or woollen (including worsted) yarn.
31. Subcutaneous cellulitis of the hand (Beat hand).	Manual labour causing severe or prolonged friction or pressure on the hand.
32. Subcutaneous cellulitis or acute bursitis arising at or about the knee (Beat knee).	Manual labour causing severe or prolonged friction or pressure at or about the knee.
33. Subcutaneous cellulitis or acute bursitis arising at or about the elbow (Beat elbow).	Manual labour causing severe or prolonged friction or pressure at or about the elbow.
34. Inflammation of the synovial lining of the wrist joint and tendon sheaths.	Manual labour, or frequent or repeated movements of the hand or wrist.
35. Miner's nystagmus...	Work in or about a mine.

PART II

Regulations 2 and 4.

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 subparagraph 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—

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

(*b*) the blasting of metal castings to free them from adherent siliceous substance by means of any abrasive, by a blast of compressed air, by steam or by a wheel;

(*c*) the moulding of iron castings with the use of siliceous materials as a facing powder or parting powder;

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

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 coal, tin, slate or haematite iron ore mine;

(*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.

Regulation 22 (2).

SECOND SCHEDULE

Modification of Part III of the Act in its application to claims and questions to which these Regulations apply

1. 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 (Northern Ireland), 1927 to 1943, 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 that person is alive at the date when the question arises, be determined by an insurance officer in the light of medical advice, or by a medical board, as provided by regulations."

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

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

3. 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."

Reciprocal Arrangements with Great Britain

REGULATIONS, DATED 24TH JUNE, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1948. No. 193

The Ministry of Labour and National Insurance in exercise of the powers conferred by section 83 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland), 1948, and shall come into operation on 24th June, 1948.

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

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

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

" the Ministry " means the Ministry of Labour and National Insurance for Northern Ireland;

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

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

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

2. The provisions contained in the Memorandum of Reciprocal Arrangements set out in the First Schedule to these regulations shall have full force and effect so far as the same relate to Northern Ireland.