FIRST SCHEDULE

INSURABLE EMPLOYMENTS

Regulation 2.

Paragraphs of Part I of the First Schedule to the Act	*Employments to be included as insurable employments*
Paragraph 2 (which relates to employment as master or member of the crew of a ship or vessel).	Employment (other than employment already specified in paragraph 2 of Part I of the First Schedule to the Act) in the fishing industry as master or a member of the crew of a fishing vessel, which is manned by more than one person and is a ship or vessel to which the said paragraph 2 applies where the person employed is remunerated in respect of that employment in whole or in part by a share in the profits or gross earnings of that fishing vessel and either — (*a*) during the twelve months immediately preceding the commencement of that employment has, or would but for his being unemployed or incapable of work have, been wholly or mainly engaged in, and derived his livelihood wholly or mainly from, employment in the fishing industry as aforesaid or such employment and any other employment as an employed person within the meaning of the National Insurance Act (Northern Ireland), 1946 ; or (*b*) if unable to satisfy the foregoing condition, may reasonably be expected so to be engaged and to derive his livelihood during the twelve months following the commencement of that employment : and in determining under this paragraph the commencement of such employment, but for that purpose only, any such employment occurring before the appointed day shall be disregarded.

SECOND SCHEDULE

EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS

Regulation 3.

Employments	*Persons to be treated as employers*
3. Employment as master or a member of the crew of a fishing vessel, being employment which is included as insurable employment by virtue of these regulations.	3. The owner (or the managing owner or manager, if there is more than one owner) of the fishing vessel.

Prescribed Diseases

REGULATIONS, DATED 21ST SEPTEMBER, 1949, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1949. No. 173

The Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 54, 55 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 :—

Citation, commencement and interpretation.

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations (Northern Ireland), 1949, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948 (hereinafter referred to as " the principal regulations "), and shall come into operation forthwith.

Amendment of provisions as to increase of disablement benefit in cases of special hardship, in relation to prescribed diseases.

2.—(1) The following regulation shall be substituted for regulation 13 of the principal regulations (which relates to the date of development where disablement benefit is not preceded by injury benefit) :—

" 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 purposes 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) and subsection (1) of section 14 of the Act and regulation 4A of the Benefit Regulations (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) there were substituted references to the date of development."

(2) Regulation 20 of the principal regulations (which relates to the application of the Claims and Payments Regulations and the Benefit Regulations in relation to prescribed diseases) shall be amended by the addition, at the end thereof, of the words " and in regulation 4A of the Benefit Regulations (which regulation relates to increase of disablement pension in cases of special hardship) the reference to the effects of the relevant injury shall be deemed to include a reference to the effects of the relevant disease ".

Amendment of provisions relating to diagnosis and recrudescence questions.

3.—(1) The following regulation shall be substituted for regulation 24 of the principal regulations :—

"Reference of diagnosis and recrudescence questions for report.

24.—(1) In the following provisions of these regulations any question arising in connection with a claim for an 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, shall have power, if he or they consider necessary, to make or cause to be made a radiographic examination of the person's lungs."

(2) In paragraph (4) of regulation 26 of the principal regulations (which paragraph relates to the reference of a diagnosis or recrudescence question to a medical board where a disablement question arises), the words " respecting any living person " shall be omitted.

(3) In paragraph (1) of regulation 30 of the principal regulations (which paragraph relates to the review of any decision on a diagnosis or recrudescence question), the words " concerning any living person " shall be omitted.

(4) The following paragraph shall be substituted for paragraph 1 of the Second Schedule to the principal regulations :—

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

Amendments in relation to pneumoconiosis.

4. Part VI of the principal regulations (which Part contains special provisions in respect of pneumoconiosis) shall be amended by inserting, after regulation 35, the following new regulation :—

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

36. Where a beneficiary in receipt of a disablement pension in respect of pneumoconiosis receives advice from a 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 (which section relates to increase 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."

Prescription of additional disease.

5. Part I of the First Schedule to the principal regulations shall be amended by the addition, at the end of the first and second columns thereof respectively, of the disease or injury specified in the first column of the Schedule hereto and of the occupation set against the said disease or injury in the second column of that Schedule.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 21st day of September, 1949, in the presence of

(L.S.)

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

SCHEDULE

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

Reciprocal Agreement with Eire

ORDER IN COUNCIL, DATED 25TH APRIL, 1949, MADE UNDER SECTION 61 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AND SECTION 84 OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1949. No. 82

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GRANVILLE

I, WILLIAM SPENCER, EARL GRANVILLE, Knight Commander of the Royal Victorian Order, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Vice-Admiral, Governor of Northern Ireland, in pursuance of section 61 of the National Insurance Act (Northern Ireland), 1946, and section 84 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling me in that behalf, by and with the advice of the Privy Council of Northern Ireland, do hereby order as follows :—

1.—(1) This Order may be cited as the National Insurance and Industrial Injuries (Reciprocal Agreement with Eire) Order (Northern Ireland), 1949, and shall be deemed to have had effect from the 5th July, 1948.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

2. The provisions contained in the Agreement relating to insurance and workmen's compensation set out in the schedule to this Order shall have full force and effect so far as the same relate to Northern Ireland, and the National Insurance Acts (Northern