Prescribed Diseases

REGULATIONS, DATED 17TH AUGUST, 1956, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1956. No. 126 **[C]**

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(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations (Northern Ireland), 1956, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948(b) (hereinafter referred to as the "principal regulations"), and shall come into operation on the 1st September, 1956.

Amendment of Regulation 2 of the principal regulations

2. The following sub-paragraph shall be added to regulation 2 of the principal regulations:—

"(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."

Amendment of Regulation 4 of the principal regulations

3. The following paragraph shall be added to regulation 4 of the principal regulations:—

"(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."

Amendment of Regulation 33 of the principal regulations

4. The following regulation shall be substituted for regulation 33 of the principal regulations (which relates to special conditions for disablement benefit):—

(a) 1946. c. 21.

(b) S.R. & O. 1948. No. 212 as amended by S.R. & O. 1949. No. 173; S.R. & O. 1951. No. 21; S.R. & O. 1951. No. 31; S.R. & O. 1953. No. 74; S.R. & O. 1954. No. 21; S.R. & O. 1956. No. 13.

" **33.**—(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 (which relates to disablement benefit) it amounts to less than twenty per cent, the beneficiary shall, subject to the proviso to sub-section (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 ten per cent, at the weekly rate of six shillings and ninepence, and in any other case at the weekly rate of thirteen shillings and sixpence.

(2) 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 sub-section (4) of section 12 of the Act (which sub-section 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."

Minor amendments of the principal regulations

5. The words " or byssinosis " shall be inserted after the word " pneumoconiosis " where it occurs in regulations 7(1), 8(1), 21, 24, 32 and 35 of the principal regulations.

Transitional provisions

6.—(1) Where a person has been employed on or at any time after the 5th July, 1948, in insurable employment in any of the occupations specified in regulation 2 of these regulations and is suffering, on the date on which these regulations come into operation, from a loss of faculty as a result of byssinosis which is likely to be permanent, the provisions of regulation 6 of the principal regulations (which relates to date of development) shall be applied subject to the modification that the said date on which these regulations come into operation shall be treated as the day on which he first suffered from the relevant loss of faculty, and the date of development shall be determined accordingly.

(2) Where a person to whom the last foregoing paragraph applies is awarded disablement benefit in respect of byssinosis and claims an increase of benefit under section 14 of the Act (which section relates to increases of disablement benefit in cases of special hardship), then, if at any time after having been employed as aforesaid but before the date on which these regulations come into operation that person has abandoned any occupation as a result of the disease, the fact that he has abandoned that occupation shall be disregarded in determining his regular occupation for the purposes of the said section 14.

(3) Where at any time after the 5th July, 1948, but before the date on which these regulations come into operation, the

death of any person who has been employed as aforesaid has resulted from byssinosis and the disease was due to the nature of that employment, that person shall be treated for the purposes of Part IV of the Act (which relates to extension of insurance to diseases) and of the principal regulations, as amended, as if these regulations had been in force at the date of death, subject to the following modifications:—

(*a*) no benefit shall be payable in respect of the death of that person—

(i) by way of pension or allowance for any period before the said date on which these regulations come into operation;

(ii) by way of gratuity, on a claim made by or on behalf of any other person who has died before that date or to the widow of the deceased if she has remarried before that date:
Provided that a person who would be entitled to any benefit but for the operation of this sub-paragraph shall (except as provided in the next succeeding sub-paragraph) be treated as if he were entitled thereto for the purposes of any rights or obligations under the Act (whether of himself or any other person) which depend on his being so entitled other than the right to payment of that benefit:

(*b*) in applying, in respect of the death of that person, the provisions of the Fourth Schedule to the Act (which limit benefit payable in respect of any death) any person who has died before the said date on which these regulations come into operation shall be disregarded.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this
(L.S.) 17th day of August, 1956, in the presence of

H. Anderson,

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

Widow's Benefit and Miscellaneous Provisions

REGULATIONS, DATED 21ST AUGUST, 1956, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND), 1946 TO 1956.

1956. No. 136. **[C]**

The Ministry of Labour and National Insurance, in exercise of powers conferred by section 19(3)(*d*) of the National Insurance