The Ministry of Finance hereby approves of the foregoing rules.

Sealed with the official seal of the Ministry of Finance for Northern Ireland this fifteenth day of January, 1959, in the presence of

(L.S.) *K. Shimeld,*
Assistant Secretary.

SCHEDULE

Rules repealed by Rule 2

The Teachers Superannuation Rules, 1951: S.R. & O., 1951, No. 106;

the Teachers Superannuation Amending Rules (Northern Ireland), 1957: S.R. & O., 1957, No. 123;

the Teachers (Superannuation) Amending (No. 2) Rules (Northern Ireland), 1957: S.R. & O., 1957, No. 219; and

the Teachers (Superannuation) Amending Rules (Northern Ireland), 1958: S.R. & O., 1958, No. 148.

EXPLANATORY NOTE

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

These Rules consolidate all the general Rules relating to teachers' superannuation which deal with the prescribing of dates and periods, and minor matters under the Acts. Rule 15, which is new, prescribes the time within which a teacher who suffers a reduction in salary may elect to pay contributions at the higher rate.

1959. No. 9 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Prescribed Diseases

REGULATIONS, DATED 22ND JANUARY, 1959, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

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

(a) 1946. c. 21.

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations (Northern Ireland), 1959, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948(a) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 26th January, 1959.

Amendment of regulation 28 of the principal regulations

2. In paragraph (3) of regulation 28 of the principal regulations, for the words "regulation 30" there shall be substituted the words "regulations 28A and 30".

Provisions added to the principal regulations

3. The following regulation shall be inserted in the principal regulations after regulation 28 thereof and shall have effect in relation to decisions of medical boards given on or after the date of the coming into operation of these regulations:—

"Appeal or reference to medical appeal tribunal

28A.—(1) If a claimant is dissatisfied with the decision of a medical board on a diagnosis or recrudescence question in a case of any disease or injury set out in the first column of Part I of the First Schedule to these regulations, he may appeal and the case shall be referred to a medical appeal tribunal.

(2) If the Ministry notifies the insurance officer that it is of opinion that any decision of a medical board on a diagnosis or recrudescence question in the case of any such disease or injury 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."

Amendment of regulation 30 of the principal regulations

4.—(1) Regulation 30 of the principal regulations (which relates to the power of review of a decision on a diagnosis or recrudescence question) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part I of the Schedule.

(2) In paragraph (1) of the said regulation 30 after the words "recrudescence question" there shall be inserted the words "of an insurance officer, medical board or medical appeal tribunal", and at the end of the said paragraph there shall be added the following proviso:—

"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."

(a) S.R. & O. (N.I.) 1948, No. 212, as amended by S.R. & O. (N.I.) 1949, No. 173; S.R. & O. (N.I.) 1951, No. 21; S.R. & O. (N.I.) 1953, No. 74; S.R. & O. (N.I.) 1954, No. 21; S.R. & O. (N.I.) 1956, No. 126; S.R. & O. (N.I.) 1957, No. 108 and S.R. & O. (N.I.) 1958, No. 120.

(3) For paragraph (2) of the said regulation 30 (which paragraph relates to the procedure on an application for review) there shall be substituted the following paragraphs:—

"(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.

(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 could deal with it on an original reference to them, and regulation 28A of these regulations shall apply to a decision of a medical board in connection with such an application to review to the extent to which it applies to a decision on an original reference to them."

Amendment of regulation 31 of the principal regulations

5.—(1) Regulation 31 of the principal regulations (which relates to the constitution and procedure of medical boards when determining a diagnosis or recrudescence question) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part II of the Schedule.

(2) In paragraph (1) of the said regulation 31 the words "or medical appeal tribunal" shall be inserted immediately after the words "a medical board" where they first occur, and at the end of the said paragraph there shall be added the following sub-paragraph:—

"(*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 paragraph (2) of regulation 28A of these regulations."

Amendment of Second Schedule to the principal regulations

6. In paragraph 1 of the Second Schedule to the principal regulations (which paragraph adds a new paragraph immediately after paragraph (*c*) of subsection (1) of section 36 of the Act) after the words "or by a medical board" there shall be inserted the words "or by a medical appeal tribunal".

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 22nd day of January, nineteen hundred and fifty-nine.

(L.S.)

H. A. Lowry,
Assistant Secretary.

SCHEDULE

PART I Regulation 4.

Containing Regulation 30 of the Principal Regulations as Amended*

Review of decision on diagnosis or recrudescence question

30.—(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.

(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 could deal with it on an original reference to them, and regulation 28A of these regulations shall apply to a decision of a medical board in connection with such an application to review to the extent to which it applies to a decision on an original reference to them.*

PART II Regulation 5.

Containing Regulation 31 of the Principal Regulations as Amended*

Constitution and procedure of medical board and medical appeal tribunal

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 *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 paragraph* (2) *of regulation* 28A *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

* The words added or substituted by these regulations are shown in italics.