1965. No. 126 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Prescribed Diseases

REGULATIONS, DATED 18TH JUNE, 1965, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1946.

The Ministry of Health and Social Services, in exercise of powers conferred by sections 54 and 55 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 Regulations (Northern Ireland) 1965, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1960(**b**) (hereinafter referred to as "the principal regulations") and shall come into operation on 21st June, 1965.

Amendment of Part I of Schedule 1 to the principal regulations

2. Part I of Schedule 1 to the principal regulations shall be amended by the addition at the end of the first and second columns thereof, respectively, of the disease, hereinafter referred to as "farmer's lung", specified in the first column of Schedule 1 to these regulations and of the occupations set against the said disease in the second column of that Schedule.

Amendment of regulation 1 of the principal regulations

3. In regulation 1(2) of the principal regulations (which relates to interpretation) after the definition of "tuberculosis" there shall be inserted the following definition:

> " 'farmer's lung' means the disease numbered 43 in Part I of the First Schedule;".

Amendment of regulations 20 and 23 of the principal regulations

4. In the principal regulations, regulation 20 (which relates to the application of provisions for the determination of claims and questions to prescribed diseases) and regulation 23(2) (which relates to the reference of diagnosis and recrudescence questions to one or more medical practitioners for report) shall be amended by the substitution, for the words "pneumoconiosis or byssinosis", of the words "pneumoconiosis, byssinosis or farmer's lung".

Amendment of regulation 24 of the principal regulations

5. After paragraph (1) of regulation 24 of the principal regulations (which relates to power to dispense with reference to one or more medical practitioners for report) there shall be added the following paragraph:

(a) 1946. c. 21.
(b) S.R. & O. (N.I.) 1960, No. 209 as amended by S.R. & O. (N.I.) 1961, No. 101.

"(1A) The insurance officer may, if he is satisfied that a reference for report as provided in regulation 23(2) may be dispensed with on any of the grounds specified in paragraph (1), refer for the decision of a medical board any diagnosis or recrudescence question in connection with a claim in respect of farmer's lung without having referred such a question for report as aforesaid.".

Amendment of Part VI of the principal regulations

6.—(1) For the heading of Part VI of the principal regulations there shall be substituted the words "Special Provisions as to Pneumoconiosis, Byssinosis and Farmer's Lung".

(2) Regulation 37 of the principal regulations (which relates to special power of medical board) shall be amended as follows:

(*a*) for the heading there shall be substituted the words "Special power of medical board in pneumoconiosis, byssinosis and farmer's lung cases";

(*b*) for the words "pneumoconiosis or byssinosis" there shall be substituted the words "pneumoconiosis, byssinosis or farmer's lung";

(*c*) at the end there shall be added the words "and in connection with a claim in respect of farmer's lung shall also have power to make or cause to be made serological and lung function tests and to obtain reports upon the results of such tests";

and shall accordingly have effect as set out in Schedule 2.

Transitional provisions

7.—(1) Where a person, who has been employed on or at any time after 5th July, 1948 in insurable employment in any of the occupations specified in the second column of Schedule 1, is, as the result of farmer's lung, either incapable of work or suffering from a loss of faculty on the date on which these regulations come into operation, and the disease is due to the nature of the employment, the provisions of regulation 6 of the principal regulations (which relates to the 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 first day on which he was incapable of work or, as the case may be, 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 paragraph (1) applies is awarded disablement benefit in respect of farmer's lung and claims an increase of that benefit under section 14 of the Act (which section relates to increase of disablement pension 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.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 18th day of June, 1965.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

SCHEDULE 1 Regulation 2

Description of disease or injury	*Nature of occupation*
43. Pulmonary disease due to the inhalation of the dust of mouldy hay or of other mouldy vegetable produce, and characterised by symptoms and signs attributable to a reaction in the peripheral part of the broncho-pulmonary system, and giving rise to a defect in gas exchange (farmer's lung).	Any occupation involving exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment: (*a*) in agriculture, horticulture or forestry; or (*b*) loading or unloading or handling in storage such hay or other vegetable produce; or (*c*) handling bagasse.

SCHEDULE 2 Regulation 6

Regulation 37 of the Principal Regulations as amended*

Special power of medical board in pneumoconiosis, byssinosis and farmer's lung cases

37. Medical boards shall, when determining any question in respect of *pneumoconiosis, byssinosis or farmer's lung,* 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 *and in connection with a claim in respect of farmer's lung shall also have power to make or cause to be made serological and lung function tests and to obtain reports upon the results of such tests.*

EXPLANATORY NOTE

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

The Regulations, by making an addition to the diseases prescribed in Part I of Schedule 1 to the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1960 extend insurance under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 to the respiratory complaint known as "farmer's lung" in the case of persons insurably employed in occupations involving exposure to the dust of certain mouldy vegetable produce known to cause the disease.

The Regulations contain transitional provisions relating to persons who are already suffering from the disease on the date when they come into operation.

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