SCHEDULE

"FOURTH SCHEDULE

Works eligible for additional grant under Part III where a farm improvement grant of 25 per cent. is payable under the authority of the Appropriation Act 1966

1. Provision of means of sewage disposal other than from dwelling houses.

2. Making and improvement of roads, fords, bridges, railway crossings and creeps.

3. Provision or laying on of electric light or power to farms for agricultural purposes.

4. Provision and improvement of pens and other fixed equipment for use in connection with the sheltering, gathering, marking, dipping, spraying, treatment or feeding of sheep and cattle.

5. Making and improvement and renewal (but not repair) of permanent fences (including hedges), walls and gates.

6. Reclamation of waste land.

7. Removal of hedges and banks, filling in of ditches, removal of boulders, tree roots and other like obstructions to cultivation."

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme amends the Agricultural Development Scheme 1961 by providing for an additional grant of one-sixth to be paid for certain works approved after 17th November 1965 for the payment of a farm improvement grant of 25 per cent. under the authority of the Parliament of the United Kingdom. It also provides for an additional grant of one-sixth to be paid for certain works which qualify for grant of one-third under Schemes made under the provisions of Sections 1, 2 and 6 of the Horticulture Act 1960 as amended by Section 5 of the Agriculture and Horticulture Act 1964.

1966. No. 238 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Prescribed Diseases

REGULATIONS, DATED 4TH OCTOBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in exercise of powers conferred by section 49 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a), section 55 of that Act, as modified by section 8 of the National

(a) 1966. c. 9 (N.I.).

Insurance (No. 2) Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations (Northern Ireland) 1966, 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 6th October 1966.

Amendment of regulation 1 *of the principal regulations*

2. In regulation 1(2) of the principal regulations (interpretation) for the definition of "the Determination of Claims and Questions Regulations" there shall be substituted the following:

> "'the Determination of Claims and Questions Regulations' means in relation to the determination of any claim or question by an insurance officer, a local tribunal or the Commissioner on an appeal from a local tribunal, the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1948(c), and in relation to any other matters arising in connection with any provision of these regulations means the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland) 1948(d);".

Amendment of regulation 6 *of the principal regulations*

3. In regulation 6(3) of the principal regulations (date of development) for all the words after the words "but for" there shall be substituted the words "the provisions of section 5(2)(*b*) of the National Insurance (No. 2) Act (Northern Ireland) 1966 (restriction on injury benefit for first three days of a period of interruption of employment)."

Amendment of regulation 13 *of the principal regulations*

4. Paragraph (1) of regulation 13 of the principal regulations is hereby revoked.

Regulation substituted for regulation 21 *of the principal regulations*

5. For regulation 21 of the principal regulations there shall be substituted the following regulation:

> "*Application of Part III of the National Insurance (Industrial Injuries) Act (Northern Ireland)* 1966 *and Part IV of the National Insurance Act (Northern Ireland)* 1966
>
> **21.**—(1) The provisions of section 40(3) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 (effect of decisions as to loss of faculty) and of section 47 of the said Act (declaration that an accident is an industrial accident) shall not apply in relation to prescribed diseases.
>
> (2) Save as provided in paragraph (1), the provisions of Part III of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 and of Part IV of the National Insurance Act (Northern Ireland) 1966 as modified by the National Insurance (No. 2) Act (Northern Ireland) 1966 shall apply, as appropriate, 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."

(a) 1966. c. 16 (N.I.).
(b) S.R. & O. (N.I.) 1960, No. 209.
(c) S.R. & O. (N.I.) 1948, No. 185.
(d) S.R. & O. (N.I.) 1948, No. 201.

Amendment of regulation 24 *of the principal regulations*

6. Regulation 24(4) of the principal regulations (power to dispense with reference of diagnosis and recrudescence questions to a medical practitioner for report) shall be amended by the deletion of the word "appeal" in both places where the expression "local appeal tribunal" appears.

Amendment of regulation 25 *of the principal regulations*

7. For regulation 25(6) of the principal regulations there shall be substituted the following paragraph:

"(6) Subject to the provisions of these regulations, the provisions of sections 68, 70 and 71 of the National Insurance Act (Northern Ireland) 1966, as modified by the National Insurance (No. 2) Act (Northern Ireland) 1966, 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 review of the decision of, a special question within the meaning of Part III of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 included references to the determination of, or to the review of the decision of, a diagnosis or recrudescence question under these regulations."

Amendment of regulation 28 *of the principal regulations*

8. For regulation 28(3) of the principal regulations (power of medical appeal tribunals to determine questions arising in connection with questions referred) there shall be substituted the following paragraph:

"(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,—

(*a*) may proceed to determine any recrudescence or diagnosis question which arises in connection therewith and any disablement question which arises in consequence thereof and where a decision on any such question has been given by a medical board, may confirm, reverse or vary that decision; and

(*b*) if it is determined that the disease is a recrudescence of an attack to which an earlier decision of a medical board or a medical appeal tribunal relates, may proceed to review that earlier decision under the provisions of section 40(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966."

Amendment of regulation 31 *of the principal regulations*

9. After regulation 31(1)(*b*) of the principal regulations there shall be added the following sub-paragraph:

"(*bb*) regulation 12(5) of the Determination of Claims and Questions Regulations (power of medical appeal tribunals to take into account medical evidence not disclosed to the claimant) shall apply to a medical board to which there is referred any question to which this Part of these regulations applies."

Schedule substituted for Schedule 2 *to the principal regulations*

10. The Schedule set out in the Schedule to these regulations shall be substituted for Schedule 2 to the principal regulations.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 4th day of October 1966.

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

SCHEDULE Regulation 10

Showing the Schedule substituted by these Regulations for Schedule 2 to the Principal Regulations

"SECOND SCHEDULE Regulations 10 and 21(2)

Modifications of Parts II and III of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 and of Part IV of the National Insurance Act (Northern Ireland) 1966 as modified by the National Insurance (No. 2) Act (Northern Ireland) 1966, in their application to benefit and claims and questions to which these Regulations apply

1. In Part II of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 (hereinafter in this Schedule referred to as 'the Act of 1966') references to accidents against which a person is insured under the Act of 1966 shall be construed as references to prescribed diseases against which he is so insured and, in Part II and Part III of the Act of 1966, references to the relevant accident shall be construed as references to the relevant disease and references to the date of the relevant accident shall be construed as references to the date of development of the relevant disease.

2. There shall be included in the questions to be determined under the Act of 1966 or, where appropriate, the National Insurance Act (Northern Ireland) 1966 (hereinafter in this Schedule referred to as 'the Insurance Act') as modified by the National Insurance (No. 2) Act (Northern Ireland) 1966, any question:

(*a*) whether a person is suffering or has suffered from a prescribed disease or injury;

(*b*) whether a prescribed disease or injury, suffered by a person who has previously been awarded benefit under the Act or under the Act of 1966 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 the Act of 1966 necessitate the determination of that question);

(*c*) where a claim is made in respect of byssinosis, whether a loss of faculty is likely to be permanent;

which shall, where the question arises in connection with a claim for or award of injury benefit or disablement benefit, be determined as provided by regulations, by an insurance officer in the light of medical advice in the case of a question such as is mentioned in sub-paragraph (*a*) or (*b*), or by a medical board or a medical appeal tribunal:

Provided that no appeal shall lie under the provisions of section 68 or 69 of the Insurance Act from a decision of an insurance officer on any such question."

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1960 so as to permit medical appeal tribunals which decide diagnosis or recrudescence questions in a claimant's favour to proceed to make an assessment of the disablement arising in consequence of the prescribed disease. Power is also given to medical boards, in the interests of claimants, not to disclose to them certain medical evidence taken into account in their deliberations.

The Regulations also make a number of formal amendments in consequence of the passing of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 and the National Insurance (No. 2) Act (Northern Ireland) 1966.