1974. No. 222 [C]

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Prescribed Diseases

REGULATIONS, DATED 30TH AUGUST 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND) 1966 TO 1972.

The Department of Health and Social Services, in exercise of powers conferred by section 54 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**a**) and section 55 of that Act, as modified by section 8 of the National Insurance (No. 2) Act (Northern Ireland) 1966(**b**) and section 5 of the National Insurance Act 1972(**c**), 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) 1974, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1960(**d**) (hereinafter referred to as "the principal regulations") and shall come into operation on 27th November 1974.

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation) after the definition of the term "the Act of 1966" there shall be inserted the following definition:

" "diffuse mesothelioma" means the disease numbered 44 in Part I of the First Schedule;".

Amendments relating to byssinosis

3.—(1) In regulation 2(*c*) of the principal regulations (insured persons in relation to whom byssinosis is prescribed) there shall be made the following amendments:

(*a*) for the words "ten years" there shall be substituted the words "5 years";

(*b*) for the words "the carding process" there shall be substituted the words "the winding or beaming process".

(2) Regulation 33(2) of the principal regulations is hereby revoked.

Transitional provisions relating to byssinosis

4.—(1) Where a person, who has been employed on or at any time after 5th July 1948 in insurable employment

(*a*) in any of the occupations included in regulation 2(*c*) of the principal regulations by virtue of the amendment made by regulation 3(1)(*b*),

(**a**) 1966. c. 9 (N.I.).
(**b**) 1966. c. 16 (N.I.).
(**c**) 1972. c. 57.
(**d**) S.R. & O. (N.I.) 1960, No. 209.

(*b*) in relation to whom byssinosis is prescribed by virtue of the extension of the said regulation 2(*c*) by the amendment made by regulation 3(1)(*a*), or

(*c*) in relation to whom disablement benefit in respect of byssinosis becomes payable by virtue of the amendment made by regulation 3(2),

is suffering from a loss of faculty as the result of byssinosis (hereinafter in this regulation referred to as "the disease") on the date on which these regulations come into operation, and the disease is due to the nature of that employment, the provisions of regulation 6 of the principal regulations (date of development) shall be applied subject to the modification that the 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 paragraph (1) applies is awarded disablement benefit in respect of the disease and claims an increase of that benefit under section 14 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 (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.

Amendments relating to claims in respect of diffuse mesothelioma

5.—(1) Regulation 27(3) of the principal regulations (appeal or reference to medical board) is hereby revoked.

(2) In regulation 28(1) of the principal regulations (appeal or reference to medical appeal tribunal) there shall be inserted at the beginning the words "Subject to the provisions of regulation 37A," and the words "in a case of any disease or injury set out in the first column of Part I of the First Schedule" shall be omitted.

(3) In regulation 28(2) of the principal regulations (reference to medical appeal tribunal) there shall be inserted at the beginning the words "Subject as aforesaid," and the words "in the case of any such disease or injury" shall be omitted.

(4) In regulation 32 of the principal regulations (injury benefit not payable in respect of certain diseases) for the words "pneumoconiosis, byssinosis or occupational deafness" there shall be substituted the words "pneumoconiosis, byssinosis, occupational deafness or diffuse mesothelioma".

(5) Notwithstanding the amendment made by paragraph (4), where injury benefit in respect of diffuse mesothelioma is awarded to a claimant for a period commencing before the date on which these regulations come into operation, injury benefit shall continue to be available to him during any part of the relevant injury benefit period which falls after the said date and the provisions of regulation 14 of the principal regulations (disablement benefit not preceded by injury benefit) shall not apply to that case.

(6) In regulation 33(1) of the principal regulations (payment of pension instead of gratuity in certain cases for disablement of less than twenty per cent.) for the words "pneumoconiosis or byssinosis" there shall be substituted the words "pneumoconiosis, byssinosis or diffuse mesothelioma".

(7) After regulation 37 of the principal regulations there shall be inserted the following regulation: