1974. No. 218 [C]

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Prescribed Diseases

REGULATIONS, DATED 28TH 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 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 28th October 1974.

Amendment of Part I of the First Schedule to the principal regulations

2. Part I of the First Schedule 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 "occupational deafness", specified in the first column of the Schedule hereto 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 (interpretation) after the definition of "farmer's lung" there shall be inserted the following definitions:

" "occupational deafness" means the disease numbered 48 in Part I of the First Schedule;

"the Act of 1966" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.".

Amendment of regulation 2 of the principal regulations

4.—(1) Regulation 2(*a*) of the principal regulations (prescription of diseases and injuries) shall be amended by the insertion of the words "subject to paragraph (*d*)" at the beginning of that regulation.

(2) Regulation 2 of the principal regulations shall be further amended by the addition of the following paragraph:

(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, as amended by S.R. & O.'s (N.I.):—1961, No. 101; 1965, Nos. 126 and 215; 1966, Nos. 193 and 238; 1967, No. 223; 1969, No. 119; 1972, Nos. 155, 209 and 286; 1973, No. 496

"(*d*) occupational deafness 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 20 years;

in one or more of the occupations set out in the second column of paragraph 48 of Part I of the said Schedule.".

Amendment of regulation 4 *of the principal regulations*

5.—(1) In the proviso to regulation 4(1) of the principal regulations (presumption) for "38, 41 and 42" there shall be substituted "38, 41, 42 and 48".

(2) Regulation 4 of the principal regulations shall be further amended by the addition of the following paragraph:

"(5) Where an insured person in relation to whom occupational deafness is prescribed in regulation 2(*d*) develops occupational deafness, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment.".

Amendment of regulation 6(2) *of the principal regulations*

6.—(1) In regulation 6(2)(*b*) of the principal regulations (date of development) after the words "disablement benefit" there shall be inserted the words "(except in respect of occupational deafness)".

(2) After regulation 6(2)(*b*) of the principal regulations there shall be added the following paragraph:

"(*bb*) a claim for disablement benefit in respect of occupational deafness, the date of development shall be the day on which the claimant first suffered from the relevant loss of faculty on or after 3rd February 1975; or, if later, the date on which such a claim is made as results in the payment of benefit; or".

Amendment of regulation 7(1) *of the principal regulations*

7. In regulation 7(1) of the principal regulations (recrudescence) for the words "pneumoconiosis or byssinosis" there shall be substituted the words "pneumoconiosis, byssinosis or occupational deafness".

Amendment of regulation 32 *of the principal regulations*

8. In regulation 32 of the principal regulations (non-payment of injury benefit in certain cases) for the words "pneumoconiosis or byssinosis" there shall be substituted the words "pneumoconiosis, byssinosis or occupational deafness" and for the word "either" there shall be substituted the word "any".

Additions to the principal regulations

9. The principal regulations shall be amended by the addition of the following regulations after regulation 36: