SECOND SCHEDULE Article 5

Enactments	*Provisions Repealed*
The National Insurance Act (Northern Ireland), 1951(a).	In the Schedule, paragraph 4.
The National Insurance (No. 2) Act (Northern Ireland), 1957(b).	Section 1. In section 2, sub-sections (1), (3) and (4). The First, Second and Third Schedules. In the Fourth Schedule, Parts I and III. The Fifth Schedule except so far as it relates to section 69 of the National Insurance Act (Northern Ireland), 1946.
The National Insurance Act (Northern Ireland), 1959(c).	The First Schedule.

1960. No. 209 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Prescribed Diseases

REGULATIONS, DATED 22ND DECEMBER, 1960, 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 54, 55 (as extended by paragraph 7(2) of the Second Schedule to the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953(d)), and 56 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(e), and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1960, and shall come into operation on the 31st day of December, 1960.

(a) 1951. c. 18.
(b) 1957. c. 26.
(c) 1959. c. 21.
(d) 1953. c. 30.
(e) 1946. c. 21.

(2) In these regulations—

"the Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946;

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts (Northern Ireland), 1927 to 1943, or the enactments repealed by the Workmen's Compensation Act (Northern Ireland), 1927(**a**), or the enactments repealed by the Workmen's Compensation Act, 1906(**b**);

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948(**c**);

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland), 1948(**d**);

"the Determination of Claims and Questions Regulations" means the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(**e**);

"the Ministry" means the Ministry of Labour and National Insurance for Northern Ireland;

"the appointed day" means the 5th July, 1948, being the day appointed by the Ministry for the purposes of the Act(**f**);

"asbestos textiles" means yarn or cloth composed of asbestos or of asbestos mixed with any other material;

"coal mine" means any mine where one of the objects of the mining operations is the getting of coal (including bituminous coal, cannel coal, anthracite, lignite, and brown coal);

"foundry" means those parts of industrial premises where the production of metal articles (other than pig iron or steel ingots) is carried on by casting (not being diecasting or other casting in metal moulds), together with any part of the same premises where any of the following processes are carried on incidentally to such production, namely, the drying and subsequent preparation of sand for moulding (including the reclamation of used moulding sand), the preparation of moulds and cores, knock-out operations and dressing or fettling operations;

"grindstone" means a grindstone composed of natural or manufactured sandstone and includes a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted;

"mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting or dressing of minerals or the preparation of minerals for sale;

(a) 17 & 18 Geo. 5. c. 16 (N.I.). (b) 6 Edw. 7. c. 58.

(c) S.R. & O. (N.I.) 1948, No. 203 as amended by S.R. & O. (N.I.) 1949, No. 73; 1951, No. 102; 1951, No. 182; 1952, No. 140; 1952, No. 199; 1953, No. 132; 1953, No. 135; 1955, No. 15; 1955, No. 164; 1956, No. 139; 1957, No. 131; 1957, No. 243; 1957, No. 264; 1958, No. 114; 1959, No. 93; 1960, No. 25 and 1960, No. 140.

(d) S.R. & O. (N.I.) 1948, No. 204 as amended by S.R. & O. (N.I.) 1951, No. 101; 1952, No. 118 and 1953, No. 132.

(e) S.R. & O. (N.I.) 1948, No. 201 as amended by S.R. & O. (N.I.) 1953, No. 132; 1954, No. 42 and 1959, No. 143.

(f) See S.R. & O. (N.I.) 1948, No. 35.

"pneumoconiosis" means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust reticulation but does not include byssinosis;

"prescribed disease" means a disease or injury prescribed under Part II, and references to a prescribed disease being contracted shall be deemed to include references to a prescribed injury being received;

"silica rock" means quartz, quartzite, ganister, sandstone, gritstone and chert, but not natural sand or rotten rock;

"tuberculosis" in the description of the disease numbered 38 in Part I of the First Schedule means disease due to tuberculous infection, but when used elsewhere in these regulations in connection with pneumoconiosis means tuberculosis of the respiratory system only.

PART II

PRESCRIPTION OF DISEASES AND PRESUMPTION AS TO THEIR ORIGIN

Prescription of diseases and injuries

2. For the purposes of Part IV of the Act—

(*a*) each disease or injury set out in the first column of Part I of the First Schedule is prescribed in relation to all insured persons who have been employed on or after the appointed day in insurable employment in any occupation set against such disease or injury in the second column of the said Schedule;

(*b*) pneumoconiosis is prescribed—

(i) in relation to all insured persons who have been employed on or after the appointed day in insurable employment in any occupation set out in Part II of the said Schedule; and

(ii) in relation to all other insured persons who have been so employed in any occupation involving exposure to dust and who have not worked at any time (whether in insurable employment or not) in any occupation in relation to which pneumoconiosis is prescribed by virtue of regulations (apart from this sub-paragraph) in force—

(*a*) in the case of any claim for disablement benefit or a claim for death benefit in respect of the death of a person to whom disablement benefit has been awarded in respect of pneumoconiosis, on the date of the claim for disablement benefit;

(*b*) in the case of a claim for death benefit in respect of the death of any other person, on the date of the death of that person;

(*c*) byssinosis 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 ten years;

in any occupation in any room where any process up to and including the carding process is performed in factories in which the spinning or manipulation of raw or waste cotton is carried on.

Sequelae or resulting conditions

3. Where a person—

(*a*) is insured under the Act and these regulations against a prescribed disease; and

(*b*) is suffering from a condition which, in his case, has resulted from that disease;

the provisions of Part IV of the Act and of these regulations shall apply to him as if he were suffering from that disease, whether or not the condition from which he is suffering is itself a prescribed disease.

Presumption

4.—(1) Where an insured person has developed a disease which is prescribed in relation to him in Part I of the First Schedule, that disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment if that employment was in any occupation set against that disease in the second column of the said Part and he was so employed on, or at any time within one month immediately preceding, the date on which, under the subsequent provisions of these regulations, he is treated as having developed the disease:

Provided that this paragraph shall not apply to the diseases numbered 38, 41 and 42, respectively, in the said Schedule.

(2) Where an insured person in relation to whom tuberculosis is prescribed in paragraph 38 of Part I of the First Schedule has developed that disease, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment if the date on which, under the subsequent provisions of these regulations, he is treated as having developed the disease is not less than six weeks after the date on which he was first employed in any occupation set against the disease in the second column of the said Part and not more than two years after the date on which he was last so employed in insurable employment.

(3) Where an insured person in relation to whom pneumoconiosis is prescribed by virtue of sub-paragraph (*b*)(i) of regulation 2 has developed pneumoconiosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment if he has been employed in one or other of the occupations set out in Part II of the First Schedule for a period or periods amounting in the aggregate to not less than two years in employment which either—

(*a*) was insurable employment; or

(*b*) would have been insurable employment if it had taken place on or after the appointed day.

(4) Where an insured person in relation to whom byssinosis is prescribed in sub-paragraph (*c*) of regulation 2 develops byssinosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment.

PART III

DATE OF DEVELOPMENT AND RECRUDESCENCE

Development of Disease

5. If on a claim for benefit under Part IV of the Act in respect of a prescribed disease, a person is found to be or to have been suffering from the disease, or to have died as the result thereof, the disease shall, for the purposes of such claim, be treated as having developed on a date (hereinafter referred to as "the date of development") determined in accordance with the provisions of the two next following regulations.

Date of Development

6.—(1) For the purposes of the first claim in respect of a prescribed disease suffered by an insured person, the date of development shall be determined in

accordance with the following provisions of this regulation, and, save as provided in regulation 7, that date shall be treated as the date of development for the purposes of any subsequent claim in respect of the same disease suffered by the same person:

Provided that if, on the consideration of a claim, no award of benefit is made, any date of development determined for the purposes of that claim shall be disregarded for the purposes of any subsequent claim.

(2) Where the claim for the purposes of which the date of development is to be determined is—

(*a*) a claim for injury benefit, the date of development shall be the first day on which the claimant was incapable of work as the result of the disease on or after the appointed day; or, if later, the date as from which benefit could be paid on that claim;

(*b*) a claim for disablement benefit, the date of development shall be the day on which the claimant first suffered from the relevant loss of faculty on or after the appointed day; or, if later, the date as from which benefit could be paid on that claim; or

(*c*) a claim for death benefit, the date of development shall be the date of death.

(3) In the foregoing paragraph, the expression "the date as from which benefit could be paid on that claim" means, in relation to any claim, the first day of the period in respect of which benefit could be paid on that claim having regard to the provisions of regulation 12 of, and the Second Schedule to, the Claims and Payments Regulations(**a**), or could have been so paid but for the proviso to sub-section (1) of section 11 of the Act (which provides that, in the circumstances therein specified, injury benefit shall not be payable in respect of the first three days of incapacity in the injury benefit period).

Recrudescence

7.—(1) If a person after having been awarded benefit in respect of a prescribed disease other than pneumoconiosis or byssinosis recovers wholly or partially from the attack of the disease, and thereafter suffers from another attack of the same disease, or dies as the result thereof, then—

(*a*) if the further attack commences or the death occurs during an injury benefit period or during a period taken into account by an assessment of disablement relating to such a previous award (either of which periods is hereinafter referred to as a "relevant period"), the disease shall be treated as a recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in the following sub-paragraph;

(*b*) if the further attack commences or the death occurs otherwise than during a relevant period, or if it is determined in the manner provided in Part V that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(2) For the purposes of the foregoing paragraph, a further attack of a prescribed disease shall be deemed to have commenced on the date which would be treated as the date of development under the provisions of regulation 6 if no previous claim had been made in respect of that disease.

(3) Where, under the foregoing provisions of this regulation, a disease is treated as having been contracted afresh, the provisions of regulation 6 shall

(**a**) See S.R. & O. (N.I.) 1952, No. 118.