

1966 No. 987

## SOCIAL SECURITY

**The National Insurance (Industrial Injuries)  
(Prescribed Diseases) Amendment Regulations 1966**

<i>Made</i> - - -	8th August 1966
<i>Laid before Parliament</i>	16th August 1966
<i>Coming into Operation</i>	22nd August 1966

The Minister of Social Security, in exercise of powers conferred by sections 56, 57 and 85 of the National Insurance (Industrial Injuries) Act 1965(a) and of all other powers enabling her in that behalf, after reference to the Industrial Injuries Advisory Council, 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 1966, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959(b) (hereinafter referred to as “the principal regulations”), as amended (c), and shall come into operation on 22nd August 1966.

*Amendment of Part I of Schedule 1 to the principal regulations*

2. Part I of Schedule 1 to the principal regulations, as amended (c), shall be further amended by the addition at the end of the first and second columns thereof, respectively, of the disease, hereinafter referred to as “mesothelioma”, 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 regulations 22, 25 and 40 of the principal regulations*

3. In the principal regulations, regulation 22 (which relates to the application of provisions for the determination of claims and questions to prescribed diseases), regulation 25(2) (which relates to the reference of diagnosis and recrudescence questions to a medical practitioner for report), and regulation 40(2) (which relates to the constitution and duties of pneumoconiosis medical boards) shall be amended by the substitution, for the words “farmer’s lung”, of the words “each of the diseases numbered 43 and 44 in Part I of the First Schedule to these regulations”.

*Amendment to heading to Part VI of the principal regulations*

4. For the heading of Part VI of the principal regulations there shall be substituted the following words: “*Special provisions as to Pneumoconiosis, Byssinosis and certain other diseases*”.

(a) 1965 c. 52.

(b) S.I. 1959/467 (1959 II, p. 1943).

(c) The relevant amending instrument is S.I. 1965/1264 (1965 II, p. 3596).

*Transitional provisions*

5.—(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 the Schedule hereto, is, as the result of mesothelioma, 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 the last foregoing paragraph applies is awarded disablement benefit in respect of mesothelioma and claims an increase of that benefit under section 14 of the Act (which section relates to increases 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.

*Margaret Herbison,*  
Minister of Social Security.

8th August 1966.

## SCHEDULE

## Regulation 2

Description of disease or injury	Nature of occupation
<p>44. Primary malignant neoplasm of the mesothelium (diffuse mesothelioma) of the pleura or of the peritoneum.</p>	<p>Any occupation involving:</p> <ul style="list-style-type: none"> <li>(a) the working or handling of asbestos or any admixture of asbestos;</li> <li>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;</li> <li>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;</li> <li>(d) substantial exposure to the dust arising from any of the foregoing operations.</li> </ul>

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These Regulations, by making an addition to the diseases prescribed in Part I of Schedule 1 to the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959, extend insurance under the National Insurance (Industrial Injuries) Act 1965 to diffuse mesothelioma in the case of persons insurably employed in certain occupations involving exposure to asbestos dust.

The functions of medical boards in cases of this disease are to be performed by pneumoconiosis medical boards and the claimant may appeal from, or the Minister may refer, a decision of such a board, on any question relating to this disease, to a medical appeal tribunal.

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