

FIRST SCHEDULE

Regulation 2.

Paragraph 8 of Part I of the First Schedule to the principal regulations as amended.

Description of disease or injury	Nature of occupation
Poisoning by : 8. A nitro- or amino-derivative of benzene or of a homologue of benzene.	Any occupation involving : The use or handling of, or exposure to the fumes of, or vapour containing, a nitro- or amino-derivative of benzene or of a homologue of benzene.

SECOND SCHEDULE

Regulation 3.

11. Any occupation in or incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom.

12. Any occupation involving boiler scaling or substantial exposure to the dust arising therefrom.

Transitional Provisions and Consequential Amendments

REGULATIONS, DATED 6TH OCTOBER, 1953, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND), 1946 TO 1953.

1953. No. 132

The Industrial Injuries Joint Authority, in exercise of powers conferred by sections 29 and 30 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (a) and the Ministry of Labour and National Insurance, in exercise of powers conferred by sections 25 (1) (b), 27 (1), 41, 51, and 55 (2) of the said Act and by section 3 (3) of, and paragraphs 2 (3) and 7 (2) of the Second Schedule to, the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953 (b) and of all other powers enabling them in that behalf, hereby make the following regulations :—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Transitional Provisions and Consequential Amendments) Regulations (Northern Ireland), 1953, and shall come into operation on the 7th October, 1953.

(2) In these regulations, unless the context otherwise requires —
“ the principal Act ” means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, as amended by the National Insurance (Industrial Injuries) (Amendment) Act (Northern Ireland), 1948 (c), the National Insurance Act (Northern Ireland), 1951 (d) and the Family Allowances and National Insurance Act (Northern Ireland), 1952 (e) ;

(a) 1946. c.21. (b) 1953. c.30. (c) 1948. c.20. (d) 1951. c.18. (e) 1952. c.14.

“ the Act of 1953 ” means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953 ;

“ the Benefit Regulations ” means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948 (a) ;

“ the Claims and Payments Regulations ” means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland), 1948 (b) ;

“ the Determination of Claims and Questions Regulations ” means the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland), 1948 (c) ;

“ the Prescribed Diseases Regulations ” means the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948 (d) ;

“ the Ministry ” means the Ministry of Labour and National Insurance ;

“ the appointed day ” means the day appointed by the Minister of Labour and National Insurance for the commencement of the Act of 1953 ;

and other expressions have the same meanings as in the principal Act.

(3) Save where the context otherwise requires, references in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1921 (e) applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Transitional provisions relating to disablement benefit

2.—(1) In this regulation —

“ the old conditions ” means the conditions for entitlement to disablement benefit contained in subsection (1) of section 12 of the principal Act as originally enacted ;

“ the new conditions ” means the conditions for entitlement to such benefit contained in the said subsection (1) as amended by subsection (1) of section 3 of the Act of 1953.

(2) If a person, who has made a claim for disablement benefit which has been disallowed before the commencement of these regulations on the ground that the old conditions were not satisfied, wishes, without challenging that decision, to have his case reconsidered under the new conditions, he shall make a fresh claim for disablement benefit :

Provided that the Ministry may dispense with the need for making such a claim in any particular case or class of cases.

(a) S. R. & O. 1948. No. 203.

(b) S. R. & O. 1948. No. 204.

(c) S. R. & O. 1948. No. 201.

(d) S. R. & O. 1948. No. 212.

(e) 12 Geo. V c.4.

(3) On the reconsideration of a case under the last foregoing paragraph, unless the assessment of the extent of the claimant's disablement which was made when the claim was originally disallowed enables an award of benefit to be made under the new conditions, the case shall be referred again to a medical board for the determination of the disablement questions in accordance with section 39 of the principal Act :

Provided that, notwithstanding the provisions of subsection (4) of section 12 of that Act (which subsection relates to the periods to be taken into account by assessments) the period to be taken into account by an assessment made on a reference under this paragraph shall not begin earlier than the appointed day.

(4) Where in any case the extent of the claimant's disablement is assessed after the commencement of these regulations, and the period taken into account by the assessment includes the appointed day, then, notwithstanding that it is made before that day, the degree of disablement and the period taken into account shall be specified with such particularity as will enable the claimant's right to be determined under the new conditions as well as under the old conditions.

(5) Where the period taken into account by an assessment begins before the appointed day and includes that day, and it appears therefrom that the claimant satisfies the new conditions but does not satisfy the old conditions, an award may be made, at any time after the commencement of these regulations, of the benefit which would be appropriate in the circumstances of the case if the period taken into account by the assessment began on the said day, but so as not to take effect before that day.

(6) Where an assessment is made before the appointed day but the period taken into account thereby begins on or after that day, and it appears therefrom that the claimant satisfies the new conditions, an award of such benefit as is appropriate in the circumstances of the case may be made at any time after the commencement of these regulations, but so as not to take effect before the commencement of the period so taken into account.

Special provisions relating to prescribed diseases

3.—(1) The provisions of the last foregoing regulation shall apply to persons claiming disablement benefit in respect of a prescribed disease or injury, other than pneumoconiosis, and where the case of a person who has made such a claim is referred again to a medical board in accordance with the provisions of paragraph (3) of that regulation, and a date of development has to be determined for the purposes of that claim under regulation 6 of the Prescribed Diseases Regulations, then, notwithstanding the provisions of sub-paragraph (b) of paragraph (2) of that regulation, the date of development shall be the first day of the period taken into account by the assessment made on that reference.

(2) Where a person in whose case a date of development is determined in accordance with the provisions of the last foregoing paragraph, is awarded disablement benefit in respect of a prescribed disease or injury, and claims an increase of that benefit under section 14 of the principal Act (which section relates to increase of disablement pension in cases of special hardship), the fact that that person has abandoned any occupation as a result of that disease or injury during the period between the date on which he was first employed on or after the 5th July, 1948, in insurable employment in any occupation in relation to which that disease or injury is prescribed and the appointed day shall be disregarded in determining his regular occupation for the purposes of the said section 14.

Consequential amendments of the Benefit Regulations

4.—(1) As from the appointed day, the following regulation shall be inserted after regulation 6 of the Benefit Regulations :—

“ Weekly value of gratuity for purposes of reduction of increase of disablement benefit during approved hospital treatment

6A. For the purpose of reducing the weekly rate of a disablement pension payable by virtue of section 16 of the Act, as amended by subsection (3) of section 3 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953, to a person awarded a disablement gratuity wholly or partly in respect of the same period, the weekly value of the gratuity shall be the weekly rate of disablement pension which would be payable to that person in lieu thereof in accordance with paragraph (2) of regulation 5 of these regulations if that paragraph applied in his case.”

(2) As from the said day, in the provisions of the Benefit Regulations mentioned in the first column of the Schedule to these regulations (which relate respectively to the matters mentioned in the second column thereof) there shall be made the amendments specified in the third column thereof.

Consequential amendments of the Claims and Payments Regulations and the Determination of Claims and Questions Regulations.

5. As from the appointed day, in the provisions of the Claims and Payments Regulations and the Determination of Claims and Questions Regulations mentioned in the first column of the Schedule to these regulations (which relate respectively to the matters mentioned in the second column thereof) there shall be made the amendments specified in the third column thereof.

Consequential amendments to the Prescribed Diseases Regulations.

6.—(1) As from the appointed day, the following regulation shall be substituted for regulation 13 of the Prescribed Diseases Regulations as amended (a) :—

(a) For previous amendment to this regulation, see regulation 2 (1), S. R. & O. 1949 No. 173.

“ Disablement benefit not preceded by injury benefit

13. Where an insured person, not having been entitled to injury benefit in respect of the relevant disease, claims disablement benefit in respect of that disease, and under the provisions of Part III of these regulations a date of development is determined for the purposes of that claim, the following provisions shall apply, that is to say :—

- (a) subsection (4) of section 11 and subsection (1A) of section 12 of the Act (which subsections relate to the period for which disablement benefit is not available) shall not apply and the claim shall be treated as if there had been no injury benefit period ;
- (b) subsection (4) of section 12 of the Act (which subsection relates to the period to be taken into account by an assessment of the extent of the claimant's disablement) and subsection (1) of section 14 of the Act and regulation 4A of the Benefit Regulations (which subsection and regulation relate to increase of disablement pension in cases of special hardship) shall have effect as if for references therein to the end of the injury benefit period (wherever those words occur) were substituted references to the date of development.”

(2) As from the said day, in the provisions of the Prescribed Diseases Regulations mentioned in the first column of the Schedule to these regulations (which relate respectively to the matters mentioned in the second column thereof) there shall be made the amendments specified in the third column thereof.

Given under the Official Seal of the Industrial Injuries Joint Authority this 6th day of October, nineteen hundred and fifty-three.

(L.S.)

T. C. Stephens,

Secretary,

Industrial Injuries Joint Authority.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 6th day of October, nineteen hundred and fifty-three, in the presence of

(L.S.)

William Allen,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

SCHEDULE

Regulations 4, 5 and 6.

Containing consequential amendments of the Benefit Regulations, the Claims and Payments Regulations, the Determination of Claims and Questions Regulations and the Prescribed Diseases Regulations.

Amended Provision	Subject matter	Amendment
<i>The Benefit Regulations</i>		
Regulation 10 (1)	Adjustment of benefit for successive accidents where a disablement gratuity is payable.	In sub-paragraph (a) the words "which is likely to be permanent and" shall be omitted.
Regulation 10 (3)		
Regulation 27 (1)	Adjustment of increase of disablement benefit during approved hospital treatment by reference to other personal benefit.	In sub-paragraph (b) for the words "the assessment in respect of which any disablement pension is payable" there shall be substituted the words "an assessment" and for the words "increase of disablement pension" there shall be substituted the words "increase of disablement benefit". For the words "increase of disablement pension" in both places where they occur there shall be substituted the words "increase of disablement benefit".
<i>The Claims and Payments Regulations</i>		
Regulation 14 (2) as amended (1).	Time and manner of payment of increases of disablement benefit.	In sub-paragraph (b) for the words "a disablement pension" there shall be substituted the words "disablement benefit".
<i>The Determination of Claims and Questions Regulations</i>		
Regulation 2 (1)	Application for Ministry's decisions.	For the words "sub-paragraphs (i) to (iv)" there shall be substituted the words "sub-paragraphs (i) to (ivA)".
Regulation 7 (3)	Reference to a single medical practitioner in lieu of a medical board.	For the words "three months" there shall be substituted the words "six months".
Regulation 24 (2)	Review of decisions of insurance officer, local appeal tribunal or Umpire.	For the word "assessment" wherever it occurs there shall be substituted the word "decision" and the words "a medical board or" shall be omitted.

Amended Provision	Subject Matter	Amendment
<p><i>The Prescribed Diseases Regulations</i></p> <p>Regulation 22 (1)</p> <p>Regulation 22 (2)</p>	<p>Application of Part III of the principal Act.</p>	<p>After the words "an industrial accident)" there shall be inserted the words "and of subsection (3) of section 4 of the National Insurance (Industrial Injuries) Act, (Northern Ireland), 1953 (which subsection relates to the effect of decisions as to loss of faculty)".</p> <p>After the words "(which relates to the determination of claims and questions)" there shall be inserted the words "and of subsections (1) and (5) of section 4 of the said Act of 1953 (which subsections relate respectively to reviews of decisions given by the Ministry and to leave to appeal to the Umpire)".</p>

(1) For previous amendment to this regulation, see S. R. & O. 1951 No. 101.

PETROLEUM

Conveyance

REGULATIONS, DATED THE 27TH DAY OF OCTOBER, 1953, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 6 OF THE PETROLEUM (CONSOLIDATION) ACT (NORTHERN IRELAND), 1929.

1953. No. 139

The Minister of Home Affairs, in pursuance of the power conferred on him by Section Six of the Petroleum (Consolidation) Act (Northern Ireland), 1929, hereby makes the following regulations:—

1.—(1) For Regulation 2 of the principal Regulations (which contains requirements as to the keeping of the filling pipe of a tank wagon or tank trailer securely closed) there shall be substituted the following Regulation, that is to say:—

"2.—(1) In the case of a tank wagon or tank trailer the tank of which is designed to be filled through a pipe incorporated therein (which kind of pipe is hereafter in these Regulations referred to as a "filling pipe"), the filling pipe shall at all times, except during