

the last foregoing regulation for the said paragraph 4 (not being an occupation set out in the said paragraph 4), he shall be treated for the purposes of Part IV of the Act (which relates to extension of insurance to diseases) and of the principal regulations, as amended, as if the last foregoing regulation had been in force at the date of development.

Scaled with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 22nd day of January, 1951, in the presence of

(L.S.)

*William Allen,*

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

#### SCHEDULE

Description of Disease or Injury	Nature of Occupation
37.—(a) Carcinoma of the mucous membrane of the nose or associated air sinuses (b) Primary carcinoma of a bronchus or of a lung	Any occupation in a factory where nickel is produced by decomposition of a gaseous nickel compound which involves work in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.

REGULATIONS, DATED 26TH FEBRUARY, 1951, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

#### 1951. No. 31

The Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 54, 55 and 85 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

1.—(1) These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations (Northern Ireland), 1951, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948 (hereinafter referred to as "the principal regulations") as amended, and shall come into operation on 1st March, 1951.

(2) For the purposes of these regulations and of the principal regulations in so far as they are amended by these regulations, but for those purposes only, the expression "tuberculosis" means disease due to tuberculous infection, and the definition of tuberculosis in

paragraph (2) of regulation I of the principal regulations shall accordingly apply only where that expression is used in connection with pneumoconiosis.

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

2. Part I of the First Schedule to the principal regulations, as amended, shall be further amended by the addition at the end of the first and second columns thereof, respectively, of the disease 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.

Presumption.

3.—(1) Paragraph (1) of regulation 4 of the principal regulations (which paragraph specifies the circumstances in which certain diseases shall be presumed to be due to the nature of insurable employment) shall not apply to tuberculosis, and accordingly there shall be substituted for the proviso to the said paragraph (1) the following proviso:—

“ Provided that this paragraph shall not apply to the diseases numbered 24 (b) and 38, respectively, in the said Schedule.”

(2) The said regulation 4 shall be further amended by the addition at the end thereof of the following paragraph:—

“(3) Where an insured person in relation to whom tuberculosis is prescribed in paragraph 38 of Part I of the said 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.”

Transitional provisions.

4.—(1) Where a person, who has been employed on or at any time after the appointed day in insurable employment in any of the occupations specified in the second column of the Schedule hereto, is as the result of tuberculosis incapable of work or, as the case may be, 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 that employment, the provisions of regulation 6 of the principal regulations (which relates to 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 tuberculosis and claims an increase of that benefit under section 14 of the Act (which

section relates to 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.

(3) Where at any time after the appointed day but before the date on which these regulations come into operation, the death of any person who has been employed as aforesaid has resulted from tuberculosis, and the disease was due to the nature of that employment, that person shall be treated for the purposes of Part IV of the Act (which relates to extension of insurance to diseases) and of the principal regulations, as amended, as if these regulations had been in force at the date of death, subject only to the following modifications :—

- (a) no benefit shall be payable in respect of the death of that person —
  - (i) by way of pension or allowance for any period before the said date on which these regulations come into operation ;
  - (ii) by way of gratuity, on a claim made by or on behalf of any other person who has died before that date, or to the widow of the deceased if she has remarried before that date :

Provided that a person who would be entitled to any benefit but for the operation of this sub-paragraph shall (except as provided in the next succeeding sub-paragraph) be treated as if he were entitled thereto for the purposes of any rights or obligations under the Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit :

- (b) in applying, in respect of the death of that person, the provisions of the Fourth Schedule to the Act (which limit benefit payable in respect of any death), any person who has died before the said date on which these regulations come into operation shall be disregarded.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 26th day of February, 1951, in the presence of

(L.S.)

*William Allen,*  
Assistant Secretary to the Ministry of Labour  
and National Insurance for Northern Ireland.

## SCHEDULE

Regulation 2

Description of disease or injury	Nature of Occupation
38. Tuberculosis	<p>Any occupation involving close and frequent contact with a source or sources of tuberculous infection by reason of employment—</p> <p>(a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing;</p> <p>(b) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity;</p> <p>(c) as a research worker engaged in research in connection with tuberculosis;</p> <p>(d) as a laboratory worker, pathologist or post mortem worker, where the occupation involves working with material which is a source of tuberculous infection, or in an occupation ancillary to such employment.</p>

## POISONS

ORDER IN COUNCIL, DATED 26TH FEBRUARY, 1951, APPROVING A RESOLUTION PASSED BY THE COUNCIL OF THE PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND AND THE MEDICAL FACULTY OF THE QUEEN'S UNIVERSITY OF BELFAST, AMENDING THE THIRD SCHEDULE TO THE MEDICINES, PHARMACY AND POISONS ACT (NORTHERN IRELAND), 1945.

1951. No. 34

BY THE LORDS JUSTICES IN THE PRIVY COUNCIL OF NORTHERN IRELAND

KILMOREY

A. B. BABINGTON

WHEREAS by sub-section (2) of section twenty-six of the Medicines, Pharmacy and Poisons Act (Northern Ireland), 1945, it is provided that the Council of the Pharmaceutical Society of Northern Ireland and the Medical Faculty of the Queen's University, Belfast, may from time to time, by a resolution passed by both of these bodies, declare that the Third Schedule to the said Act ought to be amended by including in, or removing from, any part thereof any substance specified in the resolution, or by transferring any substance so specified from one part of the said Schedule to another part:

AND WHEREAS the said Third Schedule has in accordance with the provisions of the said section twenty-six heretofore been amended by Orders in Council made respectively on the 24th day of October, 1947; the 25th day of April, 1949, and the 12th day of January, 1950: