

1972 No. 1258

SOCIAL SECURITY

**The National Insurance (Industrial Injuries)
 (Prescribed Diseases) Amendment (No. 2) Regulations 1972**

Made - - - 14th August 1972
Laid before Parliament 22nd August 1972
Coming into Operation 12th September 1972

The Secretary of State for Social Services, in exercise of his powers under sections 56 and 85 of the National Insurance (Industrial Injuries) Act 1965(a) and section 57 of that Act as modified by section 8 of the National Insurance Act 1966(b) and section 5 of the National Insurance Act 1972(c), and of all other powers enabling him in that behalf, hereby makes the following regulations, which contain no provision other than such as are made in consequence of the said Act of 1972 and which accordingly, by virtue of section 6 of and paragraph 2(1)(a) of Part I of Schedule 4 to that Act, are exempt from the requirements of section 62(2) of the said Act of 1965 (reference to Industrial Injuries Advisory Council):—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1972, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959(d), as amended(e) (hereinafter referred to as “the principal regulations”), and shall come into operation on 12th September 1972.

Amendment of regulation 6 of the principal regulations

2. For the proviso to regulation 6(1) of the principal regulations (date of development) there shall be substituted the following proviso:—

“Provided that—

- (a) subject to the provisions of section 5(3) of the National Insurance Act 1972, as modified by the Second Schedule hereto, any date of development determined for the purpose of that claim shall not preclude fresh consideration of the question whether the same person is suffering from the same disease on any subsequent claim for or award of benefit; and
- (b) 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.”.

(a) 1965 c. 52.

(b) 1966 c. 6.

(c) 1972 c. 57.

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

(e) The relevant amending instrument is S.I. 1966/1248 (1966 III, p. 3376).

Amendment of regulation 23 of the principal regulations

3. In regulation 23(2) of the principal regulations (application of Part III of the National Insurance (Industrial Injuries) Act 1965 and Part IV of the National Insurance Act 1965), after the words "National Insurance Act 1966" there shall be inserted the words "and by section 5 of the National Insurance Act 1972".

Amendment of the Second Schedule to the principal regulations

4.—(1) In the heading to the Second Schedule (hereinafter called "the said Schedule") to the principal regulations, after the words "NATIONAL INSURANCE ACT 1966" there shall be inserted the words "AND OF SECTION 5 OF THE NATIONAL INSURANCE ACT 1972".

(2) After paragraph 1 of the said Schedule there shall be inserted the following paragraph:—

"1A. Section 5(3) of the National Insurance Act 1972 shall have effect as if for the words 'an accident' there were substituted the words 'a prescribed disease'; as if for the words 'an injury resulted in whole or in part from the accident' there were substituted the words 'a person suffered from a prescribed disease'; as if for the words 'that accident' there were substituted the words 'that disease'; and as if for the words 'the injury did so result' there were substituted the words 'the person did so suffer'."

(3) In paragraph 2 of the said Schedule, after the words "National Insurance Act 1966" there shall be inserted the words "and by section 5 of the National Insurance Act 1972".

Signed by authority of the Secretary of State for Social Services.

Paul Dean,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

14th August 1972.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959 ("the principal regulations") to give effect to the provisions contained in section 5 of the National Insurance Act 1972 except in so far as those provisions relate solely to industrial accidents (see sub-section (2)).

Regulation 1 relates to citation, interpretation and commencement of these regulations; regulation 2 amends regulation 6 of the principal regulations to secure that, subject to the provisions of section 5(3) of the Act of 1972, the determination of the date of development of a disease shall not preclude fresh consideration of the diagnosis question on any subsequent claim for or award of benefit in respect of the same disease; regulation 3 applies section 5 of the Act of 1972 (finality of decisions) to the determination of claims and questions in relation to prescribed diseases as modified in the Second Schedule to the principal regulations; and regulation 4 further amends the said Second Schedule to take account of section 5 of the Act of 1972 and in particular modifies sub-section (3) thereof to give effect to the provisions therein in the context of prescribed diseases.

These Regulations are made in consequence of the said Act of 1972, and by virtue of paragraph 2(1)(a) of Part I of Schedule 4 to that Act have not been referred to the Industrial Injuries Advisory Council.

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