
THE WORKMEN'S COMPENSATION (PNEUMOCONIOSIS) AMENDMENT SCHEME, 1943, DATED NOVEMBER 29, 1943, MADE BY THE SECRETARY OF STATE UNDER SECTION 47 OF THE WORKMEN'S COMPENSATION ACT, 1925 (15 & 16 GEO. 5. C. 84), THE WORKMEN'S COMPENSATION (SILICOSIS AND ASBESTOSIS) ACT, 1930 (20 & 21 GEO. 5. C. 29), THE WORKMEN'S COMPENSATION (SUPPLEMENTARY ALLOWANCES) ACT, 1940 (3 & 4 GEO. 6. C. 47), THE WORKMEN'S COMPENSATION ACT, 1943 (6 & 7 GEO. 6. C. 6), AND THE WORKMEN'S COMPENSATION (TEMPORARY INCREASES) ACT, 1943 (6 & 7 GEO. 6. C. 49).**(a)**

1943 No. 1670

In pursuance of the powers conferred on me by section 47 of the Workmen's Compensation Act, 1925 (as extended by the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, and the Workmen's Compen-

(a) See now 9 & 10 GEO. 6. C. 62, s. 89 (2) Sch. 9.

Pneumoconiosis (Benefit) Scheme

sation Act, 1943), and section 6 of the Workmen's Compensation (Supplementary Allowances) Act, 1940 (as extended by section 3 of the Workmen's Compensation (Temporary Increases) Act, 1943), I hereby by this Scheme provide as follows :—

1. The Workmen's Compensation (Supplementary Allowances) Act, 1940 (hereinafter referred to as "the Act of 1940"), as amended by the Workmen's Compensation (Temporary Increases) Act, 1943, and the said Workmen's Compensation (Temporary Increases) Act, 1943, shall, in relation to workmen entitled to compensation under any scheme referred to in section 6 of the Act of 1940 (hereinafter referred to as "the Scheme") apply subject to the adaptations, modifications and exceptions contained in this Scheme.

2. References in section 1 of the Act of 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943, to a weekly payment by way of compensation under the Workmen's Compensation Act, 1925 (which Act, as amended by any subsequent enactment, is hereinafter referred to as "the principal Act") shall be construed as references to—

(a) a weekly payment in respect of total disablement and,

(b) a weekly payment in respect of impairment of general physical capacity for employment ;

and references in the said section 1 as so amended to total or partial incapacity shall be construed accordingly.

3. Subject to the provisions of this Scheme, references in the Act of 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943, and in the said Workmen's Compensation (Temporary Increases) Act, 1943, to any provisions of the principal Act shall be construed as references to the corresponding provisions of the Scheme (as amended by any subsequent Scheme) including any such provisions applying for the purposes of the Scheme any provisions of the principal Act.

4. The Act of 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943, and the said Workmen's Compensation (Temporary Increases) Act, 1943, shall not apply in relation to any workman entitled to a weekly payment under the Scheme other than such a weekly payment as is mentioned in sub-paragraph (a) or sub-paragraph (b) of paragraph 2 hereof.

5. Where the Scheme is the Refractories Industries (Silicosis) Scheme, 1919, (a) the Act of 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943, shall not apply in relation to any workman who was suspended from employment or certified to be totally disabled as from a date previous to the 1st January, 1924.

(a) S.R. & O. 1919 (No. 12) I, p. 1072 (superseded by S.R. & O. 1931 No. 345, p. 608 below).

6. Where the Scheme is one of the following schemes, that is to say, the Refractories Industries (Silicosis) Scheme, 1919, the Refractories Industries (Silicosis) Scheme, 1925,(a) the Refractories Industries (Silicosis) Scheme, 1931,(b) the Sandstone Industry (Silicosis) Scheme, 1929(c), or the Sandstone Industry (Silicosis) Scheme, 1931(d), then—

- (a) The General Compensation Fund liable to pay the compensation due under the Scheme shall also be liable, in substitution for the employer, for payment of the supplementary allowances, and the Company administering that Fund shall, in substitution for the employer, have the rights conferred on employers by section 3 of the Act of 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943 ; and
- (b) the following provisions shall have effect in lieu of sub-sections (1) to (5) of section 2 of the Act of 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943 :—

“ Such of the provisions of the Scheme as relate to the method of calculating the lump sum for which a weekly payment may be redeemed shall not apply to the redemption of supplementary allowances, but those allowances may be redeemed upon such terms as the Joint Committee may approve, and the Joint Committee in considering whether redemption of the allowances is desirable, shall have regard to the interests of any wife or children in respect of whom allowances are payable.”

7.—(1) The Workmen's Compensation (Silicosis and Asbestosis) Amendment Scheme, 1940,(e) is hereby revoked.

(2) This Scheme may be cited as the Workmen's Compensation (Pneumoconiosis) Amendment Scheme, 1943, and shall come into operation immediately.

Herbert Morrison,
One of His Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
29th November, 1943.

- (a) S.R. & O. 1925 (No. 79) p. 1058 (superseded by S.R. & O. 1931 No. 345, p. 608 below).
- (b) S.R. & O. 1931 No. 345, p. 608 below.
- (c) S.R. & O. 1929 (No. 171) p. 846 (superseded by S.R. & O. 1931 No. 346, p. 620 below).
- (d) S.R. & O. 1931 No. 346, p. 620 below.
- (e) S.R. & O. 1940 (No. 1506) I, p. 1113.