5. Silicosis, Asbestosis, Byssinosis, &c. Schemes and Medical Fees Regulations

(1) *Asbestos Industry (Asbestosis) Scheme.*
(2) *Byssinosis (Benefit) Scheme,* p. 561.
(3) *Byssinosis (Workmen's Compensation) Scheme,* p. 569.
(4) *Coal Mining Industry (Pneumoconiosis) Compensation Scheme,* p. 581.
(5) *Metal Grinding Industries (Silicosis) Scheme,* p. 588.
(6) *Pneumoconiosis (Benefit) Scheme,* p. 597.
(7) *Refractories Industries (Silicosis) Scheme,* p. 608.
(8) *Sandstone Industry (Silicosis) Scheme,* p. 620.
(9) *Shipping Industry (Pneumoconiosis) Compensation Scheme,* p. 635.
(10) *Silicosis and Asbestosis (Medical Arrangements) Scheme,* p. 642.
(11) *Various Industries (Silicosis) Scheme,* p. 664.

(1) Asbestos Industry (Asbestosis) Scheme

THE ASBESTOS INDUSTRY (ASBESTOSIS) SCHEME, 1931, DATED APRIL 30, 1931, MADE BY THE SECRETARY OF STATE UNDER THE WORKMEN'S COMPENSATION ACT, 1925 (15 & 16 GEO. 5. C. 84) AND THE WORKMEN'S COMPENSATION (SILICOSIS AND ASBESTOSIS) ACT, 1930 (20 & 21 GEO. 5. C. 29).(a)

1931 No. 344

In pursuance of the powers conferred on me by section 47 of the Workmen's Compensation Act, 1925, as extended by section 1 of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, I hereby make the Scheme of Compensation annexed hereto.

J. R. Clynes,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall,
30th April, 1931.

THE ASBESTOS INDUSTRY (ASBESTOSIS) SCHEME, 1931

1. *Title of Scheme.*—This Scheme may be cited as "The Asbestos Industry (Asbestosis) Scheme, 1931."

2. *Commencement and Application of Scheme.*—This Scheme shall come into force on the 1st June, 1931, and shall apply to all workmen employed at any time on or after 1st May, 1931, in any of the following processes :—

(i) breaking, crushing, disintegrating, opening and grinding of asbestos, and the mixing or sieving of asbestos, or any admixture of asbestos, and all processes involving manipulation of asbestos incidental thereto ;

(a) *See* also S.R. & O. 1946 No. 593, p. 560 below.

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(ii) all processes in the manufacture of asbestos textiles, including preparatory and finishing processes ;

" Asbestos textiles " means yarn or cloth composed of asbestos or asbestos mixed with any other material.

(iii) the making of insulation slabs or sections, composed wholly or partly of asbestos, and processes incidental thereto ;

(iv) the making or repairing of mattresses, composed wholly or partly of asbestos, and processes incidental thereto ;

(v) any other manufacturing process carried on in the same room as any of the foregoing processes ;

(vi) sawing, grinding and turning in the dry state of articles composed wholly or partly of asbestos in the manufacture of such articles.

(vii) the cleaning of any machinery or other plant used in any of the foregoing processes and of any chambers, fixtures and appliances for the collection of asbestos dust.

Provided that nothing in this Scheme shall apply to the employment of any workman—

(*a*) in the process of mixing of asbestos or any admixture of asbestos or in any process specified in (vi) or any cleaning of machinery or other plant used in connection with any process so specified, if such employment is occasional only and for not more than eight hours in any week ; or

(*b*) in sawing, grinding or turning of articles composed wholly or partly of woven asbestos impregnated with bitumen or other bond of an adhesive nature.

3. *Definitions.*—In this Scheme, unless the context otherwise requires—

" Processes " means any of the processes mentioned in paragraph 2.

" The Act " means the Workmen's Compensation Act, 1925, as extended by the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.

The expressions " employer ", " workman ", and " dependants " have the same meanings as in the Act.

" Medical Board " means the Medical Board appointed by the Secretary of State under the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931.(**a**)

" Prescribed " means prescribed by the Secretary of State.

" Tuberculosis " means tuberculosis of the lungs.

Part I.—Right to Compensation

4. Where the Medical Board certify :—

(1) that the death of a workman has been caused by asbestosis or by asbestosis accompanied by tuberculosis ; or

(2) that a workman is totally disabled from asbestosis or from asbestosis accompanied by tuberculosis ; or

(**a**) S.R. & O. 1931 No. 341 p. 642 below.

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(3) that a workman, though not totally disabled, is suffering from asbestosis or from asbestosis accompanied by tuberculosis to such a degree as to make it dangerous for him to continue work in the processes, and is for that reason suspended from employment ;

and where the disease is due to employment in the processes whether under one or more employers, the workman or his dependants, as the case may be, shall be entitled to claim compensation as if the disease as aforesaid were a personal injury by accident arising out of and in the course of that employment, as provided by the Act, but subject to the modifications hereinafter contained.

Provided that no compensation shall be payable :—

(*a*) if the Medical Board certify that the asbestosis cannot have been contracted in the processes owing to the shortness of the time during which the workman has been employed therein ;

(*b*) in cases where the workman has not been employed in the processes or has not been in receipt of weekly payments under this Scheme at any time within the three years previous to the date of the injury ;

(*c*) in cases where the workman, or his dependants, as the case may be, are in receipt of compensation under any other scheme or enactment providing compensation for asbestosis or silicosis whether in Great Britain or elsewhere.

5. If the workman has been employed in the processes for a period or periods amounting to not less than five years, the disease shall be deemed to be due to employment in the processes unless the employer proves the contrary.

6. For the purposes of this Scheme the date of the injury shall be deemed to be the date on or from which the workman is certified to be totally disabled or, while not totally disabled, is suspended from employment or, in cases where the workman dies without having been certified to be totally disabled or suspended, the date of death.

7. Where a workman claims to be suffering from asbestosis or asbestosis accompanied by tuberculosis, the employer may agree with the workman that he is liable to pay compensation without requiring the workman to obtain a certificate from the Medical Board, and thereupon the workman shall be deemed to be suspended from employment in the processes and shall be entitled to compensation as from the date of the agreement or from such other date as may be agreed.

Any such agreement may be recorded in the manner provided by section 23 of the Act as applied by this Scheme, and shall be enforceable against the employer in like manner and subject to the same provisions as an agreement to pay compensation in case of an injury under the Act

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8.—(1) The compensation shall be claimed and recoverable from the employer who last employed the workman in the processes ; except that in the case of a newly engaged workman who is suspended from employment in the processes at an initial examination in pursuance of paragraph 12 of the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931, the employer from whom compensation shall be claimed and recoverable shall be the employer who last employed the workman in the processes previously to the new engagement.

(2) Any other employers who employed the workman in the processes during the five years preceding the date of the injury shall, unless they had at the commencement of this Scheme ceased to carry on the said processes, be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, may be determined by arbitration under this Scheme.

Provided that no employer shall be liable to make any such contribution—

(i) in any case where the employer from whom compensation is recoverable has admitted liability to pay compensation in pursuance of paragraph 7 of this Scheme without requiring a certificate from the Medical Board ; or

(ii) in respect of any period of employment more than twelve months previous to the commencement of this Scheme.

Part II.—Amount of Compensation

9.—(1) In cases of death or total disablement the compensation payable under this Scheme shall be determined in accordance with the provisions contained in the Act for fixing the compensation in cases of death or total incapacity.

In cases of total disablement the compensation shall be payable from the date certified by the Medical Board as the date on which such disablement commenced, or, if the Board are unable to certify such a date, the date on which the certificate is given.

(2) In cases of suspension due to asbestosis or asbestosis accompanied by tuberculosis where the workman is not totally disabled :—

(*a*) if the Medical Board certify that the workman's general physical capacity for employment is impaired by reason of the disease, the workman shall be entitled, while impairment continues, to a weekly payment fixed in accordance with the provisions of the Act for fixing the compensation in cases of partial incapacity;

(*b*) if the Medical Board certify that the workman's general physical capacity for employment is not impaired by reason of the disease, the workman, if unable to obtain suitable employment at a rate of remuneration not less than he was earning in the processes, shall be entitled while he remains out of such employment, to such weekly payment as, in the absence of agreement, the County Court Judge or other arbitrator may direct.

Provided that such compensation shall not be payable for more than thirteen weeks in all, and shall in no case exceed 50 per cent. of the workman's average weekly earnings computed in accordance with the provisions of the Act.

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(3) In the application of the aforesaid provisions of the Act the amount of compensation shall be calculated with reference to the earnings of the workman under the employer from whom compensation is recoverable under this Scheme.

Part III.—Conditions of Compensation

10. The provisions as to notice of accident and claim for compensation contained in section 14 of the Act shall apply in cases of death, total disablement or suspension arising under this Scheme subject to the following modifications :—

(*a*) the employer to whom the notice is to be given shall be the employer who last employed the workman in the processes or, in the case of a newly engaged workman who is suspended from employment in the processes at an initial examination in pursuance of paragraph 12 of the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931, the employer who last employed the workman in the processes previously to the new engagement;

(*b*) the notice may be given notwithstanding that the workman has voluntarily left his employment.

11.—(1) The provisions of the Act relating to submission to medical examination, and so far as regards examinations made by a medical practitioner provided and paid by the employer, the provisions relating to suspension of the right to compensation, and any regulations (excepting those determining the fees payable to medical referees) and rules of court made thereunder, shall apply in the case of any workman claiming or in receipt of weekly payments of compensation under this Scheme, subject to the condition that no workman in receipt of such weekly payments shall be required to submit himself for examination by a medical practitioner under the said provisions more frequently than once in every three months.

Provided that any reference required to be made to a medical referee under the said provisions shall be made to the Medical Board.

(2) Where a medical examination of the workman by a medical practitioner provided and paid for by the employer is required by the employer, such examination may include a radiological examination made by such practitioner or by a radiologist selected by him.

12. It shall be the duty of every workman—

(*a*) to submit himself to the periodic and other examinations provided for under this Scheme or the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931, and for that purpose unless certified by a duly qualified medical practitioner to be unfit to travel) to attend at the place and time specified by the Medical Board or the medical practitioner appointed to make the examination ;

(*b*) after having been certified to be totally disabled or suspended from employment in the processes not to re-engage in employment therein or in any of the occupations mentioned in the Schedule to this Scheme except so far as may be allowed by certificate of the Medical Board.

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If a workman refuses or wilfully neglects to submit himself to any such examination or in any way obstructs the same, or if, contrary to the foregoing provisions, he re-engages in employment in the processes or in any of the occupations mentioned in the said Schedule, he shall forfeit any right to compensation under this Scheme.

Provided that if the County Court Judge or other arbitrator under this Scheme is satisfied that the failure of the workman or his dependants to comply with any of the requirements of this paragraph has been due to a *bona fide* mistake on his or their part or other reasonable cause, it shall be in his discretion to relax this provision on such conditions and to such extent as he may think fit.

13. It shall be the duty of every workman or his dependants claiming compensation under this Scheme to furnish to the employer from whom compensation is claimed, if so required, true information as to his employment with any previous employer who, within the five years preceding the date of the injury, employed him in the processes or in any of the occupations mentioned in the Schedule to this Scheme and as to whether the workman or his dependants are in receipt of compensation under any other scheme or enactment providing compensation for asbestosis or silicosis, whether in Great Britain or elsewhere.

If a workman or his dependants furnish false information or withhold information as aforesaid, he or they, as the case may be, shall forfeit any right to compensation under this Scheme.

Provided that if the County Court Judge or other arbitrator under this Scheme is satisfied that the failure of the workman or his dependants to comply with any of the requirements of this paragraph has been due to a *bona fide* mistake on his or their part or other reasonable cause, it shall be in his discretion to relax this provision on such conditions and to such extent as he may think fit.

Part IV.—Procedure for Settling Questions

14.—(1) Any question as to the liability to pay compensation under this Scheme, and, except as otherwise provided in this Scheme, any other question arising under this Scheme shall be determined as though it were a question in proceedings arising under the Act, and the provisions of the Act relating to the procedure for determining compensation and settling questions and any regulations (except those determining the fees payable to medical referees) and rules of court made in pursuance thereof shall apply accordingly.

Provided that (*a*) the provisions of the Act as to the summoning of a medical referee as assessor shall not apply to cases arising under this Scheme ; and (*b*) any report required in pursuance of the said provisions to be obtained from a medical referee shall be obtained from the Medical Board.

(2) The power of making rules of Court under the Act shall include a power to make such rules as may be necessary for the purpose of carrying this Scheme into effect.

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Part V.—Miscellaneous Provisions

15. Any fees paid into the County Court (or in Scotland, the Sheriff Court) in respect of examinations made or certificates given by the Medical Board under any of the provisions of the Act as applied to this Scheme shall be transmitted by the Registrar of the Court (or in Scotland, the Sheriff Clerk) to the Medical Expenses Fund established under the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931, in accordance with such arrangements as may be made by the Lord Chancellor (or in Scotland, the King's and Lord Treasurer's Remembrancer).

16. The provisions of sub-sections (1), (2), (3) and (4) and, notwithstanding anything in section 40 of the Act, sub-section (5) of section sixteen of the National Health Insurance Act, 1924, as amended by the National Health Insurance Act, 1928, shall apply to compensation under this Scheme in the same way as to compensation under the Act. 14 & 15 Geo. 5. c. 38. 18 & 19 Geo. 5. c. 14.

Provided that in the application of sub-section (3) of section sixteen as aforesaid a workman who would otherwise be eligible for compensation under this Scheme but refuses or wilfully neglects to take the steps to obtain compensation under this Scheme shall be deemed to have unreasonable refused or neglected to take proceedings within the meaning of the said sub-section.

17. The following provisions of the Act shall so far as applicable apply to any case under this Scheme in like manner as in cases under the Act :—

(*a*) Section 6.—Liability in case of workmen employed by contractors.

(*b*) Section 7.—Provision as to cases of bankruptcy of employer.

(*c*) Section 16.—Conditions as to residence ; except that any certificate required under the section shall be obtained from the Medical Board.

(*d*) Section 40.—Prohibition against charging or assigning weekly payments.

(*e*) Section 41.—Repayment of Poor Relief.

(*f*) Section 48.—Interpretation.

(*g*) Section 49.—Application to Scotland.

18. Every employer who employs any person in any of the processes shall in every year send to the Secretary of State, at such time and in such form as may be prescribed, a correct return of the number of cases in respect of which compensation has been paid by him under this Scheme during the previous year and the amount of such compensation, together with such other particulars as the Secretary of State may direct, and an employer failing to send such return shall be deemed to be in default in complying with section 42 (1) of the Act.

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SCHEDULE

OCCUPATIONS REFERRED TO IN PARAGRAPHS 12 (*b*) AND 13 OF SCHEME.

Any process to which the Refractories Industries (Silicosis) Scheme, 1931, (**a**) applies, in or in connection with the getting, handling, moving, breaking, crushing, grinding or sieving of material containing not less than 80 per cent. total silica (SiO_2) or in the manipulation of such material in the manufacture of bricks or other articles containing not less than 80 per cent. total silica (SiO_2).

Any process to which the Sandstone Industry (Silicosis) Scheme, 1931, (**b**) applies.

Any process to which the Metal Grinding Industries (Silicosis) Scheme, 1931, (**c**) applies.

Any process to which the Various Industries (Silicosis) Scheme, 1931, (**d**) applies.

Any occupation in a mine scheduled under the Miners' Phthisis Acts of the Union of South Africa.

THE ASBESTOS INDUSTRY (ASBESTOSIS) AMENDMENT SCHEME, 1946, DATED APRIL 16, 1946, MADE BY THE MINISTER OF NATIONAL INSURANCE UNDER 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 ACT, 1943 (6 & 7 GEO. 6. c. 6) AND THE WORKMEN'S COMPENSATION (PNEUMOCONIOSIS) ACT, 1935 (9 & 10 GEO. 6. c. 16).

1946 No. 593

12

Whereas the Secretary of State made the Asbestos Industry (Asbestosis) Scheme, 1931,(**e**) which Scheme is hereinafter referred to as "the principal Scheme";

And whereas it is desirable to extend and vary the principal Scheme;

Now therefore in pursuance of the powers conferred on him by Section 47 of the Workmen's Compensation Act, 1925, as amended by the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, the Workmen's Compensation Act, 1943, and the Ministry of National Insurance (Workmen's Compensation) Order, 1945,(**f**) and by the Workmen's Compensation (Pneumoconiosis) Act, 1945, and of all other powers enabling him in that behalf, the Minister of National Insurance by this Scheme provides as follows:—

(**a**) S.R. & O. 1931 No. 345 p. 608 below.
(**b**) S.R. & O. 1931 No. 346 p. 620 below.
(**c**) S.R. & O. 1931 No. 343 p. 588 below.
(**d**) S.R. & O. 1931 No. 342 p. 664 below.
(**e**) S.R. & O. 1931 No. 344 p. 553 above.
(**f**) S.R. & O. 1945 No. 318 *see* the title "Ministers of the Crown (Transfer of Functions)".

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1. For the purposes of any of the following provisions of the principal Scheme, namely :—

(*a*) Proviso (*b*) to paragraph 4, so far as that proviso excludes the payment of compensation in cases where a workman has not been employed in certain processes at any time within the three years previous to the date of the injury ;

(*b*) Sub-paragraph (2) of paragraph 8, which provides for contributions towards compensation from employers who have employed the workman in certain processes during the five years preceding the date of the injury ; and

(*c*) Paragraph 13, which provides for the furnishing of information as to employers who have employed the workman in certain processes or occupations within the period of five years preceding the date of the injury ;

there shall be disregarded any period between the third day of September, 1939, and the thirty-first day of March, 1946, during which a workman has been engaged in any service or employment (other than service or employment in a process to which the principal Scheme applies or in any of the occupations mentioned in the First Schedule to that Scheme) which the County Court Judge or other arbitrator under the principal Scheme is satisfied the workman would not have undertaken but for a state of war.

2. This Scheme shall have effect whether the workman was last employed in any process specified in paragraph 2 of the principal Scheme or employed by the employer in question before or after the date of this Scheme.

3. This Scheme may be cited as " The Asbestos Industry (Asbestosis) Amendment Scheme, 1946."

Signed by order of the Minister of National Insurance this 16th day of April, 1946.

T. W. Phillips,
Secretary to the Ministry of National Insurance.

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(2) Byssinosis (Benefit) Scheme

THE BYSSINOSIS (BENEFIT) SCHEME, 1941, DATED APRIL 14, 1941, MADE BY THE SECRETARY OF STATE UNDER THE WORKMEN'S COMPENSATION AND BENEFIT (BYSSINOSIS) ACT, 1940 (3 & 4 GEO. 6. C. 56).

1941 No. 525

[*This Scheme* (*S. R. & O.* 1941, *I*, *p.* 1239) *is printed as amended by Schemes, dated April* 28, 1944 (*S. R. & O.* 1944 (*No.* 504) *I*, *p.* 1099) *and April* 30, 1947 (*S. R. & O.* 1947 (*No.* 826) *I*, *p.* 2677).]

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In pursuance of the powers conferred on me by Section 2 of the Workmen's Compensation and Benefit (Byssinosis) Act, 1940, I hereby make the Benefit Scheme annexed hereto.

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

Home Office,
Whitehall,
14th April, 1941.

THE BYSSINOSIS (BENEFIT) SCHEME, 1941

1. *Title of Scheme.*—This Scheme may be cited as "The Byssinosis (Benefit) Scheme, 1941."

2. *Commencement and Application of Scheme.*—This Scheme shall come into force on the 1st May, 1941, and shall apply to all male workmen who have been employed before, but not on or at any time after 1st May, 1941, in cotton rooms, blowing rooms or card rooms, in factories in which the spinning of raw cotton is carried on.

3. *Definitions.*—In this Scheme, unless the context otherwise requires:—

"The employment" means employment in cotton rooms, blowing rooms, or card rooms, in factories in which the spinning of raw cotton is carried on.

"The disease" means the respiratory disease known as byssinosis.

"Medical Board" means the Medical Board appointed by the Secretary of State under this Scheme.

"Administrative Board" means the Administrative Board set up by the Secretary of State under this Scheme.

"Fund" means the Benefit Fund established under Part II of this Scheme.

"Workman" has the same meaning as in the Workmen's Compensation Act, 1925. (15 & 16 Geo. 5. c. 84.)

"Prescribed" means prescribed by the Secretary of State.

Part I.—Provisions as to Benefit

4. Where—

(*a*) the Administrative Board certify that a workman to whom this Scheme applies has been employed for a period of or periods amounting in the aggregate to not less than 20 years in the employment; and

(*b*) the Medical Board certify that the workman has become totally and permanently incapacitated for work as the result of the disease;

the workman shall, subject to the provisions of this Scheme, be entitled to payment of the benefit provided under this Scheme.

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5. Any claim by a workman to benefit under this Scheme, or any question arising in regard thereto, shall be determined by the Administrative Board, whose decision thereon shall be final.

6. The benefit payable under this Scheme shall be a weekly payment of twenty shillings and shall be payable to the workman—

(*a*) in a case where he is certified by the Medical Board to have become totally and permanently incapacitated for work as the result of the disease at the date of the commencement of this Scheme, as from that date ; or

(*b*) in a case where he is certified by the Medical Board to have become totally and permanently incapacitated as aforesaid from a date later than the commencement of this Scheme, as from that later date.(**a**)

7. Where a weekly payment is payable under this Scheme to a person under any legal disability, the Administrative Board may direct that the weekly payment shall be paid during the disability to any person nominated by the Board for the purpose, or to the Public Trustee, to apply, subject to any directions of the Board, as in his discretion he thinks best for the benefit of the person entitled thereto.

8. The weekly payment shall not be capable of being assigned, charged or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

9. The provisions of Sections 51, 52 and 53 of the National Health Insurance Act, 1936, shall not apply in relation to benefits under this Scheme. 26 Geo. 5 & 1 Edw. 8. c. 32.

10. If representation is made to the Administrative Board that a workman in receipt of weekly payments under this Scheme is no longer totally incapacitated for work as the result of the disease the Board may, after making such inquiries as they think proper, issue a warrant for his re-examination by the Medical Board and may if they think fit suspend the weekly payments pending such re-examination as from such date as they deem proper ; provided that a workman shall not be required under this paragraph to be re-examined by the Medical Board within six months of his last examination by the Board.

If the Medical Board certify on such re-examination that the workman is no longer totally incapacitated for work as the result of the disease the workman shall cease to be entitled to weekly payments under this Scheme as from the date of the certificate or, if the weekly payments have been suspended, from the date when they were suspended (but without prejudice to the rights of the workman to further benefit under this Scheme if he is again found by the Medical Board to be totally and permanently incapacitated as the result of the disease) ; and if the Medical Board do not certify as aforesaid, any weekly payments which have been suspended shall be paid forthwith.

(**a**) Para 6 as amended by S. R. & Os. 1944 No. 504 and 1947 No. 826.

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Part II.—Benefit Fund

11.—(1) All benefits under this Scheme and such other expenses as may be prescribed in this Scheme shall be paid out of a Benefit Fund which shall be maintained by subscriptions paid by occupiers of factories in which the employment is carried on, and shall be administered by the Administrative Board.

(2) Any expenses incurred from time to time by the Administrative Board in the administration of the Fund or otherwise for the purposes of this Scheme may, with the approval of the Secretary of State, be charged to the Fund.

(3) There shall also be paid out of the Fund :

(*a*) such fees or other payments to or on behalf of the Medical Board as may be approved by the Secretary of State, to remunerate the Board for their services as respects medical examinations made and certificates given under this Scheme, and to meet expenses necessarily incurred by the Board in obtaining special expert assistance or otherwise for the purpose of their duties under this Scheme ;

(*b*) any travelling or other expenses reasonably incurred by a workman (subject to any scale approved by the Secretary of State) in submitting himself for examination when so required by the Medical Board ;

(*c*) any fees or other charges payable in respect of the administration of any moneys held in trust under this Scheme.

12. The Administrative Board shall have power, not later than six months from the commencement of this Scheme, to borrow for the purposes of the Fund, such sums not exceeding in the aggregate one thousand Pounds, as the Secretary of State may approve and on such terms as to the giving of security, rate of interest, repayment or otherwise, as may be so approved.

13. It shall be the duty of the Administrative Board, subject to and in compliance with any directions given by the Secretary of State in that behalf, to fix, levy and enforce such subscriptions from occupiers of factories in which the employment is carried on as will at least enable the Fund to meet the cost of benefits and of administrative and other expenses payable from the Fund under this Scheme as they fall due to be paid, and to invest or otherwise deal with all moneys received by the Fund, and to secure that no moneys or securities belonging to the Fund are applied directly or indirectly for any purposes other than those authorised under this Scheme.

Subscriptions shall be fixed for periods of twelve months, unless the Administrative Board with the approval of the Secretary of State fix a shorter period. The first such period shall commence with the date on which this Scheme is made. The subscription shall be based on the aggregate number of carding engines in factories in which the employment is carried on at the commencement of the period, and shall unless and until otherwise fixed and determined, be at the rate of 2s. 6d. per annum for each such carding engine.

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The rate of subscription shall be reviewed from time to time by the Administrative Board in the light of experience of the working of this Scheme and of the estimated liabilities of the Fund, but no alteration in the rate of subscription shall take effect until approved by the Secretary of State.

14. The occupier of every factory in which the employment is carried on shall pay to the Fund such subscriptions as aforesaid and shall give any such guarantees as the Administrative Board may with the approval of the Secretary of State determine; and any sum due by any such occupier to the Fund under this Scheme may be recovered by the Administrative Board summarily as a civil debt.

15. Any occupier of a factory commencing to carry on the employment shall forthwith notify the Administrative Board accordingly.

16. The occupier of every factory in which the employment is carried on :—

(*a*) shall send to the Administrative Board on their demand such information as the Board may from time to time require as to the number of carding engines in the factory, and

(*b*) shall allow the officers of the Board to visit the factory for the purpose of ascertaining or checking the number of carding engines in the factory.

17. If the occupier of any factory in which the employment is carried on at any time fails to furnish the information required under the preceding paragraph the Administrative Board shall be entitled to assess his subscription on such information from whatever source as is in their possession as to the number of carding engines in the factory from time to time and the subscription shall be payable accordingly and no question shall be referred to the Secretary of State in respect thereof.

Provided that this paragraph shall not apply if within fourteen days of the notice of assessment the occupier furnishes the Administrative Board with the information.

18. If any question arises under this part of this Scheme as to the application of this Scheme to any particular factory or as to the number of carding engines in a factory, the question shall be referred for final decision to the Secretary of State or, if the parties prefer, to a single arbitrator agreed upon by the parties and approved by the Secretary of State or, failing such agreement, appointed by the Secretary of State.

The Arbitration Act, 1889, shall not apply to any arbitration under this Scheme. 52 & 53 Vict. c. 49.

19. The Administrative Board shall cause the accounts of the Fund to be audited at least once in every year by an auditor appointed by the Secretary of State.

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20. Without prejudice to the power of the Secretary of State to revoke or amend this Scheme at any time, if the Secretary of State becomes satisfied, in view of the death of beneficiaries and of the improbability of any further claims to benefit being established under this Scheme, that the Fund may properly be wound up, he may give directions accordingly and any credit balance in the Fund when its liabilities up to the date of closing the Fund are discharged shall be distributed among the occupiers of factories in which the spinning of raw cotton is carried on in proportion to the numbers of carding engines in the respective factories at the commencement of the last period for fixing subscriptions, or in such other manner as the Administrative Board may, with the approval of the Secretary of State, determine.

Part III.—Administrative Board

21. There shall be established for the administration of the Fund, for the determination of all questions assigned to them under this Scheme and for the discharge of any other duties which may be imposed on them by this Scheme, an Administrative Board, that is to say a Board representative of both employers and workmen, presided over by an independent chairman, which shall exercise jurisdiction in accordance with such procedure as may be prescribed by rules made by the Secretary of State.

22. The Chairman and other members of the Administrative Board shall be appointed by the Secretary of State and shall hold office for such period as he may fix and shall be eligible for re-appointment.

The proceedings of the Board shall not be invalidated by any vacancy in their number or by any defect in the appointment of any member of the Board.

23. In the absence of the Chairman at any meeting the Chair may be occupied by any member of the Administrative Board chosen by the Board.

24. Any question arising at any meeting may be decided by a majority of the votes of those personally present at the meeting, excluding the independent Chairman, or, in the case of an equality of votes, by a casting vote of the independent Chairman.

25. The Chairman and members of the Administrative Board shall be entitled to be reimbursed from the Benefit Fund such travelling and other reasonable expenses incurred by them in attending meetings of the Board or otherwise in carrying out their duties under this Scheme, as the Secretary of State may approve.

26.—(1) The Administrative Board shall be assisted by an executive officer hereinafter referred to as the Secretary of the Board who shall be appointed by the Secretary of State after consultation with the Board, on such terms as to remuneration or otherwise as the Secretary of State may approve.

(2) It shall be the duty of the Secretary of the Administrative Board, subject to the directions of the Board and to any rules of the Secretary of State as to the procedure of the Board and as to his duties—

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(*a*) to keep a record of the proceedings of the Administrative Board, to make inquiries as to the history of workmen applying for medical examination, to issue any certificate or warrant for medical examination authorised by the Board, to notify the decisions of the Board to the persons concerned, and to perform such other duties as may be assigned to him under this Scheme or any rules made thereunder ;

(*b*) to make such arrangements as are necessary for the sittings of the Medical Board, to keep a record of the examinations made by the Medical Board and the action taken thereon ; and generally to assist the Medical Board in the discharge of their duties under this Scheme ; and

(*c*) to collect and recover any moneys due to the Fund and to take any steps necessary for that purpose, to make payments out of the Fund as authorised under this Scheme, and to keep full and true accounts showing the sums received by or due to the Fund from any source and all amounts paid out of the Fund.

27.—(1) The independent chairman of the Administrative Board shall have power if the Board so resolve, and on such terms as may be specified in the resolution, to authorise the payment of benefit under this Scheme. Any such authorisation shall be subject to confirmation by the Administrative Board at the next meeting of the Board.

(2) If the Administrative Board so resolve, the independent chairman shall have power to issue on their behalf any certificates or warrants which may be issued by the Administrative Board under this Scheme, and to carry out such other duties or exercise such other functions on their behalf, as may seem appropriate.

28. The Administrative Board shall furnish to the Secretary of State annually, or at such other intervals as he may prescribe, a revenue account and balance sheet of the Fund and a statement of cases dealt with in respect of the previous year or other prescribed period.

Part IV.—Medical Board

29. A Medical Board consisting of specially qualified Medical practitioners shall be appointed by the Secretary of State for the purpose of making the medical examinations and giving the medical certificates required to be made or given by the Medical Board in pursuance of this Scheme.

The Members of the Medical Board shall hold office on such terms as to remuneration and otherwise as the Secretary of State may approve, and shall be responsible to the Secretary of State for carrying out their duties in accordance with the procedure laid down in this Scheme and in compliance with any instructions issued by him.

30. Where in pursuance of this Scheme a certificate is required to be given by the Medical Board, such certificate shall not be given except with the authority of not less than two members of the Board.

31. Any certificate given by the Medical Board in pursuance of the provisions of this Scheme shall be conclusive evidence of the matters therein certified.

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32. The Medical Board shall forward all certificates given in pursuance of this Scheme to the Secretary of the Administrative Board.

Medical Examinations

33. Any workman desiring to claim benefit in pursuance of this Scheme may apply to the Administrative Board for a warrant authorising him to be examined by the Medical Board, and on production of such warrant the Medical Board shall examine the workman and, if satisfied that he is totally and permanently incapacitated for work as the result of the disease, shall certify accordingly in the prescribed form.

34. Where the Administrative Board on representation made under paragraph 10 of this Scheme, issue a warrant for the re-examination of a workman who has been certified under this Scheme to be totally and permanently incapacitated as the result of the disease the Medical Board shall re-examine the workman and give a fresh certificate in the prescribed form confirming or amending the previous certificate.

35. The Medical Board shall have power subject to any general directions of the Secretary of State in any case where they consider necessary, to make or cause to be made a radiographic examination of the lungs of the workman and to obtain the report of a radiologist or other expert assistance on the case.

Part V.—Duties of Workmen

36. It shall be the duty of every workman to submit himself to examination by the Medical Board when so directed by that Board or by the Administrative Board in accordance with this Scheme, and for that purpose (unless certified by a duly qualified medical practitioner to be unfit to travel) to attend at the place and time specified by the Medical Board ; and if a workman refuses or wilfully neglects to submit himself to any such examination, or in any way obstructs the same he shall forfeit any right to benefit under this Scheme.

Provided that if the Administrative Board are satisfied that the failure of the workman to comply with any of the requirements of this paragraph has been due to a *bona fide* mistake on his part or other reasonable cause, it shall be in the discretion of the Board to relax this provision on such conditions and to such extent as they may think fit.

37. It shall be the duty of every workman who claims benefit under this Scheme to furnish to the Administrative Board on their request full and true information as to the periods during which he has been in the employment, the precise occupations in which, and the addresses at which he has been employed in the employment. If a workman furnishes to the Board false information or withholds from the Board information as aforesaid, he shall forfeit any right to benefit under this Scheme.

Provided that if the Administrative Board are satisfied that the failure of the workman to comply with any of the requirements of this paragraph has been due to a *bona fide* mistake on his part or other reasonable cause it shall be in the discretion of the Board to relax this provision on such conditions and to such extent as they may think fit.

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