

National Insurance and Social Security

Cap. 47.

**NATIONAL INSURANCE AND SOCIAL
SECURITY (EMPLOYMENT INJURY)
(PRESCRIBED DISEASES) REGULATIONS, 1971**

1971/77.
1982/35.
2006/134.

Authority: These Regulations were made on 11th May, 1971 by the Minister under section 50 of the *National Insurance and Social Security Act*.

Commencement: 4th January, 1971.

1. These Regulations may be cited as the *National Insurance and Social Security (Employment Injury) (Prescribed Diseases) Regulations, 1971*. Short title.

Preliminary

2. For the purposes of these Regulations, Interpreta-
tion.
"insurable employment" means employment pursuant to section 14 (2) of the Act;
"prescribed disease" means a disease or injury prescribed under Part I, and references to a prescribed disease being contracted shall be deemed to include references to a prescribed injury being received.

PART I

Prescription of Diseases and Presumption as to their Origin

3. For the purposes of Part IV of the Act, each disease or injury set out in the first column of the *First Schedule* is prescribed in relation to all insured persons who have been employed on or after the appointed day in insurable employment in any occupation set out against such disease or injury in the second column of that Schedule. Prescription
of diseases
and injuries.
First
Schedule.

Sequelae or
resulting
conditions.

4. Where a person

- (a) is insured under the Act and these Regulations against a prescribed disease; and
- (b) is suffering from a condition which, in his case, has resulted from that disease,

Part IV of the Act and these Regulations shall apply to him as if he were suffering from that disease, whether or not the condition from which he is suffering is itself a prescribed disease.

Presump-
tion.

First
Schedule.

5. (1) Subject to paragraph (2), where an insured person has developed a disease which is prescribed in relation to him in the *First Schedule*, that disease shall, unless the contrary is proved, be presumed to be due to the nature of his insurable employment if that employment was in any occupation set against that disease in the second column of that Schedule and he was so employed on, or at any time within one month immediately preceding, the date on which, under the subsequent provisions of these Regulations, he is treated as having developed the disease.

(2) This paragraph shall not apply to the diseases specified in paragraphs 1, 17 and 18 of the *First Schedule*.

(3) Where an insured person in relation to whom pneumoconiosis is prescribed in paragraph 1 of the *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 he has been employed in any work involving exposure to the risk concerned for a period or periods amounting in the aggregate to not less than 2 years in employment which either

- (a) was insurable employment; or
- (b) would have been insurable employment if it had taken place on or after the appointed day.

(4) Where an insured person in relation to whom byssinosis is prescribed in paragraph 17 of the *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.

(5) Where an insured person in relation to whom tuberculosis is prescribed in paragraph 18 of the *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 6 weeks after the date on which he

was first employed in any occupation set against the disease in the second column of that Schedule and not more than two years after the date on which he was last so employed in insurable employment.

PART II

Date of Development and Recrudescence

6. If on a claim for benefit under Part IV of the Act in respect of a prescribed disease, a person is found to be or to have been suffering from the disease, or to have died as the result thereof, the disease shall, for the purposes of such claim, be treated as having developed on a date (hereafter in these regulations referred to as "the date of development") determined in accordance with regulations 7 and 8.

Development
of disease.

7. (1) For the purposes of the first claim in respect of a prescribed disease suffered by an insured person, the date of development shall be determined in accordance with paragraph (3), and, subject to paragraph (2) and save as provided in regulation 8, that date shall be treated as the date of development for the purposes of any subsequent claim in respect of the same disease suffered by the same person.

Date of
develop-
ment.

(2) 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.

(3) Where the claim for the purposes of which the date of development is to be determined is

- (a) a claim for injury benefit, the date of development shall be the first day on which the claimant was incapable of work as the result of the disease on or after the appointed day, or, if later, the date as from which benefit could be paid on that claim;
- (b) a claim for disablement benefit, the date of development shall be the day on which the claimant first suffered from the relevant loss of faculty on or after the appointed

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day, or, if later, the date as from which benefit could be paid on that claim; or

- (c) a claim for death benefit, the date of development shall be the date of death.

(4) For the purposes of paragraph (3), the expression "the date as from which benefit could be paid on that claim" means, in relation to any claim, the first day of the period in respect of which benefit could be paid on that claim having regard to the provisions of regulation 13 of the National Insurance and Social Security (Employment Injury Claims and Payments) Regulations, 1970, or could have been paid but for the provisions of regulation 6 of the National Insurance and Social Security (Employment Injury Benefit) Regulations, 1970.

Recru-
descence.

8. If a person, after having been awarded benefit in respect of a prescribed disease other than pneumoconiosis or byssinosis, recovers wholly or partially from the attack of the disease, and thereafter suffers from another attack of the same disease, or dies as the result thereof, then

- (a) if the further attack commences or the death occurs during an injury benefit period or during a period taken into account by an assessment of disablement relating to such a previous award (either of which periods is hereinafter referred to as a "relevant period"), the disease shall be treated as a recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in paragraph (b);
- (b) if the further attack commences or the death occurs otherwise than during a relevant period, or if it is determined in the manner provided in Part IV that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

Further or
fresh attack.

9. (1) For the purposes of regulation 8, a further attack of a prescribed disease shall be deemed to have commenced on the date which would be treated as the date of development under regulation 7 if no previous claim has been made in respect of that disease.

(2) Where, under regulation 8, a disease is treated as having been contracted afresh, regulation 7 shall be applied as though

no previous claim had been made in respect of that disease and the date of development shall be determined accordingly.

(3) Where, under regulation 8, a disease is treated as a recrudescence during a period taken into account by a previous assessment of disablement, any assessment of disablement in respect of the recrudescence shall be by way of review of such previous assessment, and such review shall be subject to regulation 27.

PART III

Application of Part III of the Act and of Regulations made thereunder

10. For the purposes of this Part, the expression "relevant disease" means, in relation to any claim for benefit in respect of a prescribed disease, the prescribed disease in respect of which benefit is claimed, but does not include any previous or subsequent attack of that disease, suffered by the same person, which, under Part II, is or has been treated as having developed on a date other than the date which, under that Part, is treated as the date of development for the purposes of the claim under consideration.

Interpretation.

11. Part IV of the Act shall, in relation to prescribed diseases, be subject to the following provisions of this Part, and to the additions and modifications set out in the Second Schedule.

Application of Part IV of the Act.

12. (1) Save in so far as they are expressly varied or excluded by, or are inconsistent with, this Part, the National Insurance and Social Security (Employment Injury Claims and Payments) Regulations, 1970 and the National Insurance and Social Security (Employment Injury Benefit) Regulations, 1970 shall apply in relation to prescribed diseases as they apply in relation to accidents.

Application of Employment Injury (Claims and Payments) Regulations and Employment Injury (Benefit) Regulations and the constructions of references in those regulations.

(2) Save as provided in this Part or where the context otherwise requires, references in the regulations mentioned in paragraph (1) to accidents shall be construed as references to prescribed diseases, references to the relevant accident shall be construed as references to the relevant disease, references to the

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date of the relevant accident shall be construed as references to the date of development of the relevant disease, and references to the relevant injury shall be construed as references to the relevant disease.

Diseases
contracted
outside
Barbados.

13. For subsection (4) of section 21 of the Act there shall be substituted the provision that, subject to the provisions of Part VI of the Act relating to persons on ships and aircraft, for the purpose of determining whether a prescribed disease is, or, under Part I of these regulations is to be presumed to be, due to the nature of the person's insurable employment, that person shall be regarded as not being, or as not having been, in insurable employment during any period for which he is or was outside Barbados, and, accordingly, benefit shall not be payable in respect of a prescribed disease which is due to the nature of employment in an occupation in which the insured person has only been engaged outside Barbados.

Injury
benefit.

14. Save as provided in regulation 15, the injury benefit period shall begin with the date of development of the relevant disease.

Disablement
benefit not
preceded by
injury
benefit.

15. 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 Part II a date of development is determined for the purposes of that claim

- (a) regulation 7 (2) of the National Insurance and Social Security (Employment Injury Benefit) Regulations, 1970 shall not apply and the claim shall be treated as if there had been no injury benefit period;
- (b) regulation 10 (4) of the National Insurance and Social Security (Employment Injury Benefit) Regulations, 1970 shall have effect as if for references therein to the end of the injury benefit period (wherever those words occur), there were substituted references to the date of development.

Exception
from require-
ments as to
notice.

16. Regulation 3 of the National Insurance and Social Security (Employment Injury Claims and Payments) Regulations, 1970 shall not apply in relation to prescribed diseases.

17. Regulation 5 of the National Insurance and Social Security (Employment Injury Claims and Payments) Regulations, 1970 shall apply also to medical examinations for the purpose of determining whether a claimant or beneficiary is suffering or has suffered from a prescribed disease.

Provisions as to medical examination.

PART IV

Procedure for Determination of Claims and Questions

18. This Part shall apply to all claims for benefit under Part IV of the Act in respect of a prescribed disease and to all questions arising in connection with such claims or with any award of benefit thereon.

Application.

19. (1) Regulations 8 and 40 (3) of the National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970 shall not apply in relation to prescribed diseases.

Application of section 35 of the Act and the Employment Injury (Determination of Claims and Questions) Regulations. S.I. 1971 No. 5.

(2) Save as provided in paragraph (1), section 35 of the Act and the National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970 shall apply, as appropriate, to the determination of claims and questions, subject to the additions and modifications set out in the Second Schedule and to the following provisions of this Part.

20. (1) All claims and questions to which this Part applies shall be determined in accordance with the National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970 save in so far as those regulations are inconsistent with or varied by these regulations.

Determination of claims and questions.

(2) Save as provided in this Part, any reference in the National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970 to the relevant accident shall be construed as a reference to the relevant disease and any reference to the date of the relevant accident shall be construed as a reference to the date of development of the relevant disease.

21. (1) For the purposes of these regulations, any questions arising in connection with a claim for or award of injury benefit or disablement benefit

Reference of diagnosis and recrudescence questions for report.

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- (a) whether any person is suffering or has suffered from a prescribed disease, is referred to as a diagnosis question;
- (b) whether a prescribed disease has, in fact been contracted afresh, in a case where that question arises under regulation 8 or 9, is referred to as a recrudescence question.

(2) Subject to regulation 22, if a diagnosis or recrudescence question arises in any case, the Director shall forthwith refer that question for examination and report to one or more medical practitioners.

Power to dispense with reference for report.

22. (1) Subject to paragraph (2), the Director may determine a diagnosis or recrudescence question without referring it as provided in paragraph (2) of regulation 21 if he is satisfied that such reference can be dispensed with having regard to—

- (a) a medical report signed by a medical practitioner on the staff of a hospital at which the claimant or beneficiary is receiving or has received treatment for a condition due to a prescribed disease, or by a medical officer engaged at the place of work where the claimant or beneficiary is or was employed; or
- (b) the decision of any similar diagnosis or recrudescence question which has been determined on the consideration of any previous claim or question arising in respect of the same disease suffered by the same person (including the date and terms of any medical reports on which such previous decision was based and of any medical certificates submitted by the claimant or beneficiary).

(2) A reference for report shall not be dispensed with on the grounds specified in sub-paragraph (a) of paragraph (1) except where a diagnosis is determined in favour of the claimant or beneficiary or where a recrudescence question arises in connection with a diagnosis question which has been so determined under this regulation.

(3) If the Director is of the opinion that the claim or question submitted to him or any part thereof can be disposed of without determining any diagnosis or recrudescence question, he may make an award or determine that an award cannot be made,

or may determine the question submitted to him accordingly, without referring such diagnosis or recrudescence question for report as required by paragraph (2) of regulation 21 or before so referring it.

(4) If during a period taken into account by an assessment of disablement relating to an award of disablement benefit in respect of a prescribed disease, the beneficiary either

- (a) applies for a review of such assessment; or
- (b) makes a further claim for disablement benefit in respect of a fresh attack of the disease,

any recrudescence question arising on such application or further claim, instead of being referred for report as aforesaid, shall be referred for decision to the medical board together with any disablement question which arises.

(5) Paragraph (2) of regulation 21 and paragraphs (1) to (4) of this regulation shall apply to an appeal tribunal and the Commissioner as they apply to the Director with this modification, that an appeal tribunal or the Commissioner, instead of themselves or himself referring a diagnosis or recrudescence question to a medical practitioner in accordance with regulation 21 shall direct the Director to refer it to a medical board in accordance with regulation 23.

23. (1) If a diagnosis or recrudescence question has been referred as provided by paragraph (2) of regulation 21, the Director shall proceed with the consideration of that question as soon as possible after he has received the report of the medical practitioner or practitioners to whom it was so referred.

Procedure
on receipt
of report.

(2) If the question so referred was a diagnosis question, then, subject to paragraph (4), the Director may

- (a) himself determine the question in favour of the claimant or beneficiary; or
- (b) refer the question to a medical board for their decision; or
- (c) himself determine the question adversely to the claimant or beneficiary.

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- (3) If the question so referred was a recrudescence question, then, subject to paragraphs (4) and (5), the Director—
- (a) if he is satisfied having regard to such report as aforesaid that the disease ought to be treated as having been in fact contracted afresh, shall so treat it and shall determine the question accordingly;
 - (b) if he is not so satisfied, shall treat the disease as recrudescence of the previous attack or as not having developed on or after the appointed day, as the case may require, and shall determine the question accordingly.
- (4) If on the consideration of a diagnosis or recrudescence question the Director is of opinion that there arises a disablement question, he shall not determine the diagnosis or recrudescence question but shall refer it to the medical board together with the disablement question.
- (5) If a diagnosis question is referred to a medical board under this regulation or under regulation 25, the Director shall not himself determine any recrudescence question which arises in connection therewith, but shall refer it to the medical board together with the diagnosis question.

Notification
of decision
and right of
appeal.

24. (1) Where under regulation 22 or 23 the Director has determined a diagnosis question adversely to the claimant or beneficiary or has determined a recrudescence question, the claimant or beneficiary shall be notified in writing of the decision and the reasons therefor, and of his right of appeal therefrom.

(2) A claimant or beneficiary who desires to appeal from any decision of the Director such as is mentioned in paragraph (1) shall do so by giving to the office of the Board notice of appeal within ten days after the claimant or beneficiary has been notified of the Director's decision.

(3) Notwithstanding paragraph (2) a notice of appeal given after the expiry of the period of ten days limited by that paragraph may be accepted if the Board is of the opinion that there was good cause for the delay.

25. (1) As soon as practicable after receiving notice of appeal given under regulation 24, the Director shall refer the question to a medical board for their decision.

Appeal or
reference to
medical
board.

(2) If notice of appeal is given on a recrudescence question, the Director shall also refer the diagnosis question, and the medical board may confirm, reverse or vary the decision on that question as on an appeal.

26. (1) If a claimant is dissatisfied with the decision of a medical board on a diagnosis or recrudescence question, he may appeal and the case shall be referred to a medical appeal tribunal.

Appeal or
reference to
medical
appeal
tribunal.

(2) If the Director is of the opinion that any decision of a medical board on a diagnosis or recrudescence question ought to be considered by a medical appeal tribunal, he shall refer the case to a medical appeal tribunal for their consideration, and the tribunal may confirm, reverse or vary the decision as on an appeal.

(3) Where a diagnosis or recrudescence question is referred to a medical appeal tribunal under paragraph (1) or (2), the tribunal, upon determining the question referred,

(a) may proceed to determine any recrudescence or diagnosis question which arises in connection therewith and any disablement question which arises in consequence thereof and, where the earlier decision has been given by a medical board, may confirm, reverse or vary that decision; and

(b) if it is determined that the disease is a recrudescence of an attack to which an earlier decision of a medical board or a medical appeal tribunal relates, may proceed to review that earlier decision under the provisions of regulation 40 of the *National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970*.

1971/5.

Review of
previous
assessment.

1971/5.

27. Where, by reason of paragraph (3) of regulation 9, the decision of a recrudescence question necessitates the review of a previous assessment of disablement, the medical board may review such previous assessment accordingly, as provided by regulation 40 of the *National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970*, so, however that, in any such case, notwithstanding regulation 40(3) of those Regulations, a previous assessment may be reviewed as provided by this regulation at any time without the leave of a medical appeal tribunal.

Review of
decision on
diagnosis or
recrudes-
cence
question.

28. (1) Subject to paragraph (2), any decision on a diagnosis or recrudescence question of the Director, a medical board or a medical appeal tribunal may be reviewed at any time by a medical board if they are satisfied by fresh evidence that the decision was given in ignorance of, or was based on a mistake as to, some material fact.

(2) A decision of a medical appeal tribunal on a diagnosis or recrudescence question shall not be reviewed by a medical board without the leave of a medical appeal tribunal.

(3) Subject to paragraph (4), a question may be raised with a view to the review of any decision on a diagnosis or recrudescence question by means of an application in writing to the Director, stating the grounds of the application; and on receipt of such application the Director shall proceed to refer such question to a medical board.

(4) Where in the opinion of the Director such application raises a question as to the review of a decision of a medical appeal tribunal on a diagnosis or recrudescence question, the Director shall submit the application to a medical appeal tribunal so that such tribunal may consider whether leave shall be granted, and shall not refer the question to a medical board unless that medical appeal tribunal grant such leave.

(5) Subject to paragraphs (1) to (4), a medical board may deal with a case on review in any manner in which they would deal with it on an original reference to them; and regulation 26 shall apply to a decision of a medical board in connection with such an application to review as it applies to a decision on an original reference to them.

29. (1) Save in so far as they are inconsistent with or varied by this Part, the *National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970* shall apply to the reference to or determination by a medical board or medical appeal tribunal of a diagnosis or recrudescence question as they apply in the case of a disablement question, so, however, that

Constitution and procedure of medical board and medical appeal tribunal. 1971/5.

- (a) if a diagnosis or recrudescence question is referred to a medical board to which there is also referred a disablement question and the decision of the medical board on the diagnosis or recrudescence question enables the case to be decided adversely to the claimant, the medical board shall not determine the disablement question;
- (b) regulation 24 of the *National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970* shall not apply to a diagnosis or recrudescence question;
- (c) regulation 30(5) of the *National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970* shall apply to a medical board to which there is referred any question to which this Part applies;
- (d) the reference to regulation 28 of the *National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970* in regulation 29(3) of those regulations shall be construed as a reference to regulation 26(2) of these Regulations.

(2) Notwithstanding regulation 23(1) of the *National Insurance and Social Security (Employment Injury, Determination of Claims and Questions) Regulations, 1970* a medical board to which there is referred any question to which this Part applies may consist of 3 members, and the decision of such a board, if not unanimous, shall be that of the majority of such members.

CAP. 47 *National Insurance and Social Security L.R.O. 2007 M14*
(Employment Injury)(Prescribed Diseases) Regulations, 1971

FIRST SCHEDULE

1982/35.
2006/134.

(Regulations 3 and 5)

Description of disease or injury	Work involving exposure to risk
1. Pneumoconiosis caused by sclerogenic mineral dust (silicosis, anthracosilicosis, asbestosis) and silicotuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2. Bronchopulmonary diseases caused by hard-metal dust.	"
3. Bronchopulmonary diseases caused by cotton dust (byssinosis) or flax, hemp or sisal dust.	"
4. Occupational asthma caused by sensitising agents or irritants, both recognised in this regard and inherent in the work process.	"
5. Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dusts, as prescribed by national legislation.	"
6. Diseases caused by beryllium or its toxic compounds.	"
7. Diseases caused by cadmium or its toxic compounds.	"
8. Diseases caused by phosphorus or its toxic compounds.	"
9. Diseases caused by chromium or its toxic compounds.	"

FIRST SCHEDULE – *Continued*

Description of disease or injury	Work involving exposure to risk
10. Diseases caused by manganese or its toxic compounds.	All work involving exposure to the risk concerned.
11. Diseases caused by arsenic or its toxic compounds.	"
12. Diseases caused by mercury or its toxic compounds.	"
13. Diseases caused by lead or its toxic compounds.	"
14. Diseases caused by flourine or its toxic compounds.	"
15. Diseases caused by carbon disulfide.	"
16. Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.	"
17. Diseases caused by benzene or its toxic homologues.	"
18. Diseases caused by toxic nitro- and animo- derivatives of benzene or its homologues.	"
19. Diseases caused by nitroglycerin or other nitric acid esters.	"
20. Diseases caused by alcohols, glycols or ketones.	"

CAP. 47 *National Insurance and Social Security L.R.O. 1988 M16*
(Employment Injury) (Prescribed Diseases) Regs.

FIRST SCHEDULE – *Continued*

Description of disease or injury	Work involving exposure to risk
21. Diseases caused by asphyxiants: carbon-monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulfide.	All work involving exposure to the risk concerned.
22. Hearing impairment caused by noise.	”
23. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).	”
24. Diseases caused by work in compressed air.	”
25. Diseases caused by ionising radiations.	All work involving exposure to the action of ionising radiations.
26. Skin diseases caused by physical, chemical or biological agents not included under other items.	All work involving exposure to the risk concerned.
27. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	”
28. Lung cancer or mesotheliomas caused by asbestos.	”

M17 L.R.O. 2007 *National Insurance and Social Security CAP. 47*
(Employment Injury)(Prescribed Diseases) Regulations, 1971

Description of disease or injury	Work involving exposure to risk
29. Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination.	<p>(a) Health or laboratory work;</p> <p>(b) Veterinary work;</p> <p>(c) Work handling animals, animal carcasses; parts of such carcasses, or merchandise which may have been contaminated by animals, animal carcasses or parts of such carcasses;</p> <p>(d) Other work carrying a particular risk of contamination.</p>
30. Baggassosis	Any occupation involving the processing or handling of or exposure to bagasse or a compound of bagasse or a substance containing bagasse.
31. Tendinitis	All work involving exposure to the risk concerned. 2006/134.
32. Carpal tunnel syndrome	All work involving exposure to the risk concerned. 2006/134.

SECOND SCHEDULE

(Regulations 11 and 19(2))

*Modification of the Act and Regulations in their application to benefit
and claims and questions to which these Regulations apply*

1. In Part III of the Act and in the regulations made under the Act, references to accidents against which an insured person is insured under the Act shall be construed as references to prescribed diseases against which he is so insured, and references to the relevant accident or injury shall be construed as references to the relevant disease, and references to the date of the relevant accident or injury shall be construed as reference to the date of development of the relevant disease.

2. There shall be included in the questions to be determined under the Act any question

- (a) whether a person is suffering or has suffered from a prescribed disease or injury;
- (b) whether a prescribed disease or injury, suffered by a person who has previously been awarded benefit under the Act in respect of the same disease or injury, has been contracted or received afresh (if and in so far as regulations made necessitate the determination of that question);
- (c) where a claim is made in respect of byssinosis, whether a loss of faculty is likely to be permanent,

which shall, whether the question arises in connection with a claim for or award of injury benefit or disablement benefit, be determined, as provided by regulations, by the Director in the light of medical advice in the case of a question such as is mentioned in sub-paragraph (a) or (b), or by a medical board or a medical appeal tribunal.