

1986 No. 179

SOCIAL SECURITY**The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986***Made* 13th June 1986*Coming into operation* 28th July 1986

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The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76, 77, 78, 113 and 146 of the Social Security (Northern Ireland) Act 1975(a) and Article 32(5) of the Social Security (Northern Ireland) Order 1982(b) and of all other powers enabling it in that behalf, and for the purpose only of consolidating the regulations hereby revoked, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 and shall come into operation on 28th July 1986.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security (Northern Ireland) Act 1975;

“the Workmen’s Compensation Acts” means the Workmen’s Compensation Acts (Northern Ireland) 1927 to 1943(c), or the enactments repealed by the Workmen’s Compensation Act (Northern Ireland) 1927(d), or the enactments repealed by the Workmen’s Compensation Act 1906(e);

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations (Northern Ireland) 1984(f);

“the Benefit Regulations” means the Social Security (General Benefit) Regulations (Northern Ireland) 1984(g);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(h);

“the old regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1983 as originally enacted(i);

“asbestosis” means fibrosis of the parenchyma of the lungs due to the inhalation of asbestos dust;

“asbestos textiles” means yarn or cloth composed of asbestos or of asbestos mixed with any other material;

“coal mine” means any mine where one of the objects of the mining operations is the getting of coal (including bituminous coal, cannel coal, anthracite, lignite and brown coal);

(a) 1975 c. 15

(b) S.I. 1982/1084 (N.I. 16)

(c) 1927 c. 16 (N.I.); 1931 c. 16 (N.I.); 1940 c. 18 (N.I.); 1941 c. 16 (N.I.); 1943 c. 6 (N.I.); 1943 c. 13 (N.I.)

(d) 1927 c. 16 (N.I.)

(e) 1906 c. 58

(f) S.R. 1984 No. 144; as amended by S.R. 1984 Nos. 317 and 445 and S.R. 1985 No. 41

(g) S.R. 1984 No. 92; the relevant amending regulations are S.R. 1984 Nos. 174, 299 and 317 and S.R. 1985 No. 278

(h) S.R. 1977 No. 351; as amended by S.R. 1978 No. 90; S.R. 1979 No. 259; S.R. 1980 Nos. 267, 385 and 452; S.R. 1981 No. 281; S.R. 1982 Nos. 153, 284, 302 and 318; S.R. 1983 Nos. 36 and 203; S.R. 1984 Nos. 123, 174, 317 and 382; and S.R. 1985 Nos. 92 and 226

(i) S.R. 1983 No. 19

“determining authority” means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B)(a), any other adjudication officer appointed under section 97(1), a social security appeal tribunal constituted under section 97(2) to (2E), the Chief or any other Social Security Commissioner appointed under section 97(3) or a Tribunal of 2 or 3 such Commissioners constituted under section 116;

“diffuse mesothelioma” means the disease numbered D3 in Part I of Schedule 1 to these regulations;

“employed earner” means employed earner for the purposes of industrial injuries benefit and the term “employed earner’s employment” shall be construed accordingly;

“foundry” means those parts of industrial premises where the production of metal articles (other than pig iron or steel ingots) is carried on by casting (not being diecasting or other casting in metal moulds), together with any part of the same premises where any of the following processes are carried on incidentally to such production, namely, the drying and subsequent preparation of sand for moulding (including the reclamation of used moulding sand), the preparation of moulds and cores, knock-out operations and dressing or fettling operations;

“grindstone” means a grindstone composed of natural or manufactured sandstone and includes a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted;

“lung cancer” means the disease numbered D8 in Part I of Schedule 1 to these regulations;

“medical board” has the meaning assigned to it by regulation 33 of the Adjudication Regulations;

“mine” includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting or dressing of minerals or the preparation of minerals for sale;

“occupational asthma” means the disease numbered D7 in Part I of Schedule 1 to these regulations;

“occupational deafness” means the disease numbered A10 in Part I of Schedule 1 to these regulations;

“prescribed disease” means a disease or injury prescribed under Part II of these regulations, and references to a prescribed disease being contracted shall be deemed to include references to a prescribed injury being received;

“silica rock” means quartz, quartzite, ganister, sandstone, gritstone and chert, but not natural sand or rotten rock;

“tuberculosis” in the description of the disease numbered B5 in Part I of Schedule 1 to these regulations means disease due to tuberculosis infection, but when used elsewhere in these regulations in connection with pneumoconiosis means tuberculosis of the respiratory system only; and other expressions have the same meanings as in the Act.

(3) Unless the context otherwise requires, any reference in these regulations—

(a) See Article 3 of, and paragraph 1 of Schedule 1 to, the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17)). Subsections (2A) and (2B) of section 97 were subsequently substituted by Article 10(a) of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)).

- (a) to a numbered section or Schedule is to the section of or, as the case may be, the Schedule to the Act bearing that number;
- (b) to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;
- (c) to any provision made by or contained in any enactment or instrument shall be construed as including a reference to any provision which it re-enacts or replaces, with or without modification.

PART II

PRESCRIPTION OF DISEASES AND PRESUMPTION AS TO THEIR ORIGIN

Prescription of diseases and injuries and occupations for which they are prescribed

2. For the purposes of Chapter V of Part II of the Act—

- (a) subject to paragraphs (b) and (c) and to regulation 35(3), (5) and (6), each disease or injury set out in the first column of Part I of Schedule 1 to these regulations is prescribed in relation to all persons who have been employed on or after 5th July 1948 in employed earner's employment in any occupation set against such disease or injury in the second column of the said Part;
- (b) pneumoconiosis is prescribed—
 - (i) in relation to all persons who have been employed on or after 5th July 1948 in employed earner's employment in any occupation set out in Part II of Schedule 1 to these regulations; and
 - (ii) in relation to all other persons who have been so employed in any occupation involving exposure to dust and who have not worked at any time (whether in employed earner's employment or not) in any occupation in relation to which pneumoconiosis is prescribed by virtue of regulations (apart from this sub-paragraph) in force—
 - (aa) in the case of any claim for disablement benefit or a claim for death benefit in respect of the death of a person to whom disablement benefit has been awarded in respect of pneumoconiosis, on the date of the claim for disablement benefit;
 - (bb) in the case of a claim for death benefit in respect of the death of any other person, on the date of the death of that person;
- (c) occupational deafness is prescribed in relation to all persons who have been employed in employed earner's employment—
 - (i) at any time on or after 5th July 1948; and
 - (ii) for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to not less than 10 years,

in one or more of the occupations set out in the second column of paragraph A10 of Part I of Schedule 1 to these regulations and in the case of a person who during such period as is specified above has been concurrently employed in 2 or more of the occupations described in sub-paragraphs (a), (b), (d), (e), (f), (g) and (h) of the said paragraph A10 those occupations shall be treated as a single occupation for the purposes of determining whether that person has been employed wholly or mainly in work described in those sub-paragraphs.

Sequelae or resulting conditions

3. Where a person—

- (a) is or was in employed earner's employment and a disease is or was prescribed under the Act and these regulations in relation to him in such employment; and

(b) is suffering from a condition which, in his case, has resulted from that disease;

the provisions of Chapter V of Part II of the Act and of 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.

Presumption that a disease is due to the nature of employment

4.—(1) Where a person has developed a disease which is prescribed in relation to him in Part I of Schedule 1 to these regulations, other than the diseases numbered A10, B5, D1, D2, D4 and D5 in that Schedule, that disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment if that employment was in any occupation set against that disease in the second column of the said Part 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) Where a person in relation to whom tuberculosis is prescribed in paragraph B5 of Part I of Schedule 1 to these regulations develops that disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's 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 the said Part and not more than 2 years after the date on which he was last so employed in employed earner's employment.

(3) Where a person in relation to whom pneumoconiosis is prescribed in regulation 2(b)(i) develops pneumoconiosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment if he has been employed in one or other of the occupations set out in Part II of Schedule 1 to these regulations for a period or periods amounting in the aggregate to not less than 2 years in employment which either—

(a) was employed earner's employment; or

(b) would have been employed earner's employment if it had taken place on or after 5th July 1948.

(4) Where a person in relation to whom byssinosis is prescribed in paragraph D2 of Part I of Schedule 1 to these regulations develops byssinosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment.

(5) Where a person in relation to whom occupational deafness is prescribed in regulation 2(c) develops occupational deafness, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment.

PART III

DATE OF ONSET AND RECRUDESCENCE

Development of disease

5. If on a claim for benefit under Chapter V of Part II 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 (hereinafter referred to as "the date of onset") determined in accordance with the provisions of regulations 6 and 7.

Date of onset

6.—(1) For the purposes of the first claim in respect of a prescribed disease suffered by a person, the date of onset shall be determined in accordance with the following provisions of this regulation, and, save as provided in regulation 7, that date shall be treated as the date of onset for the purposes of any subsequent claim in respect of the same disease suffered by the same person, so however that—

- (a) subject to the provisions of section 117(4), as modified by paragraph 1 of Schedule 3 to the Adjudication Regulations, any date of onset determined for the purposes 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 onset determined for the purposes of that claim shall be disregarded for the purposes of any subsequent claim.

(2) Where the claim for the purposes of which the date of onset is to be determined is—

- (a) a claim for sickness benefit made by virtue of section 50A(a) by a person to whom regulation 8(1) applies (except in respect of pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, lung cancer or bilateral diffuse pleural thickening) the date of onset shall be the first day on which the claimant was incapable of work as the result of the disease on or after 5th July 1948;
- (b) a claim for disablement benefit (except in respect of occupational deafness), the date of onset shall be the day on which the claimant first suffered from the relevant loss of faculty on or after 5th July 1948; and the date of onset so determined shall be the date of onset for the purposes of a claim for sickness benefit made by virtue of section 50A in respect of pneumoconiosis, byssinosis, diffuse mesothelioma, occupational asthma, lung cancer or bilateral diffuse pleural thickening;
- (c) a claim for disablement benefit in respect of occupational deafness, the date of onset shall be the day on which the claimant first suffered from the relevant loss of faculty on or after 3rd February 1975; or, if later—
 - (i) 3rd September 1979 in the case of a claim made before that date which results in the payment of benefit commencing on that date, and
 - (ii) in any other case, the date on which such claim is made as results in the payment of benefit; or
- (d) a claim for death benefit, the date of onset shall be the date of death.

Recrudescence

7.—(1) If a person after having been awarded benefit in respect of a prescribed disease other than pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, lung cancer or bilateral diffuse pleural thickening suffers from another attack of the same disease, or dies as a result thereof, then—

- (a) if the further attack commences or the death occurs during a period taken into account by an assessment of disablement relating to such a previous award (which period is in this regulation 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 sub-paragraph (b) of this paragraph;

(a) Section 50A was inserted by Article 32(4) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084) (N.I. 16)

(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 X of the Adjudication Regulations that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(2) For the purposes of paragraph (1), a further attack of a prescribed disease shall be deemed to have commenced on the date on which the person concerned was first incapable of work or first suffered from the relevant loss of faculty, whichever is earlier, as a result of that further attack.

(3) Where, under the foregoing provisions of this regulation, a disease is treated as having been contracted afresh, the date of onset of the disease in relation to the fresh contraction shall be the date on which the person concerned was first incapable of work or first suffered from the relevant loss of faculty, whichever is earlier, as a result of the further attack, or in the event of his death, the date of death.

(4) Where, under the provisions aforesaid, a disease is treated as a recrudescence, any assessment of disablement in respect of the recrudescence during a period taken into account by a previous assessment of disablement shall be by way of review of the assessment relating to the relevant period, and the review shall be subject to the provisions of regulation 49 of the Adjudication Regulations.

(5) This regulation shall not apply in relation to a claim for sickness benefit made by virtue of section 50A except where such a claim is made by a person to whom regulation 8(1) applies.

Workmen's compensation cases

8.—(1) If under the foregoing provisions of this Part of these regulations a date of onset has to be determined for the purposes of a claim for benefit in respect of a prescribed disease, other than pneumoconiosis or byssinosis, suffered by a person to whom compensation under the Workmen's Compensation Acts has been awarded or paid in respect of the same disease and, at the date of such claim for benefit, or, if it is a claim for death benefit, at the date of death—

(a) that person was in receipt of weekly payments in respect of such compensation; or

(b) any liability or alleged liability for such compensation had been redeemed by the payment of a lump sum, or had been the subject of a composition agreement under the provisions of the said Acts;

the disease in respect of which the claim is made shall be treated for the purposes of these regulations as a recrudescence of the disease in respect of which such compensation was awarded or paid and not as having developed on or after 5th July 1948 unless it is determined in the manner provided in Part X of the Adjudication Regulations that the disease was in fact contracted afresh.

(2) If it is determined as provided in paragraph (1) that the disease was contracted afresh, or if compensation is not being or has not been paid as provided in sub-paragraph (a) or (b) thereof, the date of onset shall be determined in accordance with regulations 5 to 7 as if no compensation under the Workmen's Compensation Acts had been paid in respect of that disease.

(3) If, after the date of a claim for benefit in respect of a prescribed disease, the claimant receives a weekly payment of compensation in respect of that disease under the Workmen's Compensation Acts which he was not receiving at the date of such claim, or if the amount of any such weekly payment which he was receiving at that date is increased, then any decision on any question arising in connection with that claim, if given before the date of, or in ignorance of the fact of, the receipt of such weekly payment or increased weekly payment, may be reviewed as if it had been given in ignorance of a material fact, and on such review the question may be decided as if the claimant had been in receipt of such weekly payment or increased weekly

payment at the date of the claim, and the foregoing provisions of this regulation shall apply accordingly.

(4) For the purposes of this regulation, a person shall be deemed to be, or to have been, in receipt of a weekly payment of compensation if—

- (a) he is or was in fact receiving such payment; or
- (b) he is or was entitled thereto under an award or agreement made under the Workmen's Compensation Acts.

PART IV

APPLICATION OF CHAPTERS IV AND VI OF PART II OF THE ACT AND OF REGULATIONS MADE THEREUNDER

Definition of "relevant disease"

9. In this Part of these regulations, unless the context otherwise requires, 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 the provisions of Part III of these regulations, is or has been treated—

- (a) as having developed on a date other than the date which, under the said provisions, is treated as the date of onset for the purposes of the claim—under consideration;
- (b) as a recrudescence of a disease for which compensation has been paid or awarded under the Workmen's Compensation Acts.

Application of Chapters IV and VI of Part II of the Act

10. The provisions of Chapters IV and VI of Part II of the Act which relate to industrial injuries benefit and sickness benefit by virtue of section 50A shall, in relation to prescribed diseases, be subject to the following provisions of this Part of these regulations, and, subject as aforesaid, to the additions and modifications set out in Schedule 2 to these regulations.

Application of Claims and Payments Regulations and Benefit Regulations

11.—(1) Save in so far as they are expressly varied or excluded by, or are inconsistent with, the provisions of this Part of these regulations or of regulation 23 or 34, the Claims and Payments Regulations and the Benefit Regulations shall apply in relation to prescribed diseases as they apply in relation to accidents.

(2) Save as provided in this Part of these regulations or where the context otherwise requires, references in the aforesaid regulations 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 date of the relevant accident shall be construed as references to the date of onset of the relevant disease, and in regulation 15 of the Benefit Regulations (increase of disablement pension in cases of special hardship) the reference to the effects of the relevant injury shall be construed as a reference to the effects of the relevant disease.

Diseases contracted outside Northern Ireland

12. For section 50(5) (accidents happening outside Northern Ireland) there shall be substituted the provision that, subject to the provisions of sections 124 and 126, for the purpose of determining whether a prescribed disease is, or, under the provisions

of Part II of these regulations is to be presumed to be, due to the nature of the person's employed earner's employment, that person shall be regarded as not being or as not having been in employed earner's employment during any period for which he is or was outside Northern Ireland, 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 person has only been engaged outside Northern Ireland.

Assessment of extent of disablement

13. For the purposes of paragraph 1(b) of Schedule 8 (disabilities to be taken into account in assessing the extent of the claimant's disablement) and of regulation 11 of the Benefit Regulations (which further defines the principles of assessment of disablement), an injury or disease other than the relevant disease shall be treated as having been received or contracted before the relevant disease if it was received or contracted on or before the date of onset, and as having been received or contracted after the relevant disease if it was received or contracted after that date.

Death benefit for woman having care of deceased's children

14.—(1) Section 73 (the entitlement to death benefit of a woman having the care of a child or children in respect of whom the deceased was entitled to child benefit) shall have effect as if for references to the date of the relevant accident there were substituted references to the relevant date.

(2) For the purposes of paragraph (1), the relevant date means the date of onset of the relevant disease, or the first day of the period of 26 weeks ending with the date of death, whichever is the later.

Special provisions as to determination of regular occupation in relation to persons claiming an increase of benefit for special hardship

15. Where a person who is or has been awarded disablement benefit in respect of a prescribed disease establishes that he has abandoned any occupation as a result of the relevant disease at any time after having been employed in employed earner's employment in any occupation prescribed for that disease but before the first day for which he is or has been awarded disablement benefit in respect of that disease, then for the purpose of determining his right to, or the rate of, an increase of that benefit under section 60 (increase of disablement pension for special hardship), any occupation he has so abandoned may be treated as his regular occupation for the purposes of the said section 60.

Exception from requirements as to notice

16. Regulation 24 of the Claims and Payments Regulations (giving of notice of accidents in respect of which benefit may be payable) shall not apply in relation to prescribed diseases.

Provisions as to medical examination

17. Those provisions of section 89 which relate to the obligation of claimants to submit themselves to medical examination for the purpose of determining the effect of the relevant accident 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, and regulation 26 of the Claims and Payments Regulations shall be construed accordingly.

PART V

SPECIAL PROVISIONS AS TO PNEUMOCONIOSIS, BYSSINOSIS,
OCCUPATIONAL DEAFNESS AND CERTAIN OTHER DISEASES*Special conditions for disablement benefit for pneumoconiosis, byssinosis and diffuse mesothelioma*

18.—(1) No disablement gratuity shall be payable in respect of pneumoconiosis, byssinosis or diffuse mesothelioma, but if in any case the extent of disablement is such that, when assessed in accordance with section 57 (disablement benefit), it amounts to less than 20 per cent., the beneficiary shall, subject to the proviso to section 57(6) (cessation of pension on death of beneficiary), be entitled to a disablement pension for the period taken into account by the assessment, payable, if such assessment does not exceed 10 per cent., at the weekly rate specified in Schedule 4 to the Benefit Regulations (rate of disablement pension payable in lieu of disablement gratuity) for a degree of disablement of less than 11 per cent. but not less than 6 per cent., and in any other case at the weekly rate so specified for a degree of disablement of less than 20 per cent. but not less than 16 per cent.

(2) Notwithstanding paragraph 4(a) of Schedule 8 (period to be taken into account by an assessment of the extent of the claimant's disablement), the period to be taken into account by an assessment of the extent of the claimant's disablement in respect of byssinosis, if not limited by reference to the claimant's life, shall not be less than one year.

Pneumoconiosis — effects of tuberculosis

19. Where any person is found to be suffering from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis shall be treated for the purposes of Chapter V of Part II of the Act and of these regulations as if they were effects of the pneumoconiosis.

Pneumoconiosis — effects of emphysema and chronic bronchitis

20.—(1) Where any person is disabled by pneumoconiosis or pneumoconiosis accompanied by tuberculosis to an extent which would, if his physical condition were otherwise normal, be assessed at not less than 50 per cent., the effects of any emphysema and of any chronic bronchitis from which that person is found to be suffering shall be treated for the purposes of Chapter V of Part II of the Act and of these regulations as if they were effects of the pneumoconiosis.

(2) Where, on a claim for death benefit, the question arises whether the extent of a person's disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis would, if his physical condition were otherwise normal, have been assessed at not less than 50 per cent.—

- (a) if there has been no assessment of disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis made during the person's life, or if there is no such assessment current at the time of death, that question shall be determined by a medical board and the provisions of the Act shall apply as if such question were a disablement question;
- (b) if there is an assessment of disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis current at the time of the person's death, that question shall be treated as having been determined by the decision of the medical board or medical appeal tribunal, as the case may be, which made such assessment.

Increase of benefit for special hardship — special provision for pneumoconiosis cases

21. Where a beneficiary in receipt of a disablement pension in respect of pneumoconiosis receives advice from a medical board that in consequence of the disease he should not follow his regular occupation unless he complies with certain special restrictions as to the place, duration or circumstances of his work, or otherwise, then for the purpose of determining whether he fulfils the conditions laid down in section 60(1) (increase of disablement pension for special hardship), and for that purpose only—

- (a) the beneficiary shall be deemed, unless the contrary is proved by evidence other than the aforesaid advice—
 - (i) to be incapable of following his regular occupation and likely to remain permanently so incapable; and
 - (ii) to be incapable of following employment of an equivalent standard which is suitable in his case;
- (b) where the beneficiary has ceased to follow any occupation to which the aforesaid special restrictions were applicable, the fact that he had followed such an occupation in the period between the date of onset of the disease and the date of the current assessment of his disablement, or for a reasonable period of trial thereafter, shall be disregarded.

Special requirement for pneumoconiosis claimants in unscheduled occupation cases

22.—(1) Part X of the Adjudication Regulations shall apply to any claim for disablement benefit in respect of pneumoconiosis by a person in relation to whom the disease is prescribed by virtue of regulation 2(b)(ii) subject to the modification that if the claimant fails to show to the satisfaction of the adjudication officer that there is reasonable cause for suspecting that the claimant is suffering or has suffered from the disease the adjudication officer shall on that ground, and without referring the diagnosis question as provided in regulation 43(2) of the Adjudication Regulations, determine that an award cannot be made.

(2) The provisions of paragraph (1) shall apply to a social security appeal tribunal and a Commissioner as they apply to the adjudication officer.

Time for claiming benefit in respect of occupational deafness

23.—(1) Regulation 14 of the Claims and Payments Regulations (time for claiming benefit) shall not apply in relation to occupational deafness except in relation to a claim for sickness benefit payable by virtue of section 50A.

(2) Subject to regulation 25(1)(c), disablement benefit, or sickness benefit payable by virtue of section 50A, shall not be paid in pursuance of a claim in respect of occupational deafness which is made later than 5 years after the latest date, before the date of the claim, on which the claimant worked in an occupation prescribed in relation to occupational deafness unless—

- (a) the claimant has been employed in one or more of the occupations so prescribed for a period or periods amounting in aggregate to not less than 10 years, and
- (b) that period or the last of those periods ended on or after 8th October 1977, and
- (c) the claim is made within the period of one year beginning on 3rd October 1983, and
- (d) either—
 - (i) the claimant, not being a person to whom regulation 25(1)(c) applies, has not within the period of 3 years before the claim was made previously made a claim which was disallowed because he was not suffering from occupational deafness, or

- (ii) where a previous claim was made by him, a medical board or a medical appeal tribunal have not within the period of 3 years before the claim was made re-assessed the extent of his disablement at less than 20 per cent.

Claims in respect of occupational deafness

24. Where it appears that a person who has made a claim for sickness benefit by virtue of section 50A in respect of occupational deafness—

- (a) may be entitled to disablement benefit; and
 (b) has not previously made a claim for disablement benefit in respect of occupational deafness or such a previous claim has been disallowed,
 such a claim for sickness benefit may also be treated as a claim for disablement benefit.

Further claims in respect of occupational deafness

25.—(1) In the event of disallowance of a claim for disablement benefit, or sickness benefit by virtue of section 50A, in respect of occupational deafness because the claimant has failed to satisfy the minimum hearing loss requirement prescribed in the first column of paragraph A10 of Part I of Schedule 1 to these regulations, disablement benefit or sickness benefit by virtue of section 50A shall not be paid in pursuance of a further claim in respect of occupational deafness made by or on behalf of that claimant unless—

- (a) it is a claim made after the expiration of 3 years from the date of a claim which was disallowed because the claimant was not suffering from occupational deafness; or
 (b) it is a claim made after the expiration of 3 years from the date of a re-assessment by a medical board or medical appeal tribunal of the extent of the claimant's disablement at less than 20 per cent.; or
 (c) where the claimant would otherwise be precluded by regulation 23(2) from making a further claim after the expiration of 3 years from the date of the disallowed claim or from the date of a re-assessment by a medical board or a medical appeal tribunal of the extent of his disablement at less than 20 per cent., as the case may be, it is the first claim made since that date and within 5 years from the latest date, before the date of the claim, on which he worked in any occupation specified in the second column of paragraph A10 of Part I of Schedule 1 to these regulations.

(2) A claim to be paid benefit by virtue of paragraph (1)(c) may be disallowed by the determining authority, without referring the disablement question to a medical board or medical appeal tribunal where the determining authority is satisfied from the medical evidence given on the disallowed claim that the claimant is not suffering from occupational deafness.

Availability of disablement benefit in respect of occupational deafness

26. Where a person is awarded disablement benefit in respect of occupational deafness, section 57(4)(a) (period for which disablement benefit is not available) shall not apply.

Period to be covered by assessment of disablement in respect of occupational deafness

27. Subject to the proviso to section 57(6)—

(a) Section 57(4) was substituted by Article 32(2) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))

- (a) every initial assessment of the extent of a claimant's disablement in respect of occupational deafness shall be a provisional assessment and the period to be taken into account by such an assessment shall be a period of 5 years;
- (b) the period to be taken into account by any subsequent re-assessment of the extent of the claimant's disablement in respect of occupational deafness, if not limited by reference to the claimant's life, shall not be less than 5 years.

Review of assessment for unforeseen aggravation in respect of occupational deafness

28.—(1) The provisions of section 110(2) (review of assessment on the ground of unforeseen aggravation) shall not apply to an assessment of the extent of disablement in respect of occupational deafness until after the expiration of 5 years from the date of commencement of the period taken into account by that assessment.

(2) The provisions of section 110(2) shall not apply to an assessment of the extent of disablement in respect of occupational deafness which is less than 20 per cent.

29. Subject to the provisions of regulation 28 and notwithstanding the provisions of section 110(5) (leave of medical appeal tribunal required to review assessment in certain cases), a life assessment in respect of occupational deafness made by a medical board or a medical appeal tribunal shall not be reviewed in accordance with section 110(2) without the leave of a medical appeal tribunal, and in the case of a provisional assessment in respect of occupational deafness no such leave shall be required.

No appeal against initial provisional assessment of disablement in respect of occupational deafness

30. Notwithstanding section 109(2), but subject to the provisions of section 109(3), no appeal shall lie against an initial provisional assessment of the extent of disablement in respect of occupational deafness.

Cases in which re-assessment of disablement in respect of occupational deafness is final

31. Where in any case the extent of disablement in respect of occupational deafness has been provisionally assessed at 20 per cent. or more and on any re-assessment the extent of disablement in respect of occupational deafness is assessed at less than 20 per cent. that assessment shall be final.

Assessment of extent of disablement and rate of disablement benefit payable in respect of occupational deafness

32.—(1) Subject to the provisions of Schedule 8 and regulations made thereunder and the following provisions of this regulation, the first assessment of the extent of disablement in respect of occupational deafness made in pursuance of a claim made before 3rd September 1979 by a person to whom disablement benefit in respect of occupational deafness is payable for a period before 3rd September 1979 shall be the percentage calculated by applying the formula set out in Part III of Schedule 3 to these regulations to the percentages specified in the second column of Part I of that Schedule opposite the appropriate amount of hearing loss in the better ear and the worse ear respectively specified in the first column of that Schedule, being the total hearing loss due to all causes, measured in each case by pure tone audiometry over the 1, 2 and 3 kHz frequencies.

(2) Except in any case to which paragraph (1) applies and subject to the provisions of Schedule 8 and regulations made thereunder and the following provisions of this regulation, the extent of disablement in respect of occupational deafness shall be

assessed at the percentage calculated by applying the formula set out in Part III of Schedule 3 to these regulations to the percentages specified in the second column of Part II of that Schedule opposite the appropriate amount of hearing loss in the better ear and the worse ear respectively specified in the first column of that Schedule, being the total hearing loss due to all causes, measured in each case by pure tone audiometry over the 1, 2 and 3 kHz frequencies.

(3) In this regulation and in Schedule 3 to these regulations "better ear" means that ear in which the claimant's hearing loss due to all causes is the less and "worse ear" means that ear in which the claimant's hearing loss due to all causes is the more.

(4) The extent of disablement in respect of occupational deafness may be subject to such increase or reduction of the degree of disablement as may be reasonable in the circumstances of the case where, having regard to the provisions of Schedule 8 and to regulations made thereunder, that degree of disablement does not provide a reasonable assessment of the extent of disability resulting from the relevant loss of faculty.

(5) Where on re-assessment of the extent of disability in respect of occupational deafness the sensorineural hearing loss is less than 50dB in each ear, being due in the case of at least one ear to occupational noise, the extent of disablement shall be assessed at less than 20 per cent.

(6) Where the extent of disablement is re-assessed at less than 20 per cent. disablement benefit shall not be payable.

(7) In the case of a person to whom disablement benefit by reason of occupational deafness was payable in respect of a period before 3rd September 1979—

- (a) if no assessment of the extent of his disability has been made, reviewed or varied on or after that date, the rate of any disablement benefit payable to him shall be the rate payable for the degree of disablement assessed in accordance with paragraph (1), but
- (b) if such an assessment has been made, reviewed or varied in respect of a period commencing on or after that date and before 3rd October 1983, the rate of any disablement benefit payable to him shall be either—
 - (i) the rate which would be payable if an assessment were made in accordance with paragraph (2), or
 - (ii) the rate which was payable immediately before the first occasion on which such review or variation took place,
 whichever is the more favourable to him.

(8) Where in the case of a person to whom disablement benefit by reason of occupational deafness was payable in respect of a period before 3rd September 1979 the extent of his disability is re-assessed and the period taken into account on re-assessment begins on or after 3rd October 1983 and—

- (a) immediately before that date, by virtue of paragraph (7) the rate at which disablement benefit was payable to him was higher than the rate which would otherwise have been payable, or
- (b) the re-assessment is the first re-assessment for a period commencing after 3rd September 1979,

the rate of disablement benefit payable to him shall be whichever of the rates specified in paragraph (9) is applicable.

(9) The rate of disablement benefit payable in the case of a person to whom paragraph (8) applies shall be—

- (a) if the current rate appropriate to the extent of his disability as re-assessed is the same as or more than the rate at which disablement benefit was payable immediately before the beginning of the period taken into account on re-assessment, the current rate, or

- (b) if the current rate is less than the rate at which disablement benefit was payable immediately before the beginning of the period taken into account on re-assessment, the lower of the following rates—
- (i) the rate at which benefit would have been payable if the re-assessment of the extent of his disability had been made in accordance with paragraph (1), or
 - (ii) the rate at which benefit was payable immediately before the beginning of the period taken into account on re-assessment.

Commencement date of period of assessment in respect of occupational deafness

33. Notwithstanding the provisions of section 108 and Schedule 8, the period to be taken into account by an assessment of the extent of disablement in respect of occupational deafness shall not commence before 3rd February 1975.

Time for claiming benefit in respect of occupational asthma

34.—(1) Subject to paragraphs (2) and (3), disablement benefit and sickness benefit payable by virtue of section 50A shall not be paid in pursuance of a claim in respect of occupational asthma which is made later than 10 years after the latest date, before the date of the claim, on which the claimant or, as the case may be, the person in respect of whom the claim is made worked in an occupation prescribed in relation to occupational asthma.

(2) Paragraph (1) shall not apply to any claim made before 29th March 1983 by or in respect of a person who ceased on or after 29th March 1972 to be employed in an occupation prescribed in relation to occupational asthma.

(3) Paragraph (1) shall not apply to any claim made by or in respect of a person who has at any time been found to be suffering from asthma as a result of an industrial accident and by virtue of that finding has been awarded disablement benefit either for life or for a period which includes the date on which the aforesaid claim is made.

(4) Subject to paragraphs (5) and (6), industrial death benefit shall not be paid in pursuance of a claim in respect of occupational asthma where the person in respect of whose death the benefit is being claimed died more than 10 years after the latest date on which he worked in an occupation prescribed in relation to occupational asthma.

(5) Paragraph (4) shall not apply to any claim made in respect of the death of a person who died before 29th March 1983 and who on or after 29th March 1972 had not worked in an occupation prescribed in relation to occupational asthma.

(6) Paragraph (4) shall not apply to any claim made in respect of the death of a person who had at any time been found to be suffering either from asthma as a result of an industrial accident or from occupational asthma and by virtue of that finding had been awarded disablement benefit either for life or for a period which included the date of his death.

(7) Regulation 14 of the Claims and Payments Regulations (time for claiming benefit) shall not apply to a claim in respect of occupational asthma made before 29th March 1983.

PART VI

TRANSITIONAL PROVISIONS AND REVOCATIONS

Transitional provisions regarding relevant dates

35.—(1) Subject to paragraph (2) the “relevant date”, in relation to each disease set out in the first column of Schedule 4 to these regulations, is the date set against that disease in the second column of that Schedule.

(2) Where a disease set out in the first column of Schedule 4 to these regulations was prescribed in relation to any person by regulations which came into operation on a date earlier than the date set against that disease in the second column of that Schedule, the "relevant date" in relation to such disease is such earlier date on which the disease was prescribed in relation to the person in question.

(3) It shall be a condition of a person's right to benefit in respect of any disease set out in Schedule 4 to these regulations that he was—

- (a) incapable of work, or
- (b) suffering from a loss of faculty,

as a result of that disease on or after the relevant date.

(4) The "relevant date" in relation to byssinosis—

- (a) in the case of a person employed in an occupation involving work in any room in which the weaving of cotton or flax or any other process which takes place between, or at the same time as, the winding or beaming and weaving of cotton or flax is carried on in a factory in which any or all of those processes are carried on is 3rd October 1983;
- (b) in any other case, is 13th April 1979 except that where the disease was prescribed in relation to any person by regulations which came into operation on a date earlier than 13th April 1979 the relevant date is that earlier date.

(5) Byssinosis is not prescribed in relation to any person if neither of the following conditions is satisfied—

- (a) that he was suffering from a loss of faculty as a result of byssinosis on or after the relevant date;
- (b) that he has been employed in employed earner's employment in any occupation mentioned in regulation 2(c) of the old regulations for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to 5 years.

(6) Notwithstanding that a person does not satisfy paragraph (3) infection by leptospira is prescribed in relation to any person if he is or has been either incapable of work or suffering from a loss of faculty as a result of infection by—

- (a) leptospira icterohaemorrhagiae in the case of a person employed in employed earner's employment before 7th January 1980 in any occupation involving work in places which are, or are liable to be, infested by rats, or
- (b) leptospira canicola in the case of a person so employed in any occupation involving work at dog kennels or the care or handling of dogs.

(7) A person who, immediately before 3rd October 1983, was in receipt of benefit in respect of a disease or injury which was prescribed by virtue of the old regulations, or who makes a claim for benefit in respect of a prescribed disease after 2nd October 1983 where the date of onset of the disease or injury was before 3rd October 1983, shall be treated for the purpose only of determining whether the disease or injury is in relation to him a prescribed disease by virtue of the occupation in which he is or was engaged as if the old regulations were still in force and these regulations had not come into operation, if that would be more favourable to him.

Transitional provisions regarding dates of development and dates of onset

36. Where a claim for benefit has been made before 6th April 1983 or a date of onset is determined which is before 6th April 1983 or a claim for injury benefit is made after 5th April 1983 for a day falling or a period beginning before 6th April 1983, these regulations shall take effect subject to the provisions of Schedule 5 to these regulations.

Revocations

37. The regulations specified in the first column of Schedule 6 to these regulations are hereby revoked to the extent mentioned in the third column of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 13th June 1986.

(L.S.)

A. N. Burns

Assistant Secretary

SCHEDULE 1

Regulations 2 and 4

PART I

List of prescribed diseases and the occupations for which they are prescribed

	<i>Prescribed disease or injury</i>	<i>Occupation</i>
A.	<i>Conditions due to physical agents</i>	Any occupation involving:
A1.	Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or blood dyscrasia, or cataract, due to electro-magnetic radiations (other than radiant heat), or to ionising particles.	Exposure to electro-magnetic radiations (other than radiant heat) or to ionising particles.
A2.	Heat cataract.	Frequent or prolonged exposure to rays from molten or red-hot material.
A3.	Dysbarism, including decompression sickness, barotrauma and osteonecrosis.	Subjection to compressed or rarefied air or other respirable gases or gaseous mixtures.
A4.	Cramp of the hand or forearm due to repetitive movement.	Prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.
A5.	Subcutaneous cellulitis of the hand (beat hand).	Manual labour causing severe or prolonged friction or pressure on the hand.
A6.	Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (beat knee).	Manual labour causing severe or prolonged external friction or pressure at or about the knee.
A7.	Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or prolonged external friction or pressure at or about the elbow (beat elbow).	Manual labour causing severe or prolonged external friction or pressure at or about the elbow.
A8.	Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths.	Manual labour, or frequent or repeated movements of the hand or wrist.
A9.	Miner's nystagmus.	Work in or about a mine.
A10.	Substantial sensorineural hearing loss amounting to at least 50 dB in each ear, being due in the case of at least one ear to occupational noise, and being the average of pure tone losses measured by audiometry over the 1, 2 and 3 kHz frequencies (occupational deafness).	(a) The use of, or work wholly or mainly in the immediate vicinity of, pneumatic percussive tools or high-speed grinding tools, in the cleaning, dressing or finishing of cast metal or of ingots, billets or blooms; or

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	<p>Any occupation involving:</p> <ul style="list-style-type: none"> (b) the use of, or work wholly or mainly in the immediate vicinity of, pneumatic percussive tools on metal in the shipbuilding or ship repairing industries; or (c) the use of, or work in the immediate vicinity of, pneumatic percussive tools on metal, or for drilling rock in quarries or underground, or in mining coal, for at least an average of one hour per working day; or (d) work wholly or mainly in the immediate vicinity of drop-forging plant (including plant for drop-stamping or drop-hammering) or forging press plant engaged in the shaping of metal; or (e) work wholly or mainly in rooms or sheds where there are machines engaged in weaving man-made or natural (including mineral) fibres or in the bulking up of fibres in textile manufacturing; or (f) the use of, or work wholly or mainly in the immediate vicinity of, machines engaged in cutting, shaping or cleaning metal nails; or (g) the use of, or work wholly or mainly in the immediate vicinity of, plasma spray guns engaged in the deposition of metal; or (h) the use of, or work wholly or mainly in the immediate vicinity of, any of the following machines engaged in the working of wood or material composed partly of wood, that is to say: multi-cutter moulding machines, planing machines, automatic or semi-automatic lathes, multiple cross-cut machines, automatic shaping machines, double-end tenoning machines, vertical spindle moulding machines (including high-speed routing machines), edge banding machines, band-sawing machines with a blade width of not less than 75 millimetres and circular sawing machines in the operation of which the blade is moved towards the material being cut; or (i) the use of chain saws in forestry.

<i>Prescribed disease or injury</i>	<i>Occupation</i>
<p>A11. Episodic blanching, occurring throughout the year, affecting the middle or proximal phalanges, or in the case of a thumb the proximal phalanx, of—</p> <p>(a) in the case of a person with 5 fingers (including thumb) on one hand, any 3 of those fingers, or</p> <p>(b) in the case of a person with only 4 such fingers, any 2 of those fingers, or</p> <p>(c) in the case of a person with less than 4 such fingers, any one of those fingers or, as the case may be, the one remaining finger (vibration white finger).</p>	<p>Any occupation involving:</p> <p>(a) The use of hand-held chain saws in forestry; or</p> <p>(b) the use of hand-held rotary tools in grinding or in the sanding or polishing of metal, or the holding of material being ground, or metal being sanded or polished, by rotary tools; or</p> <p>(c) the use of hand-held percussive metal-working tools, or the holding of metal being worked upon by percussive tools, in riveting, caulking, chipping, hammering, fettling or swaging; or</p> <p>(d) the use of hand-held powered percussive drills or hand-held powered percussive hammers in mining, quarrying, demolition, or on roads or footpaths, including road construction; or</p> <p>(e) the holding of material being worked upon by pounding machines in shoe manufacture.</p>
<p>B. <i>Conditions due to biological agents</i></p>	<p>Contact with animals infected with anthrax or the handling (including the loading or unloading or transport) of animal products or residues.</p>
<p>B1. Anthrax.</p>	
<p>B2. Glanders.</p>	<p>Contact with equine animals or their carcases.</p>
<p>B3. Infection by leptospira.</p>	<p>(a) Work in places which are, or are liable to be, infested by rats, field mice or voles, or other small mammals; or</p> <p>(b) work at dog kennels or the care or handling of dogs; or</p> <p>(c) contact with bovine animals or their meat products or pigs or their meat products.</p>
<p>B4. Ankylostomiasis.</p>	<p>Work in or about a mine.</p>
<p>B5. Tuberculosis.</p>	<p>Contact with a source of tuberculosis infection.</p>
<p>B6. Extrinsic allergic alveolitis (including farmer's lung).</p>	<p>Exposure to moulds or fungal spores or heterologous proteins by reason of employment in—</p>

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	Any occupation involving: (a) agriculture, horticulture, forestry, cultivation of edible fungi or maltworking; or (b) loading or unloading or handling in storage mouldy vegetable matter or edible fungi; or (c) caring for or handling birds; or (d) handling bagasse.
B7. Infection by organisms of the genus brucella.	Contact with— (a) animals infected by brucella, or their carcasses or parts thereof, or their untreated products; or (b) laboratory specimens or vaccines of, or containing, brucella.
B8. Viral hepatitis.	Contact with— (a) human blood or human blood products; or (b) a source of viral hepatitis.
B9. Infection by <i>Streptococcus suis</i> .	Contact with pigs infected by <i>Streptococcus suis</i> , or with the carcasses, products or residues of pigs so infected.
C. <i>Conditions due to chemical agents</i>	
C1. Poisoning by lead or a compound of lead.	The use or handling of, or exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead.
C2. Poisoning by manganese or a compound of manganese.	The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.
C3. Poisoning by phosphorus or an inorganic compound of phosphorus or poisoning due to the anti-cholinesterase or pseudo anti-cholinesterase action of organic phosphorus compounds.	The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus.
C4. Poisoning by arsenic or a compound of arsenic.	The use or handling of, or exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic.
C5. Poisoning by mercury or a compound of mercury.	The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.

	<i>Prescribed disease or injury</i>	<i>Occupation</i>
C6.	Poisoning by carbon bisulphide.	Any occupation involving: The use or handling of, or exposure to the fumes or vapour of, carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide.
C7.	Poisoning by benzene or a homologue of benzene.	The use or handling of, or exposure to the fumes of, or vapour containing, benzene or any of its homologues.
C8.	Poisoning by a nitro - or amino - or chloro-derivative of benzene or of a homologue of benzene, or poisoning by nitrochlorbenzene.	The use or handling of, or exposure to the fumes of, or vapour containing, a nitro - or amino - or chloro-derivative of benzene, or of a homologue of benzene, or nitrochlorbenzene.
C9.	Poisoning by dinitrophenol or a homologue of dinitrophenol or by substituted dinitrophenols or by the salts of such substances.	The use or handling of, or exposure to the fumes of, or vapour containing, dinitrophenol or a homologue or substituted dinitrophenols or the salts of such substances.
C10.	Poisoning by tetrachloroethane.	The use or handling of, or exposure to the fumes of, or vapour containing, tetrachloroethane.
C11.	Poisoning by diethylene dioxide (dioxan).	The use or handling of, or exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan).
C12.	Poisoning by methyl bromide.	The use or handling of, or exposure to the fumes of, or vapour containing, methyl bromide.
C13.	Poisoning by chlorinated naphthalene.	The use or handling of, or exposure to the fumes of, or dust or vapour containing, chlorinated naphthalene.
C14.	Poisoning by nickel carbonyl.	Exposure to nickel carbonyl gas.
C15.	Poisoning by oxides of nitrogen.	Exposure to oxides of nitrogen.
C16.	Poisoning by gonioma kamassi (African boxwood).	The manipulation of gonioma kamassi or any process in or incidental to the manufacture of articles therefrom.
C17.	Poisoning by beryllium or a compound of beryllium.	The use or handling of, or exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium, or a substance containing beryllium.
C18.	Poisoning by cadmium.	Exposure to cadmium dust or fumes.
C19.	Poisoning by acrylamide monomer.	The use or handling of, or exposure to, acrylamide monomer.

<i>Prescribed disease or injury</i>	<i>Occupation</i>
C20. Dystrophy of the cornea (including ulceration of the corneal surface) of the eye.	<p>Any occupation involving:</p> <p>(a) The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product or residue of any of these substances, except quinone or hydroquinone; or</p> <p>(b) exposure to quinone or hydroquinone during their manufacture.</p>
C21. (a) Localised new growth of the skin, papillomatous or keratotic; (b) squamous-celled carcinoma of the skin.	<p>The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product or residue of any of these substances, except quinone or hydroquinone.</p>
C22. (a) Carcinoma of the mucous membrane of the nose or associated air sinuses; (b) primary carcinoma of a bronchus or of a lung.	<p>Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.</p>
C23. Primary neoplasm (including papilloma, carcinoma-in-situ and invasive carcinoma) of the epithelial lining of the urinary tract (renal pelvis, ureter, bladder and urethra).	<p>(a) Work in a building in which any of the following substances is produced for commercial purposes—</p> <ul style="list-style-type: none"> (i) alpha-naphthylamine, beta-naphthylamine or methylene-bis-orthochloroaniline; (ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine); (iii) any of the substances mentioned in head (ii) if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups; (iv) the salts of any of the substances mentioned in heads (i) to (iii); (v) auramine or magenta; or <p>(b) the use or handling of any of the substances mentioned in subparagraph (a)(i) to (iv), or work in a process in which any such substance is used, handled or liberated; or</p>

<i>Prescribed disease or injury</i>	<i>Occupation</i>
<p>C24. (a) Angiosarcoma of the liver; (b) osteolysis of the terminal phalanges of the fingers; (c) non-cirrhotic portal fibrosis.</p>	<p>Any occupation involving: (c) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in sub-paragraph (b), or the cleaning of clothing used in any such building as is mentioned in sub-paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works.</p> <p>(a) Work in or about machinery or apparatus used for the polymerization of vinyl chloride monomer, a process which, for the purposes of this provision, comprises all operations up to and including the drying of the slurry produced by the polymerization and the packaging of the dried product; or (b) work in a building or structure in which any part of that process takes place.</p>
<p>C25. Occupational vitiligo.</p>	<p>The use or handling of, or exposure to, para-tertiary-butylphenol, para-tertiary-butylcatechol, para-amyl-phenol, hydroquinone or the monobenzyl or monobutyl ether of hydroquinone.</p>
<p>D. <i>Miscellaneous Conditions</i></p>	<p>Any occupation—</p>
<p>D1. Pneumoconiosis.</p>	<p>(a) set out in Part II of this Schedule; (b) specified in regulation 2(b)(ii).</p>
<p>D2. Byssinosis.</p>	<p>Any occupation involving: Work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax or the weaving of cotton or flax, is carried on.</p>
<p>D3. Diffuse mesothelioma (primary neoplasm of the mesothelium of the pleura or of the pericardium or of the peritoneum).</p>	<p>(a) The working or handling of asbestos or any admixture of asbestos; or (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or</p>

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	<p>Any occupation involving:</p> <p>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>
D4. Inflammation or ulceration of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour.	Exposure to dust, liquid or vapour.
D5. Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electro-magnetic radiations other than radiant heat).	Exposure to dust, liquid or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionising particles or electro-magnetic radiations other than radiant heat).
D6. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).	<p>(a) Attendance for work in or about a building where wooden goods are manufactured or repaired; or</p> <p>(b) attendance for work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibre board; or</p> <p>(c) attendance for work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board.</p>
<p>D7. Asthma which is due to exposure to any of the following agents—</p> <p>(a) isocyanates;</p> <p>(b) platinum salts;</p> <p>(c) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylene-tetramine;</p> <p>(d) fumes arising from the use of rosin as a soldering flux;</p> <p>(e) proteolytic enzymes;</p> <p>(f) animals or insects used for the purposes of research or education or in laboratories;</p>	Exposure to any of the agents set out in the first column of this paragraph.

<i>Prescribed disease or injury</i>	<i>Occupation</i>
<p>(g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom (occupational asthma).</p>	
<p>D8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following— (a) asbestosis; (b) bilateral diffuse pleural thickening.</p>	<p>Any occupation involving:</p> <p>(a) The working or handling of asbestos or any admixture of asbestos; or</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or</p> <p>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>
<p>D9. Bilateral diffuse pleural thickening.</p>	<p>(a) The working or handling of asbestos or any admixture of asbestos; or</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or</p> <p>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>

OCCUPATIONS FOR WHICH PNEUMOCONIOSIS IS PRESCRIBED

1. Any occupation involving—
 - (a) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);
 - (b) the handling of any of the materials specified in the foregoing sub-paragraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.
2. Any occupation involving the breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint, or substantial exposure to the dust arising from any of such operations.
3. Any occupation involving sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from such sand blasting.
4. Any occupation involving work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations—
 - (a) the freeing of steel castings from adherent siliceous substance;
 - (b) the freeing of metal castings from adherent siliceous substance—
 - (i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel; or
 - (ii) by the use of power-driven tools.
5. Any occupation in or incidental to the manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom.
6. Any occupation involving the grinding of mineral graphite, or substantial exposure to the dust arising from such grinding.
7. Any occupation involving the dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.
8. Any occupation involving the use, or preparation for use, of a grindstone, or substantial exposure to the dust arising therefrom.
9. Any occupation involving—
 - (a) the working or handling of asbestos or any admixture of asbestos;
 - (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;
 - (c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;
 - (d) substantial exposure to the dust arising from any of the foregoing operations.
10. Any occupation involving—
 - (a) work underground in any mine in which one of the objects of the mining operations is the getting of any mineral;
 - (b) the working or handling above ground at any coal or tin mine of any minerals extracted therefrom, or any operation incidental thereto;
 - (c) the trimming of coal in any ship, barge, or lighter, or in any dock or harbour or at any wharf or quay;

(d) the sawing, splitting or dressing of slate, or any operation incidental thereto.

11. Any occupation in or incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom.

12. Any occupation involving boiler scaling or substantial exposure to the dust arising therefrom.

SCHEDULE 2

Regulation.10

Modifications of Chapters IV and VI of Part II of the Act in their application to benefit and claims to which these regulations apply

In Chapters IV and VI of Part II of the Act references to accidents shall be construed as references to prescribed diseases and references to the relevant accident shall be construed as references to the relevant disease and references to the date of the relevant accident shall be construed as references to the date of onset of the relevant disease.

SCHEDULE 3

Regulation 32

Assessment of the extent of occupational deafness

PART I

Claims to which regulation 32(1) applies

<i>Average hearing loss (dB) over 1, 2 and 3 kHz</i>	<i>Degree of disablement per cent.</i>
50-52 dB	20
53-57 dB	30
58-62 dB	40
63-67 dB	50
68-72 dB	60
73-77 dB	70
78-82 dB	80
83-87 dB	90
88 dB or more	100

PART II

Claims to which regulation 32(2) applies

<i>Average hearing loss (dB) over 1, 2 and 3 kHz</i>	<i>Degree of disablement per cent.</i>
50- 53 dB	20
54- 60 dB	30
61- 66 dB	40
67- 72 dB	50
73- 79 dB	60
80- 86 dB	70
87- 95 dB	80
96-105 dB	90
106 dB or more	100

PART III

Formula for calculating binaural disablement

(Degree of disablement of better ear $\times 4$) + Degree of disablement of worse ear

**Prescribed diseases and relevant dates for the
purposes of regulation 35**

<i>Prescribed disease or injury</i>	<i>Relevant date</i>
A3. Dysbarism, including decompression sickness, barotrauma and osteonecrosis.	Except in the case of a person suffering from decompression sickness employed in any occupation involving subjection to compressed or rarefied air, 3rd October 1983.
A11. Episodic blanching, occurring throughout the year, affecting the middle or proximal phalanges, or in the case of a thumb the proximal phalanx, of— (a) in the case of a person with 5 fingers (including thumb) on one hand, any 3 of those fingers, or (b) in the case of a person with only 4 such fingers, any 2 of those fingers, or (c) in the case of a person with less than 4 such fingers, any one of those fingers or, as the case may be, the one remaining finger (vibration white finger).	1st April 1985.
B1. Anthrax.	In the case of a person employed in an occupation involving the loading or unloading or transport of animal products or residues, 3rd October 1983.
B3. Infection by leptospira.	(a) In the case of a person employed in an occupation in places which are, or are liable to be, infested by small mammals other than rats, field mice or voles, 3rd October 1983; (b) in the case of a person employed in an occupation in any other place mentioned in the second column of paragraph B3 of Part I of Schedule 1 to these regulations, 7th January 1980.
B5. Tuberculosis.	In the case of a person employed in an occupation involving contact with a source of tuberculous infection, not being an employment set out in the second column of paragraph 38 of Part I of Schedule 1 to the old regulations, 3rd October 1983.
B6. Extrinsic allergic alveolitis (including farmer's lung).	In the case of a person suffering from extrinsic allergic alveolitis, not being farmer's lung, employed in any occupation set out in the second column of

<i>Prescribed disease or injury</i>	<i>Relevant date</i>
	<p>paragraph B6 of Part I of Schedule 1 to these regulations, or in the case of a person suffering from farmer's lung, employed in any occupation involving exposure to moulds or fungal spores or heterologous proteins by reason of employment in cultivation of edible fungi, or maltworking, or loading or unloading or handling in storage edible fungi, or caring for or handling birds, 3rd October 1983.</p>
<p>B7. Infection by organisms of the genus brucella.</p>	<p>In the case of a person suffering from infection by organisms of the genus brucella, not being infection by Brucella abortus, or employed in an occupation set out in the second column of paragraph B7 of Part I of Schedule 1 to these regulations, not being an occupation set out in the second column of paragraph 46 of Part I of Schedule 1 to the old regulations, 3rd October 1983.</p>
<p>B8. Viral hepatitis.</p>	<p>In the case of a person employed in any occupation involving contact with human blood or human blood products, or contact with a source of viral hepatitis, 3rd December 1984.</p>
<p>B9. Infection by Streptococcus suis.</p>	<p>3rd October 1983.</p>
<p>C3. Poisoning by phosphorus or an inorganic compound of phosphorus or poisoning due to the anti-cholinesterase or pseudo anti-cholinesterase action of organic phosphorus compounds.</p>	<p>In the case of a person suffering from poisoning by an inorganic compound of phosphorus or poisoning due to the pseudo anti-cholinesterase action of organic phosphorus compounds, 3rd October 1983.</p>
<p>C18. Poisoning by cadmium.</p>	<p>In the case of a person employed in an occupation involving exposure to cadmium dust, 3rd October 1983.</p>
<p>C23. Primary neoplasm (including papilloma, carcinoma-in-situ and invasive carcinoma) of the epithelial lining of the urinary tract (renal pelvis, ureter, bladder and urethra).</p>	<p>In the case of a person employed in an occupation involving work in a building in which methylene-bis-ortho-chloroaniline is produced for commercial purposes, 3rd October 1983.</p>
<p>C24. (a) Angiosarcoma of the liver; (b) osteolysis of the terminal phalanges of the fingers; (c) non-cirrhotic portal fibrosis.</p>	<p>(a) In the case of a person suffering from angiosarcoma of the liver or osteolysis of the terminal phalanges of the fingers, 21st March 1977; (b) in the case of a person suffering from non-cirrhotic portal fibrosis, 3rd October 1983.</p>
<p>C25. Occupational vitiligo.</p>	<p>15th December 1980.</p>

<i>Prescribed disease or injury</i>	<i>Relevant date</i>
D3. Diffuse mesothelioma.	In the case of a person suffering from primary neoplasm of the pericardium, 3rd October 1983.
D6. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).	In the case of a person employed in an occupation involving attendance for work in or about a building where wooden goods (other than wooden furniture) are manufactured or where wooden goods are repaired, 3rd October 1983.
D7. Occupational asthma.	29th March 1982.
D8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following— (a) asbestosis; (b) bilateral diffuse pleural thickening.	1st April 1985.
D9. Bilateral diffuse pleural thickening.	1st April 1985.

SCHEDULE 5

Regulation 36

Transitional provisions regarding dates of development and dates of onset

1. In this Schedule the "date of development" has the meaning attributed to it by regulations 5, 6, 7 and 50 of the old regulations.

2. Where a claim for benefit has been made before 6th April 1983, a date of development shall be determined and regulation 14 of the old regulations shall apply as if the old regulations were still in force.

3. Where a claim for benefit is made after 5th April 1983 and a date of onset is determined which is before 6th April 1983, regulation 14 of the old regulations shall apply as if the old regulations were still in force.

4. Where in pursuance of a claim made before 6th April 1983 a date of development has been determined and an award of benefit has been made these regulations shall have effect in relation to that claim and any subsequent claim made by or on behalf of the same person in respect of the same disease (except where under regulation 7 the disease is treated as having been contracted afresh) as if references to the date of onset were references to that date of development.

5. Subject to paragraph 6, where a claim for injury benefit for a day falling or a period beginning before 6th April 1983 is made after 5th April 1983 and no date of development or date of onset which can be treated as such for the purposes of that claim has already been determined, for the purpose only of determining the date on which the injury benefit period (if any) is to begin, a date of development shall be determined, so however that if it is later than 5th April 1983 no injury benefit period shall begin and injury benefit shall not be payable.

6. There shall be no entitlement, in the following cases, to benefit for any day which is earlier than the date specified—

(a) in the case of a person who is or has been suffering from—

- | | | |
|---|---|--------------------|
| (i) viral hepatitis | : | 2nd February 1976 |
| (ii) angiosarcoma of the liver | : | 21st March 1977 |
| (iii) osteolysis of the terminal phalanges of the fingers | : | 21st March 1977 |
| (iv) carcinoma of the nasal cavity or associated air sinuses
(nasal carcinoma) | : | 8th August 1979 |
| (v) occupational vitiligo | : | 15th December 1980 |
| (vi) occupational asthma | : | 29th March 1982; |

(b) in the case of a person who is or has been suffering from byssinosis but who has not been employed in employed earner's employment in any occupation mentioned in regulation 2(c) of the old regulations for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to 5 years : 13th April 1979;

(c) in the case of a person who is or has been suffering from infection by leptospira but neither is nor has been either incapable of work or suffering from a loss of faculty as a result of infection by—

- | | | |
|---|---|-------------------|
| (i) leptospira icterohaemorrhagiae in the case of a person employed in employed earner's employment in any occupation involving work in places which are, or are liable to be, infested by rats, or | : | |
| (ii) leptospira canicola in the case of a person employed in employed earner's employment in any occupation involving work at dog kennels or the care or handling of dogs | : | 7th January 1980. |

Revocations

<i>Citation</i>	<i>Statutory Rule</i>	<i>Extent of Revocation</i>
The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1983	S.R. 1983 No. 19	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1983	S.R. 1983 No. 37	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment No. 2) Regulations (Northern Ireland) 1983	S.R. 1983 No. 260	The whole of the regulations
The Social Security (Adjudication) (Consequential Amendments) Regulations (Northern Ireland) 1984	S.R. 1984 No. 174	Regulation 23
The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1984	S.R. 1984 No. 371	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1985	S.R. 1985 No. 41	The whole of the regulations except regulations 1 and 4

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made for the purpose only of consolidating the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1983 and subsequent amending regulations, all of which are revoked.

One major difference between these regulations and those made in 1983 is that the provisions in Part V of the 1983 regulations (Procedure for Determination of Claims and Questions) are now in Part X of the Social Security (Adjudication) Regulations (Northern Ireland) 1984 and have accordingly been omitted from the present consolidation. In other respects the form and content of the present set of regulations are much as before, dealing, in the same sequence, with the prescription of diseases and presumption as to their origin (Part II and Schedule 1), the date of onset and recrudescence of disease (Part III), the application to prescribed diseases of certain provisions of the Social Security (Northern Ireland) Act 1975 and regulations made under it (Part IV and Schedule 2), the special provisions made in respect of pneumoconiosis, byssinosis, occupational deafness and certain other diseases (Part V and Schedule 3), certain transitional provisions (Part VI and Schedules 4 and 5) and the revocation of the regulations mentioned in Schedule 6.

1986 No. 180**Road Races (Crumlin Kart Race) Order (Northern Ireland) 1986**

This Order, being of a temporary character, is not printed at length in this volume.

1986. Nos. 181, 182, 183

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.