

1987 No. 116

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1987

Made 16th March 1987

Coming into operation—

Except for regulation 5 1st April 1987

Regulation 5 6th April 1987

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76, 77(2) and 113(1) of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1987 and shall come into operation on 1st April 1987 except for regulation 5 which shall come into operation on 6th April 1987.

(2) Regulations 1 to 3 shall be read as one with the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(b), hereinafter referred to as “the principal regulations”.

Amendment of the principal regulations relating to prescription of lung cancer

2.—(1) Part I of Schedule 1 to the principal regulations shall be amended by the addition, after the disease numbered D9 (Bilateral diffuse pleural thickening), of the disease specified in the first column of the Schedule hereto and of the occupations set against this disease in the second column of that Schedule.

(2) For the definition of “lung cancer” in regulation 1(2) of the principal regulations (interpretation) there shall be substituted the following definition—

“ “lung cancer” means the diseases numbered D8 and D10 in Part I of Schedule 1 to these regulations except in Part I of Schedule 1 and in Schedule 4 where it means the disease numbered D10;”.

(3) In Schedule 4 to the principal regulations, after the entry relating to the disease numbered D9 (Bilateral diffuse pleural thickening), there shall be added—

(a) 1975 c. 15

(b) S.R. 1986 No. 179: to which there are amendments not relevant to these regulations

- (a) in the first column "D10. Lung cancer."; and
 (b) in the second column "1st April 1987."

Date before which there will not be entitlement to payment of benefit

3. There shall be no entitlement to payment of benefit in the case of a person suffering from prescribed disease D10 in respect of any day which is earlier than the relevant date or in respect of any death which occurs before the relevant date.

Amendment of the Social Security (Adjudication) Regulations (Northern Ireland) 1984

4.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1984(a) shall be amended in accordance with paragraphs (2) to (5) of this regulation.

(2) In regulation 38(2) (disqualification from acting as an adjudicating medical authority) for "or D9" there shall be substituted ", D9 or D10".

(3) In regulation 41(2)(b) (application of adjudication regulations to prescribed diseases) for "and D9" there shall be substituted ", D9 and D10".

(4) In regulation 43(2) (reference of diagnosis and recrudescence questions for medical report) for "and D9" there shall be substituted ", D9 and D10".

(5) In regulation 51(1) (additional provisions relating to the powers and decisions of medical boards) for "and D9" there shall be substituted ", D9 and D10".

Amendment of the Social Security (Adjudication) Regulations (Northern Ireland) 1987

5.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1987(b) shall be amended in accordance with paragraphs (2) to (5) of this regulation.

(2) In regulation 33(2) (disqualification from acting as an adjudicating medical authority) for "or D9" there shall be substituted ", D9 or D10".

(3) In regulation 41(2)(b) (application of adjudication regulations to prescribed diseases) for "and D9" there shall be substituted ", D9 and D10".

(4) In regulation 42(1) (reference of diagnosis and recrudescence questions for medical report) for "and D9" there shall be substituted ", D9 and D10".

(5) In regulation 51(1) (additional provisions relating to the powers and decisions of medical boards) for "and D9" there shall be substituted ", D9 and D10".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 16th March 1987.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.R. 1984 No. 144; the relevant amending regulations are S.R. 1985 No. 41

(b) S.R. 1987 No. 82

<i>Prescribed disease or injury</i>	<i>Occupation</i>
D10. Lung cancer.	(a) Work underground in a tin mine; or (b) exposure to bis (chloromethyl) ether produced during the manufacture of chloromethyl methyl ether; or (c) exposure to zinc chromate, calcium chromate or strontium chromate in their pure forms.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations come into effect on 1st April 1987, except for regulation 5 which comes into effect on 6th April 1987. The regulations provide for a further industrial disease of lung cancer to be prescribed under Chapter V of Part II of the Social Security (Northern Ireland) Act 1975.

Lung cancer is prescribed (regulation 2(1) and the Schedule) in relation to persons employed in specified occupations. Regulation 2(2) amends the definition of lung cancer in regulation 1(2) of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986. Benefit is not payable for any period before 1st April 1987 (regulations 2(3) and 3).

The Social Security (Adjudication) Regulations (Northern Ireland) of 1984 and 1987 are amended by regulations 4 and 5 so that the procedures for dealing with claims for lung cancer are the same as those for the other prescribed chest diseases.