

1989 No. 319

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1989

Made 2nd August 1989

Coming into operation—

Except for regulation 4 9th August 1989

Regulation 4 16th October 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76 and 77(2) 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) 1989 and shall come into operation on 9th August 1989, except for regulation 4 which shall come into operation on 16th October 1989.

(2) These regulations 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 date of onset

2. In regulation 6(1)(b) of the principal regulations (date of onset) for “no award of benefit is made” there shall be substituted “the degree of disablement is assessed at less than one per cent.”.

Amendment of the principal regulations relating to recrudescence

3. In regulation 7(1) of the principal regulations (recrudescence)—

(a) for the words from “If” to “pleural thickening” there shall be substituted “Where in respect of a prescribed disease other than pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, lung cancer or bilateral diffuse pleural thickening, a person’s disablement has been assessed at not less than one per cent. and he”; and

(b) in sub-paragraph (a) for “an assessment of disablement relating to such a previous award” there shall be substituted “that assessment”.

(a) 1975 c. 15

(b) S.R. 1986 No. 179; the relevant amending regulations are S.R. 1986 Nos. 270 and 340, S.R. 1987 Nos. 116 and 454 and S.R. 1988 No. 148

Amendment of the principal regulations relating to occupational deafness

4.—(1) Regulation 32 of the principal regulations (assessment of extent of disablement and rate of disablement benefit payable in respect of occupational deafness) shall be amended in accordance with sub-paragraphs (a) to (d)—

- (a) in paragraph (1) for the words from “shall be the percentage calculated” to the end there shall be substituted “shall be the percentage calculated by—
 - (a) determining the average total hearing loss due to all causes for each ear at 1, 2 and 3 kHz frequencies; and then by
 - (b) determining the percentage degree of disablement for each ear in accordance with Part I of Schedule 3 to these regulations; and then by
 - (c) determining the average percentage degree of binaural disablement in accordance with the formula set out in Part III of that Schedule.”;
 - (b) in paragraph (2) for the words from “shall be assessed” to the end there shall be substituted “shall be the percentage calculated by—
 - (a) determining the average total hearing loss due to all causes for each ear at 1, 2 and 3 kHz frequencies; and then by
 - (b) determining the percentage degree of disablement for each ear in accordance with Part II of Schedule 3 to these regulations; and then by
 - (c) determining the average percentage degree of binaural disablement in accordance with the formula set out in Part III of that Schedule.”;
 - (c) in paragraph (3) “this regulation and in” shall be omitted; and
 - (d) after paragraph (3) there shall be inserted the following paragraph—

“(3A) For the purposes of determining the percentage degree of disablement in Parts I and II of Schedule 3 to these regulations, any fraction of an average hearing loss shall, where the average hearing loss is over 50dB, be rounded down to the next whole figure.”.
- (2) In relation to prescribed disease A10 (occupational deafness) for the words of prescription set out in the first column of Part I of Schedule 1 to the principal regulations (list of prescribed diseases and the occupations for which they are prescribed) there shall be substituted the following—
- “A10. Sensorineural hearing loss amounting to at least 50 dB in each ear, being the average of hearing losses at 1, 2 and 3 kHz frequencies, and being due in the case of at least one ear to occupational noise (occupational deafness).”.
- (3) In the first column, in both Part I and Part II of Schedule 3 to the principal regulations (assessment of the extent of occupational deafness) for “Average hearing loss (dB) over 1, 2 and 3 kHz” there shall be substituted “Average of hearing losses (dB) due to all causes at 1, 2 and 3 kHz frequencies”.

Amendment of the principal regulations relating to prescription of Avian and Ovine Chlamydiosis and Q fever

5.—(1) Part I of Schedule 1 to the principal regulations shall be amended by the insertion after the disease numbered B9 (Infection by *Streptococcus suis*) of the diseases specified in the first column of the Schedule to these regulations and of the occupations set against those diseases in the second column of that Schedule.

(2) In Schedule 4 to the principal regulations after the entry relating to the disease numbered B9 (Infection by *Streptococcus suis*) there shall be inserted—

(a) in the first column the following diseases—

“B10. (a) Avian chlamydiosis.

B10. (b) Ovine chlamydiosis.

B11. Q fever.”;

(b) in the second column, against each of the diseases referred to in sub-paragraph (a) of this paragraph “9th August 1989.”.

Date before which there will not be entitlement to payment of benefit in respect of Avian and Ovine Chlamydiosis and Q fever

6.—(1) A person suffering from prescribed disease B10 (a), B10 (b) or B11 shall not be entitled to disablement benefit or sickness benefit under section 50A(a) in respect of that disease for any day which is earlier than the relevant date.

(2) There shall be no entitlement to death benefit in respect of prescribed disease B10 (a), B10 (b) or B11 for any death which occurs before the relevant date.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 2nd August 1989.

(L.S.)

C. Davie

Assistant Secretary

<i>Prescribed disease or injury</i>	<i>Occupation</i>
B10. (a) Avian Chlamydiosis	Contact with birds infected with chlamydia psittaci, or with the remains or untreated products of such birds.
B10. (b) Ovine Chlamydiosis	Contact with sheep infected with chlamydia psittaci, or with the remains or untreated products of such sheep.
B11. Q fever	Contact with animals, their remains or their untreated products.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 ("the principal regulations") and come into operation on 9th August 1989, except for regulation 4 which comes into operation on 16th October 1989.

The Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) raised from 1 to 14 per cent. the percentage degree of disablement which qualifies a person for disablement pension. Regulations 2 and 3 provide for regulations 6 (date of onset) and 7 (recrudescence) of the principal regulations to apply as if that change had not been made.

Regulation 4 contains amendments relating to the prescription of the disease numbered A10 (occupational deafness). In particular it removes the requirement for hearing loss to be measured by pure tone audiometry.

Regulation 5 provides for industrial diseases Avian Chlamydiosis, Ovine Chlamydiosis and Q fever to be added to the diseases prescribed under Chapter V of Part II of the Social Security (Northern Ireland) Act 1975. Regulation 6 provides for the date before which entitlement to benefit in respect of those diseases does not arise.