

1993 No. 148

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1993

Made 29th March 1993

Coming into operation 19th April 1993

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 108(2) and (4) and 109(2) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(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) 1993 and shall come into operation on 19th April 1993.

(2) In these regulations “the principal regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(b).

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation)—

(a) the definition of “lung cancer” shall be omitted; and

(b) after the definition of “prescribed disease” there shall be inserted the following definition—

“ “primary carcinoma of the lung” means the diseases numbered D8, D10 and D11 in Part I of Schedule 1 to these regulations;”.

Amendment of regulation 4 of the principal regulations

3. In regulation 4(1) of the principal regulations (presumption that a disease is due to the nature of employment) after “diseases numbered A10,” there shall be inserted “A12,”.

Amendment of regulation 6 of the principal regulations

4. In regulation 6(2) of the principal regulations (date of onset) for “lung cancer” in both places where it occurs there shall be substituted “primary carcinoma of the lung”.

(a) 1992 c. 7

(b) S.R. 1986 No. 179; relevant amending regulations are S.R. 1987 No. 116 and S.R. 1989 No. 319

Amendment of regulation 7 of the principal regulations

5. In regulation 7(1) of the principal regulations (recrudescence) for "lung cancer" there shall be substituted "primary carcinoma of the lung".

Amendment of Schedule 1 to the principal regulations

6.—(1) Part I of Schedule 1 to the principal regulations (list of prescribed diseases and the occupations for which they are prescribed) shall be amended in accordance with paragraphs (2) to (5) of this regulation.

(2) After the entry relating to the disease numbered A11 (episodic blanching) there shall be inserted—

(a) in the first column, the following disease—

"A12. Carpal tunnel syndrome."; and

(b) in the second column, against the disease numbered A12—

"The use of hand-held vibrating tools.".

(3) In the entry in the second column relating to the disease numbered C23 (primary neoplasm) after sub-paragraph (c) there shall be added the following sub-paragraph—

"(d) exposure to coal tar pitch volatiles produced in aluminium smelting involving the Soderberg process (that is to say the method of producing aluminium by electrolysis in which the anode consists of a paste of petroleum coke and mineral oil which is baked *in situ*)."

(4) In the entry in the first column relating to the disease numbered D10 for "Lung cancer." there shall be substituted "Primary carcinoma of the lung.".

(5) After the entry relating to the disease numbered D10 (primary carcinoma of the lung) there shall be added—

(a) in the first column, the following disease—

"D11. Primary carcinoma of the lung where there is accompanying evidence of silicosis."; and

(b) in the second column, against the disease numbered D11—

"Exposure to silica dust in the course of—

(a) the manufacture of glass or pottery; or

(b) tunnelling in or quarrying sandstone or granite; or

(c) mining metal ores; or

(d) slate quarrying or the manufacture of artefacts from slate; or

(e) mining clay; or

(f) using siliceous materials as abrasives; or

(g) cutting stone; or

(h) stonemasonry; or

(i) work in a foundry.".

Revocations

7. Regulation 2(2) of the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1987(a) and regulation 3 of the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1991(b) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 29th March 1993.

(L.S.)

A. Devlin

Assistant Secretary

(a) S.R. 1987 No. 116

(b) S.R. 1991 No. 414

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations which come into operation on 19th April 1993 further amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 ("the principal regulations").

Regulation 6 provides for the prescription of two further industrial diseases—

- (i) carpal tunnel syndrome, where the disease is contracted as a result of the use of hand-held vibrating tools (A12); and
- (ii) primary carcinoma of the lung accompanied by evidence of silicosis, which is prescribed in relation to occupations associated with the use of free silica (D11).

The existing prescription of primary neoplasm of the bladder (C23) is extended by regulation 6(3) to apply to cases associated with the Soderberg aluminium smelting process. Regulation 6(4) changes the description of prescribed disease D10 from "lung cancer" to "primary carcinoma of the lung".

Regulation 2 removes the definition of "lung cancer" from regulation 1(2) of the principal regulations and inserts a definition of "primary carcinoma of the lung" as a consequence of the change made by regulation 6(4).

Regulation 3 disapplies the presumption that a prescribed disease is due to the nature of a person's employment in the case of carpal tunnel syndrome (A12).

Regulations 4 and 5 exclude the application of regulations 6 and 7 of the principal regulations (which deal with the date of onset and recrudescence of certain diseases) in relation to the newly prescribed disease D11.

Regulation 7 contains revocations.