

EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2011

S.R. 2011 No. 231

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 108(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 These Regulations amend Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 (“the Prescribed Diseases Regulations”) to include bronchiolitis obliterans, as it relates to work involving the production of diacetyl and carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma), as it relates to work involving hexavalent chrome plating or the manufacture of inorganic chromates, by adding Prescribed Disease C31 and C32 respectively to the list of prescribed diseases in Part 1 of that Schedule.
- 2.2 Regulation 1 provides for the title and commencement.
- 2.3 Regulation 2 adds:
 - (i) prescribed disease “C 31. Bronchoilitis obliterans” to the list of prescribed diseases in Part 1 of Schedule 1 to the Prescribed Diseases Regulations, in relation to people whose work involves the manufacture of diacetyl, food flavourings containing diacetyl, or food to which food flavourings containing diacetyl are added, and
 - (ii) prescribed disease “C 32. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma)” to the list of prescribed diseases in Part 1 of Schedule 1 to the Prescribed Diseases Regulations, in relation to workers involved in chromate production and chrome plating.

3. Background

- 3.1 Industrial Injuries Disablement Benefit is a non-contributory, non-income related benefit for people who have become disabled as a result of an accident at work or a prescribed disease which was contracted while working in employed earners employment. The rate of benefit payable

depends on the level of disability. The benefit is payable even if the person continues or returns to work, but is not payable until the 91st day following the accident or the onset of the prescribed disease.

- 3.2 The Industrial Injuries Advisory Council is an independent statutory body which advises the Secretary of State for Work and Pensions and the Department for Social Development on matters relating to the Industrial Injuries scheme. In particular, having studied the scientific evidence, the Council advises which diseases should be prescribed or amended for the purpose of claims for Industrial Injuries Disablement Benefit.
- 3.3 The Industrial Injuries Advisory Council published its report on *Bronchoillitis Obliterans and Food Flavouring Agents* (Command Paper 7439) in July 2008, recommending that Prescribed Disease C31 should be added to the list of prescribed diseases. It also published its report on *Chromium and Sino-nasal Cancer* (Command Paper 7740) in December 2009, recommending that Prescribed Disease C32 should be added to the list of prescribed diseases.

4. Consultation

- 4.1 As the Regulations make, in relation to Northern Ireland, only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain they do not have to be submitted to the Industrial Injuries Advisory Council.

5. Equality Impact

- 5.1 The new prescribed disease “C31. Bronchiolitis obliterans” relates solely to occupations involving the production or use of diacetyl as a food flavouring and is such a rare disease it is very likely that the number of claims for this disease would be very few indeed. The Industrial Injuries Advisory Council, in its report recommending prescription of this disease, specifically mentioned identifying only one case of bronchiolitis obliterans in the United Kingdom.

The new prescribed disease “C32. Carcinoma of the nasal cavity and associated air sinuses (nasal carcinoma)” relates to occupations involving work with hexavalent chrome plating and or the manufacture of inorganic chromates and during the course of the review of chromium and sino-nasal cancer, no diversity and equality issues were apparent.

In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposals and has concluded that the proposals are positive and do not have significant implications for equality of opportunity.

6. Regulatory Impact

- 6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

- 7.1 As bronchiolitis obliterans and sino-nasal cancer are such rare diseases it is expected that the cost of implementing these Regulations will be minimal.

8. Section 24 of the Northern Ireland act 1998

- 8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

- (a) is not incompatible with any of the Convention rights,
- (b) is not incompatible with Community law,
- (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and
- (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 Not applicable.

10. Parity or Replicatory Measure

- 10.1 The corresponding Great Britain Order is the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2011 (S.I. 2011/1497) and comes into force 18 July 2011. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.