

EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2018

S.R. 2018 No. 151

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 108(1) and (2) and 171(1) and (3) 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 make changes to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 as recommended by the Industrial Injuries Advisory Council (IIAC). The amendments ensure the scheme reflects current scientific knowledge by extending the eligibility/restriction criteria for latex anaphylaxis and nasal carcinoma.
- 2.2 The prescription criteria for B15 (anaphylaxis) is currently limited to employment as a healthcare worker having contact with products made with natural rubber latex. Many occupations outside the healthcare sector can also involve regular exposure to latex products and when IIAC extended its enquiries to these groups it found a similar causal connection, with latex allergy only rarely acquired outside the workplace. IIAC has recommended that the prescription for this disease be expanded to include any occupation involving contact with products made with natural rubber latex.
- 2.3 The current occupational prescription for D6 (carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma)) is any occupation involving “attendance for work in or about a building where wooden goods are manufactured or repaired”. However, a narrow interpretation could be placed on the meaning of “building”, effectively restricting coverage to claimants working in premises which exist to manufacture or repair wooden goods, and placing outside the scope of benefit, for example, the carpenter who is exposed to wood dust during the fitting out of shops or on a construction site. Evidence also suggested a strong case for extending the prescription to include exposure to wood dust in the machine processing of wood in addition to manufacture and repair.

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 IIAC is an independent statutory body which advises the Secretary of State for Work and Pensions and the Department for Communities on matters relating to the Industrial Injuries Scheme. In particular, having studied the scientific evidence, IIAC advises which diseases should be prescribed or amended for the purpose of claims for Industrial Injuries Disablement Benefit.
- 3.3 These Regulations implement the recommendations of IIAC as set out in its Command Papers: Cm 9498 'Extending the terms of prescription for latex anaphylaxis' and Cm 9499 'Nasal carcinoma and occupational exposure to wood dust'.

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 IIAC.

5. Equality Impact

- 5.1 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 Any costs arising as a result of these Regulations are expected to 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 Regulations are the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2018 (S.I. 2018/769) which come into force on 28th September 2018. 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. It was, therefore necessary to make the Regulations during the period of interregnum.