

1983 No. 1094

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1983

<i>Made - - - -</i>	21st July 1983
<i>Laid before Parliament</i>	27th July 1983
<i>Coming into Operation</i>	3rd October 1983

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 76, 77 and 113 of the Social Security Act 1975 (a) and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations:—

Citation, commencement and interpretation

1. These regulations, which may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1983, shall be read as one with the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980 (b) (hereinafter referred to as “the principal regulations”), and shall come into operation on 3rd October 1983.

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation)—
- (a) in the definition of “diffuse mesothelioma” for the words “numbered 44” there shall be substituted the words “numbered D3”;
 - (b) the definition of “farmer’s lung” shall be omitted;
 - (c) in the definition of “occupational asthma” for the words “numbered 53” there shall be substituted the words “numbered D7”;
 - (d) in the definition of “occupational deafness” for the words “numbered 48” there shall be substituted the words “numbered A10”;
 - (e) the definition of “pneumoconiosis” shall be omitted;
 - (f) in the definition of “tuberculosis” for the words “numbered 38” there shall be substituted the words “numbered B5”.

Amendment of regulation 2 of the principal regulations

3.—(1) In regulation 2 of the principal regulations (prescription of diseases and injuries and occupations for which they are prescribed)—

- (a) in paragraph (a) for the words “paragraph (d)” there shall be substituted the words “paragraphs (b) and (d)” and for the words “regulation 56(2) and (4)” there shall be substituted the words “regulation 56(2), (3) and (4)”;
- (b) paragraph (c) shall be omitted;

(a) 1975 c.14.

(b) S.I. 1980/377; the relevant amending instruments are S.I. 1980/1493, 1982/249, 1983/185.

- (c) for paragraph (d) there shall be substituted—
- “(d) occupational deafness is prescribed in relation to all persons who have been employed in employed earner’s employment—
- (i) at any time on or after 5th July 1948; and
 - (ii) for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to not less than 10 years
- in one or more of the occupations set out in the second column of paragraph A10 of Part I of Schedule 1 to these regulations and in the case of a person who during such period as is specified above has been concurrently employed in two or more of the occupations described in sub-paragraphs (a), (b), (d), (e), (f), (g) and (h) of the said paragraph A10 those occupations shall be treated as a single occupation for the purposes of determining whether that person has been employed wholly or mainly in work described in those sub-paragraphs.”

(2) For Part I of Schedule 1 to the principal regulations there shall be substituted the Part set out in Schedule 1 to these regulations.

Amendment of regulation 4 of the principal regulations

4. Regulation 4 of the principal regulations (presumption that a disease is due to the nature of employment) shall be amended as follows—

- (a) in paragraph (1) for the words “numbered 38, 41, 42 and 48” there shall be substituted the words “numbered A10, B5, D1, D2, D4 and D5”;
- (b) in paragraph (2) for the words “paragraph 38” there shall be substituted the words “paragraph B5”;
- (c) in paragraph (4) for the words “regulation 2(c)” there shall be substituted the words “paragraph D2 of Part I of Schedule 1 hereto”.

Amendment of regulations 22 and 25 of the principal regulations

5. In regulation 22 and regulation 25(2) of the principal regulations for the words “numbered 17, 36, 37(b), 40, 43, 44 and 53” there shall be substituted the words “numbered B6, C15, C17, C18, C22(b), D3 and D7”.

Amendment of regulation 26 of the principal regulations

6. In regulation 26 of the principal regulations (power to dispense with reference for medical report) for the words “numbered 17, 36, 37(b), 40 and 43” there shall be substituted the words “numbered B6, C15, C17, C18 and C22(b)”.

Amendment of regulation 33 of the principal regulations

7. In regulation 33 of the principal regulations (constitution and procedure of a medical board and medical appeal tribunal) for the words “numbered 17, 36, 37(b), 40, 43, 44 and 53” there shall be substituted the words “numbered B6, C15, C17, C18, C22(b), D3 and D7”.

Amendment of regulation 40 of the principal regulations

8. Regulation 40 of the principal regulations (time for claiming benefit in respect of occupational deafness) shall be amended as follows—

- (a) in paragraph (1) after the words “occupational deafness” there shall be inserted the words “except in relation to a claim for sickness benefit payable by virtue of section 50A”;

- (b) for paragraphs (2) to (7) there shall be substituted the following paragraph—

“(2) Subject to regulation 41(1)(c), disablement benefit, or sickness benefit payable by virtue of section 50A of the Act, shall not be paid in pursuance of a claim in respect of occupational deafness which is made later than 5 years after the latest date, before the date of the claim, on which the claimant worked in an occupation prescribed in relation to occupational deafness unless—

- (a) the claimant has been employed in one or more of the occupations so prescribed for a period or periods amounting in aggregate to not less than 10 years, and
- (b) that period or the last of those periods ended on or after 8th October 1977, and
- (c) the claim is made within the period of one year beginning on 3rd October 1983, and
- (d) either—
 - (i) the claimant, not being a person to whom regulation 41(1)(c) applies, has not within the period of 3 years before the claim was made previously made a claim which was disallowed because he was not suffering from occupational deafness, or
 - (ii) where a previous claim was made by him, a medical board or a medical appeal tribunal have not within the period of 3 years before the claim was made reassessed the extent of his disablement at less than 20 per cent.”

Amendment of regulation 41 of the principal regulations

9. Regulation 41 of the principal regulations (further claims in respect of occupational deafness) shall be amended as follows—

- (a) in paragraph (1) for the words “paragraph 48” there shall be substituted the words “paragraph A10” and in sub-paragraph (a) for the words “the disallowed claim” there shall be substituted the words “a claim which was disallowed because the claimant was not suffering from occupational deafness”;
- (b) for sub-paragraphs (b) and (c) of paragraph (1) there shall be substituted—
 - “(b) it is a claim made after the expiration of 3 years from the date of a reassessment by a medical board or medical appeal tribunal of the extent of the claimant’s disablement at less than 20 per cent; or
 - (c) if the claimant would otherwise be precluded by regulation 40(2) from making a further claim after the expiration of 3 years from the date of the disallowed claim or from the date of a reassessment by a medical board or a medical appeal tribunal of the extent of his disablement at less than 20 per cent, as the case may be, it is the first claim made since that date and within 5 years from the latest date, before the date of the claim, on which he worked in any occupation specified in column 2 of paragraph A10 of Part I of Schedule 1 hereto.”;
- (c) in paragraph (2) for the words from “was not” to the end there shall be substituted the words “is not suffering from occupational deafness”.

Revocation of regulation 42 of the principal regulations

10. Regulation 42 of the principal regulations (effect of presbycusis on assessment) is hereby revoked.

Substitution of regulation 43 of the principal regulations

11. For regulation 43 of the principal regulations (Period to be covered by assessment of disablement in respect of occupational deafness) there shall be substituted the following regulation—

“43. Subject to the proviso to section 57(6) (cessation of pension on death of beneficiary)—

- (a) every initial assessment of the extent of a claimant’s disablement in respect of occupational deafness shall be a provisional assessment and the period to be taken into account by such an assessment shall be a period of 5 years;
- (b) the period to be taken into account by any subsequent reassessment of the extent of the claimant’s disablement in respect of occupational deafness, if not limited by reference to the claimant’s life, shall not be less than 5 years.”

Amendment of regulation 44 of the principal regulations

12. Regulation 44 of the principal regulations (Review of assessment for unforeseen aggravation in respect of occupational deafness) shall be renumbered as paragraph (1) of that regulation and after that provision as so renumbered there shall be inserted the following paragraph—

“(2) The provisions of section 110(2) (review of assessment in a case of unforeseen aggravation) shall not apply to an assessment of the extent of disablement in respect of occupational deafness which is less than 20 per cent.”

Reassessment of disablement

13. After regulation 46 there shall be inserted the following regulation—

“Cases in which reassessment of disablement in respect of occupational deafness is final

46A. Where in any case the extent of disablement in respect of occupational deafness has been provisionally assessed at 20 per cent or more and on any reassessment the extent of disablement in respect of occupational deafness is assessed at less than 20 per cent that assessment shall be final.”

Substitution of regulation 47 of the principal regulations

14. For regulation 47 of the principal regulations (Lower and upper limits of assessment in respect of occupational deafness) there shall be substituted the following regulation—

“Assessment of extent of disablement and rate of disablement benefit payable in respect of occupational deafness

47.—(1) Subject to the provisions of Schedule 8 and regulations made thereunder and the following provisions of this regulation, the first assessment of the extent of disablement in respect of occupational deafness

made in pursuance of a claim made before 3rd September 1979 by a person to whom disablement benefit in respect of occupational deafness is payable for a period before 3rd September 1979 shall be the percentage calculated by applying the formula set out in Part III of Schedule 2A hereto to the percentages specified in column 2 of Part I of that Schedule opposite the appropriate amount of hearing loss in the better ear and the worse ear respectively specified in column 1 of that Schedule, being the total hearing loss due to all causes, measured in each case by pure tone audiometry over the 1, 2 and 3 kHz frequencies.

(2) Except in any case to which paragraph (1) applies and subject to the provisions of Schedule 8 and regulations made thereunder and the following provisions of this regulation, the extent of disablement in respect of occupational deafness shall be assessed at the percentage calculated by applying the formula set out in Part III of Schedule 2A hereto to the percentages specified in column 2 of Part II of that Schedule opposite the appropriate amount of hearing loss in the better ear and the worse ear respectively specified in column 1 of that Schedule, being the total hearing loss due to all causes, measured in each case by pure tone audiometry over the 1, 2 and 3 kHz frequencies.

(3) In this regulation and in Schedule 2A hereto "better ear" means that ear in which the claimant's hearing loss due to all causes is the less and "worse ear" means that ear in which the claimant's hearing loss due to all causes is the more.

(4) The extent of disablement in respect of occupational deafness may be subject to such increase or reduction of the degree of disablement as may be reasonable in the circumstances of the case where, having regard to the provisions of Schedule 8 and to regulations made thereunder, that degree of disablement does not provide a reasonable assessment of the extent of disability resulting from the relevant loss of faculty.

(5) Where on reassessment of the extent of disability in respect of occupational deafness the sensorineural hearing loss is less than 50dB in each ear, being due in the case of at least one ear to occupational noise, the extent of disablement shall be assessed at less than 20 per cent.

(6) Where the extent of disablement is reassessed at less than 20 per cent disablement benefit shall not be payable.

(7) In the case of a person to whom disablement benefit by reason of occupational deafness was payable in respect of a period before 3rd September 1979—

- (a) if no assessment of the extent of his disability has been made, reviewed or varied on or after that date, the rate of any disablement benefit payable to him shall be the rate payable for the degree of disablement assessed in accordance with paragraph (1), but
- (b) if such an assessment has been made, reviewed or varied in respect of a period commencing on or after that date and before 3rd October 1983, the rate of any disablement benefit payable to him shall be either—
 - (i) the rate which would be payable if an assessment were made in accordance with paragraph (2), or
 - (ii) the rate which was payable immediately before the first occasion on which such review or variation took place,whichever is the more favourable to him.

(8) Where in the case of a person to whom disablement benefit by reason of occupational deafness was payable in respect of a period before 3rd September 1979 the extent of his disability is reassessed and the period taken into account on reassessment begins on or after 3rd October 1983 and—

- (a) immediately before that date, by virtue of paragraph (7) the rate at which disablement benefit was payable to him was higher than the rate which would otherwise have been payable, or
- (b) the reassessment is the first reassessment for a period commencing after 3rd September 1979,

the rate of disablement benefit payable to him shall be whichever of the rates specified in paragraph (9) is applicable.

(9) The rate of disablement benefit payable in the case of a person to whom paragraph (8) applies shall be—

- (a) if the current rate appropriate to the extent of his disability as reassessed is the same as or more than the rate at which disablement benefit was payable immediately before the beginning of the period taken into account on reassessment, the current rate, or
- (b) if the current rate is less than the rate at which disablement benefit was payable immediately before the beginning of the period taken into account on reassessment, the lower of the following rates—
 - (i) the rate at which benefit would have been payable if the reassessment of the extent of his disability had been made in accordance with paragraph (1), or
 - (ii) the rate at which benefit was payable immediately before the beginning of the period taken into account on reassessment.”

Amendment of regulation 48A of the principal regulations

15. Regulation 48A of the principal regulations (Time for claiming benefit in respect of occupational asthma) shall be amended as follows—

- (a) in paragraph (1), after the words “disablement benefit” there shall be inserted the words “and sickness benefit payable by virtue of section 50A” and after the word “after” there shall be inserted the words “the latest date, before the date of the claim, on which” and for the words “ceased to be employed” there shall be substituted the word “worked”;
- (b) in paragraph (4) for the words “he ceased to be employed” there shall be substituted the words “the latest date on which he worked”;
- (c) in paragraph (5) the word “ceased” shall be omitted and for the words “to be employed” there shall be substituted the words “had not worked”.

Amendment of regulation 49 of the principal regulations

16. In regulation 49(2) of the principal regulations (Constitution of pneumoconiosis medical panels and boards) for the words “numbered 17, 36, 37(b), 40, 43, 44 and 53” there shall be substituted the words “B6, C15, C17, C18, C22(b), D3 and D7”.

Amendment of regulation 56 of the principal regulations

17.—(1) In regulation 56 of the principal regulations (transitional provisions)—

- (a) in paragraph (1), at the beginning, there shall be inserted the words

“Subject to paragraph (2)” and the words from “in relation to byssinosis” onwards shall be omitted;

(b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Where a disease set out in the first column of Schedule 3 hereto was prescribed in relation to any person by regulations which came into operation on a date earlier than the date set against that disease in the second column of that Schedule, the “relevant date” in relation to such disease is such earlier date on which the disease was prescribed in relation to the person in question.”;

(c) after paragraph (2) there shall be inserted the following paragraph—

“(2A) The “relevant date” in relation to byssinosis—

(a) in the case of a person employed in an occupation involving work in any room in which the weaving of cotton or flax or any other process which takes place between, or at the same time as, the winding or beaming and weaving of cotton or flax is carried on in a factory in which any or all of those processes are carried on is 3rd October 1983;

(b) in any other case, is 6th April 1979 except that where the disease was prescribed in relation to any person by regulations which came into operation on a date earlier than 6th April 1979 the relevant date is that earlier date.”;

(d) in paragraph 3(b) after the words “regulation 2(c)” there shall be inserted the words “of these regulations in force immediately before 3rd October 1983.”;

(e) for paragraph (4) there shall be substituted the following paragraph—

“(4) Notwithstanding that a person does not satisfy paragraph (2) infection by leptospira is prescribed in relation to any person if he is or has been either incapable of work or suffering from a loss of faculty as a result of infection by *Leptospira icterohaemorrhagiae* in the case of a person employed in employed earner’s employment before 7th January 1980 in any occupation involving work in places which are, or are liable to be, infested by rats or infection by *Leptospira canicola* in the case of a person so employed in any occupation involving work at dog kennels or the care or handling of dogs.”.

(2) For Schedule 3 to the principal regulations there shall be substituted the Schedule set out in Schedule 3 to these regulations.

(3) A person in relation to whom a disease or injury was prescribed by virtue of the principal regulations immediately before the date of coming into operation of these regulations shall be treated as if these regulations had not come into operation if it would be more favourable to him.

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

21st July 1983.

SCHEDULE 1

Regulation 3(2)

PART I OF SCHEDULE INSERTED IN PRINCIPAL REGULATIONS IN SUBSTITUTION FOR
PART I OF SCHEDULE 1

PART I

LIST OF PRESCRIBED DISEASES AND THE OCCUPATIONS FOR WHICH THEY ARE
PRESCRIBED

Prescribed disease or injury	Occupation
<p>A. <i>Conditions due to physical agents</i></p>	<p>Any occupation involving:</p>
<p>1. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or blood dyscrasia, or cataract, due to electro-magnetic radiations (other than radiant heat), or to ionising particles.</p>	<p>Exposure to electro-magnetic radiations (other than radiant heat) or to ionising particles.</p>
<p>2. Heat cataract.</p>	<p>Frequent or prolonged exposure to rays from molten or red-hot material.</p>
<p>3. Dysbarism, including decompression sickness, barotrauma and osteonecrosis.</p>	<p>Subjection to compressed or rarified air or other respirable gases or gaseous mixtures.</p>
<p>4. Cramp of the hand or forearm due to repetitive movements.</p>	<p>Prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.</p>
<p>5. Subcutaneous cellulitis of the hand (Beat hand).</p>	<p>Manual labour causing severe or prolonged friction or pressure on the hand.</p>
<p>6. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (Beat knee).</p>	<p>Manual labour causing severe or prolonged external friction or pressure at or about the knee.</p>
<p>7. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (Beat elbow).</p>	<p>Manual labour causing severe or prolonged external friction or pressure at or about the elbow.</p>
<p>8. Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths.</p>	<p>Manual labour, or frequent or repeated movements of the hand or wrist.</p>
<p>9. Miner's nystagmus.</p>	<p>Work in or about a mine.</p>
<p>10. Substantial sensorineural hearing loss amounting to at least 50dB in each ear, being due in the case of at least one ear to occupational noise, and being the average of pure tone losses measured by audiometry over the 1, 2 and 3 kHz frequencies (occupational deafness).</p>	<p>(a) The use of, or work wholly or mainly in the immediate vicinity of, pneumatic percussive tools or high-speed grinding tools, in the cleaning, dressing or finishing of cast metal or of ingots, billets or blooms; or</p> <p>(b) the use of, or work wholly or mainly in the immediate vicinity of, pneumatic percussive tools on metal in the shipbuilding or ship repairing industries; or</p>

Prescribed disease or injury	Occupation
	<p>Any occupation involving:</p> <p>(c) the use of, or work in the immediate vicinity of, pneumatic percussive tools on metal, or for drilling rock in quarries or underground, or in mining coal, for at least an average of one hour per working day; or</p> <p>(d) work wholly or mainly in the immediate vicinity of drop-forging plant (including plant for drop-stamping or drop-hammering) or forging press plant engaged in the shaping of metal; or</p> <p>(e) work wholly or mainly in rooms or sheds where there are machines engaged in weaving man-made or natural (including mineral) fibres or in the bulking up of fibres in textile manufacturing; or</p> <p>(f) the use of, or work wholly or mainly in the immediate vicinity of, machines engaged in cutting, shaping or cleaning metal nails; or</p> <p>(g) the use of, or work wholly or mainly in the immediate vicinity of, plasma spray guns engaged in the deposition of metal; or</p> <p>(h) the use of, or work wholly or mainly in the immediate vicinity of, any of the following machines engaged in the working of wood or material composed partly of wood, that is to say: multi-cutter moulding machines, planing machines, automatic or semi-automatic lathes, multiple cross-cut machines, automatic shaping machines, double-end tenoning machines, vertical spindle moulding machines (including high-speed routing machines), edge banding machines, bandsawing machines with a blade width of not less than 75 millimetres and circular sawing machines in the operation of which the blade is moved towards the material being cut; or</p> <p>(i) the use of chain saws in forestry.</p>
<p>B. <i>Conditions due to biological agents</i></p>	
<p>1. Anthrax.</p>	<p>Contact with animals infected with anthrax or the handling (including the loading or unloading or transport) of animal products or residues.</p>
<p>2. Glanders.</p>	<p>Contact with equine animals or their carcasses.</p>

Prescribed disease or injury	Occupation
<p>3. Infection by leptospira.</p> <p>4. Ankylostomiasis.</p> <p>5. Tuberculosis.</p> <p>6. Extrinsic allergic alveolitis (including farmer's lung).</p> <p>7. Infection by organisms of the genus brucella.</p> <p>8. Viral hepatitis.</p> <p>9. Infection by <i>Streptococcus suis</i></p>	<p>Any occupation involving:</p> <p>(a) Work in places which are, or are liable to be, infested by rats, field mice or voles, or other small mammals; or</p> <p>(b) work at dog kennels or the care or handling of dogs; or</p> <p>(c) contact with bovine animals or their meat products or pigs or their meat products.</p> <p>Work in or about a mine.</p> <p>Contact with a source of tuberculous infection.</p> <p>Exposure to moulds or fungal spores or heterologous proteins by reason of employment in:—</p> <p>(a) agriculture, horticulture, forestry, cultivation of edible fungi or malt-working; or</p> <p>(b) loading or unloading or handling in storage mouldy vegetable matter or edible fungi; or</p> <p>(c) caring for or handling birds; or</p> <p>(d) handling bagasse.</p> <p>Contact with—</p> <p>(a) animals infected by brucella, or their carcasses or parts thereof, or their untreated products; or</p> <p>(b) laboratory specimens or vaccines of, or containing, brucella.</p> <p>Close and frequent contact with—</p> <p>(a) human blood or human blood products; or</p> <p>(b) a source of viral hepatitis infection by reason of employment in the medical treatment or nursing of a person or persons suffering from viral hepatitis, or in a service ancillary to such treatment or nursing.</p> <p>Contact with pigs infected by <i>Streptococcus suis</i>, or with the carcasses, products or residues of pigs so infected.</p>
<p>C. Conditions due to chemical agents</p> <p>1. Poisoning by lead or a compound of lead.</p>	<p>The use or handling of, or exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead.</p>

Prescribed disease or injury	Occupation
<p>2. Poisoning by manganese or a compound of manganese.</p> <p>3. Poisoning by phosphorus or an inorganic compound of phosphorus or poisoning due to the anti-cholinesterase or pseudo anti-cholinesterase action of organic phosphorus compounds.</p> <p>4. Poisoning by arsenic or a compound of arsenic.</p> <p>5. Poisoning by mercury or a compound of mercury.</p> <p>6. Poisoning by carbon bisulphide.</p> <p>7. Poisoning by benzene or a homologue of benzene.</p> <p>8. Poisoning by a nitro- or amino- or chloro- derivative of benzene or of a homologue of benzene, or poisoning by nitrochlorbenzene.</p> <p>9. Poisoning by dinitrophenol or a homologue of dinitrophenol or by substituted dinitrophenols or by the salts of such substances.</p> <p>10. Poisoning by tetrachloroethane.</p> <p>11. Poisoning by diethylene dioxide (dioxan).</p> <p>12. Poisoning by methyl bromide.</p> <p>13. Poisoning by chlorinated naphthalene.</p>	<p>Any occupation involving:</p> <p>The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.</p> <p>The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus.</p> <p>The use or handling of, or exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic.</p> <p>The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.</p> <p>The use or handling of, or exposure to the fumes or vapour of, carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide.</p> <p>The use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues.</p> <p>The use or handling of, or exposure to the fumes of, or vapour containing, a nitro- or amino- or chloro- derivative of benzene, or of a homologue of benzene, or nitrochlorbenzene.</p> <p>The use or handling of, or exposure to the fumes of, or vapour containing, dinitrophenol or a homologue or substituted dinitrophenols or the salts of such substances.</p> <p>The use or handling of, or exposure to the fumes of, or vapour containing, tetrachloroethane.</p> <p>The use or handling of, or exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan).</p> <p>The use or handling of, or exposure to the fumes of, or vapour containing, methyl bromide.</p> <p>The use or handling of, or exposure to the fumes of, or dust or vapour containing, chlorinated naphthalene.</p>

Prescribed disease or injury	Occupation
<p>14. Poisoning by nickel carbonyl.</p> <p>15. Poisoning by oxides of nitrogen.</p> <p>16. Poisoning by gonioma kamassi (African boxwood).</p> <p>17. Poisoning by beryllium or a compound of beryllium.</p> <p>18. Poisoning by cadmium.</p> <p>19. Poisoning by acrylamide monomer.</p> <p>20. Dystrophy of the cornea (including ulceration of the corneal surface) of the eye.</p> <p>21. (a) Localised new growth of the skin, papillomatous or keratotic; (b) squamous-celled carcinoma of the skin.</p> <p>22. (a) Carcinoma of the mucous membrane of the nose or associated air sinuses; (b) primary carcinoma of a bronchus or of a lung.</p> <p>23. Primary neoplasm (including papilloma, carcinoma-in-situ and invasive carcinoma) of the epithelial lining of the urinary tract (renal pelvis, ureter, bladder and urethra).</p>	<p>Any occupation involving:</p> <p>Exposure to nickel carbonyl gas.</p> <p>Exposure to oxides of nitrogen.</p> <p>The manipulation of gonioma kamassi or any process in or incidental to the manufacture of articles therefrom.</p> <p>The use or handling of, or exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium, or a substance containing beryllium.</p> <p>Exposure to cadmium dust or fumes.</p> <p>The use or handling of, or exposure to, acrylamide monomer.</p> <p>(a) The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product or residue of any of these substances, except quinone or hydroquinone; or</p> <p>(b) exposure to quinone or hydroquinone during their manufacture.</p> <p>The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product or residue of any of these substances, except quinone or hydroquinone.</p> <p>Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.</p> <p>(a) Work in a building in which any of the following substances is produced for commercial purposes:—</p> <p>(i) alpha-naphthylamine, beta-naphthylamine or methylenebis-orthochloroaniline;</p> <p>(ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine);</p> <p>(iii) any of the substances mentioned in sub-paragraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups;</p>

Prescribed disease or injury	Occupation
	<p>(iv) the salts of any of the substances mentioned in sub-paragraphs (i) to (iii) above;</p> <p>(v) auramine or magenta; or</p> <p>Any occupation involving:</p> <p>(b) the use or handling of any of the substances mentioned in sub-paragraph (a) (i) to (iv), or work in a process in which any such substance is used, handled or liberated; or</p> <p>(c) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in sub-paragraph (b), or the cleaning of clothing used in any such building as is mentioned in sub-paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works.</p>
<p>24. (a) Angiosarcoma of the liver; (b) osteolysis of the terminal phalanges of the fingers; (c) non-cirrhotic portal fibrosis.</p>	<p>(a) Work in or about machinery or apparatus used for the polymerization of vinyl chloride monomer, a process which, for the purposes of this provision, comprises all operations up to and including the drying of the slurry produced by the polymerization and the packaging of the dried product; or</p> <p>(b) work in a building or structure in which any part of that process takes place.</p>
<p>25. Occupational vitiligo.</p>	<p>The use or handling of, or exposure to, para-tertiary-butylphenol, para-tertiary-butylcatechol, para-amyl-phenol, hydroquinone or the monobenzyl or monobutyl ether of hydroquinone.</p>
<p>D. <i>Miscellaneous Conditions</i></p>	
<p>1. Pneumoconiosis.</p>	<p>Any occupation—</p> <p>(a) set out in Part II of this Schedule;</p> <p>(b) specified in regulation 2(b)(ii).</p>
<p>2. Byssinosis.</p>	<p>Any occupation involving:</p> <p>Work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax, or the weaving of cotton or flax, is carried on.</p>

Prescribed disease or injury	Occupation
<p>3. Diffuse mesothelioma (primary neoplasm of the mesothelium of the pleura or of the pericardium or of the peritoneum).</p>	<p>Any occupation involving:</p> <p>(a) The working or handling of asbestos or any admixture of asbestos; or</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or</p> <p>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>
<p>4. Inflammation or ulceration of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour.</p>	<p>Exposure to dust, liquid or vapour.</p>
<p>5. Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electro-magnetic radiations other than radiant heat).</p>	<p>Exposure to dust, liquid or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionising particles or electro-magnetic radiations other than radiant heat).</p>
<p>6. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).</p>	<p>(a) Attendance for work in or about a building where wooden goods are manufactured or repaired; or</p> <p>(b) attendance for work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibre board; or</p> <p>(c) attendance for work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board.</p>
<p>7. Asthma which is due to exposure to any of the following agents:—</p> <p>(a) isocyanates;</p> <p>(b) platinum salts;</p> <p>(c) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylenetetramine;</p> <p>(d) fumes arising from the use of rosin as a soldering flux;</p> <p>(e) proteolytic enzymes;</p>	<p>Exposure to any of the agents set out in column 1 of this paragraph.</p>

Prescribed disease or injury	Occupation
<p>(f) animals or insects used for the purposes of research or education or in laboratories;</p> <p>(g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom (occupational asthma).</p>	

Regulation 14

SCHEDULE 2

SCHEDULE INSERTED IN PRINCIPAL REGULATIONS

SCHEDULE 2A

ASSESSMENT OF THE EXTENT OF OCCUPATIONAL DEAFNESS

PART I

CLAIMS TO WHICH REGULATION 47(1) APPLIES

Average hearing loss (dB) over 1, 2 and 3 kHz	Degree of disablement per cent
50-52 dB	20
53-57 dB	30
58-62 dB	40
63-67 dB	50
68-72 dB	60
73-77 dB	70
78-82 dB	80
83-87 dB	90
88 dB or more	100

PART II

CLAIMS TO WHICH REGULATION 47(2) APPLIES

Average hearing loss (dB) over 1, 2 and 3 kHz	Degree of disablement per cent
50-53 dB	20
54-60 dB	30
61-66 dB	40
67-72 dB	50
73-79 dB	60
80-86 dB	70
87-95 dB	80
96-105 dB	90
106 dB or more	100

PART III

FORMULA FOR CALCULATING BINAURAL DISABLEMENT

$$\frac{(\text{Degree of disablement of better ear} \times 4) + \text{Degree of disablement of worse ear}}{5}$$

SCHEDULE 3

Regulation 17(2)

SCHEDULE INSERTED IN PRINCIPAL REGULATIONS IN SUBSTITUTION FOR SCHEDULE 3

PRESCRIBED DISEASES AND RELEVANT DATES FOR THE PURPOSES OF REGULATION 56

Description of disease or injury	Relevant date
A3 Dysbarism, including decompression sickness, barotrauma and osteonecrosis.	Except in the case of a person suffering from decompression sickness employed in any occupation involving subjection to compressed or rarefied air, 3rd October 1983.
B1 Anthrax.	In the case of a person employed in an occupation involving the loading and unloading or transport of animal products or residues, 3rd October 1983.
B3 Infection by leptospira.	<p>(a) In the case of a person employed in an occupation in places which are or are liable to be infested by small mammals other than rats, field mice or voles, 3rd October 1983;</p> <p>(b) in the case of a person employed in an occupation in any other place mentioned in the second column of paragraph B3 of Part I of Schedule 1 above, 7th January 1980.</p>
B5 Tuberculosis.	In the case of a person employed in an occupation involving contact with a source of tuberculous infection, not being an employment set out in the second column of paragraph 38 of Part I of Schedule 1 to the principal regulations in force immediately before 3rd October 1983, that date.
B6 Extrinsic allergic alveolitis (including farmer's lung).	In the case of a person suffering from extrinsic allergic alveolitis, not being farmer's lung, employed in any occupation set out in the second column of paragraph B6 of Part I of Schedule 1 above, or in the case of a person suffering from farmer's lung, employed in any occupation involving exposure to moulds or fungal spores or heterologous proteins by reason of employment in cultivation of edible fungi or maltworking, or loading or unloading or handling in storage edible fungi or caring for or handling birds, 3rd October 1983.

Description of disease or injury	Relevant date
B7 Infection by organisms of the genus brucella.	In the case of a person suffering from infection by organisms of the genus brucella, not being infection by <i>Brucella abortus</i> , or employed in an occupation set out in the second column of paragraph B7 of Part I of Schedule 1 above, not being an occupation set out in the second column of paragraph 46 of Part I of Schedule 1 to the principal regulations in force immediately before 3rd October 1983, that date.
B8 Viral hepatitis.	2nd February 1976.
B9 Infection by <i>Streptococcus suis</i> .	3rd October 1983.
C3 Poisoning by phosphorus or an inorganic compound of phosphorus or poisoning due to the anti-cholinesterase or pseudo anti-cholinesterase action of organic phosphorus compounds.	In the case of a person suffering from poisoning by an inorganic compound of phosphorus or poisoning due to the pseudo anti-cholinesterase action of organic phosphorus compounds, 3rd October 1983.
C18 Poisoning by cadmium.	In the case of a person employed in an occupation involving exposure to cadmium dust, 3rd October 1983.
C23 Primary neoplasm (including papilloma, carcinoma-in-situ and invasive carcinoma) of the epithelial lining of the urinary tract (renal pelvis, ureter, bladder and urethra).	In the case of a person employed in an occupation involving work in a building in which methylene-bis-ortho-chloroaniline is produced for commercial purposes, 3rd October 1983.
C24 (a) Angiosarcoma of the liver; (b) osteolysis of the terminal phalanges of the fingers; (c) non-cirrhotic portal fibrosis.	(a) In the case of a person suffering from angiosarcoma of the liver or osteolysis of the terminal phalanges of the fingers, 21st March 1977; (b) in the case of a person suffering from non-cirrhotic portal fibrosis, 3rd October 1983.
C25 Occupational vitiligo.	15th December 1980.
D3 Diffuse mesothelioma.	In the case of a person suffering from primary neoplasm of the pericardium, 3rd October 1983.
D6 Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).	In the case of a person employed in an occupation involving attendance for work in or about a building where wooden goods (other than wooden furniture) are manufactured or where wooden goods are repaired, 3rd October 1983.
D7 Occupational asthma.	29th March 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980.

The main changes made by the regulations are:—

- (a) The regulations amend the definition of occupational deafness in the principal regulations so that it is no longer a requirement that hearing loss must be permanent and extend cover under the industrial injuries provisions of the Social Security Act 1975 in respect of occupational deafness to persons employed in employed earner's employment in occupations involving the use of, or work wholly or mainly in the immediate vicinity of, certain kinds of high-speed pneumatic percussive tools and high-speed grinding tools in certain processes and work in the immediate vicinity of machines engaged in cutting, shaping or cleaning metal nails, plasma spray guns engaged in the deposition of metal, certain woodworking machines and the use of chain saws in forestry.
- (b) The period for which a person is required to have been employed in an occupation for which occupational deafness is prescribed before he can claim is reduced from 20 years to 10 years (regulation 3(1)).
- (c) The time for claiming benefit in respect of occupational deafness is increased from 1 year to 5 years of the date of leaving his employment and provision is made to enable claims to be made within 1 year of the coming into operation of the regulations (regulation 8).
- (d) The periods for making further claims in respect of occupational deafness after an earlier claim has been disallowed are increased in certain circumstances (regulation 9).
- (e) The requirement that age-related hearing loss must be offset in assessing hearing loss is abolished (regulation 10).
- (f) Initial assessments of disablement in respect of occupational deafness by medical boards and medical appeal tribunals are required to be provisional assessments for a period of 5 years and subsequent reassessments are required to be for not less than 5 years (regulation 11).
- (g) The provisions of the Social Security Act 1975 relating to a review of assessment in a case of unforeseen aggravation will not apply where disability in respect of occupational deafness is assessed at less than 20 per cent (regulation 12).
- (h) Any reassessment of disablement in respect of occupational deafness at less than 20 per cent will be a final assessment (regulation 13).
- (i) The formula and tables for calculating assessment of the extent of disablement in respect of occupational deafness are set out in a new Schedule. In cases where the extent of disablement is reassessed at less than 20 per cent disablement benefit is not payable (regulation 14 and Schedule 2).
- (j) The list of prescribed diseases and the occupations for which diseases are prescribed set out in Part I of Schedule 1 to the regulations have been rearranged under 4 categories and a number of amendments have been made to the description of the diseases and the occupations for which they are prescribed (regulation 3 and Schedule 1).

- (k) The regulations contain transitional provisions relating to claims as a consequence of the changes in the descriptions of certain of the prescribed diseases and the occupations for which they are prescribed (regulation 17 and Schedule 3).

The regulations also contain consequential and other amendments of the principal regulations.

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