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 STATUTORY INSTRUMENTS
 

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1984 No. 1659

## SOCIAL SECURITY

**The Social Security (Industrial Injuries) (Prescribed Diseases)  
Amendment Regulations 1984**

*Made* - - - - - 23rd October 1984

*Laid before Parliament* 1st November 1984

*Coming into Operation* 3rd December 1984

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 76, 77 and 168(1) of, and Schedule 20 to, the Social Security Act 1975<sup>(a)</sup> and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations:—

*Citation, interpretation and commencement*

1. These regulations, which may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1984, shall be read as one with the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980<sup>(b)</sup> (hereinafter referred to as “the principal regulations”) and shall come into operation on 3rd December 1984.

*Amendment of regulation 56 of the principal regulations*

2. For paragraph (2) of regulation 56 of the principal regulations, there shall be substituted the following paragraph:—

“(2) It shall be a condition of a person’s right to benefit in respect of any disease set out in Schedule 3 that he was—

(a) incapable of work, or

(b) suffering from a loss of faculty,

as a result of that disease on or after the relevant date.”.

*Amendment of principal regulations relating to viral hepatitis*

3.— (1) In the second column of Part I of Schedule 1 to the principal regulations (list of prescribed diseases and the occupations for which they are

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<sup>(a)</sup> 1975 c.14.

<sup>(b)</sup> S.I. 1980/377; the relevant amending instrument is S.I. 1983/1094.

prescribed) for the occupation set against the disease numbered B8 (viral hepatitis) there shall be substituted:—

“Contact with—

- (a) human blood or human blood products; or
- (b) a source of viral hepatitis.”.

(2) In the second column of Schedule 3 to the principal regulations (prescribed diseases and relevant dates for transitional provisions), for the date “2nd February 1976” set against the disease numbered B8 (viral hepatitis) there shall be substituted:—

“In the case of a person employed in any occupation involving contact with human blood or human blood products, or contact with a source of viral hepatitis, 3rd December 1984.”.

(3) A person who is or has been suffering from viral hepatitis shall not be entitled to benefit for any day before 2nd February 1976.

*Amendment of transitional provision*

4. For paragraph (3) of regulation 17 of the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No.2) Regulations 1983(a) there shall be substituted the following paragraph:—

“(3) A person who, immediately before 3rd October 1983, was in receipt of benefit in respect of a disease or injury which was prescribed by virtue of the principal regulations, or who makes a claim for benefit in respect of a prescribed disease after 2nd October 1983 where the date of onset of the disease or injury was before 3rd October 1983, shall be treated for the purpose only of determining whether the disease or injury is in relation to him a prescribed disease by virtue of the occupation in which he is or was engaged as if these regulations had not come into operation, if that would be more favourable to him.”.

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

*Tony Newton,*  
Minister of State,  
Department of Health and Social Security.

23rd October 1984.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These regulations further amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980 ("the principal regulations") and amend the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No.2) Regulations 1983.

Regulation 2 provides that benefit in respect of any disease set out in Schedule 3 to the principal regulations is payable only where the claimant was incapable of work or suffering from a loss of faculty resulting from the disease on or after the date specified for that disease in Schedule 3.

Regulation 3 amends the description of the occupations for which viral hepatitis is prescribed, and provides that benefit is not payable in respect of viral hepatitis for any day before 2nd February 1976.

Regulation 4 enables a person in prescribed circumstances to have his claim for benefit determined as if the occupation prescribed in the principal regulations before 3rd October 1983 applied in his case, if that would be more favourable to him.

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