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STATUTORY INSTRUMENTS

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**1986 No. 1374**

**SOCIAL SECURITY**

**The Social Security (Industrial Injuries and Adjudication)  
Miscellaneous Amendments Regulations 1986**

<i>Made</i>	- - - -	<i>5th August 1986</i>
<i>Laid before Parliament</i>		<i>7th August 1986</i>
<i>Coming into Operation</i>		<i>1st September 1986</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 76, 77 and 113 of, and Schedule 20 to, the Social Security Act 1975 and of all other powers enabling him in that behalf, after consultation in the case of regulation 4 with the Council on Tribunals<sup>(1)</sup> and after reference, apart from regulation 4, to the Industrial Injuries Advisory Council<sup>(2)</sup>, hereby makes the following regulations:—

**Citation, commencement and interpretation**

1.—(1) These regulations, which may be cited as the Social Security (Industrial Injuries and Adjudication) Miscellaneous Amendments Regulations 1986, shall come into operation on 1st September 1986.

(2) In these regulations, the “Prescribed Diseases Regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985.

**Occupational Asthma**

2.—(1) The Prescribed Diseases Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In Part I of Schedule 1, the entry in the first column relating to the disease numbered D7 (occupational asthma) shall be amended by

(a) substituting for sub-paragraph (f) the following sub-paragraph:—

“(f) animals including insects and other arthropods used for the purposes of research or education or in laboratories”

; and

(b) inserting, after sub-paragraph (g), the following sub-paragraphs:—

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(1) See Tribunals and Inquiries Act 1971 (c. 62), section 10.

(2) See Social Security Act 1975, section 141(2).

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- “(h) antibiotics;
- (i) cimetidine;
- (j) wood dust;
- (k) ispaghula;
- (l) castor bean dust;
- (m) ipecacuanha;
- (n) azodicarbonamide”.

(3) In the second column of Schedule 4, for the entry set against the disease numbered D7 (occupational asthma) there shall be substituted the following entry:—

“(a) In the case of a person suffering from asthma due to exposure to any of the following agents:—

- (i) isocyanates;
- (ii) platinum salts;
- (iii) 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;
- (iv) fumes arising from the use of rosin as a soldering flux;
- (v) proteolytic enzymes;
- (vi) animals or insects used for the purposes of research or education or in laboratories;
- (vii) 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,

29th March 1982;

(b) In the case of a person suffering from asthma due to exposure to any of the following agents:—

- (i) animals including insects and other arthropods used for the purposes of research or education or in laboratories;
- (ii) antibiotics;
- (iii) cimetidine;
- (iv) wood dust;
- (v) ispaghula;
- (vi) castor bean dust;
- (vii) ipecacuanha;
- (viii) azodicarbonamide,

1st September 1986.”.

(4) In Schedule 5, in paragraph (6)(a), for the entry

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“(vi) occupational asthma

:29th March 1982;”

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there shall be substituted the following entries:—

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“(vi) occupational asthma arising otherwise than as described  
at (vii) below :29th March 1982;

(vii) Occupational asthma which is due to exposure to  
antibiotics, cimetidine, wood dust, ispaghula, castor bean dust,  
ipecacuanha or azodicarbonamide :1st September 1986;”.

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### **Re-assessment of the extent of disability in respect of occupational deafness**

3. For paragraph (5) of regulation 34 of the Prescribed Diseases Regulations there shall be substituted the following paragraph:—

“(5) Where on re-assessment of the extent of disability in respect of occupational deafness the average sensorineural hearing loss over 1, 2 and 3 kHz frequencies is not 50 db or more in each ear, or where there is such a loss but the loss in one or each ear is not 50 db or more due to occupational noise, the extent of disablement shall be assessed at less than 20 per cent.”.

### **Amendment of the Social Security (Adjudication) Regulations 1984**

4. In the Social Security (Adjudication) Regulations 1984(3) the following provisions are revoked to the extent specified:—

- (a) in regulation 47(1) the words “Subject to the provisions of regulation 51(3),” ;
- (b) in regulation 51, the whole of paragraph (3).

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

5th August 1986

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

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### EXPLANATORY NOTE

Under the industrial injuries provisions of the Social Security Act 1975, occupational asthma is prescribed as an industrial disease where a person is employed in an occupation involving exposure to any one of a number of sensitising agents. Regulation 2 makes additions to the list of sensitising agents.

Regulation 3 provides in relation to occupational deafness that where on re-assessment of disablement the sensorineural hearing loss is not 50 db or more in each ear disablement shall be re-assessed at less than 20 per cent.

Regulation 4 removes restrictions imposed by regulation 51(3) of the Social Security (Adjudication) Regulations 1984 on the right to appeal to a medical appeal tribunal from the decision of a special medical board on a diagnosis question given on a claim for disablement benefit in respect of pneumoconiosis or byssinosis.