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STATUTORY INSTRUMENTS

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**1996 No. 425**

**SOCIAL SECURITY**

**The Social Security (Industrial Injuries and Diseases)  
(Miscellaneous Amendments) Regulations 1996**

<i>Made</i>	- - - -	<i>26th February 1996</i>
<i>Laid before Parliament</i>		<i>1st March 1996</i>
<i>Coming into force</i>	- -	<i>24th March 1996</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 108(2), 109(2) and (3), 113(1)(b), 122(1) and 175(1), (3) and (4) of, and sub-paragraphs (8) and (9) of paragraph 13 of Schedule 7 to, the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and sections 5(1)(k), 27(1)(b) and 189(1) and (4)(b) of the Social Security Administration Act 1992<sup>(2)</sup>, and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council<sup>(3)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendments) Regulations 1996 and shall come into force on 24th March 1996.

**Amendment of the Social Security (Adjudication) Regulations 1995**

2.—(1) The Social Security (Adjudication) Regulations 1995<sup>(4)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) The heading to regulation 59 (review of decisions involving payment or increase of benefit other than industrial injuries benefit, disability working allowance, income support or family credit) shall be amended by inserting after “industrial injuries benefit” the words “except reduced earnings allowance”.

(3) In regulation 59(1)—

(a) after the words “industrial injuries benefit” there shall be inserted the words “except reduced earnings allowance”;

(b) at the end there shall be added the following sub-paragraph—

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(1) 1992 c. 4. Section 122(1) is cited for the meaning it ascribes to the word “prescribe”.

(2) 1992 c. 5.

(3) See section 172 of the Social Security Administration Act 1992.

(4) S.I. 1995/1801. There are amendments which are not relevant for the purposes of this instrument.

“(f) in the case of reduced earnings allowance, the date 12 months before the date of the application for the review.”.

(4) The heading to regulation 60 (review of decisions involving payment or increase of industrial injuries benefit) shall be amended by the addition at the end of the words “except reduced earnings allowance”.

(5) In regulation 60(1) after the words “industrial injuries benefit” there shall be inserted the words “except reduced earnings allowance”.

### **Amendment of the Social Security (Claims and Payments) Regulations 1987**

**3.** In regulation 19 of the Social Security (Claims and Payments) Regulations 1987<sup>(5)</sup> (time for claiming benefit)—

(a) in paragraph (2) for the words “paragraph (4)” there shall be substituted the words “paragraphs (4) and (4A)”;

(b) after paragraph (4) there shall be inserted the following paragraph—

“(4A) For the purpose only of determining the date from which benefit is to be payable, the prescribed time for claiming reduced earnings allowance shall not be extended so as to give entitlement to benefit for any period earlier than 12 months before the date on which the claim was made.”.

### **Amendment of the Social Security (General Benefit) Regulations 1982**

**4.** In regulation 2 of the Social Security (General Benefit) Regulations 1982<sup>(6)</sup> (exceptions from disqualification for imprisonment etc.)<sup>(7)</sup> —

(a) in paragraph (2) for the words “reduced earnings allowance” there shall be substituted the words “reduced earnings allowance, retirement allowance”;

(b) for paragraph (6) there shall be substituted the following paragraph—

“(6) Subject to paragraph (7), the said provisions shall not operate to disqualify a person for receiving disablement benefit, other than any increase of that benefit, for any period during which he is undergoing imprisonment or detention in legal custody.”.

### **Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985**

**5.—(1)** The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985<sup>(8)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) of regulation 4 (presumption that a disease is due to the nature of employment) “D4,” shall be omitted.

(3) Part I of Schedule 1 shall be amended in accordance with the provisions of the following paragraphs of this regulation.

(4) In column 2, in the entry relating to prescribed disease A10 (occupational deafness), in paragraph (a) the words “in the metal producing industry” shall be omitted.

(5) For the entry relating to prescribed disease A12 (carpal tunnel syndrome) there shall be substituted the following entry—

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(5) S.I. 1987/1968: relevant amending instruments are S.I. 1988/522 and S.I. 1991/2284 and 2741.

(6) S.I. 1982/1408.

(7) Regulation 2 has been amended by S.I. 1983/186, 1984/1303, 1986/1561, 1991/2742 and 1995/829.

(8) S.I. 1985/967. The relevant amending instruments are S.I. 1987/2112, 1989/1207, 1993/862 and 1985 and 1994/2343.

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“A12. Carpal tunnel syndrome.	The use of hand-held powered tools whose internal parts vibrate so as to transmit that vibration to the hand, but excluding those which are solely powered by hand.”.
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(6) After the entry relating to prescribed disease C29 (peripheral neuropathy due to exposure to n-hexane or methyl n-butyl ketone) there shall be inserted the following entry—

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“C30. Chrome dermatitis, or ulceration of the mucous membranes or the epidermis, resulting from exposure to chromic acid, chromates or bi-chromates.	The use or handling of, or exposure to, chromic acid, chromates or bi-chromates.”.
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(7) For the entry relating to prescribed disease D4 (inflammation or ulceration of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour) there shall be substituted the following entry—

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“D4. Allergic rhinitis which is due to exposure to any of the following agents—	Exposure to any of the agents set out in column 1 of this paragraph.
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- (a) isocyanates;
- (b) platinum salts;
- (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;
- (d) fumes arising from the use of rosin as a soldering flux;
- (e) proteolytic enzymes;
- (f) animals including insects and other arthropods used for the purposes of research or education or in laboratories;
- (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;
- (h) antibiotics;
  - (i) cimetidine;
- (j) wood dust;
- (k) ispaghula;
- (l) castor bean dust;

- (m) ipecacuanha;
  - (n) azodicarbonamide;
  - (o) animals including insects and other arthropods or their larval forms, used for the purposes of pest control or fruit cultivation, or the larval forms of animals used for the purposes of research or education or in laboratories;
  - (p) glutaraldehyde;
  - (q) persulphate salts or henna;
  - (r) crustaceans or fish or products arising from these in the food processing industry;
  - (s) reactive dyes;
  - (t) soya bean;
  - (u) tea dust;
  - (v) green coffee bean dust;
  - (w) fumes from stainless steel welding.”
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(8) In the entry relating to prescribed disease D5 (non-infective dermatitis of external origin), in column 1 the words “including chrome ulceration of the skin but” shall be omitted, and in column 2 after the words “external agent” there shall be inserted the words “except chromic acid, chromates or bi-chromates,”.

### **Amendment of the Social Security (Industrial Injuries) (Regular Employment) Regulations 1990**

6.—(1) The Social Security (Industrial Injuries) (Regular Employment) Regulations 1990(9) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1 (citation, commencement and interpretation) paragraph (2) shall be omitted.

(3) For regulation 2 (meaning of “regular employment”) there shall be substituted the following regulations—

#### **“Meaning of “regular employment”**

2. For the purposes of paragraph 13 of Schedule 7 to the Social Security Contributions and Benefits Act 1992, “regular employment” means gainful employment—

- (a) under a contract of service which requires a person to work for an average of 10 hours or more per week in any period of five consecutive weeks, there being disregarded for this purpose any week when the contract subsists during which he is absent from that employment in circumstances where such absence is permitted under the contract (for example in the case of sickness or taking leave); or
- (b) which a person undertakes for an average of 10 hours or more per week in any period of five consecutive weeks.

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(9) S.I. 1990/256.

### **Circumstances in which a person over pensionable age is to be regarded as having given up regular employment**

3. Unless he is entitled to reduced earnings allowance for life by virtue of paragraph 12(1) of Schedule 7 to the Social Security Contributions and Benefits Act 1992, a person who has attained pensionable age<sup>(10)</sup> shall be regarded as having given up regular employment at the start of the first week in which he is not in regular employment after the later of—

- (a) the week during which this regulation comes into force; or
- (b) the week during which he attains pensionable age.”.

### **Transitional provisions**

7.—(1) The amendments made by regulation 5 of these Regulations (“the relevant amendments”) to the terms in which each of the prescribed diseases A12, D4 and D5 (“the relevant disease”) is prescribed shall not apply in the cases specified in the following provisions of this regulation, and in this regulation “commencement date” means the date on which these Regulations come into force.

(2) The relevant amendments shall not apply in the case of a person—

- (a) who had an assessment of disablement in respect of the relevant disease for a period which includes commencement date; or
- (b) in respect of whom a decision in relation to a relevant disease on a claim for disablement benefit made before commencement date is reviewed on or after that date under section 47 of the Social Security Administration Act 1992 (reviews of medical decisions) which results in an assessment for a period which includes commencement date;

during any period when there is in respect of him a continuous assessment of disablement in respect of that disease which began before commencement date, and for this purpose two or more assessments one of which begins on the day following the end of a preceding assessment shall be treated as continuous.

(3) The relevant amendments shall not apply in the case of a person who makes a claim for disablement benefit in respect of the relevant disease before commencement date which results in an assessment of disablement, where the date of onset of that disease is earlier than commencement date, during any period when there is in respect of him a continuous assessment of disablement in respect of that disease which began not later than 91 days (excluding Sundays) after commencement date, and for this purpose two or more assessments one of which begins on the day following the end of a preceding assessment shall be treated as continuous.

(4) The relevant amendments shall not apply in the case of a person—

- (a) who had an assessment of disablement in respect of the relevant disease for a period which ended before commencement date;
- (b) who suffers a further attack of that relevant disease before commencement date;
- (c) who makes a claim for disablement benefit in respect of that disease after commencement date; and
- (d) in respect of whom it is decided, under regulation 7 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (recrudescence) that the further attack is a recrudescence of that disease.

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<sup>(10)</sup> Paragraph 13(a) of Schedule 4 to the Pensions Act 1995 (c. 26) substituted a new definition of “pensionable age” in section 122(1) of 1992 c. 4.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

Department of Social Security  
26th February 1996

*Roger Evans*  
Parliamentary Under-Secretary of State,

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend—

- (a) the Social Security (Adjudication) Regulations 1995 (S.I. [1995/1801](#));
- (b) the Social Security (Claims and Payments) Regulations 1987 (S.I. [1987/1968](#));
- (c) the Social Security (General Benefit) Regulations 1982 (S.I. [1982/1408](#));
- (d) the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (S.I. [1985/967](#)); and
- (e) the Social Security (Industrial Injuries) (Regular Employment) Regulations 1990 (S.I. [1990/256](#)).

The principal effect of the Regulations is to prescribe circumstances in which a person, who is entitled on the day on which these Regulations come into force to reduced earnings allowance under Schedule 7 to the Social Security Contributions and Benefits Act 1992, is to be treated as having given up regular employment for the purposes of that allowance, unless he is entitled to it for life, and to provide a new definition of regular employment for the purposes of paragraph 13 of that Schedule (regulation 6). They also alter the period in respect of which that allowance is payable following a late claim or application for review (regulations 2 and 3).

The Regulations also make alterations to the list of prescribed diseases, amending the terms of the prescription of diseases A10 (occupational deafness), A12 (carpal tunnel syndrome), D4 (inflammation of the mucous membrane of the upper respiratory tract) and D5 (non-infective dermatitis of external origin) and adding a new disease, C30 (chrome dermatitis and ulceration of the mucous membranes or the epidermis resulting from exposure to chromic acid, chromates or bi-chromates) (regulation 5). The existing prescription of each of diseases A12, D4 and D5 is preserved transitionally for existing beneficiaries and those who had a previous assessment which is reviewed under section 47 of the Social Security Administration Act 1992 (c. 5), and in the case of those who have had an assessment for one of those diseases before the amendment comes into force and suffer a recrudescence during the period of that assessment which gives rise to entitlement subsequent to the coming into force of these Regulations (regulation 7).

The treatment of retirement allowance during periods of imprisonment or detention in legal custody is aligned with that for reduced earnings allowance (regulation 4).

These Regulations do not impose any costs on business.