
STATUTORY INSTRUMENTS

2000 No. 1588

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2000

<i>Made</i>	- - - -	<i>13th June 2000</i>
<i>Laid before Parliament</i>		<i>19th June 2000</i>
<i>Coming into force</i>	- -	<i>10th July 2000</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 108(2) and (4), 109(2) and (3), 122(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2000 and shall come into force on 10th July 2000.

(2) In these Regulations, “the principal Regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985⁽³⁾.

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (prescription of diseases and injuries and occupations for which they are prescribed) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (a), for “paragraphs (b) and (c)” there shall be substituted “the following paragraphs”.

(3) After paragraph (d), there shall be added—

“(e) cataract is not prescribed unless the person was employed in employed earner’s employment in an occupation set out in the second column of paragraph A2 of Part I

(1) 1992 c. 4. Section 109(2) was amended by paragraph 65 of Schedule 7 to the Social Security Act 1998 (c. 14). Section 122 is cited because of the meaning ascribed to the word “prescribe”. Section 175 was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(2) See section 172 of the Social Security Administration Act 1992 (c. 5).

(3) S.I.1985/967; relevant amending instruments are S.I. 1989/1207, 1993/862, 1993/1985, 1997/810 and 1999/1958.

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of Schedule 1 to these regulations for a period or periods amounting in aggregate to not less than 5 years.”.

Amendment of regulation 25 of the principal Regulations

3.—(1) Regulation 25 of the principal Regulations (time for claiming benefit in respect of occupational deafness) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2), after “worked” there shall be inserted “in employed earner’s employment”.

(3) In paragraph (2)(a), for “been employed” there shall be substituted “worked in employed earner’s employment”.

Amendment of regulation 27 of the principal Regulations

4. In regulation 27(1)(c) of the principal Regulations (further claims in respect of occupational deafness), after “worked” there shall be inserted “in employed earner’s employment”.

Amendment of regulation 36 of the principal Regulations

5.—(1) Regulation 36 of the principal Regulations (time for claiming benefit in respect of occupational asthma) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1), after “worked” there shall be inserted “in employed earner’s employment”.

(3) In paragraph (2), for “be employed” there shall be substituted “work in employed earner’s employment”.

(4) In paragraph (4), after “worked” there shall be inserted “in employed earner’s employment”.

(5) In paragraph (5), after “worked” there shall be inserted “in employed earner’s employment”.

Amendment of Schedule 1 to the principal Regulations

6.—(1) Part I of Schedule 1 to the principal Regulations (list of prescribed diseases and the occupations for which they are prescribed) shall be amended in accordance with the following paragraphs of this regulation.

(2) For the entry relating to prescribed disease A1 (inflammation, ulceration or malignant disease of the skin) there shall be substituted—

“A1. Leukaemia (other than chronic lymphatic leukaemia) or cancer of the bone, female breast, testis or thyroid.	Exposure to electro-magnetic radiations (other than radiant heat) or to ionising particles where the dose is sufficient to double the risk of the occurrence of the condition.”.
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(3) In the entry relating to prescribed disease A2 (heat cataract)—

(a) in the first column the word “Heat” shall be omitted; and

(b) for the second column there shall be substituted—

“Frequent or prolonged exposure to radiation from red-hot or white-hot material.”.

(4) In the entry relating to prescribed disease D12 (chronic bronchitis or emphysema, or both) in the first column for paragraph (i) there shall be substituted—

“(i) at least one litre below the appropriate mean value predicted, obtained from the following prediction formulae which give the mean values predicted in litres—

For a man, where the measurement is made without back-extrapolation, $(3.62 \times \text{Height in metres}) - (0.031 \times \text{Age in years}) - 1.41$; or, where the measurement is made with back-extrapolation, $(3.71 \times \text{Height in metres}) - (0.032 \times \text{Age in years}) - 1.44$;

For a woman, where the measurement is made without back-extrapolation, $(3.29 \times \text{Height in metres}) - (0.029 \times \text{Age in years}) - 1.42$; or, where the measurement is made with back-extrapolation, $(3.37 \times \text{Height in metres}) - (0.030 \times \text{Age in years}) - 1.46$; or”.

Transitional provision

7.—(1) The amendments made by regulations 3 and 4 shall not apply in relation to a claim made within 3 months after the commencement date and the amendments made by regulations 2(3), 5 and 6 shall not apply where the date of onset of the relevant disease is prior to the commencement date and the claim is made within 3 months after that date.

(2) The amendments made by regulations 2(3) and 6 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 up to the date 3 months after the commencement date; or
- (b) in respect of whom a decision in relation to a relevant disease on a claim for disablement benefit made before or within 3 months after the commencement date is revised or superseded after that date under section 9 or 10 of the Social Security Act 1998⁽⁴⁾ resulting in an assessment;

during any period when there is in respect of him a continuous assessment of disablement in respect of that disease, 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 amendments made by regulations 2(3) and 6(2) and (3) 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 or within 3 months after the commencement date;
- (b) who suffers a further attack of that relevant disease before or within 3 months after the commencement date;
- (c) who makes a claim for disablement benefit in respect of that disease after the commencement date; and
- (d) in respect of whom it is decided under regulation 7 of the principal Regulations (recrudescence) that the further attack is a recrudescence of that disease.

(4) In this regulation—

“commencement date” means the date on which these Regulations come into force; and

“relevant disease” means the disease referred to in the amendment, or the regulation of the principal Regulations which is amended by the amendment.

(4) 1998 c. 14. Section 10 was amended by paragraph 23 of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

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

13th June 2000

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (“the principal Regulations”).

Regulation 2 amends paragraph (a) and inserts paragraph (e) in regulation 2 of the principal Regulations. Regulation 2(3) provides that benefit in respect of the prescribed disease A2 shall not be paid unless the claimant has been employed in a relevant prescribed occupation over a minimum aggregate period of 5 years.

Regulations 3, 4 and 5 amend regulations 25, 27 and 36 of the principal Regulations (time for claiming benefit in respect of occupational deafness, or for making further claims in respect of occupational deafness, or for claiming in respect of occupational asthma) by amending the references to “worked” to “worked in employed earner’s employment” and references to “been employed” or “be employed” to “worked or work in employed earner’s employment”.

Regulation 6(2) substitutes the prescription of prescribed disease A1 (exposure to electro-magnetic radiations or to ionising particles). The diseases are prescribed where the dose of ionising radiation is sufficient to double the risk of their occurrence.

Regulation 6(3) amends prescribed disease A2 (cataract) by removing the reference to “Heat” before cataract and prescribing that the exposure must be to red-hot or white-hot material.

Regulation 6(4) amends prescribed disease D12 (chronic bronchitis or emphysema) by specifying formulae for the calculation of forced expiratory volume, which differ depending on the gender of the person being tested and the form of testing used.

Regulation 7 contains transitional provision. Regulation 7(1) provides that the amendments made by regulations 3 and 4 (relating to occupational deafness) do not apply to claims made before or within 3 months after the date these Regulations come into force and the amendments made by regulations 2(3), 5 and 6 (relating to asthma and prescribed diseases A1, A2 and D12) do not apply where the date of onset of the relevant disease is prior to the commencement date and the claim is made within 3 months of that date.

Regulation 7(2) provides that the amendments made by regulations 2(3) and 6 (relating to prescribed diseases A1, A2 and D12) do not apply where there has been an assessment for a period up to the date 3 months after the commencement date or where a decision on benefit made before or within 3 months of the commencement date is revised or superseded after that date where there is a continuous assessment of disablement in respect of the disease.

Regulation 7(3) provides that the amendments made by regulations 2(3), 6(2) and 6(3) (relating to prescribed diseases A1 and A2) do not apply where a person with an assessment of disablement before or within 3 months after the commencement date suffers a further attack within 3 months of the commencement date and recrudescence is determined.

These Regulations do not impose a charge on business.