

**2003 No. 270**

**SOCIAL SECURITY**

**The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2003**

*Made* - - - - - *10th February 2003*

*Laid before Parliament* *17th February 2003*

*Coming into force* - - *17th March 2003*

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him 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<sup>(a)</sup> and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council<sup>(b)</sup>, 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 2003 and shall come into force on 17th March 2003.

(2) In these Regulations “the principal Regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985<sup>(c)</sup>.

**Amendment of regulation 4 of the principal Regulations**

2.—(1) In regulation 4(1)(d) of the principal Regulations (presumption that a disease is due to the nature of employment), after “B5,” there shall be inserted “C1, C2, C4, C5A, C5B, C6, C7, C12, C13, C16, C19, C20, C21, C22, C23, C25, C26, C27, C29, C30.”.

(2) After regulation 4(6) of the principal Regulations there shall be added the following paragraph—

“(7) Where a person in relation to whom primary neoplasm of the epithelial lining of the urinary tract is prescribed in paragraph C23 of Part I of Schedule 1 in respect of the occupation set out in sub-paragraph (a), (b) or (e) in the second column of the entry relating to the disease numbered C23, develops that disease, it shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner’s employment if he was employed in one of those occupations on, or at any time within one month immediately preceding, the date on which, under the subsequent provisions of these Regulations, he is treated as having developed the disease.”.

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

(b) See sections 171 and 172(2) of the Social Security Administration Act 1992 (c. 5).

(c) S.I. 1985/967.

(d) Relevant amending instruments are S.I. 1993/862 and 1985, 1996/425.

### **Amendment of regulation 7 of the principal Regulations**

3. In regulation 7(1)(b)(a) of the principal Regulations (recrudescence) “in the manner provided in Part IX of the Adjudication Regulations” shall be omitted.

### **Amendment of regulation 8 of the principal Regulations**

4. In regulation 8(1) of the principal Regulations (workmen’s compensation cases) “in the manner provided in Part IX of the Adjudication Regulations” shall be omitted.

### **Amendment of Schedule 1 to the principal Regulations**

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

(2) The entries relating to prescribed diseases C8, C9, C10, C11, C14, C15 and C28 (conditions due to chemical agents) shall be omitted.

(3) In the entry relating to prescribed disease C1 for the entry in the first column there shall be substituted—

“C1. (a) Anaemia with a haemoglobin concentration of 9g/dL or less, and a blood film showing punctate basophilia;  
(b) peripheral neuropathy;  
(c) central nervous system toxicity.”

(4) In the entry relating to prescribed disease C2 for the entry in the first column there shall be substituted—

“C2. Central nervous system toxicity characterised by parkinsonism.”

(5) For the entry relating to prescribed disease C4 there shall be substituted—

“C4. Primary carcinoma of the bronchus or lung. Exposure to the fumes, dust or vapour of arsenic, a compound of arsenic or a substance containing arsenic.”

(6) For the entry relating to prescribed disease C5 there shall be substituted—

“C5A. Central nervous system toxicity characterised by tremor and neuropsychiatric disease. Exposure to mercury or inorganic compounds of mercury for a period of, or periods which amount in aggregate to, 10 years or more.

C5B. Central nervous system toxicity characterised by combined cerebellar and cortical degeneration. Exposure to methylmercury.”

(7) For the entry relating to prescribed disease C6 there shall be substituted—

“C6. Peripheral neuropathy. The use or handling of, or exposure to, carbon disulphide (also called carbon disulfide).”

(8) For the entry relating to prescribed disease C7 there shall be substituted—

“C7. Acute non-lymphatic leukaemia. Exposure to benzene.”

(9) For the entry relating to prescribed disease C12 there shall be substituted—

“C12. (a) Peripheral neuropathy;  
(b) central nervous system toxicity. } Exposure to methyl bromide (also called bromomethane).”

(10) For the entry relating to prescribed disease C13 there shall be substituted—

“C13. Cirrhosis of the liver. Exposure to chlorinated naphthalenes.”

(11) For the entry relating to prescribed disease C16 there shall be substituted—

“C16. (a) Neurotoxicity;  
(b) cardiotoxicity. } Exposure to the dust of gonioma kamassi.”

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(a) Relevant amending instruments are S.I. 1989/1207, 1993/862 and 1985.  
(b) Relevant amending instruments are S.I. 1987/2112, 1993/862, 1996/425.

- (12) For the entry relating to prescribed disease C17 there shall be substituted—  
 “C17. Chronic beryllium disease. Inhalation of beryllium or a beryllium compound.”.
- (13) For the entry relating to prescribed disease C18 there shall be substituted—  
 “C18. Emphysema. Inhalation of cadmium fumes for a period of, or periods which amount in aggregate to, 20 years or more.”.
- (14) For the entry relating to prescribed disease C19 there shall be substituted—  
 “C19. (a) Peripheral neuropathy; } Exposure to acrylamide.”.  
 (b) central nervous system toxicity. }
- (15) In the entry relating to prescribed disease C20 for the entry in the second column there shall be substituted—  
 “Exposure to quinone or hydroquinone.”.
- (16) For the entry relating to prescribed disease C21 there shall be substituted—  
 “C21. Primary carcinoma of the skin. Exposure to arsenic or arsenic compounds, tar, pitch, bitumen, mineral oil (including paraffin) or soot.”.
- (17) For the entry relating to prescribed disease C22 there shall be substituted—  
 “C22. (a) Primary carcinoma of the mucous membrane of the nose or paranasal sinuses; } Work before 1950 in the refining of nickel involving exposure to oxides, sulphides or water-soluble compounds of nickel.”.  
 (b) primary carcinoma of the bronchus or lung. }
- (18) For the entry relating to prescribed disease C23 there shall be substituted—  
 “C23. Primary neoplasm of the epithelial lining of the urinary tract. (a) The manufacture of 1-naphthylamine, 2-naphthylamine, benzidine, auramine, magenta or 4-aminobiphenyl (also called biphenyl-4-ylamine);  
 (b) work in the process of manufacturing methylene-bis-orthochloroaniline (also called MbOCA) for a period of, or periods which amount in aggregate to, 12 months or more;  
 (c) exposure to 2-naphthylamine, benzidine, 4-aminobiphenyl (also called biphenyl-4-ylamine) or salts of those compounds otherwise than in the manufacture of those compounds;  
 (d) exposure to orthotoluidine, 4-chloro-2-methylaniline or salts of those compounds; or  
 (e) exposure for a period of, or periods which amount in aggregate to, 5 years or more, to coal tar pitch volatiles produced in aluminium smelting involving the Soderberg process (that is to say, the method of producing aluminium by electrolysis in which the anode consists of a paste of petroleum coke and mineral oil which is baked *in situ*).”.

- (19) For the entry relating to prescribed disease C24 there shall be substituted—
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| <p>“C24. (a) Angiosarcoma of the liver;<br/>         (b) acro-osteolysis characterised by<br/>             (i) lytic destruction of the terminal phalanges,<br/>             (ii) in Raynaud’s phenomenon, the exaggerated vasomotor response to cold causing intense blanching of the digits, and<br/>             (iii) sclerodermatous thickening of the skin;<br/>         (c) liver fibrosis.</p> | } | <p>Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride.”.</p> |
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- (20) For the entry relating to prescribed disease C25 there shall be substituted—
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|------------------------|---|--|
| <p>“C25. Vitiligo.</p> | } | <p>The use or handling of, or exposure to, paratertiary-butylphenol (also called 4-<i>tert</i>-butylphenol), paratertiary-butylcatechol (also called 4-<i>tert</i>-butylcatechol), para-amyphenol (also called <i>p</i>-pentyl phenol isomers), hydroquinone, monobenzyl ether of hydroquinone (also called 4-benzyloxyphenol) or mono-butyl ether of hydroquinone (also called 4-butoxyphenol).”.</p> |
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- (21) For the entry relating to prescribed disease C26 there shall be substituted—
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| <p>“C26. (a) Liver toxicity;<br/>         (b) kidney toxicity. }</p> | } | <p>The use or handling of, or exposure to, carbon tetrachloride (also called tetrachloromethane).”.</p> |
|--|---|---|
- (22) For the entry relating to prescribed disease C27 there shall be substituted—
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| <p>“C27. Liver toxicity.</p> | } | <p>The use or handling of, or exposure to, trichloromethane (also called chloroform).”.</p> |
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- (23) For the entry relating to prescribed disease C29 there shall be substituted—
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| <p>“C29. Peripheral neuropathy.</p> | } | <p>The use or handling of, or exposure to, n-hexane or n-butyl methyl ketone.”.</p> |
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- (24) For the entry relating to prescribed disease C30 there shall be substituted
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| <p>“C30. (a) Dermatitis;<br/>         (b) ulceration of the mucous membrane or the epidermis. }</p> | } | <p>The use or handling of, or exposure to, chromic acid, chromates or dichromates.”.</p> |
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**Transitional provision**

- 6.—(1) Regulations 2 and 5 shall not apply—
- (a) to a period of assessment which relates to a claim which is made before the commencement date;
  - (b) to a period of assessment which relates to a claim which is made within 3 months after the commencement date in respect of a period which began before the commencement date; or
  - (c) where a person suffers from an attack of a disease and under regulation 7 of the principal Regulations (recrudescence) the attack is a recrudescence of a disease for which a claim was made before the commencement date (or within 3 months after the commencement date in respect of a period which began before the commencement date).
- (2) For the purposes of this regulation—
- (a) “commencement date” means the date on which these Regulations come into force;

- (b) the date on which a claim is made is the date on which the claim is made or treated as made in accordance with the Social Security (Claims and Payments) Regulations 1987(a); and
- (c) a period of assessment which begins on the day following the end of a preceding period of assessment, shall be treated as a continuation of the preceding period of assessment.

Signed by authority of the Secretary of State for Work and Pensions.

10th February 2003

*N. Brown*  
Minister of State,  
Department for Work and Pensions

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### **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 regulation 4 of the principal Regulations, mainly by removing 20 specified diseases from the presumption that they are due to the nature of the specified employment.

Regulations 3 and 4 remove from regulations 7 and 8 of the principal Regulations an obsolete reference to a determination in the manner provided by Part IX of the Social Security (Adjudication) Regulations 1984 (S.I. 1984/451) which have been revoked.

Regulation 5 amends Part I of Schedule 1 to the principal Regulations which prescribes diseases for which industrial injuries benefit is payable. The amendment relates to prescribed diseases due to chemical agents; it removes references to seven diseases and changes the entries for other diseases.

Regulation 6 makes transitional provision so that the amendments both to the Schedule of prescribed diseases and to the presumption as to the cause of the disease, do not apply in respect of claims made, or treated as made, before these Regulations come into force.

These Regulations do not impose any costs on business.

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(a) S.I. 1987/1968; relevant amending instruments are S.I. 1989/1686, 1990/725 and 2208, 1991/2741, 1997/793, 1999/2572.





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**The Social Security (Industrial Injuries) (Prescribed  
Diseases) Amendment Regulations 2003**

£2.00

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Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of  
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.  
E0064 2/2003 130064 19585

ISBN 0-11-044854-5



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