

**EXPLANATORY MEMORANDUM TO  
THE  
SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES)  
AMENDMENT (No.2) REGULATIONS 2006**

**2006 No.769**

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
  
2. **Description**
  - 2.1 These Regulations make amendments to the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2006 (S.I. 2006/586) (“the Amendment Regulations”), which make amendments to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (S.I. 1985/967) (“the Principal Regulations”).
  
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 Due to a policy oversight there was an error in the transitional provisions in the Amendment Regulations. Persons who currently receive industrial injuries disablement benefit on the basis of the current prescription of prescribed disease D8 were not the subject of the transitional provisions. On the coming into force of the Amendment Regulations, such persons would have to have their entitlement to benefit reconsidered on the basis of the new prescriptions. This was unintended. These Regulations correct that error, making all the amendments made by the Amendment Regulations to the prescribed diseases in Schedule 1 of the Principal Regulations the subject of transitional provision.
  
4. **Legislative Background**
  - 4.1 Under section 171 of the Social Security Administration Act 1992, the Industrial Injuries Advisory Council (IIAC) gives advice to the Secretary of State on matters relating to Industrial Injuries Disablement Benefits. In 2005 IIAC published two reports which recommended changes to the prescription of 3 existing prescribed diseases. The recommendations were accepted by Minister and the Amendment Regulations made the necessary amendments to the Principal Regulations. These Regulations correct an error in the transitional provisions in the Amendment Regulations.
  
5. **Extent**
  - 5.1 This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

- 6.1** As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy Background**

- 7.1** These Regulations amend the Amendment Regulations, which were made last week to implement the recommendations of IIAC as set out in their reports Asbestos-Related Diseases (Cm 6553) and Vinyl Chloride Monomer-Related Diseases (Cm 6645).

- 7.2** IIAC is an independent statutory body that advises the Secretary of State for Work and Pensions solely on matters relating to the Industrial Injuries Benefit scheme. In particular, IIAC advises the Secretary of State on which diseases should be prescribed or amended for the purpose of claims to Industrial Injuries Disablement Benefit, having studied the available evidence.

## **8. Impact**

- 8.1** A regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

- 8.2** This instrument will incur additional programme expenditure but administrative costs will remain the same.

## **9. Contact**

June Anderson at the Department for work and Pensions Tel: 0113 232 7671 or mail to: [june.anderson@jobcentreplus.gsi.gov.uk](mailto:june.anderson@jobcentreplus.gsi.gov.uk) can answer any queries regarding the instrument.

