

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED
DISEASES) AMENDMENT (NO.2) REGULATIONS 2007

2007 No.1753

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) Regulations 1985, which prescribe diseases for which Industrial Injuries Disablement benefit is paid. There are conditions that must be satisfied before a disease may be prescribed. First the disease ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of a person's occupations and not as a risk common to all persons. Second, it must be possible, in the absence of special circumstances, to establish or presume with reasonable certainty the attribution of particular cases to the nature of the employment.
 - 2.2 These regulations amend the prescription for the existing Prescribed Disease A11.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
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 July 2004, IIAC published a report, the principle recommendation of which was that the existing prescription for Prescribed Disease A11 be extended.
5. **Extent**
 - 5.1 This instrument applies to all of Great Britain
6. **European Convention on Human Rights**

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 implement the recommendations of IIAC as set out in its report on Hand Arm Vibration Syndrome (Cm 6098).
- 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 for the purpose of claims to Industrial Injuries Disablement Benefit, having studied the available evidence.
- 7.3 IIAC's principle recommendation that the existing prescription for Prescribed Disease (PD) A11 be extended to include severe sensorineural symptoms was accepted by the Minister of State for Work. The effect of the change is to bring within the ambit of Prescribed Disease A11 those people who experience the sensorineural symptoms of Hand Arm Vibration Syndrome alone and who are currently excluded because they do not have the vascular symptoms.
- 7.4 There are three other minor amendments to the current prescription for PD A11. The first clarifies the existing prescription for the vascular element of A11. The second is the inclusion of a causal reference to the occupational exposures listed for PD A11. Finally, there is a minor change following a Court of Appeal judgement which has broadened the definition of forestry.

Consultation

- 7.5 No formal consultation has taken place, although the regulations have been referred to IIAC for approval. Before making their recommendations, IIAC invited evidence from medical and scientific experts and claimants' groups.

Consolidation and Guidance

- 7.6 Informal consolidation of the instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes), which are available at no cost to the public on the internet at <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>

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 The impact on the public sector is to add an estimated £6m to programme expenditure over a 4-year period, with additional estimated administration costs of £15m over a 4-year period. The cost will be met from Jobcentre Plus budgets

9. **Contact**

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regarding the instrument.