

2006 No. 96

SOCIAL SECURITY

**The Social Security (Industrial Injuries) (Prescribed Diseases)
(Amendment) Regulations (Northern Ireland) 2006**

Made - - - -

8th March 2006

Coming into operation -

6th April 2006

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 108(2), 109(2) and 171(1) to (4) of, and paragraph 1 of Schedule 6 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b).

It is satisfied of the matters referred to in section 108(2)(a) and (b) of that Act.

Citation and commencement

1. These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 6th April 2006.

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

2.—(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(c) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) in the definition of “primary carcinoma of the lung”(d) after “D8” there shall be inserted “, D8A”.

(3) After regulation 18A(e) (diffuse mesothelioma – prescribed loss of faculty) there shall be inserted the following regulation—

(a) 1992 c. 7; section 109(2) was amended by paragraph 47 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)), section 171(1) and (2) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and paragraph 28 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) respectively and paragraph 1 of Schedule 6 was amended by Part IV of Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1986 No. 179; relevant amending regulations are S.R. 1993 No. 148, S.R. 1997 No. 158, S.R. 2002 No. 237 and S.R. 2003 No. 63

(d) The definition of “primary carcinoma of the lung” was inserted by regulation 2(b) of S.R. 1993 No. 148

(e) Regulation 18A was inserted by regulation 2(3) of S.R. 2002 No. 237

“Asbestos-related primary carcinoma of the lung – special conditions and prescribed loss of faculty

18B.—(1) This regulation shall apply to a claim for disablement pension made in respect of the diseases prescribed in paragraphs D8 and D8A of Part I of Schedule 1 to these regulations.

(2) On a claim to which this regulation applies—

- (a) section 103(6) of the Contributions and Benefits Act (entitlement after expiry of 90 days) shall apply as if for “after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident” there were substituted “the day on which he first suffers from a loss of faculty due to primary carcinoma of the lung”; and
- (b) paragraph 6(1) of Schedule 6 to the Contributions and Benefits Act (period to be taken into account by an assessment) shall apply as if the words “beginning not earlier than the end of the period of 90 days referred to in section 103(6) above and in paragraph 9(3) of that Schedule and” were omitted.

(3) On a claim to which this regulation applies, the loss of faculty prescribed for the purposes of sub-paragraph (d) of paragraph 1 of Schedule 6 to the Contributions and Benefits Act (assessment of extent of disablement) is lung impairment caused by primary carcinoma of the lung.”.

(4) In Part I of Schedule 1 (list of prescribed diseases and the occupations for which they are prescribed)—

(a) for the entry relating to prescribed disease C24(a) there shall be substituted—

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| “C24. | (a) Angiosarcoma of the liver; or | Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride. |
| | (b) osteolysis of the terminal phalanges of the fingers; or | |
| | (c) sclerodermatous thickening of the skin of the hand; or | |
| | (d) liver fibrosis, | |
| | due to exposure to vinyl chloride monomer. | |
| C24A. | Raynaud’s phenomenon due to exposure to vinyl chloride monomer. | Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride before 1st January 1984.”; |

(b) for the entry relating to prescribed disease D8(b) there shall be substituted—

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|------|---|---|
| “D8. | Primary carcinoma of the lung where there is accompanying evidence of asbestosis. | (a) The working or handling of asbestos or any admixture of asbestos; or |
| | | (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or |
| | | (c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or |
| | | (d) substantial exposure to the dust arising from any of the foregoing operations. |

(a) Prescribed disease C24 was substituted by regulation 2(4)(r) of S.R. 2003 No. 63
(b) Prescribed disease D8 was amended by regulation 2(4)(b) of S.R. 1997 No. 158

- D8A. Primary carcinoma of the lung. Exposure to asbestos in the course of—
- (a) the manufacture of asbestos textiles; or
 - (b) spraying asbestos; or
 - (c) asbestos insulation work; or
 - (d) applying or removing materials containing asbestos in the course of shipbuilding,

where all or any of the exposure occurs before 1st January 1975, for a period of, or periods which amount in aggregate to, 5 years or more, or otherwise, for a period of, or periods which amount in aggregate to, 10 years or more.”; and

- (c) in the entry relating to prescribed disease D9(a) for the entry in the first column there shall be substituted—

“D9. Unilateral or bilateral diffuse pleural thickening with obliteration of the costophrenic angle.”.

Transitional provision

3. Regulation 2(4)(a) and (c) shall not apply to a period of assessment which relates to a claim which is made before the date on which these Regulations come into operation.

Revocations

4. Regulation 2(4)(b) and (c) of the Social Security (Industrial Injuries) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997(b) and regulation 2(4)(r) of the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2003(c) are revoked.

Sealed with the Official Seal of the Department for Social Development on 8th March 2006.



Philip Angus

A senior officer of the Department for Social Development

(a) Prescribed disease D9 was amended by regulation 2(4)(c) of S.R. 1997 No. 158
(b) S.R. 1997 No. 158
(c) S.R. 2003 No. 63

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 which prescribe diseases for which industrial injuries benefit is payable.

Regulation 2—

makes a consequential amendment to the definition of “primary carcinoma of the lung”; provides, on a claim for disablement pension in respect of prescribed diseases D8 and D8A, that entitlement may arise from the first day a person suffers from a loss of faculty due to that disease and prescribes lung impairment caused by primary carcinoma of the lung as a loss of faculty from which the resulting disabilities are to be taken as amounting to 100 per cent. disablement;

amends prescribed disease C24 in Part I of Schedule 1 by substituting diseases C24 and C24A. Where due to exposure to vinyl chloride monomer, angiosarcoma of the liver, osteolysis of the finger-tips, sclerodermatous thickening of the skin of the hand, liver fibrosis and Raynaud’s phenomenon are each prescribed independently. Only work involving exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride before 1st January 1984 is prescribed in relation to Raynaud’s phenomenon;

amends prescribed disease D8 in Part I of Schedule 1 by substituting diseases D8 and D8A. The disease previously prescribed as D8 has been replaced with primary carcinoma of the lung where there is accompanying evidence of asbestosis and primary carcinoma of the lung. New occupations involving exposure to asbestos are prescribed in relation to primary carcinoma of the lung; and

amends prescribed disease D9 in Part I of Schedule 1 so that the obliteration of the costophrenic angle is used in the diagnosis of the prescribed disease.

Regulation 3 makes transitional provision so that the amendments made to Schedule 1 by regulation 2(4)(a) and (c) do not apply to claims made before these Regulations come into operation.

Regulation 4 makes consequential revocations.

These Regulations correspond to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 7 of Schedule 5A to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2A) of that Act for prior reference to the Industrial Injuries Advisory Council.

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