

1985 No. 967

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

<i>Made - - - -</i>	<i>24th June 1985</i>
<i>Laid before Parliament</i>	<i>10th July 1985</i>
<i>Coming into Operation</i>	<i>31st July 1985</i>

[Regulations 6(2)(c), 25 and 36 of this S.I. (occupational deafness and occupational asthma) are declared to have been validly made by Social Security Act 1990 (c.27), Sch. 6, para. 4(3).]

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The Secretary of State for Social Services, in exercise of powers conferred by sections 76, 77, 78, 113 and 155 of and Schedule 20 to the Social Security Act 1975(a), and of all other powers enabling him in that behalf, and for the purpose only of consolidating regulations hereinafter revoked, after consultation with the Council on Tribunals in so far as is required by section 10 of the Tribunals and Inquiries Act 1971(b), hereby makes the following regulations:

(a) 1975 c. 14.

(b) 1971 c. 62.

Reg. 1

PART 1
GENERAL**Citation, commencement and interpretation**

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 and shall come into operation on 31st July 1985.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1975;

▶“the 1998 Act” means the Social Security Act 1998;◀

“the Workmen’s Compensation Acts” means the Workmen’s Compensation Acts 1925 to 1945, or the enactments repealed by the Workmen’s Compensation Act 1925(a), or the enactments repealed by the Workmen’s Compensation Act 1906(b);

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1984(c);

“the Benefit Regulations” means the Social Security (General Benefit) Regulations 1982(d);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1979(e);

▶◀

“asbestosis” means fibrosis of the parenchyma of the lungs due to the inhalation of asbestos dust;

“asbestos textiles” means yarn or cloth composed of asbestos or of asbestos mixed with any other material;

“coal mine” means any mine where one of the objects of the mining operations is the getting of coal (including bituminous coal, cannel coal, anthracite, lignite, and brown coal);

“diffuse mesothelioma” means the disease numbered D3 in Part I of Schedule 1 to these regulations;

“employed earner” means employed earner for the purposes of industrial injuries benefit and the term “employed earner’s employment” shall be construed accordingly;

“foundry” means those parts of industrial premises where the production of metal articles (other than pig iron or steel ingots) is carried on by casting (not being diecasting or other casting in metal moulds), together with any part of the same premises where any of the following processes are carried on incidentally to such production, namely, the drying and subsequent preparation of sand for moulding (including the reclamation of used moulding sand), the preparation of moulds and cores, knock-out operations and dressing or fettling operations;

“grindstone” means a grindstone composed of natural or manufactured sandstone and includes a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted;

▶“knock out and shake out grid” means a grid used for mechanically separating moulding sand from mouldings and castings;◀

“a local office” means any office appointed by the Secretary of State as a local office for the purposes of the Act or of these regulations;

▶◀

“medical board” has the same meaning as in regulation 30 of the Adjudication Regulations;

▶“medical practitioner” means a medical practitioner who has experience in the issues specified in regulation 12(1) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;◀

Defn. of “the 1998 Act” inserted into reg. 2(1) by Sch. 8, para. 1(a) to S.I. 1999/1958 as from 4.7.99.

Defn. of “adjudicating medical authority” deleted by Sch. 8, para. 1(b) to S.I. 1998/1958 as from 4.7.99.

Defn. of “knock out and shake out grid” inserted into reg. 1(2) by reg. 2 of S.I. 1994/2343 as from 10.10.94.

Defn. of “lung cancer” deleted by reg.2(a) of S.I. 1993/862 as from 19.4.93.

Defn. of “medical practitioner” deleted by Sch. 8, para. 1(c) to S.I. 1999/1958 as from 4.7.99.

(a) 1925 c. 84.

(b) 1906 c. 58.

(c) S.I. 1984/451, amended by S.I. 1984/613, 1991 and 1985/159.

(d) S.I. 1982/1408; relevant amending instruments are S.I. 1983/186, 981.

(e) S.I. 1979/628; relevant amending instruments are S.I. 1980/1621, 1982/1241, 1344, 1983/1015, 1984/458, 550 and 1985/600.

►“metal” for the purposes of the disease number A10 in Part I of Schedule 1 to these Regulations, does not include stone, concrete, aggregate or similar substances for use in road or railway construction;◄

“mine” includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting or dressing of minerals or the preparation of minerals for sale;

“occupational asthma” means the disease numbered D7 in Part I of Schedule 1 to these regulations;

“occupational deafness” means the disease numbered A10 in Part I of Schedule 1 to these regulations;

“the old regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980(a), as amended by the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1980(b), the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1982(c) and the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1982(d);

“prescribed disease” means a disease or injury prescribed under Part II of these regulations, and references to a prescribed disease being contracted shall be deemed to include references to a prescribed injury being received;

►“primary carcinoma of the lung” means the diseases numbered D8 ►, D8A◄D10 and D11 in Schedule 1 to these Regulations;◄

“the Secretary of State” means the Secretary of State for Social Services;

“silica rock” means quartz, quartzite, ganister, sandstone, gritstone and chert, but not natural sand or rotten rock;

►“skid transfer bank” means the area of a steel mill where the steel product is moved from the area of its formation to the finishing area;◄

◄◄

“tuberculosis” in the description of the disease numbered B5 in Part I of Schedule 1 to these regulations means disease due to tuberculosis infection, but when used elsewhere in these regulations in connection with pneumoconiosis means tuberculosis of the respiratory system only;

and other expressions have the same meanings as in the Act.

(3) Unless the context otherwise requires, any reference in these regulations—

- (a) to a numbered section or Schedule is to the section of or, as the case may be, the Schedule to the Act bearing that number; and
- (b) to a numbered regulation is a reference to the regulations bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number; and
- (c) to any provision made by or contained in any enactment or instrument shall be construed as including a reference to any provision which it re-enacts or replaces, with or without modification.

►(4) In these Regulations, any reference to death benefit shall be taken as including also a reference to any benefit in respect of which contribution conditions are taken as having been satisfied in accordance with paragraph 10 of Schedule 3 to the Social Security Act 1986.◄(e)

Defn. of “metal” inserted into reg. 1(2) by reg. 2(2) of S.I. 1990/2269 as from 13.12.90.

Defn. of “primary carcinoma of the lung” inserted into reg. 1(2) by reg. 2(b) of S.I. 1993/862 as from 19.4.93.

Words inserted in defn. of “primary carcinoma of the lung” by reg. 2(1) of S.I. 2006/586 as from 6.4.06.

Defn. of “skid transfer bank” inserted into reg. 1(2) by reg. 2 of S.I. 1994/2343 as from 10.10.94.

Defn. of “special medical board” and “specially qualified adjudicating medical practitioner” deleted by Sch. 8, para. 1(b) to S.I. 1999/1958 as from 4.7.99.

Reg. 1(4) inserted by reg. 5 of S.I. 1988/553 as from 11.4.88.

(a) S.I. 1980/377.
 (b) S.I. 1980/1493.
 (c) S.I. 1982/249.
 (d) S.I. 1982/566.
 (e) 1986 c. 50.

PART II

PRESCRIPTION OF DISEASES AND PRESUMPTION AS TO THEIR ORIGIN

Prescription of diseases and injuries and occupations for which they are prescribed

Words in reg. 2 substituted by reg. 2(2) of S.I. 2000/1588 as from 10.7.00.

2. For the purposes of Chapter V of Part II of the Act—
- (a) subject to ►the following paragraphs◄ of this regulation and to regulation 43(3), (5) and (6), each disease or injury set out in the first column of Part I of Schedule 1 hereto is prescribed in relation to all persons who have been employed on or after 5th July 1948 in employed earner's employment in any occupation set against such disease or injury in the second column of the said Part;
 - (b) pneumoconiosis is prescribed—
 - (i) in relation to all persons who have been employed on or after 5th July 1948 in employed earner's employment in any occupation set out in Part II of the said Schedule; and
 - (ii) in relation to all other persons who have been so employed in any occupation involving exposure to dust and who have not worked at any time (whether in employed earner's employment or not) in any occupation in relation to which pneumoconiosis is prescribed by virtue of regulations (apart from this sub-paragraph) in force—
 - (a) in the case of any claim for disablement benefit or a claim for death benefit in respect of the death of a person to whom disablement benefit has been awarded in respect of pneumoconiosis, on the date of the claim for disablement benefit;
 - (b) in the case of a claim for death benefit in respect of the death of any other person, on the date of the death of that person;
 - (c) occupational deafness is prescribed in relation to all persons who have been employed in employed earner's employment—
 - (i) at any time on or after the 5th July 1948; and
 - (ii) for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to not less than 10 years in one or more of the occupations set out in the second column of paragraph A10 of Part I of Schedule 1 to these regulations. ►◄
 - (d) the disease specified in paragraph D12 of Part I of Schedule 1 is not prescribed in relation to persons to whom regulation 22 applies.◄
 - (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 of Schedule 1 to these regulations for a period or periods amounting in aggregate to not less than 5 years.◄

Words in reg. 2(c) omitted by reg. 2(1) of S.I. 2005/324 as from 14.3.05.

Para. (d) added to reg. 2 by reg. 2 of S.I. 1993/1985 as from 13.9.93.

Para. (e) added to reg. 2 by reg. 2(3) of S.I. 2000/1588 as from 10.7.00.

Sequelae or resulting conditions

3. Where a person—
- (a) is or was in employed earner's employment and a disease is or was prescribed under the Act and these regulations in relation to him in such employment; and
 - (b) is suffering from a condition which, in his case, has resulted from that disease;

the provisions of Chapter V of Part II of the Act and of these regulations shall apply to him as if he was suffering from that disease, whether or not the condition from which he is suffering is itself a prescribed disease.

Presumption that a disease is due to the nature of employment

4.—(1) Where a person has developed a disease which is prescribed in relation to him in Part I of Schedule 1 hereto, other than the diseases numbered A10, ►A12, ◀B5, ►C1, C2, C4, C5A, C5B, C6, C7, C12, C13, C16, C19, C20, C21, C22, C23, C25, C26, C27, C29, C30, ◀D1, D2, ►◀► D5 and D12◀ in that Schedule, that disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment if that employment was in any occupation set against that disease in the second column of the said Part and he was so employed 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.

Disease number A12 inserted into reg. 4(1) by reg. 3 of S.I. 1993/862 as from 19.4.93.

Words inserted in reg. 4(1) by reg. 2(1) of S.I. 2003/270 as from 17.3.03 (See also transitional provision at reg. 6 of this S.I. page 4.4277.)

Ref. to disease D4 deleted by reg. 5(2) of S.I. 1996/425 as from 24.3.96.

Disease numbers substituted in reg. 4(1) by reg. 3(a) of S.I. 1993/1985 as from 13.9.93.

(2) Where a person in relation to whom tuberculosis is prescribed in paragraph B5 of Part I of Schedule 1 hereto develops that disease, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment if the date on which, under the subsequent provisions of these regulations, he is treated as having developed the disease is not less than 6 weeks after the date on which he was first employed in any occupation set against the disease in the second column of the said Part and not more than 2 years after the date on which he was last so employed in employed earner's employment.

(3) Where a person in relation to whom pneumoconiosis is prescribed in regulation 2(b)(i) develops pneumoconiosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment if he has been employed in one or other of the occupations set out in Part II of the said Schedule 1 for a period or periods amounting in the aggregate to not less than 2 years in employment which either—

- (a) was employed earner's employment; or
- (b) would have been employed earner's employment if it had taken place on or after 5th July 1948.

(4) Where a person in relation to whom byssinosis is prescribed in paragraph D2 of Part I of Schedule 1 hereto develops byssinosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment.

(5) Where a person in relation to whom occupational deafness is prescribed in regulation 2(c) develops occupational deafness the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment.

►(6) Where a person in relation to whom chronic bronchitis or emphysema is prescribed in paragraph D12 of Schedule 1 develops chronic bronchitis or emphysema, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment. ◀

Para. (6) added to reg. 4 by reg. 3(b) of S.I. 1993/1985 as from 13.9.93.

►(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. ◀

Para. (7) inserted in reg. 4 by reg. 2(2) of S.I. 2003/270 as from 17.3.03 (See also transitional provision at reg. 6 of this S.I. page 4.4277.)

PART III

DATE OF ONSET AND RECRUDESCENCE

Development of disease

5.►—(1)◀ If on a claim for benefit under Chapter V of Part II of the Act in respect of a prescribed disease a person is found to be or to have been suffering from the

Reg. 5 re-numbered by reg. 5 of S.I. 2005/337 as from 18.3.05.

disease, or to have died as the result thereof, the disease shall, for the purposes of such claim, be treated as having developed on a date (hereafter in these regulations referred to as “the date of onset”) determined in accordance with the provisions of the next 2 following regulations.

Para. (2) inserted in Reg. 5 by reg. 5 of S.I. 2005/337 as from 18.3.05.

►(2) Where a person claims benefit under Part V of the Contributions and Benefits Act and it is decided that he is not entitled on the basis of a finding that he was not suffering from a prescribed disease, the finding shall be conclusive for the purpose of a decision on a subsequent claim of that kind in respect of the same disease and the same person.◄

Date of onset

6.—(1) For the purposes of the first claim in respect of a prescribed disease suffered by a person, the date of onset shall be determined in accordance with the following provisions of this regulation, and, save as provided in regulation 7, that date shall be treated as the date of onset for the purposes of any subsequent claim in respect of the same disease suffered by the same person, so however that—

Words deleted from reg. 6(1)(a) by Sch. 8, para. 2 to S.I. 1999/1958 as from 4.7.99.

Words in reg. 6(1)(b) substituted by reg. 2 of S.I. 1989/1207 as from 9.8.89.

- (a) ►◄, any date of onset determined for the purposes of that claim shall not preclude fresh consideration of the question whether the same person is suffering from the same disease on any subsequent claim for or award of benefit; and
- (b) if, on the consideration of a claim, ►the degree of disablement is assessed at less than one per cent◄, any date of onset determined for the purposes of that claim shall be disregarded for the purposes of any subsequent claim.

(2) Where the claim for the purposes of which the date of onset is to be determined is—

Words substituted in reg. 6(2)(a) by reg. 4 of S.I. 1993/862 as from 19.4.93.

Words substituted in reg. 6(2)(a) by reg. 4 of S.I. 1993/1985 as from 13.9.93.

- (a) a claim for sickness benefit made by virtue of section 50A of the Act(a) by a person to whom regulation 8(1) applies (except in respect of pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, ►primary carcinoma of the lung◄►, bilateral diffuse pleural thickening or chronic bronchitis or emphysema◄) the date of onset shall be the first day on which the claimant was incapable of work as the result of the disease on or after 5th July 1948;
- (b) a claim for disablement benefit (except in respect of occupational deafness), the date of onset shall be the day on which the claimant first suffered from the relevant loss of faculty on or after 5th July 1948; and the date of onset so determined shall be the date of onset for the purposes of a claim for sickness benefit made by virtue of section 50A of the Act in respect of pneumoconiosis, byssinosis, diffuse mesothelioma, occupational asthma, ►primary carcinoma of the lung◄►, bilateral diffuse pleural thickening or chronic bronchitis or emphysema◄;
- (c) a claim for disablement benefit in respect of occupational deafness, the date of onset shall be the day on which the claimant first suffered from the relevant loss of faculty on or after 3rd February 1975; or, if later—
- (i) 3rd September 1979 in the case of a claim made before that date which results in the payment of benefit commencing on that date, and
- (ii) in any other case, the date on which such claim is made as results in the payment of benefit; or
- (d) a claim for death benefit, the date of onset shall be the date of death.

Words substituted in reg. 6(2)(b) by reg. 4 of S.I. 1993/862 as from 19.4.93.

Words substituted in reg. 6(2)(b) by reg. 4 of S.I. 1993/1985 as from 13.9.93.

Recrudescence

7.—(1) ►Where in respect of a prescribed disease other than pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, ►primary carcinoma of the lung◄►, bilateral diffuse pleural thickening or chronic bronchitis or emphysema◄, a person’s disablement has been assessed at not less than one per cent. and he◄ suffers from another attack of the same disease, or dies as a result thereof, then—

Words in reg. 7(1) substituted by reg. 3(a) of S.I. 1989/1207 as from 9.8.89.

Words substituted in reg. 7(1) by reg. 5 of S.I. 1993/862 as from 19.4.93.

Words substituted in reg. 7(1) by reg. 4 of S.I. 1993/1985 as from 13.9.93.

Words in reg. 7(1)(a) substituted by reg. 3(b) of S.I. 1989/1207 as from 9.8.89.

Words in reg. 7(1)(b) omitted by reg. 3 of S.I. 2003/270 as from 17.3.03.

- (a) if the further attack commences or the death occurs during a period taken into account by ►that assessment◄ (which period is in this regulation referred to as a “relevant period”) the disease shall be treated as a recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in the following subparagraph;
- (b) if the further attack commences or the death occurs otherwise than during a relevant period, or if it is determined ►◄ that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(a) S. 50A was inserted by the Social Security and Housing Benefits Act 1982 (c. 24), section 39(4).

(2) For the purposes of paragraph (1), a further attack of a prescribed disease shall be deemed to have commenced on the date on which the person concerned was first incapable of work or first suffered from the relevant loss of faculty, whichever is earlier, as a result of that further attack.

(3) Where, under the foregoing provisions of this regulation, a disease is treated as having been contracted afresh, the date of onset of the disease in relation to the fresh contraction shall be the date on which the person concerned was first incapable of work or first suffered from the relevant loss of faculty, whichever is earlier, as a result of the further attack, or in the event of his death, the date of death.

(4) Where, under the provisions aforesaid, a disease is treated as a recrudescence, any assessment of disablement in respect of the recrudescence during a period taken into account by a previous assessment of disablement shall be by way of ►a supersession of the assessment relating to the relevant period.◄

(5) This regulation shall not apply in relation to a claim for sickness benefit made by virtue of section 50A of the Act except where such a claim is made by a person to whom regulation 8(1) applies.

Words substituted in reg. 7(4) by reg. 2 of S.I. 2000/1596 as from 19.6.00.

Workmen's compensation cases

8.—(1) If under the foregoing provisions of this Part of these regulations a date of onset has to be determined for the purposes of a claim for benefit in respect of a prescribed disease, other than pneumoconiosis or byssinosis, suffered by a person to whom compensation under the Workmen's Compensation Acts has been awarded or paid in respect of the same disease and, at the date of such claim for benefit, or, if it is a claim for death benefit, at the date of death—

- (a) that person was in receipt of weekly payments in respect of such compensation; or
- (b) any liability or alleged liability for such compensation had been redeemed by the payment of a lump sum, or had been the subject of a composition agreement under the provisions of the said Acts;

the disease in respect of which the claim is made shall be treated for the purposes of these regulations as a recrudescence of the disease in respect of which such compensation was awarded or paid and not as having developed on or after 5th July 1948 unless it is determined ►◄ that the disease was in fact contracted afresh.

Words in reg. 8(1) omitted by reg. 4 of S.I. 2003/270 as from 17.3.03.

(2) If it is determined as provided in the foregoing paragraph that the disease was contracted afresh, or if compensation is not being or has not been paid as provided in sub-paragraph (a) or (b) thereof, the date of onset shall be determined in accordance with regulations 5 to 7 as if no compensation under the Workmen's Compensation Acts had been paid in respect of that disease.

(3) If the date of onset has to be determined as aforesaid in respect of pneumoconiosis or byssinosis suffered by a person to whom compensation has been awarded or paid in respect of the same disease or in respect of whose death compensation has been awarded or paid under the provisions of any scheme made under the provisions of the Workmen's Compensation Acts relating to compensation for silicosis, asbestosis, pneumoconiosis or byssinosis, the disease in respect of which the claim is made shall (subject to the provisions of regulation 9(2)(b)) be treated for the purposes of these regulations as not having developed on or after 5th July 1948.

(4) If, after the date of a claim for benefit in respect of a prescribed disease, the claimant receives a weekly payment of compensation in respect of that disease under the Workmen's Compensation Acts which he was not receiving at the date of such claim, or if the amount of any such weekly payment which he was receiving at that date is increased, then any decision on any ►issue◄ arising in connection with that claim, if given before the date of, or in ignorance of the fact of, the receipt of such weekly payment or increased weekly payment, may be ►revised or superseded◄ as if it had been given in ignorance of a material fact, and on such ►revised or supersession◄ the ►issue◄ may be decided as if the claimant had been in receipt of such weekly payment or increased weekly payment at the date of the claim, and the foregoing provisions of this regulation shall apply accordingly.

Words in reg. 8(4) substituted by Sch. 8, para. 3 to S.I. 1999/1958 as from 4.7.99.

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(5) For the purposes of this regulation, a person shall be deemed to be, or to have been, in receipt of a weekly payment of compensation if—

- (a) he is or was in fact receiving such payment; or
- (b) he is or was entitled thereto under an award or agreement made under the Workmen's Compensation Acts.

(6) This regulation shall apply to compensation under any contracting out scheme duly certified under the Workmen's Compensation Acts as it applies to compensation under those Acts.

Re-employment of pneumoconiotics and special provisions for benefit (workmen's compensation cases)

9.—(1) Where a person—

- (a) has been certified by a medical board under the provisions of any scheme made under the provisions of the Workmen's Compensation Acts to be suffering from silicosis or pneumoconiosis not accompanied in either case by tuberculosis and has been awarded or paid compensation under the provisions of any such scheme, and by reason of such certification has been suspended from employment in any industry or process or in any particular operation or work in any industry, and
- (b) wishes to start work in employed earner's employment in any occupation involving work underground in any coal mine, or the working or handling above ground at any coal mine of any minerals extracted therefrom, or any operation incidental thereto, being an occupation in which he is allowed by certificate of the medical board under the provisions of the scheme to engage,

he shall, before starting any such work, submit himself under arrangements made or approved by the Secretary of State for medical examination by a ►medical practitioner◄.

(2) Where a person submits himself for medical examination in accordance with the provisions of the foregoing paragraph, the provisions of the Act and the regulations made thereunder shall apply to him subject to the following modifications:—

- (a) A medical practitioner shall provide a report to the Secretary of State to enable him to determine at what degree the extent of disablement resulting from pneumoconiosis should be assessed in his case.◄
- (b) Where the extent of disablement has been determined in his case in accordance with the provisions of the foregoing sub-paragraph by ►the Secretary of State or an appeal tribunal◄ and he starts any such work as is mentioned in the foregoing paragraph, the provisions of regulation 38(a) (periodical examinations) shall apply to him as if he were making a claim for benefit in respect of pneumoconiosis, and the provisions of regulation 8(3) (pneumoconiosis shall in certain cases be treated as not having developed on or after 5th July 1948) shall cease to apply to him as from the date of starting such work.
- (c) If, after having started work as aforesaid, he makes a claim at any time for disablement benefit in respect of pneumoconiosis, the extent of disablement in his case shall be assessed as if, ►to the extent decided by the Secretary of State or an appeal tribunal◄ his disabilities resulting from pneumoconiosis were contracted before the date of onset and were not incurred as the result of the relevant loss of faculty.
- (d) A person to whom a disablement pension is payable in respect of an assessment made in accordance with the provisions of the last foregoing sub-paragraph and who requires constant attendance shall, if the sum of that assessment and the assessment made in his case in accordance with the provisions of sub-paragraph (a) of this paragraph is not less than 100 per cent, have the like right to payments in respect of the need of such constant attendance as if the disablement pension were payable in respect of an assessment of 100 per cent.

Words substituted in reg. 9(1) by Sch. 8, para. 4(a) to S.I. 1999/1958 as from 4.7.99.

Para. 2(a) substituted by Sch. 8, para. 4(b) to S.I. 1999/1958 as from 4.7.99.

Words substituted in reg. 9(2)(b) by Sch. 8, para. 4 to S.I. 1999/1958 as from 4.7.99.

Words substituted in para. (2)(c) by Sch. 8, para. 4 to S.I. 1999/1958 as from 4.7.99.

(3) Where a person to whom sub-paragraph (a) of paragraph (1) applies has started any such work as is mentioned in sub-paragraph (b) thereof without having submitted himself for medical examination in accordance with the provisions of that paragraph, he may nevertheless, at any time whilst he is engaged in any such work, so submit himself for medical examination, and the provisions of the foregoing paragraph shall, if he continues thereafter to be engaged in any such work, apply to him as if he had started that work immediately after the medical examination.

(4) The Secretary of State, in making or approving any such arrangements for medical examination of any person as are mentioned in paragraph (1) shall, as far as possible, co-ordinate those arrangements with any arrangements for medical examination of that person made or approved under Part V of these regulations or under the Workmen's Compensation Acts.

PART IV

APPLICATION OF CHAPTERS IV AND VI OF PART II OF THE ACT AND OF REGULATIONS MADE THEREUNDER

Definition of "relevant disease"

10. In this Part of these regulations, unless the context otherwise requires, the expression "relevant disease" means, in relation to any claim for benefit in respect of a prescribed disease, the prescribed disease in respect of which benefit is claimed, but does not include any previous or subsequent attack of that disease, suffered by the same person, which, under the provisions of Part III of these regulations, is or has been treated—

- (a) as having developed on a date other than the date which, under the said provisions, is treated as the date of onset for the purposes of the claim under consideration;
- (b) as a recrudescence of a disease for which compensation has been paid or awarded under the Workmen's Compensation Acts.

Application of Chapters IV and VI of Part II of the Act

11. The provisions of Chapters IV and VI of Part II of the Act which relates to industrial injuries benefit and sickness benefit made by virtue of section 50A of the Act shall, in relation to prescribed diseases, be subject to the following provisions of this Part of these regulations, and, subject as aforesaid, to the additions and modifications set out in Schedule 2 hereto.

Application of Claims and Payments Regulations and Benefit Regulations

12.—(1) Save in so far as they are expressly varied or excluded by, or are inconsistent with, the provisions of this Part of these regulations or of regulation 25 or 36, the Claims and Payments Regulations and the Benefit Regulations shall apply in relation to prescribed diseases as they apply in relation to accidents.

(2) Save as provided in this Part of these regulations or where the context otherwise requires, references in the aforesaid regulations to accidents shall be construed as references to prescribed diseases, references to the relevant accident shall be construed as references to the relevant disease, references to the date of the relevant accident shall be construed as references to the date of onset of the relevant disease, and in regulation 17 of the Benefit Regulations (increase of disablement pension in cases of special hardship), the reference to the effects of the relevant injury shall be construed as a reference to the effects of the relevant disease.

Benefit not payable in cases covered by the Industrial Injuries and Diseases (Old Cases) Act 1975

13. Benefit shall not be payable by virtue of the provisions of these regulations in respect of the incapacity, disablement or death of any person as a result of any disease, if an award of benefit under the provisions of any Scheme made under the Industrial Injuries and Diseases (Old Cases) Act 1975(a) (not being an award which is subsequently ►revised or superseded so as to terminate entitlement◄) has at any time been made in respect of any attack of the disease suffered by him, or in respect of his death.

Words in reg. 13
substituted by Sch. 8,
para. 5 to S.I. 1999/
1958 as from 4.7.99.

(a) 1975 c.16.

Diseases contracted outside Great Britain

14. For section 50(5) (accidents happening outside Great Britain) there shall be substituted the provision that, subject to the provisions of sections 129, 131 and 132, for the purpose of determining whether a prescribed disease is, or, under the provisions of Part II of these regulations is to be presumed to be, due to the nature of the person's employed earner's employment, that person shall be regarded as not being or as not having been in employed earner's employment during any period for which he is or was outside Great Britain, and accordingly benefit shall not be payable in respect of a prescribed disease which is due to the nature of employment in an occupation in which the person has only been engaged outside Great Britain.

Reg. 14A inserted by reg. 3 of S.I. 1994/2343 as from 10.10.94.

► Modifications of paragraph 11(1) of Schedule 7 to the Social Security Contributions and Benefits Act 1992

14A. The provisions of paragraph 11(1) of Schedule 7 to the Social Security Contributions and Benefits Act 1992 shall be modified by adding after the words "(the day on which section 3 of the Social Security Act 1990 came into force)" the words "and a person shall not be entitled to reduced earnings allowance—

- (i) in relation to a disease prescribed on or after 10th October 1994 under section 108(2) above; or
- (ii) in relation to a disease prescribed before 10th October 1994 whose prescription is extended on or after that date under section 108(2) above but only in so far as the prescription has been so extended".◄

Assessment of extent of disablement

15. For the purposes of paragraph 1(b) of Schedule 8 (disabilities to be taken into account in assessing the extent of the claimant's disablement) and of regulation 11 of the Benefit Regulations (which further defines the principles of assessment of disablement), an injury or disease other than the relevant disease shall be treated as having been received or contracted before the relevant disease if it was received or contracted on or before the date of onset, and as having been received or contracted after the relevant disease if it was received or contracted after that date.

Regs. 15A and 15B inserted by reg. 3(2) of S.I. 1986/1561 as from 1.10.86.
Words in reg. 15A substituted by Sch. 8, para. 6 to S.I. 1999/1958 as from 4.7.99.

► Aggregation of Percentages of Disablement

15A.—(1) After the extent of an employed earner's disablement resulting from the relevant disease has been determined, the ►Secretary of State◄ shall add to the percentage of that disablement the assessed percentage of any present disablement of his resulting from

- (a) any accident after 4th July 1948 arising out of and in the course of his employment, being employed earner's employment, or
- (b) any other relevant disease due to the nature of that employment and developed after 4th July 1948,

and in respect of which a disablement gratuity was not paid to him under the Act after a final assessment of disablement.

(2) In determining the extent of an employed earner's disablement for the purposes of section 57 of the Act there shall be added to the percentage of disablement resulting from any relevant accident the assessed percentage of any present disablement of his resulting from any disease or injury prescribed for the purposes of Chapter V of Part II of the Act, which was both due to the nature of the employment and developed after 4th July 1948, and in respect of which a disablement gratuity was not paid to him under the Act after a final assessment of his disablement.

(3) This regulation is subject to the provisions of regulation 15B(3).

Rounding

15B.—(1) Subject to the provisions of this regulation, where the assessment of disablement is a percentage between 20 and 100 which is not a multiple of 10, it shall be treated—

- (a) if it is a multiple of 5, as being the next higher percentage which is a multiple of 10; and
- (b) if it is not a multiple of 5 as being the nearest percentage which is a multiple of 10,

and where it is 14 per cent. or more but less than 20 per cent. it shall be treated as 20 per cent.

(2) In a case to which regulation 15A (aggregation of percentages of disablement) applies, paragraph (1) shall have effect in relation to the aggregate percentage and not in relation to any percentage forming part of the aggregate.

(3) ►Where an assessment or a reassessment◄ states the degree of disablement due to occupational deafness as less than 20 per cent. that percentage shall be disregarded for the purposes of regulation 15A and this regulation.◄

Words substituted in reg. 15B(3) by reg. 2(3) of S.I. 1990/2269 as from 13.12.90.

Death benefit for woman having care of deceased's children

16.—(1) Section 73 (the entitlement to death benefit of a woman having the care of a child or children in respect of whom the deceased was entitled to child benefit) shall have effect as if for references to the date of the relevant accident there were substituted references to the relevant date.

(2) For the purposes of the last foregoing paragraph, the relevant date means the date of onset of the relevant disease, or the first day of the period of 26 weeks ending with the date of death, whichever is the later.

►Special provisions as to determination of regular occupation in relation to persons claiming reduced earnings allowance

Reg. substituted by reg. 6(2) of S.I. 1986/1561 as from 1.10.86.

17. Where a person who has been assessed as at least one per cent. disabled in respect of a prescribed disease establishes that he has abandoned any occupation as a result of the relevant disease at any time after having been employed in employed earner's employment in any occupation prescribed for that disease but before the first day in respect of which he was so assessed, then for the purpose of determining his right to, or the rate of, reduced earnings allowance under Section 59A, any occupation he has so abandoned may be treated as his regular occupation for the purposes of that section.◄

Exception from requirements as to notice

18. Regulation 24 of the Claims and Payments Regulations (giving of notice of accidents in respect of which benefit may be payable) shall not apply in relation to prescribed diseases.

Provisions as to medical examinations

19. Those provisions of section 89(1) and (2) which relate to the obligation of claimants to submit themselves to medical examination for the purpose of determining the effect of the relevant accident shall apply also to medical examinations for the purpose of determining whether a claimant or beneficiary is suffering or has suffered from a prescribed disease, and regulation 26 of the Claims and Payments Regulations shall be construed accordingly.

PART V

SPECIAL PROVISIONS AS TO PNEUMOCONIOSIS, BYSSINOSIS,
OCCUPATIONAL DEAFNESS AND CERTAIN OTHER DISEASES

SECTION A – BENEFIT

Special conditions for disablement benefit for pneumoconiosis, byssinosis and diffuse mesothelioma

Paras. (1)–(1B) substituted for para. (1) by reg. 3(3) of S.I. 1986/1561 as from 1.10.86.

Words in reg. 20(1), (1A) & (1B) substituted by reg. 2(2) of S.I. 2002/1717 as from 29.7.02.

20.—▶(1) On a claim for disablement pension in respect of pneumoconiosis ▶or byssinosis◀, section 57(1) shall apply as if for “14 per cent.” there was substituted “1 per cent.”.

(1A) Where on a claim for disablement pension in respect of pneumoconiosis ▶or byssinosis◀, the extent of the disablement is assessed at one per cent. or more, but less than 20 per cent., disablement pension shall be payable at the 20 per cent. rate if the resulting degree of disablement is greater than 10 per cent. and if it is not at one-tenth of the 100 per cent. rate, with any fraction of a penny being for this purpose treated as a penny.

(1B) Where immediately before 1st October 1986 a person is entitled to a disablement pension on account of pneumoconiosis ▶or byssinosis◀ and in determining the extent of his disablement other disabilities were taken into account in accordance with regulation 11 of the Social Security (General Benefit) Regulations 1982(a), disablement pension shall continue to be payable on or after 1st October 1986 at the weekly rate applicable to the degree of disablement determined on the last assessment made before 14th October 1986 until—

Words in para. (1B)(a) substituted by Sch. 8, para. 7 to S.I. 1999/1958 as from 4.7.99.

- (a) ▶on a reassessment of the extent of disablement or in consequence of an application for revision or supersession◀ the degree of disablement is assessed either as less than 1 per cent. or as equal to or more than that determined on that last assessment, or
- (b) the other disability ceases to exist.◀

(2) Section 78(4)(b), in so far as it provides that disablement benefit shall not be payable in respect of byssinosis unless the claimant is found to be suffering from loss of faculty which is likely to be permanent, shall not apply.

(3) Notwithstanding paragraph 4(a) of Schedule 8 (period to be taken into account by an assessment of the extent of the claimant’s disablement), the period to be taken into account by an assessment of the extent of the claimant’s disablement in respect of byssinosis, if not limited by reference to the claimant’s life, shall not be less than one year.

Reg. 20(4) inserted by reg. 5 of S.I. 1997/810 as from 9.4.97.

- ▶(4) On a claim for disablement pension in respect of diffuse mesothelioma—
 - (a) section 103(6) of the Social Security Contributions and Benefits Act 1992 shall apply as if for the words “after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident”, there were substituted the words, “the day on which he first suffers from a loss of faculty due to diffuse mesothelioma”;
 - (b) paragraph 6(1) of Schedule 6 to the Social Security Contributions and Benefits Act 1992 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.◀

Reg. 20A inserted by reg. 2(3) of S.I. 2002/1717 as from 29.7.02.

▶Diffuse mesothelioma – prescribed loss of faculty

20A.—(1) For the purposes of paragraph 1 of Schedule 6 to the Social Security Contributions and Benefits Act 1992 (which provides for the assessment of the extent of disablement for the purposes of industrial injuries disablement benefit), the loss of faculty set out in paragraph (2) below is prescribed under sub-paragraph (d) of that

(a) S.I. 1982/1408.

paragraph 1 (loss of faculty from which the resulting disabilities are to be taken as amounting to 100 per cent. disablement).

(2) The loss of faculty referred to in paragraph (1) above is impaired function of the pleura, pericardium or peritoneum caused by diffuse mesothelioma. ◀

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

Reg. 20B inserted by reg. 2(2) of S.I. 2006/586 as from 6.4.06.

20B.—(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.

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

- (a) section 103(6) of the Social Security Contributions and Benefits Act 1992 (entitlement after expiry of 90 days) shall apply as if for the words “after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident” there were substituted the words “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 Social Security Contributions and Benefits Act 1992 (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 Social Security Contributions and Benefits Act 1992 (assessment of extent of disablement) is lung impairment caused by primary carcinoma of the lung. ◀

Pneumoconiosis – effects of tuberculosis

21. Where any person is found to be suffering from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis shall be treated for the purposes of Chapter V of Part II of the Act and of these regulations as if they were effects of the pneumoconiosis.

Pneumoconiosis – effects of emphysema and chronic bronchitis

22.—(1) ►Except in the circumstances specified in paragraph (1A),◀ where any person is disabled by pneumoconiosis or pneumoconiosis accompanied by tuberculosis to an extent which would, if his physical condition were otherwise normal, be assessed at not less than 50 per cent, the effects of any emphysema and of any chronic bronchitis from which that person is found to be suffering shall be treated for the purposes of Chapter V of Part II of the Act and of these regulations as if they were effects of the pneumoconiosis.

Words inserted in reg. 22(1) by reg. 5(2) of S.I. 1993/1985 as from 13.9.93.

►(1A)The circumstances referred to in paragraph (1) are that the person is entitled to industrial injuries disablement benefit on account of the disease set out in paragraph D12 of Part I of Schedule 1. ◀

Para. (1A) inserted in reg. 22 by reg. 5(3) of S.I. 1993/1985 as from 13.9.93.

(2) Where, on a claim for death benefit, the question arises whether the extent of a person’s disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis would, if his physical condition were otherwise normal, have been assessed at not less than 50 per cent—

- (a) if there has been no assessment of disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis made during the person’s life, or if there is no such assessment current at the time of death, ►that issue shall be determined by the Secretary of State;◀
- (b) if there is an assessment of disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis current at the time of the person’s death, that ►issue◀ shall be treated as having been determined by the decision of ►the Secretary of State or, as the case may be, appeal tribunal◀ which made such assessment.

Words in para. (2)(a) & (b) substituted by Sch. 8, para. 8 to S.I. 1999/1958 as from 4.7.99.

Regs. 23-27

Words substituted in reg. 23 by reg. 6(3) of S.I. 1986/1561 as from 1.10.86.
Words in reg. 23 substituted by Sch. 8, para. 9 to S.I. 1999/1958 as from 4.7.99.

Reg. 24 substituted by Sch. 8, para. 10 to S.I. 1999/1958 as from 4.7.99.

Words inserted in reg. 25(2) by reg. 3(2) of S.I. 2000/1588 as from 10.7.00.
Words omitted in reg. 25(2) by reg. 2(2) of S.I. 2005/324 as from 14.3.05.

►Reduced earnings allowance – special provision for pneumoconiosis cases

23. Where a beneficiary in receipt of a disablement pension in respect of pneumoconiosis receives advice from ►the Secretary of State◄ that in consequence of the disease he should not follow his regular occupation unless he complies with certain special restrictions as to the place, duration or circumstances of his work, or otherwise, then for the purpose of determining whether he fulfils the conditions laid down in section 59A (reduced earnings allowance)◄ and for that purpose only—

- (a) the beneficiary shall be deemed, unless the contrary is proved by evidence other than the aforesaid advice—
 - (i) to be incapable of following his regular occupation and likely to remain permanently so incapable, and
 - (ii) to be incapable of following employment of an equivalent standard which is suitable in his case;
- (b) where the beneficiary has ceased to follow any occupation to which the aforesaid special restrictions were applicable, the fact that he had followed such an occupation in the period between the date of onset of the disease and the date of the current assessment of his disablement, or for a reasonable period of time thereafter, shall be disregarded.

►Special requirement for pneumoconiosis claimants in unsheduled occupation cases

24.—(1) A claim for disablement benefit in respect of pneumoconiosis by a person in relation to whom the disease is prescribed by virtue of regulation 2(b)(ii) shall be referred by the Secretary of State to a medical practitioner for a report, unless the Secretary of State is satisfied on reasonable grounds that the claimant is not suffering or has not suffered from pneumoconiosis, in which case he may decide the claim without such a report.

(2) The provisions of paragraph (1) of this regulation shall apply to an appeal tribunal and a Commissioner as they apply to the Secretary of State.◄

Time for claiming benefit in respect of occupational deafness

25.—(1) Regulation 14 of the Claims and Payments Regulations (time for claiming benefit) shall not apply in relation to occupational deafness except in relation to a claim for sickness benefit payable by virtue of section 50A.

(2) Subject to regulation 27(1)(c), disablement benefit, or sickness benefit payable by virtue of section 50A of the Act, shall not be paid in pursuance of a claim in respect of occupational deafness which is made later than 5 years after the latest date, before the date of the claim, on which the claimant worked ►in employed earner's employment◄ in an occupation prescribed in relation to occupational deafness.

**►◄
Claims in respect of occupational deafness**

26. Where it appears that a person who has made a claim for sickness benefit by virtue of section 50A of the Act in respect of occupational deafness—

- (a) may be entitled to disablement benefit, and
- (b) has not previously made a claim for disablement benefit in respect of occupational deafness or such a previous claim has been disallowed,

such a claim for sickness benefit may also be treated as a claim for disablement benefit.

Further claims in respect of occupational deafness

27.—(1) In the event of disallowance of a claim for disablement benefit or sickness benefit made by virtue of section 50A of the Act in respect of occupational deafness because the claimant has failed to satisfy the minimum hearing loss requirement prescribed in column 1 of paragraph A10 of Part I of Schedule 1 hereto, disablement benefit or sickness benefit made by virtue of section 50A of the Act shall not be paid in pursuance of a further claim in respect of occupational deafness made by or on behalf of that claimant unless—

- (a) it is a claim made after the expiration of 3 years from the date of a claim which was disallowed because the claimant was not suffering from occupational deafness; or

(b) it is a claim made after the expiration of 3 years from the date of a reassessment by ►the Secretary of State or an appeal tribunal◄ or medical appeal tribunal of the extent of the claimant's disablement at less than 20 per cent; or

Words substituted in paras. 1(b) & (c) by Sch. 8, para. 12 to S.I. 1999/1958 as from 4.7.99.

(c) if the claimant would otherwise be precluded by regulation 25(2) from making a further claim after the expiration of 3 years from the date of the disallowed claim or from the date of a reassessment by ►the Secretary of State or an appeal tribunal◄ or a medical appeal tribunal of the extent of his disablement at less than 20 per cent, as the case may be, it is the first claim made since that date and within 5 years from the latest date, before the date of the claim, on which he worked ►in employed earner's employment◄ in any occupation specified in column 2 of paragraph A10 of Part I of Schedule 1 hereto.

Words inserted in reg 27(1)(c) by reg. 4 of S.I. 2000/1588 as from 10.7.00.

►(2) A claim to be paid benefit by virtue of paragraph (1)(c) may be disallowed by the Secretary of State, an appeal tribunal or a Commissioner ("the determining authority") without reference to a medical practitioner where the determining authority is satisfied by medical evidence that the claimant is not suffering from occupational deafness.◄

Para. (2) of reg. 27 substituted by para. 12(b) of Sch. 8 to S.I. 1999/1958 as from 4.7.99.

Availability of disablement benefit in respect of occupational deafness

28. Where a person is awarded disablement benefit in respect of occupational deafness, section 57(4) (period for which disablement benefit is not available) shall not apply.

►29. Paragraph 6(1) and (2) of Schedule 6 to the Social Security Contributions and Benefits Act 1992 shall be modified so that in respect of occupational deafness, the period to be taken into account by an assessment of the extent of a claimant's disablement shall be the remainder of the claimant's life.◄

Reg. 29 substituted by reg. 2(2) of S.I. 2003/2190 as from 22.9.03.

30. - 33. ►◄

Regs. 30-33 revoked by reg. 2(3) of S.I. 2003/2190 as from 22.9.03

Assessment of extent of disablement and rate of disablement benefit payable in respect of occupational deafness

34.—(1) Subject to the provisions of Schedule 8 and regulations made thereunder and the following provisions of this regulation, the first assessment of the extent of disablement in respect of occupational deafness made in pursuance of a claim made before 3rd September 1979 by a person to whom disablement benefit in respect of occupational deafness is payable for a period before 3rd September 1979 shall be the percentage calculated by—

- (a) determining the average total hearing loss due to all causes for each ear at 1, 2 and 3 kHz frequencies; and then by
- (b) determining the percentage degree of disablement for each ear in accordance with Part I of Schedule 3; and then by
- (c) determining the average percentage degree of binaural disablement in accordance with the formula set out in Part III of Schedule 3. ◀

(2) Except in any case to which paragraph (1) applies and subject to the provisions of Schedule 8 and regulations made thereunder and the following provisions of this regulation, the extent of disablement in respect of occupational deafness shall be the percentage calculated by—

- (a) determining the average total hearing loss due to all causes for each ear at 1, 2 and 3 kHz frequencies; and then by
- (b) determining the percentage degree of disablement for each ear in accordance with Part II of Schedule 3; and then by
- (c) determining the average percentage degree of binaural disablement in accordance with the formula set out in Part III of Schedule 3. ◀

(3) In ▶◀ Schedule 3 hereto “better ear” means that ear in which the claimant’s hearing loss due to all causes is the less and “worse ear” means that ear in which the claimant’s hearing loss due to all causes is the more.

▶(3A) For the purposes of determining the percentage degree of disablement in Parts I and II of Schedule 3 to these Regulations, any fraction of an average hearing loss shall, where the average hearing loss is over 50dB, be rounded down to the next whole figure. ◀

(4) The extent of disablement in respect of occupational deafness may be subject to such increase or reduction of the degree of disablement as may be reasonable in the circumstances of the case where, having regard to the provisions of Schedule 8 and to regulations made thereunder, that degree of disablement does not provide a reasonable assessment of the extent of disability resulting from the relevant loss of faculty.

▶(5) Where on re-assessment of the extent of disability in respect of occupational deafness the average sensorineural hearing loss over 1, 2 and 3 kHz frequencies is not 50 db or more in each ear, or where there is such a loss but the loss in one or each ear is not 50 db or more due to occupational noise, the extent of disablement shall be assessed at less than 20 per cent. ◀

(6) Where the extent of disablement is reassessed at less than 20 per cent disablement benefit ▶or reduced earnings allowance◀ shall not be payable.

(7) In the case of a person to whom disablement benefit by reason of

Words in reg. 34(1) substituted by reg. 4(1) of S.I. 1989/1207 as from 16.10.89.

Words in reg. 34(2) substituted by reg. 4(2) of S.I. 1989/1207 as from 16.10.89.

Words deleted from reg. 34(3) by reg. 4(3) if S.I. 1989/1207 as from 16.10.89.

Para. (3A) inserted into reg. 34 by reg. 4(4) of S.I. 1989/1207 as from 16.10.89.

Para. substituted by reg. 3 of S.I. 1986/1374 as from 1.9.86.

Words inserted by reg. 6(4) of S.I. 1986/1561 as from 1.10.86.

occupational deafness was payable in respect of a period before 3rd September 1979—

- (a) if no assessment of the extent of his disability has been made, ►revised or superseded◄ on or after that date, the rate of any disablement benefit payable to him shall be the rate payable for the degree of disablement assessed in accordance with paragraph (1), but
- (b) if such an assessment has been made, ►revised or superseded◄ in respect of a period commencing on or after that date and before 3rd October 1983, the rate of any disablement benefit payable to him shall be either—
 - (i) the rate which would be payable if an assessment were made in accordance with paragraph (2), or
 - (ii) the rate which was payable immediately before the first occasion on which such ►revision or supersession◄ took place,whichever is the more favourable to him.

Words substituted in reg. 34(7) by Sch. 8, para. 16 to S.I. 1999/1958 as from 4.7.99.

(8) Where in the case of a person to whom disablement benefit by reason of occupational deafness was payable in respect of a period before 3rd September 1979 the extent of his disability is reassessed and the period taken into account on reassessment begins on or after 3rd October 1983 and—

- (a) immediately before that date, by virtue of paragraph (7) the rate at which disablement benefit was payable to him was higher than the rate which would otherwise have been payable, or,
- (b) the reassessment is the first reassessment for a period commencing after 3rd September 1979,

the rate of disablement benefit payable to him shall be whichever of the rates specified in paragraph (9) is applicable.

(9) The rate of disablement benefit payable in the case of a person to whom paragraph (8) applies shall be—

- (a) if the current rate appropriate to the extent of his disability as reassessed is the same as or more than the rate at which disablement benefit was payable immediately before the beginning of the period taken into account on reassessment, the current rate, or
- (b) if the current rate is less than the rate at which disablement benefit was payable immediately before the beginning of the period taken into account on reassessment, the lower of the following rates—
 - (i) the rate at which benefit would have been payable if the reassessment of the extent of his disability had been made in accordance with paragraph (1), or
 - (ii) the rate at which benefit was payable immediately before the beginning of the period taken into account on reassessment.

Commencement date of period of assessment in respect of occupational deafness

35. Notwithstanding ►◄ Schedule 8, the period to be taken into account by an assessment of the extent of disablement in respect of occupational deafness shall not commence before 3rd February 1975.

Words deleted in reg. 35 by Sch. 8, para. 17 to S.I. 1999/1958 as from 4.7.99.

Time for claiming benefit in respect of occupational asthma

36.—(1) Subject to paragraphs (2) and (3), disablement benefit and sickness benefit payable by virtue of section 50A shall not be paid in pursuance of a claim in respect of occupational asthma which is made later than 10 years after the latest date, before the date of the claim, on which the claimant or, as the case may be, the person in respect of whom the claim is made worked ►in employed earner's employment◄ in an occupation prescribed in relation to occupational asthma.

Words inserted in reg. 36(1) and words substituted in reg. 36(2) by reg. 5(2) and 5(3) respectively of S.I. 2000/1588 as from 10.7.00.

(2) Paragraph (1) shall not apply to any claim made before 29th March 1983 by or in respect of a person who ceased on or after 29th March 1972 to ►work in employed earner's employment◄ in an occupation prescribed in relation to occupational asthma.

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(3) Paragraph (1) shall not apply to any claim made by or in respect of a person who has at any time been found to be suffering from asthma as a result of an industrial accident and by virtue of that finding has been awarded disablement benefit either for life or for a period which includes the date on which the aforesaid claim is made.

(4) Subject to paragraphs (5) and (6), industrial death benefit shall not be paid in pursuance of a claim in respect of occupational asthma where the person in respect of whose death the benefit is being claimed died more than 10 years after the latest day on which he worked ►in employed earner's employment◄ in an occupation prescribed in relation to occupational asthma.

Words inserted in reg. 36(4) & (5) by reg. 5(4) & (5) of S.I. 2000/1588 as from 10.7.00.

(5) Paragraph (4) shall not apply to any claim made in respect of the death of a person who dies before 29th March 1983 and who on or after 29th March 1972 had not worked ►in employed earner's employment◄ in an occupation prescribed in relation to occupational asthma.

(6) Paragraph (4) shall not apply to any claim made in respect of the death of a person who had at any time been found to be suffering either from asthma as a result of an industrial accident or from occupational asthma and by virtue of that finding had been awarded disablement benefit either for life or for a period which included the date of his death.

(7) Regulation 14 of the Claims and Payments Regulations (time for claiming benefit) shall not apply to a claim in respect of occupational asthma made before 29th March 1983.

SECTION B – MEDICAL EXAMINATIONS AND SUSPENSION

[Regulations 37 (initial examinations) and 38 (periodical examinations) revoked by reg. 5 of S.I. 1994/2343 as from 10.10.94.]

Suspension from employment

39. A certificate of suspension issued under the provisions of either regulation 43 or regulation 44 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959(a) (regulations revoked with effect from 27th November 1974 by regulation 7(1) of the National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1974(b)) and in force immediately before 27th November 1974 shall continue in force subject to and in accordance with the provisions of regulation 40 of these regulations.

Conditions of suspension

40.—(1) A certificate of suspension issued under the provisions of either regulation 43 or regulation 44 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959, and remaining in force by virtue of the last preceding regulation, shall suspend the person to whom it relates from further employment in any occupation in relation to which pneumoconiosis is prescribed, with such exceptions and subject to such conditions (if any) as may be specified in the certificate.

Words substituted in reg. 40(2) by Sch. 8, para. 18 to S.I. 1999/1958 as from 4.7.99.

(2) ►The Secretary of State◄ may at any time revoke or vary a certificate of suspension on the application of the person to whom it relates, but unless so revoked or varied such certificate shall remain in force throughout the life of such person.

(3) No person who has been suspended from employment may engage or continue in employment, and no employer may employ or continue to employ any such person, in any occupation in relation to which pneumoconiosis is prescribed, except in accordance with the terms of the certificate of suspension in his case.

[Regulations 41 (duties of employers) and 42 (fees for initial and periodical examination) revoked by reg. 5 of S.I. 1994/2343 as from 10.10.94.]

(a) S.I. 1959/467.

(b) S.I. 1974/1415.

PART VI

TRANSITIONAL PROVISIONS AND REVOCATION

Transitional provisions regarding relevant dates

43.—(1) Subject to paragraph (2) the “relevant date”, in relation to each disease set out in the first column of Schedule 4 hereto, is the date set against the disease in the second column of that Schedule.

(2) Where a disease set out in the first column of Schedule 4 hereto was prescribed in relation to any person by regulations which came into operation on a date earlier than the date set against that disease in the second column of that Schedule, the “relevant date” in relation to such disease is such earlier date on which the disease was prescribed in relation to the person in question.

(3) It shall be a condition of a person’s right to benefit in respect of any disease set out in Schedule 4 that he was—

- (a) incapable of work, or
- (b) suffering from a loss of faculty,

as a result of that disease on or after the relevant date.

(4) The “relevant date” in relation to byssinosis—

- (a) in the case of a person employed in an occupation involving work in any room in which the weaving of cotton or flax or any other process which takes place between, or at the same time as, the winding or beaming and weaving of cotton or flax is carried on in a factory in which any or all of those processes are carried on is 3rd October 1983;
- (b) in any other case, is 6th April 1979 except that where the disease was prescribed in relation to any person by regulations which came into operation on a date earlier than 6th April 1979 the relevant date is that earlier date.

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(5) Byssinosis is not prescribed in relation to any person if neither of the following conditions is satisfied, namely:—

- (a) that he was suffering from a loss of faculty as a result of byssinosis on or after the relevant date;
- (b) that he has been employed in employed earner's employment in any occupation mentioned in regulation 2(c) of the old regulation for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to 5 years.

(6) Notwithstanding that a person does not satisfy paragraph (3) infection by leptospira is prescribed in relation to any person if he is or has been either incapable of work or suffering from a loss of faculty as a result of infection by—

- (a) leptospira icterohaemorrhagiae in the case of a person employed in employed earner's employment before 7th January 1980 in any occupation involving work in places which are, or are liable to be, infested by rats, or
- (b) leptospira canicola in the case of a person so employed in any occupation involving work at dog kennels or the care or handling of dogs.

(7) A person who, immediately before the 3rd October 1983, was in receipt of benefit in respect of a disease or injury which was prescribed by virtue of the old regulations, or who makes a claim for benefit in respect of a prescribed disease after 2nd October 1983 where the date of onset of the disease or injury was before 3rd October 1983, shall be treated for the purpose only of determining whether the disease or injury is in relation to him a prescribed disease by virtue of the occupation in which he is or was engaged as if the old regulations were still in force and these regulations had not come into operation, if that would be more favourable to him.

Transitional provisions regarding dates of development and dates of onset

44. Where a claim for benefit has been made before 6th April 1983 or a date of onset is determined which is before 6th April 1983 or a claim for injury benefit is made after 5th April 1983 for a day falling or a period beginning before 6th April 1983, these regulations shall take effect subject to the provisions of Schedule 5.

Revocation

45. The regulations specified in Schedule 6 hereto are hereby revoked to the extent mentioned in the third column of that Schedule.

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

24th June 1985

Tony Newton
Minister of State,
Department of Health and Social Security

SCHEDULE 1

Regulations 2 and 4

PART I

LIST OF PRESCRIBED DISEASES AND THE OCCUPATIONS FOR WHICH THEY ARE
PRESCRIBED

<i>Prescribed disease or injury</i>	<i>Occupation</i>
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*Any occupation involving:***A. Conditions due to physical agents**

¹Words substituted and words omitted from Sch. 1 (Part I), entry A1 and A2 by reg. 6(2) and (3) of S.I. 2000/1588 as from 10.7.00.

▶¹A1. Leukaemia (other than chronic lymphatic leukaemia) or cancer of the bone, female breast, testis or thyroid.◀

▶¹Exposure 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.◀

A2 ▶¹◀ cataract.

▶¹Frequent or prolonged exposure to radiation from red-hot or white-hot material.◀

A3. Dysbarism, including decompression sickness, barotrauma and osteonecrosis.

Subjection to compressed or rarefied air or other respirable gases or gaseous mixtures.

²Entry for A4 substituted by reg. 2(2) of S.I. 2012/647 as from 30.3.12.

▶²A4. Task-specific focal dystonia of the hand or forearm.

Prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.◀

³Words omitted from Sch. 1 pt. 1, entries A5-A7 & A9 by regs. 2(3)-(6) of S.I. 2007/811 as from 6.4.07.

A5. Subcutaneous cellulitis of the hand ▶³◀.

Manual labour causing severe or prolonged friction or pressure on the hand.

A6. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee ▶³◀.

Manual labour causing severe or prolonged external friction or pressure at or about the knee.

A7. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow ▶³◀.

Manual labour causing severe or prolonged external friction or pressure at or about the elbow.

A8. Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths.

Manual labour, or frequent or repeated movements of the hand or wrist.

▶³◀

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>	
<p>►A.10. Sensorineural hearing loss amounting to at least 50 dB in each ear, being the average of hearing losses at 1, 2 and 3 kHz frequencies, and being due in the case of at least one ear to occupational noise (occupational deafness).◄</p>	<p>►Any occupation involving: The use of, or work wholly or mainly in the immediate vicinity of the use of, a -</p> <ul style="list-style-type: none"> (a) band saw, circular saw or cutting disc to cut metal in the metal founding or forging industries, circular saw to cut products in the manufacture of steel, powered (other than hand powered) grinding tool on metal (other than sheet metal or plate metal), pneumatic percussive tool on metal, pressurised air arc tool to gouge metal, burner or torch to cut or dress steel based products, skid transfer bank, knock out and shake out grid in a foundry, machine (other than a power press machine) to forge metal including a machine used to drop stamp metal by means of closed or open dies or drop hammers, machine to cut or shape or clean metal nails, or plasma spray gun to spray molten metal; (b) pneumatic percussive tool:- to drill rock in a quarry, on stone in a quarry works, underground, for mining coal, for sinking a shaft, or for tunnelling in civil engineering works; (c) vibrating metal moulding box in the concrete products industry, or circular saw to cut concrete masonry blocks; (d) machine in the manufacture of textiles for:- weaving man-made or natural fibres (including mineral fibres), high speed false twisting of fibres, or the mechanical cleaning of bobbins; (e) multi-cutter moulding machine on wood, planing machine on wood, automatic or semi-automatic lathe on wood, multiple cross-cut machine on wood, automatic shaping machine on wood, double-end tenoning machine on wood, vertical spindle moulding machine (including a high speed routing machine) on wood, edge banding machine on wood, bandsawing machine (with a blade width of not less than 75 millimetres) on wood, circular sawing machine on wood including one operated by moving the blade towards the material being cut, or chain saw on wood; 	<p>Description of prescribed disease A10 substituted by reg. 4(5) of S.I. 1989/1207 as from 16.10.89. Column 2 of Part 7, Sch. 1 was inserted by reg. 3 of S.I. 2003/2190 as from 22.9.03.</p>

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	<i>Any occupation involving:</i>
	(f) jet of water (or a mixture of water and abrasive material) at a pressure above 680 bar, or jet channelling process to burn stone in a quarry;
	(g) machine in a ship's engine room, or gas turbine for:- performance testing on a test bed, installation testing of a replacement engine in an aircraft, or acceptance testing of an Armed Service fixed wing combat aircraft;
	(h) machine in the manufacture of glass containers or hollow ware for:- automatic moulding, automatic blow moulding, or automatic glass pressing and forming;
	(i) spinning machine using compressed air to produce glass wool or mineral wool;
	(j) continuous glass toughening furnace;
	(k) firearm by a police firearms training officer; or
	(l) shot-blaster to carry abrasives in air for cleaning.◀
	<i>The text below is reproduced for the purposes of the transitional provisions in reg. 4 of S.I. 2003/2190 at page 4.4279.</i>
	▶(a) The use of powered (but not hand powered) grinding tools on ▶metal (other than sheet metal or plate metal)◀▶◀, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
	(b) the use of pneumatic percussive tools on metal, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
	(c) the use of pneumatic percussive tools for drilling rock in quarries or underground or in mining coal ▶or in sinking shafts or for tunnelling in civil engineering works◀, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
	▶(ca) the use of pneumatic percussive tools on stone in quarry works, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or◀
	(d) work wholly or mainly in the immediate vicinity of plant (excluding power press plant) engaged in the forging (including drop stamping) of metal by means of closed or open dies or drop hammers; or

Sub-paragraphs (a)-(e) substituted in column 2 by reg. 2(2) of S.I.

1987/2112 as from 4.1.88.

Words in sub-para. (a) in col. 2 substituted by reg. 4(2) of S.I. 1994/2343 as from 10.10.94 (subject to reg. 14A above on entitlement to reduced earnings allowance).

Words "in the metal producing industry" in sub-para. (a) in col. 2 deleted by reg. 5(4) of S.I. 1996/425 as from 24.3.96.

Words inserted into sub-para. (c) by reg. 4(3) of S.I. 1994/2343 as from 10.10.94 (subject to reg. 14A above on entitlement to reduced earnings allowance).

Sub-para. (ca) inserted by reg. 4(4) of S.I.

1994/2343 as from 10.10.94 (subject to reg. 14A above on entitlement to reduced earnings allowance).

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	<i>Any occupation involving:</i>
	(e) work in textile manufacturing where the work is undertaken wholly or mainly in rooms or sheds in which there are machines engaged in weaving man-made or natural (including mineral) fibres or in the high speed false twisting of fibres; or
	(f) the use of, or work wholly or mainly in the immediate vicinity of, machines engaged in cutting, shaping or cleaning metal nails; or
	(g) the use of, or work wholly or mainly in the immediate vicinity of, plasma spray guns engaged in the deposition of metal; or
	(h) the use of, or work wholly or mainly in the immediate vicinity of, any of the following machines engaged in the working of wood or material composed partly of wood, that is to say: multi-cutter moulding machines, planing machines, automatic or semi-automatic lathes, multiple cross-cut machines, automatic shaping machines, double-end tenoning machines, vertical spindle moulding machines (including high speed routing machines), edge banding machines, bandsawing machines with a blade width of not less than 75 millimetres and circular sawing machines in the operation of which the blade is moved towards the material being cut;
or	(i) the use of chain saws in forestry ¹ ; or
	(j) air arc gouging or work wholly or mainly in the immediate vicinity of air arc gouging; or
	(k) the use of band saws, circular saws or cutting discs for cutting metal in the metal founding or forging industries, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
	(l) the use of circular saws for cutting products in the manufacture of steel, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
	(m) the use of burners or torches for cutting or dressing steel based products, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
	(n) work wholly or mainly in the immediate vicinity of skid transfer banks; or
	(o) work wholly or mainly in the immediate vicinity of knock out and shake out grids in foundries; or

¹Word "or" inserted into sub-para. (i), and sub- paras. (j) to (w) added, by reg. 4(5) of S.I. 1994/2343 as from 10.10.94 (subject to reg. 14A above on entitlement to reduced earnings allowance).

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	<i>Any occupation involving:</i>
	(p) mechanical bobbin cleaning or work wholly or mainly in the immediate vicinity of mechanical bobbin cleaning; or
	(q) the use of, or work wholly or mainly in the immediate vicinity of, vibrating metal moulding boxes in the concrete products industry; or
	(r) the use of, or work wholly or mainly in the immediate vicinity of, high pressure jets of water or a mixture of water and abrasive material in the water jetting industry (including work under water); or
	(s) work in ships' engine rooms; or
	(t) the use of circular saws for cutting concrete masonry blocks during manufacture, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
	(u) burning stone in quarries by jet channelling processes, or work wholly or mainly in the immediate vicinity of such processes; or
	(v) work on gas turbines in connection with—
	(i) performance testing on test bed;
	(ii) installation testing of replacement engines in aircraft;
	(iii) acceptance testing of Armed Service fixed wing combat planes; or
	(w) the use of, or work wholly or mainly in the immediate vicinity of—
	(i) machines for automatic moulding, automatic blow moulding or automatic glass pressing and forming machines used in the manufacture of glass containers or hollow ware;
	(ii) spinning machines using compressed air to produce glass wool or mineral wool;
	(iii) continuous glass toughening furnaces.◀
	(a) The use of hand-held chain saws ▶ ¹ on wood◀; or
	(b) the use of hand-held rotary tools in grinding or in the sanding or polishing of metal, or the holding of material being ground, or metal being sanded or polished, by rotary tools; or
	(c) the use of hand-held percussive metal-working tools, or the holding of metal being worked upon by percussive tools, in
¹ First col. entry for prescribed diseases A.11 words in sub-para(a) substituted by reg. 2(2) & (3) of S.I. 2007/1753 as from 1.10.07.	▶ ¹ A11. (a) Intense blanching of the skin, with a sharp demarcation line between affected and non-affected skin where the blanching is cold-induced, episodic, occurs throughout the year and affects the skin of the distal with the middle and proximal phalanges, or distal with the middle phalanx (or in the case of a thumb the distal with the proximal phalanx), of—

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	<i>Any occupation involving:</i>
(i) in the case of a person with 5 fingers (including thumb) on one hand, any 3 of those fingers, or	riveting, caulking, chipping, hammering, fettling or swaging; or
(ii) in the case of a person with only 4 such fingers, any 2 of those fingers, or	(d) the use of hand-held powered percussive drills or hand-held powered percussive hammers in mining, quarrying, demolition, or on roads or footpaths, including road construction; or
(iii) in the case of a person with less than 4 such fingers, any one of them or, as the case may be, the one remaining finger,	(e) the holding of material being worked upon by pounding machines in shoe manufacture.

where none of the person's fingers was subject to any degree of cold-induced, episodic blanching of the skin prior to the person's employment in an occupation described in the second column in relation to this paragraph, or

(b) significant, demonstrable reduction in both sensory perception and manipulative dexterity with continuous numbness or continuous tingling all present at the same time in the distal phalanx of any finger (including thumb) where none of the person's fingers was subject to any degree of reduction in sensory perception, manipulative dexterity, numbness or tingling prior to the person's employment in an occupation described in the second column in relation to this paragraph,

where the symptoms in paragraph (a) or paragraph (b) were caused by vibration◀.

▶¹A12. Carpal tunnel syndrome.

- ▶²(a) The use, at the time the symptoms first develop, of hand-held powered tools whose internal parts vibrate so as to transmit that vibration to the hand, but excluding those tools which are solely powered by hand; or
- (b) repeated palmar flexion and dorsiflexion of the wrist for at least 20 hours per week for a period or periods amounting in aggregate to at least 12 months in the 24 months prior to the onset of symptoms, where "repeated" means once or more often in every 30 seconds.◀◀

¹Entry for prescribed disease A12 substituted by reg. 5(5) of S.I. 1996/425 as from 24.3.96, subj. to transl. saving in reg. 7 ibid.
²Col. 2 of entry for prescribed disease A12 substituted by reg. 2(7) of S.I. 2007/811 as from 6.4.07.

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
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Entry for prescribed disease A12 in force before 24.3.96 is reproduced as follows:—

A12. Carpal tunnel syndrome.

The use of hand-held vibrating tools.

¹Entry for prescribed disease A13 inserted by reg. 3(2) of S.I. 2005/324 as from 14.3.05.

▶¹A13. Osteoarthritis of the hip

Work in agriculture as a farmer or farm worker for a period of, or periods which amount in aggregate to, 10 years or more.◀

²Entry for prescribed disease A14 inserted by reg. 2 of S.I. 2009/1396 as from 16.7.09.

▶²A14. Osteoarthritis of the knee

Work underground in a coal mine for a period of, or periods which amount in aggregate to, at least 10 years in any one or more of the following occupations:

(a) before 1st January 1986 as a coal miner; or

(b) on or after 1st January 1986 as a—

(i) face worker working on a non-mechanised coal face;

(ii) development worker;

(iii) face-salvage worker;

(iv) conveyor belt cleaner; or

(v) conveyor belt attendant.

“A non-mechanised coal face” means a coal face without either powered roof supports or a power loader machine which simultaneously cuts and loads the coal or without both.◀

▶³Work wholly or mainly fitting or laying carpets or floors (other than concrete floors) for a period of, or periods which amount in aggregate to, 20 years or more.◀

³Entry for prescribed disease A14 inserted by reg. 2(3) of S.I. 2012/647 as from 30.3.12.

PART I (*cont.*)

Prescribed disease or injury

Occupation

Any occupation involving:

B. Conditions due to biological agents

▶¹B1. Anthrax.

- (a) Contact with anthrax spores, including contact with animals infected by anthrax; or
- (b) handling, loading, unloading or transport of animals of a type susceptible to infection with anthrax or of the products or residues of such animals.◀

¹Entry for prescribed disease B1 substituted by reg. 3(3) of S.I. 2005/324 as from 14.3.05.

B2. Glanders.

Contact with equine animals or their carcasses.

B3. Infection by leptospira.

- (a) Work in places which are, or are liable to be, infested by rats, field mice or voles, or other small mammals; or
- (b) work at dog kennels or the care or handling of dogs; or
- (c) contact with bovine animals or their meat products or pigs or their meat products.

▶²B4. Ankylostomiasis.

Contact with a source of ankylostomiasis

²Entry for prescribed disease B4 substituted by reg. 3(4) of S.I. 2005/324 as from 14.3.05.

B5. Tuberculosis.

Contact with a source of tuberculous infection.

B6. Extrinsic allergic alveolitis (including farmer's lung).

Exposure to moulds or fungal spores or heterologous proteins by reason of employment in:-

- (a) agriculture, horticulture, forestry, cultivation of edible fungi or malt-working; or
- (b) loading or unloading or handling in storage mouldy vegetable matter or edible fungi; or
- (c) caring for or handling birds; or
- (d) handling bagasse ▶³or
- (e) work involving exposure to metal working fluid mists.◀

³Words inserted in entry for prescribed disease B6 by reg. 2(8) of S.I. 2007/811 as from 6.4.07.

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	<i>Any occupation involving:</i>
B7. Infection by organisms of the genus brucella.	Contact with— (a) animals infected by brucella, or their carcasses or parts thereof, or their untreated products; or (b) laboratory specimens or vaccines of, or containing brucella.
¹ Entry for prescribed disease B8 substituted by reg. 3(5) of S.I. 2005/324 as from 14.3.05.	▶ ¹ B8A. Infection by hepatitis A virus. Contact with raw sewage.
	B8B. Infection by hepatitis B or C virus. Contact with (a) human blood or human blood products; or (b) any other source of hepatitis B or C virus.◀
	B9. Infection by <i>Streptococcus suis</i> . Contact with pigs infected by <i>Streptococcus suis</i> , or with the carcasses, products or residues of pigs so infected.
² Prescribed diseases B10 and B11 added by reg. 6(1) of S.I. 1989/1207 as from 9.8.89.	▶ ² B10. (a) Avian chlamydiosis. Contact with birds infected with chlamydia psittaci, or with the remains or untreated products of such birds.
	B10. (b) Ovine chlamydiosis. Contact with sheep infected with chlamydia psittaci, or with the remains or untreated products of such sheep.
	B11. Q fever. Contact with animals, their remains or their untreated products.◀
³ Prescribed diseases B12 and B13 added by reg. 2(1) of S.I. 1991/1938 as from 26.9.91.	▶ ³ B12. Orf. Contact with sheep, goats or with the carcasses of sheep or goats.
	B13. Hydatidosis. Contact with dogs.◀
⁴ Prescribed diseases B14 and B15 added by reg. 3(6) of S.I. 2005/324 as from 14.3.05.	▶ ⁴ B14. Lyme disease. Exposure to deer or other mammals of a type liable to harbour ticks harbouring <i>Borrelia</i> bacteria.
	B15. Anaphylaxis. Employment as a healthcare worker having contact with products made with natural rubber latex.◀

PART I (cont.)

Prescribed disease or injury

Occupation

Any occupation involving:

C. Conditions due to chemical agents

- ▶¹C1. (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.◀

¹Entry in Col. 1 of C1 substituted by reg. 5(3) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I., page 4.4277.)

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
<p>¹Col. 1 of entry C2 substituted and entries for C4, C5, C6, C7 & C12 substituted by reg. 5(4)-(9) of S.I. 2003/270 and from 17.3.03. (See also transitional provision at reg. 6 of this S.I., page 4.4277.)</p> <p>²Entry for C3 substituted by reg. 2(4) of S.I. 2012/647 as from 30.3.12.</p>	<p><i>Any occupation involving:</i></p> <p>The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.</p> <p>Work involving the use or handling of, or exposure to, white phosphorus.</p> <p>Work involving the use or handling of, or exposure to, organic compounds of phosphorus.</p>
<p>▶¹C2. Central nervous system toxicity characterised by parkinsonism.◀</p> <p>▶²C3. (a) Phossy Jaw.</p> <p>C3. (b) Peripheral polyneuropathy or peripheral polyneuropathy with pyramidal involvement of the central nervous system, caused by organic compounds of phosphorus which inhibit the enzyme neuropathy target esterase.◀</p> <p>▶¹C4. Primary carcinoma of the bronchus or lung.</p> <p>C5A. Central nervous system toxicity characterised by tremor and neuropsychiatric disease.</p> <p>C5B. Central nervous system toxicity characterised by combined cerebellar and cortical degeneration.</p> <p>C6. Peripheral neuropathy.</p> <p>C7. Acute non-lymphatic leukaemia.</p> <p>C8. ▶³◀</p> <p>C9. ▶³◀</p> <p>C10. ▶³◀</p> <p>C11. ▶³◀</p> <p>▶¹C12. (a) Peripheral neuropathy; (b) central nervous system toxicity.</p>	<p>Exposure to the fumes, dust or vapour of arsenic, a compound of arsenic or a substance containing arsenic.</p> <p>Exposure to mercury or inorganic compounds of mercury for a period of, or periods which amount in aggregate to, 10 years or more.</p> <p>Exposure to methylmercury.</p> <p>The use or handling of, or exposure to, carbon disulphide (also called carbon disulfide).</p> <p>Exposure to benzene.◀</p> <p>Exposure to methyl bromide (also called bromomethane).◀</p>
<p>³Entries for C8, C9, C10 & C11 omitted by reg. 5(2) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I., page 4.4277.)</p>	

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>	
	<i>Any occupation involving:</i>	
►C13. Cirrhosis of the liver.	Exposure to chlorinated naphthalenes.◀	(a) Entries for C13, C16, C17, C18, C19, C21 & C22 substituted and entry in Col. 2 of C.20 substituted by reg. 5(10)-(17) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I., page 4.4277.)
C14. ▶◀		
C15. ▶◀		
►C16. (a) Neurotoxicity; (b) cardiotoxicity.	Exposure to the dust of gonium kamassi.	
C17. Chronic beryllium disease.	Inhalation of beryllium or a beryllium compound	
C18. Emphysema.	Inhalation of cadmium fumes for a period of, or periods which amount in aggregate to, 20 years or more.	Entries for C14 & C15 omitted by reg. 5(2) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I., page 4.4277.)
C19. (a) Peripheral neuropathy; (b) central nervous system toxicity.	Exposure to acrylamide.◀	See note (a) above.
C20. Dystrophy of the cornea	►Exposure to quinone or hydroquinone.◀	
►C21. Primary carcinoma of the skin.	Exposure to arsenic or arsenic compounds, tar, pitch, bitumen, mineral oil (including paraffin) or soot.	
C22. (a) Primary carcinoma of the mucous membrane of the nose or paranasal sinuses; (b) primary carcinoma of the bronchus or lung.	Work before 1950 in the refining of nickel involving exposure to oxides, sulphides or water-soluble compounds of nickel.◀	

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
<p>Entry C23 substituted by reg. 5(18) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I., page 4.4277.)</p>	<p style="text-align: center;"><i>Any occupation involving:</i></p> <p>(a) The manufacture of 1-naphthylamine, 2-naphthylamine, benzidine, auramine, magenta or 4-aminobiphenyl (also called biphenyl-4-ylamine);</p> <p>(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;</p> <p>(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;</p> <p>(d) exposure to orthotoluidine, 4-chloro-2-methylaniline or salts of those compounds; or</p> <p>(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 <i>in situ</i>). ◀</p>

(a) Entries for C24, C25, C26, C27 & C29 substituted by reg. 5(19)-(23) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I., page 4.4277.)

C24 is reproduced below as it was before the amendment indicated in Reg. 3(2) of S.I. 2006/586. See reg. 4 at page 4.4283 for when to apply this version.

EC24. (a) Angiosarcoma of the liver; or

Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride.

(b) acro-osteolysis characterised by

(i) lytic destruction of the terminal phalanges

(ii) in Raynaud's phenomenon, the exaggerated vasomotor response to cold causing intense blanching of the digits, and

(iii) sclerodermatous thickening of the skin;

(c) liver fibrosis.

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>	
	<i>Any occupation involving:</i>	
▶ ¹ C24. (a) Angiosarcoma of the liver; or	Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride.	¹ Entry C24 substituted by reg. 3(2) of S.I. 2006/586 as from 6.4.06.
(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.◀	
C25. Vitiligo.	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-amylphenol (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).	
C26. (a) Liver toxicity; (b) kidney toxicity.	The use or handling of, or exposure to, carbon tetrachloride (also called tetrachloromethane).	
C27. Liver toxicity.	The use or handling of, or exposure to, trichloromethane (also called chloroform).◀	
C28. ▶ ² ◀		² Entry C28 omitted by reg. 5(2) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I. page 4.4277.)
▶ ³ C29. Peripheral neuropathy.	The use or handling of, or exposure to, n-hexane or n-butyl methyl ketone.◀	³ Entries for C29 substituted by reg. 5(23) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I., page 4.4277.)
▶ ⁴ C30. (a) Dermatitis; (b) ulceration of the mucous membrane or the epidermis.	The use or handling of, or exposure to, chromic acid, chromates or dichromates.◀	⁴ Entry for C30 substituted by reg. 5(24) of S.I. 2003/270 as from 17.3.03. (See also transitional provision at reg. 6 of this S.I. page 4.4277.)

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
<p>¹Entries for C31 & C32 inserted by reg. 2 of S.I. 2011/1497 as from 18.7.11.</p> <p>►¹C31. Bronchiolitis obliterans</p> <p>C32. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).</p> <p>D. Miscellaneous Conditions</p> <p>D1. Pneumoconiosis.</p> <p>D2. Byssinosis.</p> <p>²Entry in col.2 for disease D3 substituted by reg. 6(2) of S.I. 1997/810 as from 9.4.97.</p> <p>³Entry for disease D4 substituted by reg. 5(7) of S.I. 1996/425 as from 24.3.96, subj. to transl. saving in reg. 7 <i>ibid.</i></p>	<p><i>Any occupation involving:</i></p> <p>The use or handling of, or exposure to, diacetyl (also called butanedione or 2,3-butanedione) in the manufacture of—</p> <p>(a) diacetyl; or</p> <p>(b) food flavouring containing diacetyl; or</p> <p>(c) food to which food flavouring containing diacetyl is added.</p> <p>(a) The manufacture of inorganic chromatis; or</p> <p>(b) work in hexavalent chrome plating. ◀</p> <p><i>Any occupation—</i></p> <p>(a) set out in Part II of this Schedule;</p> <p>(b) specified in regulation 2(b)(ii).</p> <p><i>Any occupation involving—</i></p> <p>Work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax, or the weaving of cotton or flax, is carried on.</p> <p>►²Exposure to asbestos, asbestos dust or any admixture of asbestos at a level above that commonly found in the environment at large. ◀</p> <p>Exposure to any of the agents set out in column 1 of this paragraph.</p> <p>►³D4. Allergic rhinitis which is due to exposure to any of the following agents—</p> <p>(a) isocyanates;</p> <p>(b) platinum salts;</p> <p>(c) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic</p>

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
	<i>Any occupation involving:</i>
	anhydride, tetra-chlorophthalic anhydride, trimellitic anhydride or triethylenetetramine;
(d)	fumes arising from the use of rosin as a soldering flux;
(e)	proteolytic enzymes;
(f)	animals including insects and other arthropods used for the purposes of research or education or in laboratories;
(g)	dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom;
(h)	antibiotics;
(i)	cimetidine;
(j)	wood dust;
(k)	ispaghula;
(l)	castor bean dust;
(m)	ipecacuanha;
(n)	azodicarbonamide;
(o)	animals including insects and other arthropods or their larval forms, used for the purposes of pest control or fruit cultivation, or the larval forms of animals used for the purposes of research or education or in laboratories;
(p)	glutaraldehyde;
(q)	persulphate salts or henna;
(r)	crustaceans or fish or products arising from these in the food processing industry;
(s)	reactive dyes;
(t)	soya bean;
(u)	tea dust;
(v)	green coffee bean dust;
(w)	fumes from stainless steel welding.
►(x)	products made with natural rubber latex.◄

Entry (x) added to prescribed disease D4 by reg. 3(7) of S.I. 2005/324 as from 14.3.05.

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
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Any occupation involving:

Entry for prescribed disease D4 in force before 24.3.96 is reproduced as follows:-

Words "including chrome ulceration of the skin but" in disease D5, col. 1, deleted and words inserted in D5 col. 2 by reg. 5(8) of S.I. 1996/425 as from 24.3.96, subj. to transl. saving in reg. 7 *ibid.*

D4. Inflammation or ulceration of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour.	Exposure to dust, liquid or vapour.
D5. Non-infective dermatitis of external origin (▶◀ excluding dermatitis due to ionising particles or electro-magnetic radiations other than radiant heat).	Exposure to dust, liquid or vapour or any other external agent ▶except chromic acid, chromates or bi-chromates,◀ capable of irritating the skin (including friction or heat but excluding ionising particles or electro-magnetic radiations other than radiant heat).
D6. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).	(a) Attendance for work in or about a building where wooden goods are manufactured or repaired; or (b) attendance for work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibre board; or (c) attendance for work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board.
D7. Asthma which is due to exposure to any of the following agents:- (a) isocyanates; (b) platinum salts; (c) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylenetetramine; (d) fumes arising from the use of rosin as a soldering flux; (e) proteolytic enzymes; ▶(f) animals including insects and other arthropods used for the purposes of research or education or in laboratories◀;	Exposure to any of the agents set out in column 1 of this paragraph.

Sub-para. (f) in col. 1 of para. D7 substituted by reg. 2(2)(a) of S.I. 1986/1374 as from 1.9.86.

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
<p>(g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom;</p> <p>▶¹(h) antibiotics;</p> <p>(i) cimetidine;</p> <p>(j) wood dust;</p> <p>(k) ispaghula;</p> <p>(l) castor bean dust;</p> <p>(m) ipecacuanha;</p> <p>(n) azodicarbonamide◀;</p> <p>▶²(o) animals including insects and other arthropods or their larval forms, used for the purposes of pest control or fruit cultivation, or the larval forms of animals used for the purposes of research, education or in laboratories;</p> <p>(p) glutaraldehyde;</p> <p>(q) persulphate salts or henna;</p> <p>(r) crustaceans or fish or products arising from these in the food processing industry;</p> <p>(s) reactive dyes;</p> <p>(t) soya bean;</p> <p>(u) tea dust;</p> <p>(v) green coffee bean dust;</p> <p>(w) fumes from stainless steel welding;</p> <p>▶³(wa) products made with natural rubber latex;◀</p> <p>(x) any other sensitising agent.◀</p> <p>(occupational asthma).</p> <p>▶⁴D8. Primary carcinoma of the lung where there is accompanying evidence of asbestosis.</p>	<p>¹Sub-paras. (h) to (n) inserted into col. 1 of para. D7 by reg. 2(2)(b) of S.I. 1986/1374 as from 1.9.86.</p> <p>²Sub-paras. (o) to (x) inserted into col. 1 of para. D7 by reg. 2(2) of S.I. 1991/1938 as from 26.9.91.</p> <p>³Entry (wa) added to prescribed disease D7 by reg. 3(8) of S.I. 2005/324 as from 14.3.05.</p> <p>⁴Entry D8 substituted by reg. 3(3) of S.I. 2006/586 as from 6.4.06.</p> <p>(a) The working or handling of asbestos or any admixture of asbestos; or</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or</p> <p>(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</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>

PART I (cont.)

<i>Prescribed disease or injury</i>	<i>Occupation</i>
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, five years or more, or otherwise, for a period of, or periods which amount in aggregate to, ten years or more.

D9 is reproduced below as it was before the amendment indicated in Reg. 3(4) of S.I. 2006/586. See Reg. 4 at page 4.4283 for when to apply this version.

►¹D9. Unilateral or bilateral diffuse pleural thickening extending to a thickness of 5mm or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging) which—

(i) in the case of unilateral diffuse pleural thickening, covers 50% or more of the area of the chest wall of the lung affected; or

(ii) in the case of bilateral diffuse pleural thickening, covers 25% or more of the combined area of the chest wall of both lungs.◄

¹Entry in col. 1 for disease D9 substituted by reg. 3(4) of S.I. 2006/586 as from 6.4.06.

►¹D9. Unilateral or bilateral diffuse pleural thickening with obliteration of the costophrenic angle.◄

- (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 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.

²Para. D10 added by reg. 2(1) of, and Sch. to, S.I. 1987/335 for benefit from, or for deaths occurring on or after, 1.4.87 (reg. 3 *ibid.*).

►²D10. ►³Primary carcinoma of the lung.

- (a) Work underground in a tin mine; or
- (b) exposure to bis(chloromethyl) ether produced during the manufacture of chloromethyl methyl ether; or
- (c) exposure to zinc chromate calcium chromate or strontium chromate in their pure forms◄►⁴; or
- (d) employment wholly or mainly as a coke oven worker;

³Description of disease D10 substituted by reg. 6(4) of S.I. 1993/862 as from 19.4.93.

⁴Para. D10(d) added by reg. 2(2) of S.I. 2012/1634 as from 1.8.12.

PART I (cont.)

Prescribed disease or injury

Occupation

- (i) for a period of, or periods which amount in aggregate to, 15 years or more; or
- (ii) in top oven work, for a period of, or periods which amount in aggregate to, 5 years or more; or
- (iii) in a combination of top oven work and other coke oven work for a total aggregate period of 15 years or more where one year working in top oven work is treated as equivalent to 3 years in other coke oven work.◀

▶¹D11. Primary carcinoma of the lung where there is accompanying evidence of silicosis.

Exposure to silica dust in the course of—

¹Para. D11 added by reg. 6(5) of S.I. 1993/862 as from 19.4.93.

- (a) the manufacture of glass or pottery;
- (b) tunnelling in or quarrying sandstone or granite;
- (c) mining metal ores;
- (d) slate quarrying or the manufacture of artefacts from slate;
- (e) mining clay;
- (f) using siliceous materials as abrasives;
- (g) cutting stone;
- (h) stonemasonry; or
- (i) work in a foundry.◀

Any occupation involving:

▶²D12. Except in the circumstances specified in regulation 2(d).

- (a) chronic bronchitis; or
- (b) emphysema; or
- (c) both,

where there is ▶³◀ evidence of a forced expiratory volume in one second (measured from the position of maximum inspiration with the claimant making maximum effort) which is—◀

- ▶⁴(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—

▶³Exposure to coal dust (whether before or after 5th July 1948) by reason of working—

- (a) underground in a coal mine for a period or periods amounting in aggregate to at least 20 years;
- (b) on the surface of a coal mine as a screen worker for a period or periods amounting in aggregate to at least 40 years before 1st January 1983; or
- (c) both underground in a

²Entry for disease D12 substituted by reg. 6(5) of S.I. 1997/810 as from 9.4.97.

³Word in first col. and para. in second col. omitted and substituted by reg. 2(2) & (3) of S.I. 2008/1552 as from 21.7.08.

⁴Para. (i) of Sch. 1 (Part I) D12 substituted by reg. 6(4) of S.I. 2000/1588 as from 10.7.00.

*Prescribed disease or injury**Occupation*

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◀
(ii) less than one litre.

coal mine, and on the surface as a screen worker before 1st January 1983, where 2 years working as a surface screen worker is equivalent to 1 year working underground, amounting in aggregate to at least the equivalent of 20 years underground.

Any such period or periods shall include a period or periods of incapacity while engaged in such an occupation.◀

¹Para. D13 added by reg. 2(2) of S.I. 2008/14 as from 7.4.08.

▶¹D13. Primary carcinoma of the nasopharynx.

Exposure to wood dust in the course of the processing of wood or the manufacture or repair of wood products, for a period or periods which amount in aggregate to at least 10 years.◀

PART II

Regulations 2, 4, 38 and 40

OCCUPATIONS FOR WHICH PNEUMOCONIOSIS IS PRESCRIBED

1. Any occupation involving—
 - (a) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);
 - (b) the handling of any of the materials specified in the foregoing subparagraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.
2. Any occupation involving the breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint, or substantial exposure to the dust arising from any such operations.
3. Any occupation involving sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from sand and blasting.
4. Any occupation involving work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations:—
 - (a) the freeing of steel castings from adherent siliceous substance;
 - (b) the freeing of metal castings from adherent siliceous substance—
 - (i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel, or
 - (ii) by the use of power-driven tools.

5. Any occupation in or incidental to the manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom.

6. Any occupation involving the grinding of mineral graphite, or substantial exposure to the dust arising from such grinding.

7. Any occupation involving the dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.

8. Any occupation involving the use, or preparation for use, of a grindstone, or substantial exposure to the dust arising therefrom.

9. Any occupation involving—

- (a) the working or handling of asbestos or any admixture of asbestos;
- (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;
- (c) the cleaning of any machinery or plant used in any foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;
- (d) substantial exposure to the dust arising from any of the foregoing operations.

10. Any occupation involving—

- (a) work underground in any mine in which one of the objects of the mining operations is the getting of any mineral;
- (b) the working or handling above ground at any coal or tin mine of any minerals extracted therefrom, or any operation incidental thereto;
- (c) the trimming of coal in any ship, barge, or lighter, or in any dock or harbour or at any wharf or quay;
- (d) the sawing, splitting or dressing of slate, or any operation incidental thereto.

11. Any occupation in or incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom.

12. Any occupation involving boiler scaling or substantial exposure to the dust arising therefrom.

SCHEDULE 2

Regulation 11

MODIFICATIONS OF CHAPTERS IV AND VI OF PART II OF THE
ACT IN THEIR APPLICATION TO BENEFIT AND CLAIMS TO WHICH
THESE REGULATIONS APPLY

In Chapters IV and VI of Part II of the Act references to accidents shall be construed as references to prescribed diseases and references to the relevant accident shall be construed as references to the relevant disease and references to the date of the relevant accident shall be construed as references to the date of onset of the relevant disease.

SCHEDULE 3

Regulation 34

ASSESSMENT OF THE EXTENT OF OCCUPATIONAL DEAFNESS

PART I

CLAIMS TO WHICH REGULATION 34(1) APPLIES

<i>▶Average of hearing losses (dB) due to all causes at 1, 2 and 3 kHz frequencies◀</i>	<i>Degree of disablement per cent</i>
50–52 dB	20
53–57 dB	30
58–62 dB	40
63–67 dB	50
68–72 dB	60
73–77 dB	70
78–82 dB	80
83–87 dB	90
88 dB or more	100

Heading of col. (1) for Pt. I and II of Sch. 3 substituted by reg. 4(6) of S.I. 1989/1207 as from 16.10.89.

PART II

CLAIMS TO WHICH REGULATION 34(2) APPLIES

<i>▶Average of hearing losses (dB) due to all causes at 1, 2 and 3 kHz frequencies◀</i>	<i>Degree of disablement per cent</i>
50–53 dB	20
54–60 dB	30
61–66 dB	40
67–72 dB	50
73–79 dB	60
80–86 dB	70
87–95 dB	80
96–105 dB	90
106 dB or more	100

PART III

FORMULA FOR CALCULATING BINAURAL DISABLEMENT

$$\frac{\text{(Degree of disablement of better ear x 4)} + \text{Degree of disablement of worse ear}}{5}$$

SCHEDULE 4

Regulation 43

PRESCRIBED DISEASES AND RELEVANT DATES OF THE
PURPOSES OF REGULATION 43

<i>Description of disease or injury</i>	<i>Relevant date</i>
A3. Dysbarism, including decompression sickness, barotrauma and osteonecrosis.	Except in the case of a person suffering from decompression sickness employed in any occupation involving subjection to compressed or rarefied air, 3rd October 1983.
A11. Episodic blanching, occurring throughout the year, affecting the middle or proximal phalanges or in the case of a thumb the proximal phalanx, of—	1st April 1985.
(a) in the case of a person with 5 fingers (including thumb) one hand, any 3 of those fingers, or	
(b) in the case of a person with only 4 such fingers, any 2 of those fingers, or	
(c) in the case of a person with less than 4 such fingers, any one of those fingers or, as the case may be, the one remaining finger (vibration white finger).	
B1. Anthrax.	In the case of a person employed in any occupation involving the loading and unloading or transport of animal products or residues, 3rd October 1983.
B3. Infection by leptospira.	(a) In the case of a person employed in an occupation in places which are or are liable to be infested by small mammals other than rats, field mice or voles, 3rd October 1983; (b) in the case of a person employed in an occupation in any other place mentioned in the second column of paragraph B3 of Part I of Schedule 1 above, 7th January 1980.
B5. Tuberculosis.	In the case of a person employed in an occupation involving contact with a source of tuberculosis infection, not being an employment set out in the second column of paragraph 38 of Part I of Schedule 1 to the old regulations, 3rd October 1983.

PRESCRIBED DISEASES AND RELEVANT DATES OF THE
PURPOSES OF REGULATION 43 (cont.)

<i>Description of disease or injury</i>	<i>Relevant date</i>	
B6. Extrinsic allergic alveolitis (including farmer's lung).	In the case of a person suffering from extrinsic allergic alveolitis, not being farmer's lung, employed in any occupation set out in the second column of paragraph B6 of Part I of Schedule 1 above, or in the case of a person suffering from farmer's lung, employed in any occupation involving exposure to moulds or fungal spores or heterologous proteins by reason of employment in cultivation of edible fungi or maltworking, or loading or unloading or handling in storage edible fungi or caring for or handling birds, 3rd October 1983.	
B7. Infection by organisms of the genus brucella.	In the case of a person suffering from infection by organisms of the genus brucella, not being infection by <i>Brucella abortus</i> , or employed in an occupation set out in the second column of paragraph B7 of Part I of Schedule 1 above, not being an occupation set out in the second column of paragraph 46 of Part I of Schedule 1 to the old regulations, 3rd October 1983.	
B8. Viral hepatitis.	In the case of a person employed in any occupation involving contact with human blood or human blood products, or contact with a source of viral hepatitis, 3rd December 1984.	
B9. Infection by <i>Streptococcus suis</i> .	3rd October 1983.	
►B10. (a) Avian chlamydiosis	9th August 1989.	Text relating to prescribed diseases B10 and B11 inserted by reg. 6(2) of S.I. 1989/1207 as from 9.8.89.
B10. (b) Ovine chlamydiosis	9th August 1989.	
B11. Q fever	9th August 1989.◀	

PRESCRIBED DISEASES AND RELEVANT DATES OF THE
PURPOSES OF REGULATION 43 (cont.)

Description of disease or injury	Relevant date
C3. Poisoning by phosphorus or an inorganic compound of phosphorus or poisoning due to the anti-cholinesterase or pseudo anti-cholinesterase action of organic phosphorus compounds.	In the case of a person suffering from poisoning by an inorganic compound of phosphorus or poisoning due to the pseudo anti-cholinesterase action or organic phosphorus compounds, 3rd October 1983.
C18. Poisoning by cadmium.	In the case of a person employed in an occupation involving exposure to cadmium dust, 3rd October 1983.
C23. Primary neoplasm (including papilloma, carcinoma-in-situ and invasive carcinoma) of the epithelial lining of the urinary tract (renal pelvis, ureter, bladder and urethra).	In the case of a person employed in an occupation involving work in a building in which methylene-bis-ortho-chloroaniline is produced for commercial purposes, 3rd October 1983.

PRESCRIBED DISEASES AND RELEVANT DATES OF THE PURPOSES OF REGULATION 43 (cont.)

Description of disease or injury	Relevant date	
C24. (a) Angiosarcoma of the liver; (b) osteolysis of the terminal phalanges of the fingers; (c) non-cirrhotic portal fibrosis.	(a) In the case of a person suffering from angiosarcoma of the liver or osteolysis of the terminal phalanges of the fingers, 21st March 1977; (b) in the case of a person suffering from non-cirrhotic portal fibrosis, 3rd October 1983.	
C25. Occupational vitiligo.	15th December 1980.	
▶C26. Damage to the liver or kidneys due to exposure to Carbon Tetrachloride.	4th January 1988	Paras. C26, C27, C28 and C29 inserted by reg. 3(3) of S.I. 1987/2112 as from 4.1.88.
C27. Damage to the liver or kidneys due to exposure to Trichloromethane (Chloroform).	4th January 1988	
C28. Central nervous system dysfunction and associated gastro-intestinal disorders due to exposure to Chloromethane (Methyl Chloride).	4th January 1988	
C29. Peripheral neuropathy due to exposure to n-hexane or methyl-n-butyl ketone.	4th January 1988◀	
D3. Diffuse mesothelioma.	In the case of a person suffering from primary neoplasm of the pericardium, 3rd October 1983.	
D6. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).	In the case of a person employed in an occupation involving attendance for work in or about a building where wooden goods (other than wooden furniture) are manufactured or where wooden goods are repaired, 3rd October 1983.	
D7. Occupational asthma.	▶(a) In the case of a person suffering from asthma due to exposure to any of the following agents:— (i) isocyanates; (ii) platinum salts; (iii) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylenetetramine;	Entry substituted by reg. 2(3) of S.I. 1986/1374 as from 1.9.86.

PRESCRIBED DISEASES AND RELEVANT DATES OF THE PURPOSES OF REGULATION 43 (*cont.*)

<i>Description of disease or injury</i>	<i>Relevant date</i>
	(iv) fumes arising from the use of rosin as a soldering flux;
	(v) proteolytic enzymes;
	(vi) animals or insects used for the purposes of research or education or in laboratories;
	(vii) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom, 29th March 1982;
	(b) In the case of a person suffering from asthma due to exposure to any of the following agents:—
	(i) animals including insects and other arthropods used for the purposes of research or education or in laboratories;
	(ii) antibiotics;
	(iii) cimetidine;
	(iv) wood dust;
	(v) ispaghula;
	(vi) castor bean dust;
	(vii) ipecacuanha;
	(viii) azodicarbonamide, 1st September 1986.F
D8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following—	1st April 1985.
(a) asbestosis;	
(b) bilateral diffuse pleural thickening.	
D9. Bilateral diffuse pleural thickening.	1st April 1985.
►D10. Lung cancer.	1st April 1987◄

Para. D10 added by reg. 2(3) of S.I. 1987/335 as from 1.4.87.

SCHEDULE 5

Regulation 44

TRANSITIONAL PROVISIONS REGARDING DATES OF
DEVELOPMENT AND DATES OF ONSET

1. In this Schedule the “date of development” has the meaning attributed to it by regulations 5, 6, 7 and 56 of the old regulations.

2. Where a claim for benefit has been made before 6th April 1983, a date of development shall be determined and regulation 16 of the old regulations shall apply as if the old regulations were still in force.

3. Where a claim for benefit is made after 5th April 1983 and a date for onset is determined which is before 6th April 1983, regulation 16 of the old regulations shall apply as if the old regulations were still in force.

4. Where in pursuance of a claim made before 6th April 1983 a date of development has been determined and an award of benefit has been made these regulations shall have effect in relation to that claim and any subsequent claim made by or on behalf of the same person in respect of the same disease (except where under regulation 7 the disease is treated as having been contracted afresh) as if references to the date of onset were references to that date of development.

5. Subject to paragraph 6, where a claim for injury benefit for a day falling or a period beginning before 6th April 1983 is made after 5th April 1983 and no date of development or date of onset which can be treated as such for the purposes of that claim has already been determined, for the purposes only of determining the date on which the injury benefit period (if any) is to begin, a date of development shall be determined, so however that if it is later than 5th April 1983 no injury benefit period shall begin and injury benefit shall not be payable.

6. There shall be no entitlement, in the following cases, to benefit for any day which is earlier than the date specified:—

(a) in the case of a person who is or has been suffering from

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|--------|--|-------------------------|
| (i) | viral hepatitis | : 2nd February 1976 |
| (ii) | angiosarcoma of the liver | : 21st March 1977 |
| (iii) | osteolysis of the terminal phalanages of the fingers | : 21st March 1977 |
| (iv) | carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma) | : 8th August 1979 |
| (v) | occupational vitiligo | : 15th December 1980 |
| ▶ (vi) | occupational asthma arising otherwise than as described at (vii) below | : 29th March 1982; |
| (vii) | occupational asthma which is due to exposure to antibiotics, cimetidine, wood dust, ispaghula, castor bean dust, ipecacuanha or azodicarbonamide | : 1st September 1986; ◀ |

Entry substituted by reg. 2(4) of S.I. 1986/1374 as from 1.9.86.

(b) in the case of a person who is or has been suffering from byssinosis but who has not been employed in employed earner’s employment in any occupation mentioned in regulation 2(c) of the old regulations for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to 5 years

: 6th April 1979;

- (c) in the case of a person who is or has been suffering from infection by leptospira but neither is nor has been either incapable of work or suffering from a loss of faculty as a result of infection by—
- (i) leptospira icterohaemorrhagiae in the case of a person employed in employed earner's employment in any occupation involving work in places which are, or are liable to be, infested by rats, or
- (ii) leptospira canicola in the case of a person employed in employed earner's employment in any occupation involving work at dog kennels or the care or handling of dogs

: 7th January 1980.

SCHEDULE 6

Regulation 45

REGULATIONS REVOKED

<i>Citation</i>	<i>Statutory Instrument</i>	<i>Extent of Revocation</i>
The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980	S.I. 1980/377	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1980	S.I. 1980/1493	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1982	S.I. 1982/249	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1982	S.I. 1982/566	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1983	S.I. 1983/185	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1983	S.I. 1983/1094	The whole of the regulations
The Social Security Adjudication (Consequential Amendments) Regulations 1984	S.I. 1984/458	Regulation 7
The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1984	S.I. 1984/1659	The whole of the regulations
The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1985	S.I. 1985/159	The whole of the regulations

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations are made for the purpose only of consolidating the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980 and subsequent amending regulations, all of which are revoked. Paragraph 12 of Part II of Schedule 16 to the Social Security Act 1975 exempts such regulations from

reference to the Industrial Injuries Advisory Council and they have not been so referred.

One major difference between these regulations and those made in 1980 is that the provisions in Part V of the 1980 regulations (Procedure for Determination of Claims and Questions) are now in Part IX of the Social Security (Adjudication) Regulations 1984 and have accordingly been omitted from the present consolidation. In other respects the form and content of the present set of regulations is much as before, dealing, in the same sequence, with the prescription of diseases and presumption as to their origin (Part II and Schedule 1), the date of onset and recrudescence of disease (Part III), the application to prescribed diseases of certain provisions of the Social Security Act 1975 and regulations made under it (Part IV and Schedule 2), the special provisions made in respect of pneumoconiosis, byssinosis, occupational deafness and certain other diseases (Part V and Schedule 3), certain transitional provisions (Part VI and Schedules 4 and 5) and the revocation of the regulations mentioned in Schedule 6.

