STATUTORY INSTRUMENTS

1989 No. 1207

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1989

Made - - - -	*13th July 1989*
Laid before Parliament	*19th July 1989*
Coming into force	
for the purposes of regulations 1, 2, 3, 5, 6 and 7	*9th August 1989*
for the purposes of regulation 4	*16th October 1989*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 76, 77 and 155 of, and Schedule 20 to, the Social Security Act 1975(**a**) and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council(**b**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations, which may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1989, shall come into force for the purposes of regulations 1, 2, 3, 5, 6 and 7 on 9th August 1989 and for the purposes of regulation 4 on 16th October 1989.

(2) In these Regulations, "the principal Regulations" means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(**c**).

Date of onset

2. In regulation 6(1)(b) of the principal Regulations, for the words "no award of benefit is made" there shall be substituted the words "the degree of disablement is assessed at less than one per cent".

Recrudescence

3. In regulation 7(1) of the principal Regulations–

(a) for the words preceding "suffers" there shall be substituted the words "Where in respect of a prescribed disease other than pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, lung cancer or bilateral diffuse pleural thickening, a person's disablement has been assessed at not less than one per cent. and he"; and

(b) in sub-paragraph (a) for the words "an assessment of disablement relating to such a previous award", there shall be substituted the words "that assessment".

(**a**) 1975 c.14; section 77 was amended by the Social Security and Housing Benefits Act 1982 (c.24), Schedule 5, and the Social Security Act 1986 (c.50), Schedule 3, paragraph 13; Schedule 20 is cited because of the meanings ascribed to the words "Prescribe" and "Regulations".

(**b**) *See* section 141(2) of the Social Security Act 1975 (c.14).

(**c**) S.I. 1985/967, amended by S.I. 1986/1374, 1561, 1987/335, 2112 and 1988/553.

Amendment of the principal Regulations relating to occupational deafness

4.—(1) In paragraph (1) of regulation 34 of the principal Regulations (assessment of extent of disablement and rate of disablement benefit payable in respect of occupational deafness) for the words following "for a period before 3rd September 1979" to the end of the paragraph, there shall be substituted the words "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) In paragraph (2) of regulation 34 of the principal Regulations, for the words following "in respect of occupational deafness" to the end of the paragraph there shall be substituted the words "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 paragraph (3) of regulation 34 of the principal Regulations, the words "this regulation and in" shall be omitted.

(4) After that paragraph there shall be inserted the following paragraph–

"(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.".

(5) In relation to prescribed disease A10 (occupational deafness) for the words of prescription set out in the first column of Part I of Schedule 1 to the principal Regulations (list of prescribed diseases and the occupations for which they are prescribed) there shall be substituted the following words–

"A10. 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 occcupational noise (occupational deafness).".

(6) In column (1) in both Part I and Part II of Schedule 3 to the principal Regulations (Assessment of the extent of occupational deafness) for the words "Average hearing loss (dB) over 1, 2 and 3 kHz", there shall be substituted the words "Average of hearing losses (dB) due to all causes at 1, 2 and 3 kHz frequencies".

Equal treatment

5. At the end of paragraph (3) of regulation 37 of the principal Regulations (Initial examinations) there shall be added the words "and as if the references to 'millmen' in paragraph (i) and 'males' in paragraph (iii) were references to 'persons', the reference to 'biscuit oddmen' in paragraph (ii) was a reference to 'biscuit workers' and the word 'male', wherever it occurs in that Schedule, was omitted.".

Amendment of the principal Regulations relating to prescription of Avian and Ovine Chlamydiosis and Q Fever

6.—(1) Part I of Schedule 1 to the principal Regulations shall be amended by the addition after the disease numbered B9 (Infection by Streptococcus suis) of the diseases specified in the first column of the Schedule to these Regulations and of the occupations set against those diseases in the second column of that Schedule.

(2) In Schedule 4 to the principal Regulations after the entry relating to the disease numbered B9 (Infection by Streptococcus suis) there shall be inserted–

(a) in the first column the words–

"**B10.** (a) Avian chlamydiosis

B10. (b) Ovine chlamydiosis

B11. Q fever";

(b) in the second column against each of the diseases referred to in sub-paragraph (a) above the date "9th August 1989".

Date before which there will not be entitlement to payment of benefit in respect of Avian and Ovine Chlamydiosis and Q Fever

7.—(1) A person suffering from prescribed disease B10(a), B10(b) or B11 shall not be entitled to disablement benefit or sickness benefit under section 50A of the Act in respect of that disease for any day which is earlier than the relevant date.

(2) There shall be no entitlement to death benefit in respect of B10(a), B10(b) or B11 for any death which occurs before the relevant date.

(3) For the purposes of this regulation "relevant date" has the meaning ascribed to it in regulation 43 of the principal Regulations.

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

Nicholas Scott
Minister of State,
Department of Social Security

13th July 1989

SCHEDULE

Regulation 6

DISEASES TO BE ADDED TO THE LIST OF PRESCRIBED DISEASES AND THE OCCUPATIONS FOR WHICH THEY ARE PRESCRIBED

Description of disease or injury	*Nature of occupation*
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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 ("the principal Regulations") and come into force in relation to regulations 1, 2, 3, 5, 6 and 7 on 9th August 1989 and in relation to regulation 4 on 16th October 1989.

The Social Security Act 1986 (c.50) raised from 1 to 14 per cent. the percentage degree of disablement which qualifies a person for disablement pension. Regulations 2 and 3 provide for regulations 6 (date of onset) and 7 (recrudescence) of the principal Regulations to apply as if that change had not been made.

Regulation 4 contains amendents relating to the prescription of the disease numbered A10 (occupational deafness). In particular it removes the requirement for hearing loss to be measured by pure tone audiometry.

Regulation 5 provides for regulation 37 of the principal Regulations (which relates to medical examinations) to apply equally to men and women.

Regulation 6 provides for industrial diseases Avian Chlamydiosis, Ovine Chlamydiosis and Q Fever to be added to the diseases prescribed under Chapter V of Part II of the Social Security Act 1975. Regulation 7 provides for the date before which entitlement to benefit in respect of those diseases does not arise.

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