

2002 No. 1717

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2002

<i>Made</i> - - - -	<i>2nd July 2002</i>
<i>Laid before Parliament</i>	<i>8th July 2002</i>
<i>Coming into force</i>	<i>29th July 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 109(2), 122(1) and 175(1) and (4) of, and paragraph 1(d) of Schedule 6 to, the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after agreement by the Industrial Injuries Advisory Council that proposals in respect of these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2002, and shall come into force on 29th July 2002.

Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

2.—(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(c) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 20 (special conditions for disablement benefit for pneumoconiosis, byssinosis and diffuse mesothelioma) in paragraphs (1), (1A) and (1B) for the words “, byssinosis or diffuse mesothelioma” there shall be substituted the words “or byssinosis”.

(3) After regulation 20 there shall be inserted the following new regulation:—

“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 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.”

(a) 1992 c.4. Section 109(2) was amended by paragraph 65 of Schedule 7 to the Social Security Act 1998 (c.8). Section 122(1) is cited for the definition of “prescribe”. Section 175(1) and (4) were amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Paragraph 1 of Schedule 6 was amended by section 88 of, and Part IV of Schedule 13 to, the Welfare Reform and Pensions Act 1999 (c.30).

(b) See section 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(c) S.I. 1985/967; relevant amendments were made by S.I. 1986/1561, 1997/810 and 1999/1958.

Signed by authority of the Secretary of State for Work and Pensions.

2nd July 2002

Nick Brown
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part V of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 to remove from regulation 20 the provision for assessing, for the purposes of industrial injuries benefit, the extent of disablement arising from diffuse mesothelioma (regulation 2(2)) and to prescribe impaired function of the pleura, pericardium or peritoneum caused by diffuse mesothelioma as a loss of faculty from which the resulting disabilities are to be taken as amounting to 100% disablement (regulation 2(3)).

These Regulations impose no additional costs on business.

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