

2015 No. 52

SOCIAL SECURITY

**The Social Security (Industrial Injuries) (Prescribed Diseases)
(Amendment) Regulations (Northern Ireland) 2015**

Made - - - - *12th February 2015*

Coming into operation - *16th March 2015*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 108(2), 109(2) and 171(1) and (3) to (5) of, and paragraph 2 of Schedule 6 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b).

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

Citation and commencement

1. These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 16th March 2015.

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

2.—(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(c) are amended in accordance with paragraphs (2) to (6).

(2) For regulation 4(d) (presumption that a disease is due to the nature of employment) substitute—

“Presumption that a disease is due to the nature of employment

4.—(1) Where a person has developed a disease which is prescribed in Part I of Schedule 1 to these Regulations in paragraph A3(a), A4, A5, A6, A7, A8, A11, B1(a), B3, B4(a), B9, B10, B11, B12, B14, B15, C3, C24A, D4 or D7 that disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner’s employment if—

(a) 1992 c. 7; section 109(2) was amended by paragraph 47 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and in section 171 subsection (1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

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

(c) S.R. 1986 No. 179; relevant amending Regulations are S.R. 1989 No. 319, S.R. 1993 Nos. 148 and 350, S.R. 1996 No. 57, S.R. 1997 No. 158, S.R. 2000 No. 214, S.R. 2003 No. 63, S.R. 2005 No. 37, S.R. 2006 No. 96, S.R. 2008 No. 258 and S.R. 2011 No. 231

(d) Regulation 4 was amended by regulation 3 of S.R. 1993 No. 148, regulation 3 of S.R. 1993 No. 350, regulation 3(2) of S.R. 1996 No. 57 and regulation 2(2) of S.R. 2003 No. 63

- (a) that employment was in any occupation set against that disease in the second column of that Part; and
- (b) he was so employed on, or at any time within one month immediately preceding, the date on which, under these Regulations, he is treated as having developed the disease.

(2) Where a person has developed a disease which is prescribed in Part I of Schedule 1 to these Regulations in paragraph A1, A2, A3(b), A10, A13, A14, B2, B6, B8B, B13, C17, C18, C22(a), C24, C31, C32, D2, D3, D6, D8, D8A, D9, D10, D11, D12 or D13 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 that Part.

(3) Where a person in relation to whom tuberculosis is prescribed in paragraph B5 of Part I of Schedule 1 to these Regulations in respect of the occupation set out in sub-paragraph (a) in the second column of that paragraph 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 the date on which, under these Regulations, he is treated as having developed the disease is—

- (a) not less than 6 weeks after the date on which he was first employed in that occupation; and
- (b) not more than 2 years after the date on which he was last so employed in that occupation.

(4) Where a person has developed a disease which is prescribed in Part I of Schedule 1 to these Regulations in paragraphs B1(b), B4(b), B7 and B8A that disease shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment if—

- (a) that employment was in any occupation set against that disease in the second column of that Part; and
- (b) he was so employed—
 - (i) on the date on which, under these Regulations, he is treated as having developed the disease, or
 - (ii) on a date at any time within—
 - (aa) in the case of paragraph B1(b) or B8A, 2 months;
 - (bb) in the case of paragraph B7, 6 months; or
 - (cc) in the case of paragraph B4(b), 12 months,immediately preceding the date on which, under these Regulations, he is treated as having developed the disease.

(5) Where a person in relation to whom carpal tunnel syndrome is prescribed in paragraph A12 of Part I of Schedule 1 to these Regulations in respect of the occupation set out in sub-paragraph (b) in the second column of that paragraph, 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 that occupation on the date, or at any time within one month immediately preceding the date on which, under these Regulations, he is treated as having developed the disease.

(6) 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 to these Regulations in respect of the occupation set out in sub-paragraph (a), (b) or (e) in the second column of that paragraph develops that disease it shall, unless the contrary is proved, be presumed to be due to the nature of his employed earner's employment.

(7) Where a person in relation to whom pneumoconiosis is prescribed in regulation 2(b)(i) develops pneumoconiosis it 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 either of the occupations set out in Part II of Schedule 1 to these Regulations for a period or periods amounting in aggregate to not less than 2 years in employment which either was employed

earner's employment or would have been employed earner's employment if it had taken place on or after 5th July 1948.”.

(3) In regulations 6(2)(a) and (b)(a) and 7(1)(b) (date of onset and recrudescence) for “chronic bronchitis or emphysema” substitute “chronic obstructive pulmonary disease”.

(4) For regulation 18B(c) (asbestos-related primary carcinoma of the lung – special conditions and prescribed loss of faculty) substitute—

“Primary carcinoma of the lung and angiosarcoma of the liver – special conditions and prescribed loss of faculty

18B.—(1) This regulation applies to a claim for disablement pension made in respect of the diseases prescribed in paragraphs C4, C22(b), C24(a), D8, D8A, D10 and D11 of Part 1 of Schedule 1 to these Regulations.

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

(a) section 103(6) of the Contributions and Benefits Act (entitlement after expiry of 90 days) shall apply as if for “after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident” there were substituted “the day on which he first suffers from a loss of faculty due to primary carcinoma of the lung or bronchus, or angiosarcoma of the liver”; and

(b) paragraph 6(1) of Schedule 6 to the Contributions and Benefits Act (period to be taken into account by an assessment) shall apply as if “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” was omitted.

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

(5) In regulation 20 (pneumoconiosis - effects of emphysema and chronic bronchitis)—

(a) in the heading for “emphysema and chronic bronchitis” substitute “chronic obstructive pulmonary disease”; and

(b) in paragraph (1)(d) for “any emphysema and of any chronic bronchitis” substitute “any chronic obstructive pulmonary disease”.

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

(a) for the entry in the first column relating to prescribed disease A3 substitute—

“A3. (a) Dysbarism, including decompression sickness and barotrauma;
(b) osteonecrosis.”;

(b) for the entry in the first column relating to prescribed disease B1(e) substitute—

“B1. (a) Cutaneous anthrax;
(b) pulmonary anthrax.”;

(a) Regulation 6(2) was amended by regulation 4 of S.R. 1993 No. 148 and regulation 4 of S.R. 1993 No. 350
(b) Regulation 7(1) was amended by regulation 3 of S.R. 1989 No. 319, regulation 5 of S.R. 1993 No. 148, regulation 5 of S.R. 1993 No. 350 and regulation 2(3) of S.R. 2003 No. 63
(c) Regulation 18B was inserted by regulation 2(3) of S.R. 2006 No. 96
(d) Paragraph (1) was amended by regulation 6(a) of S.R. 1993 No. 350
(e) Prescribed disease B1 was substituted by regulation 2(4)(b) of S.R. 2005 No. 37

- (c) for the entry in the first column relating to prescribed disease B4(a) substitute—
 - “B4. (a) Cutaneous larva migrans;
 - (b) iron deficiency anaemia caused by gastrointestinal infection by hookworm.”;
- (d) for the entry in the second column relating to prescribed disease B5 substitute—
 - “Contact with a source of tuberculosis while undertaking work in—
 - (a) a hospital, mortuary in which post mortems are conducted, or laboratory; or
 - (b) any other workplace.”;
- (e) after the entry relating to prescribed disease C32(b) add—
 - “C33. Chloracne Exposure to a substance causing chloracne.”; and
- (f) in the first column of the entry relating to prescribed disease D12(c)—
 - (i) for sub-paragraphs (a) to (c) substitute “chronic obstructive pulmonary disease”, and
 - (ii) after head (ii) add “The value of one litre in heads (i) and (ii) shall be construed as fixed, and shall not vary by virtue of any treatment or treatments.”.

Revocations

3. The Regulations specified in column (1) of the Schedule are revoked to the extent specified in column (3).

Sealed with the Official Seal of the Department for Social Development on 12th February 2015

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

(a) Prescribed disease B4 was substituted by regulation 2(4)(c) of S.R. 2005 No. 37
 (b) Prescribed disease C32 was added by regulation 2 of S. R. 2011 No. 231
 (c) Prescribed disease D12 was substituted by regulation 2(4)(d)(i) of S.R. 1997 No. 158 and amended by regulation 2(6)(c) of S. R. 2000 No. 214 and regulation 2 of S. R. 2008 No. 258

SCHEDULE

Regulation 3

Revocations

<i>Column (1)</i> <i>Citation</i>	<i>Column (2)</i> <i>Reference</i>	<i>Column (3)</i> <i>Extent of revocation</i>
The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1993	S.R. 1993 No. 148	Regulation 3
The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment No. 2) Regulations (Northern Ireland) 1993	S.R. 1993 No. 350	Regulation 3
The Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendment) Regulations (Northern Ireland) 1996	S.R. 1996 No. 57	Regulation 3(2)
The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2003	S.R. 2003 No. 63	Regulation 2(2)
The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2006	S.R. 2006 No. 96	Regulation 2(3)

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2(2) substitutes regulation 4 to—

provide that a person who has developed one of twenty prescribed diseases referred to in paragraph (1) of that regulation benefits from the presumption that that disease was caused by his employed earner's employment, provided that he was employed within the relevant prescribed occupation for that disease within one month of the date on which he developed that prescribed disease;

provide for a person who has developed one of the twenty six diseases referred to in paragraph (2) of that regulation to benefit from the same presumption regardless of when he was last employed within the relevant prescribed occupation for that prescribed disease; and

prescribe (in paragraphs (3) to (7) of that regulation) additional disease specific rules regarding presumption in respect of eight other specified prescribed diseases.

Regulation 2(4) substitutes regulation 18B to list the seven diseases in respect of which words in section 103(6) of, and paragraph 6(1) of Schedule 6 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992 are either substituted or omitted.

Regulation 2(6) amends Part 1 of Schedule 1, which sets out the diseases for which industrial injuries benefit is payable, by—

amending the description of prescribed diseases A3, B1, B4 and D12;

amending the description of the prescribed occupation for prescribed disease B5; and

adding, as prescribed disease C33, chloracne, as it relates to occupations involving exposure to substances causing chloracne.

Regulation 2(3) and (5) makes consequential amendments as result of the change to the description of prescribed disease D12.

Regulation 3 makes consequential revocations.

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

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