

1977 No. 46

SOCIAL SECURITY**The Social Security (Industrial Injuries) (Prescribed Diseases)
(Amendment) Regulations (Northern Ireland) 1977**

Made 23rd February 1977

Coming into operation 21st March 1977

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76(2) and (4)(a), 77(2)(a) and 113(1) of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, 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 (Northern Ireland) 1977, shall be read as one with the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1960(b) (hereinafter referred to as “the principal regulations”), as amended(c), and shall come into operation on 21st March 1977.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation) after the definition of “diffuse mesothelioma” there shall be inserted:

““the Act of 1975” means the Social Security (Northern Ireland) Act 1975.”

Amendment of regulation 37A of the principal regulations

3. In regulation 37A(1)(b) for “section 117(1) of the Act” substitute “section 117(1) of the Act of 1975”.

Addition to Part I of Schedule 1 to the principal regulations

4. In Part I of Schedule 1 to the principal regulations there shall be added after item 49 of the first and second columns thereof the diseases and occupations specified respectively in the Schedule to these regulations.

Modification of regulation 6 of the principal regulations

5.—(1) Where a person has been employed on or at any time after 5th July 1948 in employed earner's employment in any occupation specified in the second column of the Schedule and—

(a) 1975 c. 15

(b) S.R. & O. (N.I.) 1960 No. 209 (p. 731)

(c) The relevant amending regulations are S.R. & O. (N.I.) 1961 No. 101 (p. 460); 1965 Nos. 126 (p. 448) and 215 (p. 899); 1966 Nos. 193 (p. 608) and 238 (p. 745); 1969 No. 119 (p. 462); 1972 Nos. 155 (p. 903), 209 (p. 1128) and 286 (p. 1484); 1973 No. 496 (II, p. 2968); S.R. 1974 Nos. 218 (I, p. 931) and 222 (I, p. 939) and 1976 Nos. 3 and 334

(d) 1954 c. 33 (N.I.)

(a) as the result of one or both of the diseases specified in the first column of the Schedule he is on the date on which these regulations come into operation either—

(i) incapable of work; or

(ii) suffering from a loss of faculty; and

(b) the disease is due to the nature of the employment;

the following provisions of this regulation shall apply.

(2) In the aforementioned circumstances regulation 6 of the principal regulations (date of development) shall be applied subject to the modification that the date on which these regulations come into operation shall be treated—

(a) as the first day on which he was incapable of work; or, as the case may be,

(b) as the day on which he first suffered from the relevant loss of faculty; and the date of development shall be determined accordingly.

Transitional provisions

6. Where a person to whom regulation 5 applies is awarded disablement benefit in respect of either of the diseases specified in the first column of the Schedule and claims an increase of that benefit under section 60 of the Act of 1975 (increase of disablement pension in cases of special hardship), then, if at any time after having been employed as described in paragraph (1) of that regulation, but before the date on which these regulations come into operation, that person has abandoned any occupation as a result of the disease, the fact that he has abandoned that occupation shall be disregarded in determining his regular occupation for the purposes of the said section 60.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 23rd February 1977.

(L.S.)

W. Bell

Assistant Secretary

SCHEDULE

Regulation 4

<i>Description of disease or injury</i>	<i>Nature of occupation</i>
50. (a) Angiosarcoma of the liver; and (b) Osteolysis of the terminal phalanges of the fingers	Any occupation involving: work in or about machinery or apparatus used for the polymerization of vinyl chloride monomer, a process which, for the purposes of this provision, comprises all operations up to and including the drying of the slurry produced by the polymerization and the packaging of the dried product; or work in a building or structure in which any part of the aforementioned process takes place.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations, by making an addition to the diseases prescribed in Part I of Schedule 1 to the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1960, extend cover under the industrial injuries provisions of the Social Security (Northern Ireland) Act 1975 to angiosarcoma of the liver and osteolysis of the terminal phalanges of the fingers in the case of persons employed in employed earner's employment in any occupation involving work in or about machinery or apparatus used for the polymerization of vinyl chloride monomer, a process which, for the purposes of this provision, comprises all operations up to and including the drying of the slurry produced by the polymerization and the packaging of the dried product; or work in a building or structure in which any part of the aforementioned process takes place.

The regulations also contain transitional provisions relating to persons who are already suffering from one or both of the diseases on the date when they come into operation, and minor amendments to the said Prescribed Diseases Regulations.