

2003 No. 63

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2003

Made - - - - - *11th February 2003*

Coming into operation *17th March 2003*

The Department for Social Development, in exercise of the powers conferred by sections 108(2) and (4), 109(2) and (3) and 171(1) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 17th March 2003.

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

2.—(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(c) shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) In regulation 4 (presumption that a disease is due to the nature of employment) –

(a) in paragraph (1)(d) after “B5,” there shall be inserted “C1, C2, C4, C5A, C5B, C6, C7, C12, C13, C16, C19, C20, C21, C22, C23, C25, C26, C27, C29, C30,”;

(b) after paragraph (6)(e) there shall be added the following paragraph –

“(7) Where a person in relation to whom primary neoplasm of the epithelial lining of the urinary tract is prescribed in paragraph C23 in 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 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.”.

(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 section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

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

(c) S.R. 1986 No. 179; relevant amending regulations are S.R. 1987 No. 454, S.R. 1989 No. 319, S.R. 1993 Nos. 148 and 350 and S.R. 1996 No. 57

(d) Paragraph (1) was amended by regulation 3 of S.R. 1993 No. 148, regulation 3(a) of S.R. 1993 No. 350 and regulation 3(2) of S.R. 1996 No. 57

(e) Paragraph (6) was added by regulation 3(b) of S.R. 1993 No. 350

(3) In regulations 7(1)(b)(a) (recrudescence) and 8(1) (workmen's compensation cases) the words "in the manner provided in Part X of the Adjudication Regulations" shall be omitted.

(4) In Part I of Schedule 1(b) (list of prescribed diseases and the occupations for which they are prescribed) –

(a) the entries relating to prescribed diseases C8, C9, C10, C11, C14, C15 and C28(c) (conditions due to chemical agents) shall be omitted;

(b) in the entry relating to prescribed disease C1 for the entry in the first column there shall be substituted –

"C1. (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.";

(c) in the entry relating to prescribed disease C2 for the entry in the first column there shall be substituted –

"C2. Central nervous system toxicity characterised by parkinsonism.";

(d) for the entry relating to prescribed disease C4 there shall be substituted –

"C4. Primary carcinoma of the bronchus or lung. Exposure to the fumes, dust or vapour of arsenic, a compound of arsenic or a substance containing arsenic.";

(e) for the entry relating to prescribed disease C5 there shall be substituted –

"C5A. Central nervous system toxicity characterised by tremor and neuropsychiatric disease. Exposure to mercury or inorganic compounds of mercury for a period of, or periods which amount in aggregate to, 10 years or more.

C5B. Central nervous system toxicity characterised by combined cerebellar and cortical degeneration. Exposure to methylmercury.";

(f) for the entry relating to prescribed disease C6 there shall be substituted –

"C6. Peripheral neuropathy. The use or handling of, or exposure to, carbon disulphide (also called carbon disulfide).";

(g) for the entry relating to prescribed disease C7 there shall be substituted –

"C7. Acute non-lymphatic leukaemia. Exposure to benzene.";

(h) for the entry relating to prescribed disease C12 there shall be substituted –

"C12. (a) Peripheral neuropathy;
(b) central nervous system toxicity. Exposure to methyl bromide (also called bromomethane).";

(i) for the entry relating to prescribed disease C13 there shall be substituted –

"C13. Cirrhosis of the liver. Exposure to chlorinated naphthalenes.";

(j) for the entry relating to prescribed disease C16 there shall be substituted –

"C16. (a) Neurotoxicity;
(b) cardiotoxicity. Exposure to the dust of gonioma kamassi.";

(k) for the entry relating to prescribed disease C17 there shall be substituted –

"C17. Chronic beryllium disease. Inhalation of beryllium or a beryllium compound.";

(a) Paragraph (1) was amended by regulation 3 of S.R. 1989 No. 319, regulation 5 of S.R. 1993 No. 148 and regulation 5 of S.R. 1993 No. 350

(b) Relevant amending regulations are S.R. 1987 No. 454, S.R. 1993 No. 148 and S.R. 1996 No. 57

(c) Prescribed disease C28 was inserted by the Schedule to S.R. 1987 No. 454

- (l) for the entry relating to prescribed disease C18 there shall be substituted –
 “C18. Emphysema. Inhalation of cadmium fumes for a period of, or periods which amount in aggregate to, 20 years or more.”;
- (m) for the entry relating to prescribed disease C19 there shall be substituted –
 “C19. (a) Peripheral neuropathy; } Exposure to acrylamide.”;
 (b) central nervous system toxicity. }
- (n) in the entry relating to prescribed disease C20 for the entry in the second column there shall be substituted –
 “Exposure to quinone or hydroquinone.”;
- (o) for the entry relating to prescribed disease C21 there shall be substituted –
 “C21. Primary carcinoma of the skin. Exposure to arsenic or arsenic compounds, tar, pitch, bitumen, mineral oil (including paraffin) or soot.”;
- (p) for the entry relating to prescribed disease C22 there shall be substituted –
 “C22. (a) Primary carcinoma of the } Work before 1950 in the refining of nickel
 mucous membrane of the involving exposure to oxides, sulphides or
 nose or paranasal sinuses; water-soluble compounds of nickel.”;
 (b) primary carcinoma of the }
 bronchus or lung. }
- (q) for the entry relating to prescribed disease C23 there shall be substituted –
 “C23. Primary neoplasm of the (a) The manufacture of 1-naphthylamine,
 epithelial lining of the 2-naphthylamine, benzidine,
 urinary tract. auramine, magenta or
 4-aminobiphenyl (also called
 biphenyl-4-ylamine);
 (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;
 (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;
 (d) exposure to orthotoluidine, 4-chloro-
 2-methylaniline or salts of those
 compounds; or
 (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
in situ).”;
- (r) for the entry relating to prescribed disease C24 there shall be substituted –
 “C24. (a) Angiosarcoma of the liver; } 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.
- (s) for the entry relating to prescribed disease C25 there shall be substituted –
- “C25. Vitiligo. The use or handling of, or exposure to paratertiary-butylphenol (also called 4-*tert*-butylphenol), paratertiary-butylcatechol (also called 4-*tert*-butylcatechol), para-amyphenol (also called *p*-pentyl phenol isomers), hydroquinone, monobenzyl ether of hydroquinone (also called 4-benzyloxyphenol) or mono-butyl ether of hydroquinone (also called 4-butoxyphenol).”;
- (t) for the entry relating to prescribed disease C26(a) there shall be substituted –
- “C26. (a) Liver toxicity; The use or handling of, or exposure to, carbon tetrachloride (also called tetrachloromethane).”;
- (b) kidney toxicity.
- (u) for the entry relating to prescribed disease C27 there shall be substituted –
- “C27. Liver toxicity. The use or handling of, or exposure to, trichloromethane (also called chloroform).”;
- (v) for the entry relating to prescribed disease C29 there shall be substituted –
- “C29. Peripheral neuropathy. The use or handling of, or exposure to, n-hexane or n-butyl methyl ketone.”;
- (w) for the entry relating to prescribed disease C30(b) there shall be substituted –
- “C30. (a) Dermatitis; The use or handling of, or exposure to, chromic acid, chromates or dichromates.”.
- (b) ulceration of the mucous membrane or the epidermis.

Transitional provision

- 3.—(1) Regulation 2(2) and (4) shall not apply –
- (a) to a period of assessment which relates to a claim which is made before the commencement date;
 - (b) to a period of assessment which relates to a claim which is made within 3 months after the commencement date in respect of a period which began before the commencement date; or

(a) Prescribed diseases C26, C27 and C29 were inserted by regulation 3(2) of, and the Schedule to, S.R. 1987 No. 454
(b) Prescribed disease C30 was inserted by regulation 3(3)(c) of S.R. 1996 No. 57

- (c) where a person suffers from an attack of a disease and under regulation 7 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 (recrudescence) the attack is a recrudescence of a disease for which a claim was made before the commencement date (or within 3 months after the commencement date in respect of a period which began before the commencement date).
- (2) For the purposes of this regulation –
 - (a) “commencement date” means the date on which these Regulations come into operation;
 - (b) the date on which a claim is made is the date on which the claim is made or treated as made in accordance with the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a); and
 - (c) a period of assessment which begins on the day following the end of a preceding period of assessment, shall be treated as a continuation of the preceding period of assessment.

Revocation

- 4. The following regulations are hereby revoked –
 - (a) regulation 3(2) of, and the Schedule to, the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment No. 2) Regulations (Northern Ireland) 1987(b);
 - (b) regulation 6(3) of the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1993(c); and
 - (c) regulation 3(3)(c) of the Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996(d).

Sealed with the Official Seal of the Department for Social Development on 11th February 2003.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

(a) S.R. 1987 No. 465; relevant amending regulations are S.R. 1992 No. 83, S.R. 1996 No. 354, S.R. 1997 No. 156, S.R. 2000 Nos. 215 and 365, S.R. 2001 Nos. 175 and 176 and S.R. 2002 No. 67

(b) S.R. 1987 No. 454

(c) S.R. 1993 No. 148

(d) S.R. 1996 No. 57

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Regulation 2 of these Regulations makes amendments to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 –

to remove 20 specified diseases from the presumption that they are due to the nature of the specified employment;

to remove references to a determination in the manner provided by Part X of the Social Security (Adjudication) Regulations (Northern Ireland) 1984; and

to remove references to 7 diseases due to chemical agents and change the entries for other diseases due to chemical agents.

Regulation 3 makes transitional provision so that the amendments both to the Schedule of prescribed diseases and to the presumption as to the cause of the disease do not apply in respect of claims made, or treated as made, before these Regulations come into operation.

Regulation 4 makes consequential revocations.

These Regulations correspond 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.

These Regulations do not impose a charge on business.

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