

2007 No. 337

SOCIAL SECURITY

The Pneumoconiosis, etc., (Workers' Compensation) (Prescribed Occupations) Order (Northern Ireland) 2007

Made - - - - *19th July 2007*

Coming into operation - *10th August 2007*

The Department for Social Development makes the following Order in exercise of the powers conferred by paragraph 8(1) of the Schedule to the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Prescribed Occupations) Order (Northern Ireland) 2007 and shall come into operation on 10th August 2007.

(2) In this Order—

“the Order” means the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979;

“asbestosis” means fibrosis of the parenchyma of the lungs due to the inhalation of asbestos dust;

“asbestos textiles” means yarn or cloth composed of asbestos or of asbestos mixed with any other material;

“foundry” means those parts of industrial premises where the production of metal articles (other than pig iron or steel ingots) is carried on by casting (not being diecasting or other casting in metal moulds), together with any part of the same premises where any of the following processes are carried on incidentally to such production, namely, the drying and subsequent preparation of sand for moulding (including the reclamation of used moulding sand), the preparation of moulds and cores, knock-out operations and dressing or fettling operations;

“grindstone” means a grindstone composed of natural or manufactured sandstone and includes a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted;

“mine” includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting or dressing of minerals or the preparation of minerals for sale;

(a) S.I. 1979/925 (N.I. 9); the Schedule was inserted by section 52(5) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))

“silica rock” means quartz, quartzite, ganister, sandstone, gritstone and chert, but not natural sand or rotten rock.

Prescribed occupations

2. For the purposes of paragraph 8(1) of the Schedule to the Order, the occupations prescribed in relation to the diseases to which the Order applies are set out in the Schedule to this Order.

Sealed with the Official Seal of the Department for Social Development on 19th July 2007

(L.S.)

John O’Neill

A senior officer of the Department for Social Development

SCHEDULE

Article 2

Occupations prescribed in relation to the diseases to which the Order applies

PART 1

Occupations prescribed in relation to Pneumoconiosis

1. Any occupation involving—
 - (a) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other materials or to the manufacture of articles containing crushed or ground silica rock);
 - (b) the handling of any of the material specified in sub-paragraph (a) in or incidental to any of the operations mentioned in that sub-paragraph, or substantial exposure to the dust arising from such operations.
2. Any occupation involving the breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint, or substantial exposure to the dust arising from such operations.
3. Any occupation involving sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from sand and blasting.
4. Any occupation involving work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations—
 - (a) the freeing of steel castings from adherent siliceous substance;
 - (b) the freeing of metal castings from adherent siliceous substance—
 - (i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel, or
 - (ii) by the use of power-driven tools.
5. Any occupation in or incidental to the manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any occupation involving substantial exposure to the dust arising from such operations.
6. Any occupation involving the grinding of mineral graphite, or substantial exposure to the dust arising from such grinding.
7. Any occupation involving the dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.
8. Any occupation involving the use, or preparation for use, of a grindstone or substantial exposure to the dust arising from such operations.
9. Any occupation involving—
 - (a) the working or handling of asbestos or any admixture of asbestos;
 - (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;

- (c) the cleaning of any machinery or plant used in any of the operations in the preceding two paragraphs, and of any chambers, fixtures and appliances for the collection of asbestos dust;
- (d) substantial exposure to the dust arising from any of the operations in sub-paragraphs (a) to (c).

10. Any occupation involving—

- (a) work underground in any mine in which one of the objects of the mining operations is the getting of any mineral;
- (b) the working or handling above ground at any coal or tin mine of any minerals extracted from that mine, or any operation incidental to this;
- (c) the trimming of coal in any ship, barge, or lighter, or in any dock or harbour or at any wharf or quay;
- (d) the sawing, splitting or dressing of slate, or any operation incidental to such operations.

11. Any occupation in or incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any occupation involving substantial exposure to the dust arising from such operations.

12. Any occupation involving boiler scaling or substantial exposure to the dust arising from boiler scaling.

13. Any occupation involving exposure to dust in excess of the level met in the ordinary course of life, which is not listed in paragraphs 1 to 12.

PART 2

Occupations prescribed in relation to the other diseases to which the Order applies

<i>Disease</i>	<i>Occupations prescribed in relation to the disease</i>
Byssinosis	Any occupation involving work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax, or the weaving of cotton or flax, is carried on.
Diffuse mesothelioma	Any occupation involving exposure to asbestos, asbestos dust or any admixture of asbestos at a level above that commonly found in the environment at large.
Primary carcinoma of the lung where there is evidence of one or both of the following— (a) asbestosis (b) bilateral diffuse pleural thickening	Any occupation involving: (a) the working or handling of asbestos or any admixture of asbestos; (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; (c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or

<i>Disease</i>	<i>Occupations prescribed in relation to the disease</i>
Bilateral diffuse pleural thickening	<p>(d) substantial exposure to the dust arising from any of the operations listed in paragraph (a), (b) or (c).</p> <p>Any occupation involving:</p> <p>(a) the working or handling of asbestos or any admixture of asbestos;</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;</p> <p>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or</p> <p>(d) substantial exposure to the dust arising from any of the operations listed in paragraph (a), (b) or (c).</p>

EXPLANATORY NOTE

(This note is not part of the Order)

Under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the Order") lump sum payments may be made to certain persons disabled by a disease to which the Order applies, or to dependants of persons who were so disabled before they died.

One of the prerequisites for making a payment under the Order is that every relevant employer of a person disabled by a disease to which the Order applies must have ceased to carry on business. A "relevant employer" is a person by whom the disabled person was employed in a prescribed occupation during the time that he was developing the disease, and against whom he might have or might have had a claim for damages in respect of the disablement. This Order lists the occupations prescribed for the purposes of each disease to which the Order applies.

The enabling provision under which this Order is made was brought into operation, for the purpose only of authorising the making of an order, on 19 July 2007 and for all other purposes on 10th August 2007 by virtue of the Welfare Reform (2007 Act) (Commencement No. 1) Order (Northern Ireland) 2007 (S.R. 2007 No. 335 (C. 23)).