
STATUTORY INSTRUMENTS

1985 No. 967

The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

PART II

PRESCRIPTION OF DISEASES AND PRESUMPTION AS TO THEIR ORIGIN

Prescription of diseases and injuries and occupations for which they are prescribed

2. For the purposes of Chapter V of Part II of the Act—

- (a) subject to [^{F1}the following paragraphs] of this regulation and to regulation 43(3), (5) and (6), each disease or injury set out in the first column of Part I of Schedule 1 hereto is prescribed in relation to all persons who have been employed on or after 5th July 1948 in employed earner's employment in any occupation set against such disease or injury in the second column of the said Part;
- (b) pneumoconiosis is prescribed—
 - (i) in relation to all persons who have been employed on or after 5th July 1948 in employed earner's employment in any occupation set out in Part II of the said Schedule; and
 - (ii) in relation to all other persons who have been so employed in any occupation involving exposure to dust and who have not worked at any time (whether in employed earner's employment or not) in any occupation in relation to which pneumoconiosis is prescribed by virtue of regulations (apart from this subparagraph) in force—
 - (a) in the case of any claim for disablement benefit or a claim for death benefit in respect of the death of a person to whom disablement benefit has been awarded in respect of pneumoconiosis, on the date of the claim for disablement benefit;
 - (b) in the case of a claim for death benefit in respect of the death of any other person, on the date of the death of that person;
- (c) occupational deafness is prescribed in relation to all persons who have been employed in employed earner's employment—
 - (i) at any time on or after 5th July 1948; and
 - (ii) for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to not less than 10 yearsin one or more of the occupations set out in the second column of paragraph A10 of Part I of Schedule 1 to these regulations ^{F2}...
- [^{F3}(d) the disease specified in paragraph D12 of Part I of Schedule 1 is not prescribed in relation to persons to whom regulation 22 applies.]

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[^{F4}(e) cataract is not prescribed unless the person was employed in employed earner's employment in an occupation set out in the second column of paragraph A2 of Part I of Schedule 1 to these regulations for a period or periods amounting in aggregate to not less than 5 years.]

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| F1 | Words in reg. 2(a) substituted (10.7.2000) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2000 (S.I. 2000/1588) , regs. 1, 2(2) |
| F2 | Words in reg. 2(c) omitted (14.3.2005) by virtue of The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2005 (S.I. 2005/324) , regs. 1(1), 2(1) |
| F3 | Reg. 2(d) inserted (13.9.1993) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1993 (S.I. 1993/1985) , regs. 1, 2 |
| F4 | Reg. 2(e) inserted (10.7.2000) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2000 (S.I. 2000/1588) , regs. 1, 2(3) (with reg. 7) |

Sequelae or resulting conditions

3. Where a person—

- (a) is or was in employed earner's employment and a disease is or was prescribed under the Act and these regulations in relation to him in such employment; and
- (b) is suffering from a condition which, in his case, has resulted from that disease;

the provisions of Chapter V of Part II of the Act and of these regulations shall apply to him as if he were suffering from that disease, whether or not the condition from which he is suffering is itself a prescribed disease.

[^{F5}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 in paragraphs 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 that person's 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) the person was so employed on, or at any time within one month immediately preceding, the date on which, under these Regulations, that person is treated as having developed the disease.

(2) Where a person has developed a disease which is prescribed in Part I of Schedule 1 in paragraphs A1, A2, A3(b), A10, A13, A14, [^{F6}A15,] B2, B6, B8B, B13, C17, C18, C22(a), C24, C31, C32, [^{F7}C34,] 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 that person's 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 in respect of the occupation set out in sub-paragraph (a) in the second column of the entry relating to that disease, develops that disease, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if the date on which, under these Regulations, that person is treated as having developed the disease is—

- (a) not less than six weeks after the date on which that person was first employed in that occupation; and

- (b) not more than two years after the date on which that person was last so employed in that occupation.
- (4) Where a person has developed a disease which is prescribed in Part I of Schedule 1 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 that person's 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) that person was so employed—
- (i) on the date on which, under these Regulations, that person is treated as having developed the disease; or
- (ii) on a date at any time within—
- (aa) in the case of B1(b) or B8A, two months;
- (bb) in the case of B7, six months; or
- (cc) in the case of B4(b), twelve months
- immediately preceding the date on which, under these Regulations, that person 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 in respect of the occupation set out in sub-paragraph (b) in the second column of the entry relating to that disease, develops that disease, it shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if that person was employed in that occupation on the date, or at any time within one month immediately preceding the date, on which under these Regulations that person 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 in respect of the occupation set out in sub-paragraph (a), (b) or (e) in the second column of the entry relating to that disease, develops that disease, it shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment.
- (7) Where a person in relation to whom pneumoconiosis is prescribed in regulation 2(b)(i) develops pneumoconiosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if that person has been employed in either of the occupations set out in Part II of Schedule 1 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.]

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| F5 | Reg. 4 substituted (16.3.2015) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 (S.I. 2015/87) , regs. 1(1), 2 |
| F6 | Word in reg. 4(2) inserted (9.12.2019) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2019 (S.I. 2019/1241) , regs. 1, 2(2) |
| F7 | Word in reg. 4(2) inserted (30.3.2017) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2017 (S.I. 2017/232) , regs. 1(1), 2 |

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