

2003 No. 2190

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No.2) Regulations 2003

Made - - - - 20th August 2003

Laid before Parliament 1st September 2003

Coming into force 22nd September 2003

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 108(2), 109(2), 122(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 9(1), 10(3) and 79(1), (3) and (4) of the Social Security Act 1998(b) and of all other powers enabling him in that behalf, being satisfied of the matters referred to in section 108(2)(a) and (b) of that Act of 1992 and after reference to the Industrial Injuries Advisory Council(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No.2) Regulations 2003 and shall come into force on 22nd September 2003.

(2) In these Regulations “the principal Regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(d).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended as follows.

(2) For regulation 29 (period covered by assessment of disablement) there shall be substituted—

“29. Paragraph 6(1) and (2) of Schedule 6 to the Social Security Contributions and Benefits Act 1992 shall be modified so that in respect of occupational deafness, the period to be taken into account by an assessment of the extent of a claimant’s disablement shall be the remainder of the claimant’s life.”.

(3) Regulations 30 (supersession of decision), 31 (leave of appeal tribunal), 32 (no appeal against disablement decision) and 33 (reassessment of disablement) shall be revoked.

Amendment of Schedule 1 to the principal Regulations

3. In Part I of Schedule 1 to the principal Regulations (list of prescribed diseases and the occupations for which they are prescribed), the entry relating to prescribed disease A10 shall be amended by substituting for the entries in the second column (occupation) the following—

(a) 1992 c.4. Section 122(1) is cited for the definition of “prescribe”. Section 109(2) was amended by paragraph 65 of Schedule 7 to the Social Security Act 1998 (c.14). Section 175 was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).
(b) 1998 c.14. Section 79(1) was amended by paragraphs 12 and 13 of Schedule 4 to the Tax Credits Act 2002 (c.21).
(c) See sections 171 and 172(2) of the Social Security Administration Act 1992 (c.5).
(d) S.I.1985/967; relevant amending instruments are S.I.1987/2112, 1989/1207, 1994/2343, 1996/425, 1999/1958.

“Any occupation involving:

The use of, or work wholly or mainly in the immediate vicinity of the use of, a—

- (a) band saw, circular saw or cutting disc to cut metal in the metal founding or forging industries, circular saw to cut products in the manufacture of steel, powered (other than hand powered) grinding tool on metal (other than sheet metal or plate metal), pneumatic percussive tool on metal, pressurised air arc tool to gouge metal, burner or torch to cut or dress steel based products, skid transfer bank, knock out and shake out grid in a foundry, machine (other than a power press machine) to forge metal including a machine used to drop stamp metal by means of closed or open dies or drop hammers, machine to cut or shape or clean metal nails, or plasma spray gun to spray molten metal;
- (b) pneumatic percussive tool:- to drill rock in a quarry, on stone in a quarry works, underground, for mining coal, for sinking a shaft, or for tunnelling in civil engineering works;
- (c) vibrating metal moulding box in the concrete products industry, or circular saw to cut concrete masonry blocks;
- (d) machine in the manufacture of textiles for:- weaving man-made or natural fibres (including mineral fibres), high speed false twisting of fibres, or the mechanical cleaning of bobbins;
- (e) multi-cutter moulding machine on wood, planing machine on wood, automatic or semi-automatic lathe on wood, multiple cross-cut machine on wood, automatic shaping machine on wood, double-end tenoning machine on wood, vertical spindle moulding machine (including a high speed routing machine) on wood, edge banding machine on wood, bandsawing machine (with a blade width of not less than 75 millimetres) on wood, circular sawing machine on wood including one operated by moving the blade towards the material being cut, or chain saw on wood;
- (f) jet of water (or a mixture of water and abrasive material) at a pressure above 680 bar, or jet channelling process to burn stone in a quarry;

- (g) machine in a ship's engine room, or gas turbine for:- performance testing on a test bed, installation testing of a replacement engine in an aircraft, or acceptance testing of an Armed Service fixed wing combat aircraft;
- (h) machine in the manufacture of glass containers or hollow ware for:- automatic moulding, automatic blow moulding, or automatic glass pressing and forming;
- (i) spinning machine using compressed air to produce glass wool or mineral wool;
- (j) continuous glass toughening furnace;
- (k) firearm by a police firearms training officer; or
- (l) shot-blaster to carry abrasives in air for cleaning.”.

Transitional provision

4.—(1) Regulation 3 shall not apply to a period of assessment which relates to a claim which is made before the commencement date.

(2) A provisional assessment of the extent of a claimant's disablement due to occupational deafness, which is in force immediately before the commencement date, shall, from the commencement date, have effect for the remainder of the claimant's life.

(3) For the purposes of this regulation—

- (a) “commencement date” means the date on which these Regulations come into force;
- (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 1987(a).

Signed by authority of the Secretary of State for Work and Pensions.

20th August 2003

D. Browne
Minister of State,
Department for Work and Pensions

(a) S.I.1987/1968; relevant amending instruments are S.I.1989/1689, 1990/725 and 2208, 1991/2741, 1997/793, 1999/2572.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985.

Regulation 2 provides for an assessment of disablement in respect of occupational deafness to have effect for the claimant's life and makes a consequential revocation of regulation 33 of the principal Regulations. It also revokes regulations 30 to 32 of the principal Regulations which deal with supersession, revision or appeal of assessments for occupational deafness.

Regulation 3 revises the list of occupations in relation to which hearing loss is a prescribed disease.

Regulation 4 makes transitional provision, principally so that the amendments to Schedule 1 of the principal Regulations do not apply to claims in respect of hearing loss made, or treated as made, before these Regulations come into force.

These Regulations do not impose any costs on business.

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