
STATUTORY INSTRUMENTS

2006 No. 586

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2006

<i>Made</i>	- - - -	<i>5th March 2006</i>
<i>Laid before Parliament</i>		<i>10th March 2006</i>
<i>Coming into force</i>	- -	<i>6th April 2006</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 108(2), 109(2), 122(1) and 175(1) to (4) of, and paragraph 1 of Schedule 6 to, the Social Security Contributions and Benefits Act 1992(1).

The Secretary of State is satisfied of the matters referred to in section 108(2)(a) and (b) of that Act. In accordance with sections 171 and 172(2) of the Social Security Administration Act 1992(2), reference has been made to the Industrial Injuries Advisory Council.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2006 and shall come into force on 6th April 2006.

(2) In these Regulations “the principal Regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(3).

Amendment of the principal Regulations

2.—(1) In regulation 1(2) of the principal Regulations (interpretation)(4), in the definition of “primary carcinoma of the lung” after “D8” there shall be inserted “, D8A”.

(2) After regulation 20A of the principal Regulations (diffuse mesothelioma – prescribed loss of faculty)(5) there shall be inserted—

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- (1) 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) and Schedule 6 to the Tax Credits Act 2002 (c. 21). Paragraph 1 of Schedule 6 was amended by Schedule 13 to the Welfare Reform and Pensions Act 1999 (c. 30).
- (2) 1992 c. 5.
- (3) S.I. 1985/967; relevant amending instruments are S.I. 1993/862, 1997/810, 2002/1717 and 2003/270.
- (4) The definition of “primary carcinoma of the lung” was inserted by S.I. 1993/862.
- (5) Regulation 20A was inserted by S.I. 2002/1717.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Asbestos-related primary carcinoma of the lung – special conditions and prescribed loss of faculty

20B.—(1) This regulation shall apply to a claim for disablement pension made in respect of the diseases prescribed in paragraphs D8 and D8A of Part I of Schedule 1.

(2) On a claim to which this regulation applies—

(a) section 103(6) of the Social Security Contributions and Benefits Act 1992 (entitlement after expiry of 90 days) shall apply as if for the words “after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident” there were substituted the words “the day on which he first suffers from a loss of faculty due to primary carcinoma of the lung”; and

(b) paragraph 6(1) of Schedule 6 to the Social Security Contributions and Benefits Act 1992 (period to be taken into account by an assessment) shall apply as if the words “beginning not earlier than the end of the period of 90 days referred to in section 103(6) above and in paragraph 9(3) of that Schedule and” were omitted.

(3) On a claim to which this regulation applies, the loss of faculty prescribed for the purposes of sub-paragraph (d) of paragraph 1 of Schedule 6 to the Social Security Contributions and Benefits Act 1992 (assessment of extent of disablement) is lung impairment caused by primary carcinoma of the lung.”.

Amendment of Schedule 1 to the principal Regulations

3.—(1) Part I of Schedule 1 to the principal Regulations (list of prescribed diseases and the occupations for which they are prescribed) shall be amended as follows.

(2) For the entry relating to prescribed disease C24(6) there shall be substituted—

“C24.	<ul style="list-style-type: none"> (a) Angiosarcoma of the liver; or (b) osteolysis of the terminal phalanges of the fingers; or (c) sclerodermatous thickening of the skin of the hand; or (d) liver fibrosis, 	Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride.
C24A.	Raynaud’s phenomenon due to exposure to vinyl chloride monomer.	Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride before 1st January 1984.”.

(3) For the entry relating to prescribed disease D8(7) there shall be substituted—

(6) The entry relating to prescribed disease C24 was substituted by S.I. 2003/270.
 (7) The entry relating to prescribed disease D8 was amended by S.I. 1997/810.

“D8.	Primary carcinoma of the lung where there is accompanying evidence of asbestosis.	(a) The working or handling of asbestos or any admixture of asbestos; or (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or (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 (d) substantial exposure to the dust arising from any of the foregoing operations.
D8A.	Primary carcinoma of the lung.	Exposure to asbestos in the course of— (a) the manufacture of asbestos textiles; or (b) spraying asbestos; or (c) asbestos insulation work; or (d) applying or removing materials containing asbestos in the course of shipbuilding, where all or any of the exposure occurs before 1st January 1975, for a period of, or periods which amount in aggregate to, five years or more, or otherwise, for a period of, or periods which amount in aggregate to, ten years or more.”.

(4) For the entry in the first column of the entry relating to prescribed disease D9(8) there shall be substituted—

“D9. Unilateral or bilateral diffuse pleural thickening with obliteration of the costophrenic angle.”.

(8) The entry relating to prescribed disease D9 was amended by S.I. 1997/810.

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Transitional provision

4. Regulation 3(2) and (4) shall not apply to a period of assessment which relates to a claim which is made before the date on which these Regulations come into force.

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

5th March 2006

Margaret Hodge
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (S.I.1985/967), which prescribe diseases for which industrial injuries benefit is payable.

Regulation 2(1) makes a consequential amendment to the definition of “primary carcinoma of the lung”.

Regulation 2(2) provides, on a claim for disablement pension in respect of prescribed diseases D8 and D8A, that entitlement may arise from the first day a person suffers from a loss of faculty due to that disease and prescribes lung impairment caused by primary carcinoma of the lung as a loss of faculty from which the resulting disabilities are to be taken as amounting to 100% disablement.

Regulation 3(2) amends prescribed disease C24 in Part I of Schedule 1 by substituting diseases C24 and C24A. Where due to exposure to vinyl chloride monomer, angiosarcoma of the liver, osteolysis of the finger-tips, sclerodermatous thickening of the skin of the hand, liver fibrosis and Raynaud’s phenomenon are each prescribed independently. Only work involving exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride before 1st January 1984 is prescribed in relation to Raynaud’s phenomenon.

Regulation 3(3) amends prescribed disease D8 in Part I of Schedule 1 by substituting diseases D8 and D8A. The disease previously prescribed as D8 has been replaced with primary carcinoma of the lung where there is accompanying evidence of asbestosis and primary carcinoma of the lung. New occupations involving exposure to asbestos are prescribed in relation to primary carcinoma of the lung.

Regulation 3(4) amends prescribed disease D9 in Part I of Schedule 1 so that the obliteration of the costophrenic angle is used in the diagnosis of the prescribed disease.

Regulation 4 makes transitional provision so that the amendments made to Schedule 1 by regulation 3(2) and (4) do not apply to claims made before these Regulations come into force.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.