

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED
DISEASES) AMENDMENT REGULATIONS 2008

2008 No. 14

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 These regulations make amendments to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985, which prescribe diseases for which Industrial Injuries Disablement Benefit is paid. There are conditions that must be satisfied before a disease may be prescribed. First, the disease ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of a person's occupations and not as a risk common to all persons. Second, it must be possible, in the absence of special circumstances, to establish or presume with reasonable certainty the attribution of particular cases to the nature of the employment.
 - 2.2 These regulations add a new prescribed disease - D13 Primary carcinoma of the nasopharynx.
3. **Matters of special interest to the Select Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 Under section 171 of the Social Security Administration Act 1992, the Industrial Injuries Advisory Council (IIAC) gives advice to the Secretary of State on matters relating to Industrial Injuries Disablement Benefits. In July 2007, IIAC published a report recommending that carcinoma of the nasopharynx be prescribed.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to all of Great Britain
6. **European Convention on Human Rights**

As the instrument is subject to a negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

- 7.1 These regulations implement the recommendations of IIAC as set out in its report *Nasopharyngeal cancer due to exposure to wood dust* on 19th July 2007 (Cm 7162).
- 7.2 IIAC is an independent statutory body that advises the Secretary of State for Work and Pensions solely on matters relating to the industrial injuries benefit scheme. In particular, IIAC advises the Secretary of State on which diseases should be prescribed for the purpose of claims to Industrial Injuries Disablement Benefit, having studied the available evidence.
- 7.3 Carcinoma of the nasal cavity and associated air sinuses (anatomically distinct sites from the nasopharynx) is already prescribed in occupations involving wood dust exposure (Prescribed Disease PD D6). Although nasopharyngeal cancer is a rare disease, IIAC found consistent evidence of a greater than doubled risk of nasopharyngeal cancer due to exposure to wood dust.

Consultation

- 7.4 No formal consultation has taken place, although the regulations were referred to IIAC for approval. Before making its recommendations, IIAC invited evidence from medical and scientific experts and claimants' groups.

Consolidation and Guidance

- 7.5 Informal consolidation of the instrument will be included in due course in the Department's "The law relating to Social Security" (the Blue Volumes), which are available at no cost to the public on the internet at <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>

8. Impact

- 8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 The impact on the public sector is to add a maximum estimated £150,000 to programme expenditure over a 4-year period. There are no additional estimated administration costs involved.

9. Contact

Malcolm Connell at the Department for Work and Pensions Tel: 0113 23 24764 or e-mail: Malcolm.Connell@Jobcentreplus.gsi.gov.uk will answer any queries regarding the instrument.