

2008 No. 1552

SOCIAL SECURITY

**The Social Security (Industrial Injuries) (Prescribed Diseases)
Amendment (No. 2) Regulations 2008**

<i>Made</i> - - - -	<i>12th June 2008</i>
<i>Laid before Parliament</i>	<i>18th June 2008</i>
<i>Coming into force</i> - -	<i>21st July 2008</i>

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

The Secretary of State is satisfied of the matters referred to in section 108(2)(a) and (b) of that Act.

In accordance with section 172(2) of the Social Security Administration Act 1992(b), reference has been made to the Industrial Injuries Advisory Council.

Citation and commencement

1. These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 2008 and shall come into force on 21st July 2008.

Amendment of Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

2.—(1) Part I of Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(c) (list of prescribed diseases and the occupations for which they are prescribed) is amended as follows.

(2) In the first column of the entry relating to prescribed disease D12, omit “accompanying”.

(3) For the entry in the second column relating to prescribed disease D12, substitute—

“Exposure to coal dust (whether before or after 5th July 1948) by reason of working—

(a) underground in a coal mine for a period or periods amounting in aggregate to at least 20 years;

(a) 1992 c.4. Section 122(1) is cited for the definition of “prescribe”. 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).

(b) 1992 c.5.

(c) S.I. 1985/967; relevant amending instruments are S.I. 1993/1985, S.I. 1997/810 and S.I. 2000/1588.

- (b) on the surface of a coal mine as a screen worker for a period or periods amounting in aggregate to at least 40 years before 1st January 1983; or
- (c) both underground in a coal mine, and on the surface as a screen worker before 1st January 1983, where 2 years working as a surface screen worker is equivalent to 1 year working underground, amounting in aggregate to at least the equivalent of 20 years underground.

Any such period or periods shall include a period or periods of incapacity while engaged in such an occupation.”.

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

Stephen C. Timms
Minister of State,
Department for Work and Pensions

12th June 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part I of Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (S.I. 1985/967), which prescribes diseases for which industrial injuries benefit is payable. Specifically these Regulations amend prescribed disease D12: chronic bronchitis or emphysema.

Regulation 2(2) omits the word “accompanying” from the description of the disease. This gives greater clarity to the provision.

Regulation 2(3) amends the job description to include exposure to coal dust during screen work at the surface of the mine, for a period of 40 years in aggregate, where the exposure has taken place before 1st January 1983. Time spent as a screen worker can also be aggregated with underground work, whereby 2 years as a screen worker is the equivalent of 1 year underground. In the latter case the requisite period of work is at least the equivalent of 20 years as an underground worker.

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

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