

2024 No. 199

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Specified Diseases and Prescribed Occupations) (Amendment) Regulations 2024

Made - - - - 22nd February 2024

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1), (2) and (3) and 7(2) of, and paragraph 8(1) of the Schedule to, the Pneumoconiosis etc. (Workers' Compensation) Act 1979(a).

In accordance with sections 1(5) and 7(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(b), a draft of this instrument was laid before, and approved by resolution of, each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Specified Diseases and Prescribed Occupations) (Amendment) Regulations 2024 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales and Scotland.

Amendment of the Pneumoconiosis etc. (Workers' Compensation) (Specified Diseases) Order 1985

2. For article 2 of the Pneumoconiosis etc. (Workers' Compensation) (Specified Diseases) Order 1985(c) substitute—

“Specified Diseases

2 The following diseases are specified for the purposes of the 1979 Act—

- (a) asbestos-related primary carcinoma of the lung;
- (b) unilateral or bilateral diffuse pleural thickening.”.

(a) 1979 c. 41. Section 1 was amended by section 24 of the Social Security Act 1985 (c. 53) and paragraph 8(1) to the Schedule was inserted by Schedule 6 of the Welfare Reform Act 2007 (c. 5).
(b) Section 7(3) was amended by that Act.
(c) S.I. 1985/2034.

Amendment of the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988

3. Regulation 2(1) of the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988(a) is amended as follows—

(a) for sub-paragraph (f) substitute—

“(f) “disease” means a disease to which the Act applies (as specified in section 1(3) of the Act or in an order made under that section);”;

(b) omit sub-paragraph (i).

Amendment of the Pneumoconiosis etc. (Workers' Compensation) (Prescribed Occupations) Order 2007

4. The table in Part 2 of the Schedule to the Pneumoconiosis etc. (Workers' Compensation) (Prescribed Occupations) Order 2007(b) is amended as follows—

(a) in the left hand column, in the entry relating to primary carcinoma of the lung, for “one or both of the following” until the end, substitute “asbestosis”;

(b) after the entry relating to primary carcinoma of the lung, insert—

“Primary carcinoma of the lung (except where there is evidence of asbestosis)	Any occupation involving exposure to asbestos in the course of—
	(a) the manufacture of asbestos textiles;
	(b) spraying asbestos;
	(c) asbestos insulation work; or
	(d) applying or removing materials containing asbestos in the course of shipbuilding.”;

(c) in the left hand column, in the entry relating to bilateral diffuse pleural thickening, insert at the beginning “Unilateral or”.

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

22nd February 2024

Mims Davies
Parliamentary Under Secretary of State
Department for Work and Pensions

(a) S.I. 1988/668, to which there are amendments not relevant to these Regulations.

(b) S.I. 2007/2000.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c. 41) (“the Act”) lump sum payments may be made to certain persons disabled by a disease to which the Act applies, or to dependants of persons who were so disabled before they died. The diseases covered by the Act are pneumoconiosis, byssinosis, diffuse mesothelioma, and such other diseases as are specified by the Secretary of State.

The Pneumoconiosis etc. (Workers' Compensation) (Specified Diseases) Order 1985 (S.I. 1985/2034) specifies additional diseases to which the Act applies. The Pneumoconiosis etc. (Workers' Compensation) (Prescribed Occupations) Order 2007 (S.I. 2007/2000) lists the occupations prescribed for the purpose of each disease to which the Act applies. It is a condition of entitlement under the Act that every relevant employer has ceased business. The occupations prescribed in S.I. 2007/2000 are relevant in determining whether there is a relevant employer.

Regulation 2 amends the diseases specified in S.I. 1985/2034 as follows -

- a) Primary carcinoma of the lung where there is accompanying evidence of asbestosis and/or bilateral diffuse pleural thickening has been replaced with asbestos-related primary carcinoma of the lung.
- b) Bilateral diffuse pleural thickening has been replaced with unilateral or bilateral diffuse pleural thickening.

Regulation 3 makes consequential amendments to the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (S.I. 1988/668) to amend the definition of “disease” and remove the definition of “primary carcinoma of the lung”.

Regulation 4 makes amendments to the occupations prescribed in S.I. 2007/2000 which are relevant to determining whether there is a relevant employer.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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