EXPLANATORY MEMORANDUM TO THE PNEUMOCONIOSIS, BYSSINOSIS AND MISCELLANEOUS DISEASES BENEFIT (AMENDMENT) SCHEME 2006

2006 No. 638

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 Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983 which provides Workmens' compensation and industrial diseases benefit in respect of employment before 5th July 1948. The conditions that must be satisfied before a disease is prescribed is that the disease ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of their occupations and not as a risk common in all persons; and is such that, in the absence of special circumstances, the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty.

These regulations amend the prescription for 1 existing Prescribed disease in respect of asbestos related disease. The changes in respect of C24 made to the II (PD) regulations have not been mirrored in this SI because this prescribed disease was not added to the schedule of Prescribed Diseases to the main scheme until 1977 therefore pre 1948 coverage is not appropriate.

3. Matters of special interest to the joint 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 IIAC published a report which recommended changes to the prescription for 2 existing Prescribed diseases, in respect of asbestos related diseases, in the main scheme for Industrial Injuries Benefit. The Council also recommended that these changes should be mirrored in the regulations that covered pre 1948 employment. The recommendations were accepted by Minister and these regulations make the necessary amendments to The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit 1983.

5. Extent

5.1 This instrument applies to Great Britain.

6 European Convention on Human Rights

6.1 As the instrument is subject to 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 the report Asbestos Related Diseases (CM6553)

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 or amended for the purpose of claims to industrial Injuries Disablement Benefit, having studied the available evidence.

7.3 The recommendations made in the IIAC reports, were fully accepted by the Minister of State for Employment and Welfare Reform. These changes made in respect of asbestos related diseases ensure that sufferers under the pre 1948 arrangements for industrial injuries compensation benefit from the same easements introduced by the concurrent amendment to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985.

7.4 No formal consultation has taken place however IIAC invited evidence from medical and scientific experts and claimants groups before making the recommendations.

8 Impact

8.1 A regulatory Impact assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

8.2 This instrument will incur minimal additional programme expenditure and administrative costs will remain the same.

9 Contact

June Anderson at the Department for work and Pensions Tel: 0113 232 7671 or mail to: june.anderson@jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.