STATUTORY INSTRUMENTS

1985 No. 159

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1985

Made - - - -	11*th February* 1985
Laid before Parliament	20*th February* 1985
Coming into Operation	1*st April* 1985

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 76, 77 and 113 of the Social Security Act 1975(**a**) and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1985, shall come into operation on 1st April 1985.

(2) In these regulations, "the principal regulations" means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980(**b**).

Vibration White Finger

2.—(1) In Part I of Schedule 1 to the principal regulations, after the disease numbered A10 (occupational deafness) there shall be inserted—

(*a*) in the first column the words "11. Episodic blanching, occurring throughout the year, affecting the middle or proximal phalanges or in the case of a thumb the proximal phalanx, of—

(*a*) in the case of a person with 5 fingers (including thumb) on one hand, any 3 of those fingers, or

(*b*) in the case of a person with only 4 such fingers, any 2 of those fingers, or

(*c*) in the case of a person with less than 4 such fingers, any one of those fingers or, as the case may be, the one remaining finger

(Vibration White Finger).", and

(*b*) in the second column, the words

"(*a*) The use of hand-held chain saws in forestry; or

(**a**) 1975 c. 14.
(**b**) S.I. 1980/377; the relevant amending instruments are S.I. 1983/185 and 1094.

(*b*) the use of hand-held rotary tools in grinding or in the sanding or polishing of metal, or the holding of material being ground, or metal being sanded or polished, by rotary tools; or

(*c*) the use of hand-held percussive metal-working tools, or the holding of metal being worked upon by percussive tools, in riveting, caulking, chipping, hammering, fettling or swaging; or

(*d*) the use of hand-held powered percussive drills or hand-held powered percussive hammers in mining, quarrying, demolition, or on roads or footpaths, including road construction; or

(*e*) the holding of material being worked upon by pounding machines in shoe manufacture.".

(2) In Schedule 3 to the principal regulations, after the entry relating to the disease numbered A3 (dysbarism) there shall be inserted—

(*a*) in the first column the words "A11 Episodic blanching, occurring throughout the year, affecting the middle or proximal phalanges or in the case of a thumb the proximal phalanx, of—

(*a*) in the case of a person with 5 fingers (including thumb) on one hand, any 3 of those fingers, or

(*b*) in the case of a person with only 4 such fingers, any 2 of those fingers, or

(*c*) in the case of a person with less than 4 such fingers, any one of those fingers or, as the case may be, the one remaining finger

(Vibration White Finger).";

(*b*) in the second column the date "1st April 1985".

Lung Cancer and Bilateral Diffuse Pleural Thickening

3.—(1) Part I of Schedule 1 to the principal regulations shall be amended by the addition, after the disease numbered D7 (Occupational asthma), of the diseases specified in the first column of Schedule 1 hereto and of the occupations set against these diseases in the second column of that Schedule.

(2) Schedule 3 to the principal regulations shall be amended by the addition, after the disease numbered D7 (Occupational asthma), of the diseases specified in the first column of Schedule 2 hereto and of the relevant date set against these diseases in the second column of that Schedule.

(3) In regulation 1(2) of the principal regulations the following entries shall be inserted at the appropriate points—

" 'asbestosis' means fibrosis of the parenchyma of the lungs due to the inhalation of asbestos dust;";

" 'bilateral diffuse pleural thickening' means the disease numbered D9 in Part I of Schedule 1 to these regulations;";

" 'lung cancer' means the disease numbered D8 in Part I of Schedule 1 to these regulations;".

(4) In regulation 6(2) of the principal regulations—

(*a*) in sub-paragraph (*a*) for the words "or occupational asthma" there shall be substituted the words "occupational asthma, lung cancer or bilateral diffuse pleural thickening"; and

(*b*) in sub-paragraph (*b*) for the words "or occupational asthma" there shall be substituted the words "occupational asthma, lung cancer or bilateral diffuse pleural thickening".

(5) In regulation 7(1) of the principal regulations, for the words "or occupational asthma" there shall be substituted the words "occupational asthma, lung cancer or bilateral diffuse pleural thickening".

(6) The Social Security (Adjudication) Regulations 1984(**a**) shall be amended in accordance with the following provisions of this paragraph:—

(*a*) in regulation 32(2) (determination of medical questions) for the words "or D7" there shall be substituted the words "D7, D8 or D9";

(*b*) in regulation 36(2) (disqualification for acting as an adjudicating medical authority) for the words "or D7" there shall be substituted the words "D7, D8 or D9";

(*c*) in regulation 41(2)(*b*) (application of adjudication regulations to prescribed diseases) for the words "and D7" there shall be substituted the words "D7, D8 and D9";

(*d*) in regulation 43(2) (reference of diagnosis and recrudescence questions for medical report) for the words "and D7" there shall be substituted the words "D7, D8 and D9".

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Minister of State,
Department of Health and Social Security.

11th February 1985.

(**a**) S.I. 1984/451.

SCHEDULE 1

Regulation 3(1)

Description of disease or injury	Nature of occupation
	Any occupation involving:—
D8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following:— (*a*) asbestosis; (*b*) bilateral diffuse pleural thickening.	(*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.
D9. Bilateral diffuse pleural thickening.	(*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.

Regulation 3(2)

SCHEDULE 2

Description of disease	Relevant date
D8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following:— (*a*) asbestosis; (*b*) bilateral diffuse pleural thickening.	1st April 1985.
D9. Bilateral diffuse pleural thickening.	1st April 1985.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations extend cover under the industrial injuries provisions of the Social Security Act 1975 to vibration white finger, to lung cancer and to bilateral diffuse pleural thickening by making additions to the list of prescribed diseases in Part I of Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980 ("the principal regulations").

Vibration white finger is prescribed (regulation 2) in relation to persons employed in specified occupations. Benefit is not payable for any period before 1st April 1985 (regulation 2(2)).

Lung cancer and bilateral diffuse pleural thickening are prescribed (regulation 3) in relation to persons employed in specified occupations involving exposure to asbestos. Benefit is not payable for any period before 1st April 1985 (regulation 3(2)). Regulation 3(3) provides definitions of asbestosis, lung cancer and bilateral diffuse pleural thickening. Regulation 3(4) provides that the date of onset determined for claims for disablement benefit is to be treated as the date of onset for the purposes of claims for sickness benefit under section 50A of the Social Security Act 1975. Provisions in the principal regulations relating to recrudescence do not apply to these two diseases (regulation 3(5)). The diagnosis of these two diseases will be for special medical boards; and medical reports for these diseases will be obtained from specially qualified adjudicating medical practitioners.

SI 1985/159
ISBN 0-11-056159-7

