STATUTORY INSTRUMENTS

1987 No. 335

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1987

Made - - - -	*4th March 1987*
Laid before Parliament	*4th March 1987*
Coming into force	
for the purposes of regulations 1, 2, 3 and 4	*1st April 1987*
for the purposes of regulation 5	*6th April 1987*

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 76, 77 and 113 of, and Schedule 20 to, 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 1987, shall come into force for the purposes of regulations 1, 2, 3 and 4 on 1st April 1987 and for the purposes of regulation 5 on 6th April 1987.

(2) In these regulations "the principal regulations" means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(**b**).

Amendment of the principal regulations relating to prescription of lung cancer

2.—(1) Part 1 of Schedule 1 to the principal regulations shall be amended by the addition after the disease numbered D9 (Bilateral diffuse pleural thickening), of the disease specified in the first column of the Schedule hereto and of the occupations set against this disease in the second column of that Schedule.

(2) For the definition of "lung cancer" in regulation 1(2) of the principal regulations shall be substituted " 'lung cancer' means the diseases numbered D8 and D10 in Part I of Schedule 1 to these regulations except in Part I of Schedule 1 and in Schedule 4 where it means the disease numbered D10.".

(3) In Schedule 4 to the principal regulations after the entry relating to the disease numbered D9 (Bilateral diffuse pleural thickening) there shall be inserted–

(a) in the first column the words "D10 lung cancer";

(b) in the second column the date "1st April 1987".

(**a**) 1975 c.14; Schedule 20 is cited because of the meaning ascribed to the words "prescribe" and "regulations".
(**b**) S.I. 1985/967; the only relevant amending instrument is S.I. 1986/1561.

Date before which there will not be entitlement to payment of benefit

3. There shall be no entitlement to payment of benefit in the case of a person suffering from prescribed disease D10 in respect of any day which is earlier than the relevant date or in respect of any death which occurs before the relevant date.

Amendment of the Social Security (Adjudication) Regulations 1984

4.—(1) The Social Security (Adjudication) Regulations 1984(**a**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 32(2) (determination of medical questions) for the words "or D9" there shall be substituted the words ", D9 or D10".

(3) In regulation 36(2) (disqualification from acting as an adjudicating medical authority) for the words "or D9" there shall be substituted the words ", D9 or D10".

(4) In regulation 41(2)(b) (application of adjudication regulations to prescribed diseases) for the words "and D9" there shall be substituted the words ", D9 and D10".

(5) In regulation 43(2) (reference of diagnosis and recrudescence questions for medical report) for the words "and D9" there shall be substituted the words ", D9 and D10".

Amendment of the Social Security (Adjudication) Regulations 1986

5.—(1) The Social Security (Adjudication) Regulations 1986(**b**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 29(2) (determination of medical questions) for the words "or D9" there shall be substituted the words ", D9 or D10".

(3) In regulation 33(2) (disqualification from acting as an adjudicating medical authority) for the words "or D9" there shall be substituted the words ", D9 or D10".

(4) In regulation 41(2)(b) (application of adjudication regulations to prescribed diseases) for the words "and D9" there shall be substituted the words ", D9 and D10".

(5) In regulation 42(1) (reference of diagnosis and recrudescence questions for medical report) for the words "and D9" there shall be substituted the words ", D9 and D10".

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

John Major

4th March 1987 — Minister of State, Department of Health and Social Security

SCHEDULE

Regulation 2(1)

Description of disease or injury	*Nature of occupation*
D10. Lung Cancer.	(a) Work underground in a tin mine; or (b) exposure to bis(chloromethyl)ether produced during the manufacture of chloromethyl methyl ether; or (c) exposure to zinc chromate calcium chromate or strontium chromate in their pure forms.

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

(**b**) S.I. 1986/2218.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations which come into effect on 1st April 1987 provide for a further industrial disease of lung cancer to be prescribed under Chapter V of Part II of the Social Security Act 1975.

Regulation 2(2) amends the definition of lung cancer in regulation 1(2) of the principal regulations. Benefit is not payable for any period before 1st April 1987 (regulations 2(3) and 3). The Social Security (Adjudication) Regulations 1984 and 1986 are amended by regulations 4 and 5 so as to provide for diagnosis of the newly prescribed disease to be for special medical boards and for medical reports to be obtained from specially qualified medical practitioners.