EXPLANATORY MEMORANDUM TO THE

SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) AMENDMENT REGULATIONS 2005

2005 No. 324

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 Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985, which prescribe diseases for which Industrial Injuries Disablement benefit is paid. The conditions which must be satisfied before a disease may be prescribed are 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 to 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 add 3 new diseases, amend the prescription for 5 existing diseases and delete obsolete provisos in 2 other regulations.

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 November 2003, IIAC published 2 reports which recommended that 3 new diseases be added to the scheduled list of prescribed diseases and that the prescription for 5 existing prescribed diseases be amended. The recommendations were accepted by the Minister and these regulations make the necessary amendments to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985.

5. Extent

5.1 This instrument applies to all of Great Britain.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy Background

7.1 These regulations implement the recommendations of IIAC as set out in their reports on Conditions due to Biological Agents (CM 5997) and Osteoarthritis of the Hip (CM5977).

7.2 IIAC is an independent statutory body that advise 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 for the purpose of claims to Industrial Injuries Disablement Benefit, having studied the available evidence.

7.3 The recommendations, made in IIAC's reports, were fully accepted by the Minister of State for Work. They were that 3 new diseases be added to the list of prescribed diseases and the prescription for 5 existing diseases be amended. Included in the statutory instrument are minor amendments to regulations 2 and 25 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985. The amendment to Regulation 2 is in respect of concurrent employment, in two or more occupations, which is no longer relevant and the amendment to Regulation 25 deletes an obsolete proviso in respect of claims made before 3rd October 1984.

7.4 The 3 new diseases are:

- Osteoarthritis of the hip in farmers
- Lyme disease for workers exposed to a source of *Borrelia* and
- Anaphylaxis in healthcare workers exposed to natural rubber latex products.

7.5 The 5 existing diseases are amended as follows:

- Anthrax. Generally, humans contract anthrax by exposure to infected herbivorous animals or their products. This source of infection is reflected in the current prescription. The report acknowledges the potential for infection in other circumstances therefore the prescription has been widened to include any work involving contact with anthrax spores.
- Ankylostomiasis. The current prescription is restricted to work in or about mines. Contact with sources of ankylostomiasis is however not restricted to work in mines. The report therefore recommends the revised prescription to refer to any work involving contact with sources of ankylostomiasis.
- Viral hepatitis. To be amended to reflect recent evidence of differences between the different types of viral hepatitis, their routes of transmission and various workers at risk.
- Occupational asthma. Exposure to natural rubber latex to be included in the terms of prescription.

- Allergic rhinitis. Exposure to natural rubber latex to be included in the terms of prescription.

7.6 No formal consultation has taken place however, IIAC invited evidence from medical and scientific experts and claimants' groups before making their 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 additional programme expenditure and administration costs.

9. Contact

9.1 Caroline Vincent at the Department for Work and Pensions Tel: 01253 333046 or e-mail: **Caroline.D.Vincent@Jobcentreplus.gsi.gov.uk** can answer any queries regarding the instrument.