1985 No. 41

SOCIAL SECURITY

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

Made	*4th March 1985*
Coming into operation . . .	*1st April 1985*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76, 77, 113 and 157(1) of, and Schedule 17 to, the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

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

(2) In these regulations "the principal regulations" means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1983(**b**).

Amendment of the principal regulations relating to prescription of vibration white finger

2.—(1) Part I of Schedule 1 to the principal regulations shall be amended by the addition, after the disease numbered A10 (occupational deafness), of the disease specified in the first column of Schedule 1 hereto and of the occupations set against that disease in the second column of that Schedule.

(2) Schedule 3 to the principal regulations shall be amended by the insertion, after the entry relating to the disease numbered A3 (dysbarism), of the disease specified in the first column of Schedule 2 hereto and of the relevant date set against that disease in the second column of that Schedule.

Amendment of the principal regulations relating to prescription of 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 3 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 4 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 (interpretation) 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;";

(**a**) 1975 c. 15: *see* definitions of "prescribe" and "regulations" in Schedule 17
(**b**) S.R. 1983 No. 19, as amended by S.R. 1983 Nos. 37 and 260, and S.R. 1984 Nos. 144, 174 and 371

" "bilateral diffuse pleural thickening" means the disease numbered D9 in Part 1 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 (date of onset)—

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

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

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

Amendment of the Social Security (Adjudication) Regulations (Northern Ireland) 1984 relating to prescription of lung cancer and bilateral diffuse pleural thickening

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

(*a*) in regulation 38(2) (disqualification for acting as an adjudicating medical authority) for "or D7" there shall be substituted "D7, D8 or D9";

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

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

(*d*) in regulation 51(1) (additional provisions relating to the powers and decisions of medical boards) for "and D7" there shall be substituted "D7, D8 and D9".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th March 1985.

(L.S.) *A. N. Burns*

Assistant Secretary

(**a**) S.R. 1984 No. 144 to which there are amendments not relevant to the subject matter of these regulations

SCHEDULE 1 Regulation 2(1)

Prescribed disease or injury	*Occupation*
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).	(*a*) The use of hand-held chain saws in forestry; or (*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.

SCHEDULE 2 Regulation 2(2)

Prescribed disease or injury	*Relevant date*
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).	1st April 1985.

SCHEDULE 3 Regulation 3(1)

Prescribed disease or injury	*Occupation*
8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following— (*a*) asbestosis; (*b*) bilateral diffuse pleural thickening.	Any occupation involving: (*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.
9. 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.

SCHEDULE 4 Regulation 3(2)

Prescribed disease or injury	*Relevant date*
D8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following—	1st April 1985.
(*a*) asbestosis;	
(*b*) bilateral diffuse pleural thickening.	
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 (Northern Ireland) 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 (Northern Ireland) 1983 ("the principal regulations").

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

Lung cancer and bilateral diffuse pleural thickening are prescribed (regulation 3(1) and Schedule 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) and Schedule 4). 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 (Northern Ireland) Act 1975. Provisions in the principal regulations relating to recrudescence do not apply to these two diseases (regulation 3(5)).

Regulation 4 amends the Social Security (Adjudication) Regulations (Northern Ireland) 1984 so that the procedures for dealing with claims for bilateral diffuse pleural thickening and lung cancer are the same as those for the other prescribed chest diseases.