STATUTORY INSTRUMENTS

2015 No. 87

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015

Made - - - -	*29th January 2015*
Laid before Parliament	*5th February 2015*
Coming into force - -	*16th March 2015*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 108(2), 109(2), 122(1), 175(1) and (3) to (5) of, and paragraph 2 of Schedule 6 to, the Social Security Contributions and Benefits Act 1992(**1**) after reference to the Industrial Injuries Advisory Council(**2**).

The Secretary of State is satisfied of the matters referred to in section 108(2)(a) and (b) of that Act.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 and come into force on 16th March 2015.

(2) In these regulations "the principal Regulations" means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(**3**).

Substitution of regulation 4 of the principal Regulations

2. For regulation 4 of the principal Regulations (presumption that a disease is due to the nature of employment) substitute—

"**Presumption that a disease is due to the nature of employment**

4.—(1) Where a person has developed a disease which is prescribed in Part I of Schedule 1 in paragraphs A3(a), A4, A5, A6, A7, A8, A11, B1(a), B3, B4(a), B9, B10, B11, B12, B14, B15, C3, C24A, D4 or D7, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if—

(**1**) 1992 c.4. Section 109(2) is amended by paragraph 65 of Schedule 7 to the Social Security Act 1998 (c.14), section 175(1) and (4) is amended by the Social Security Contributions (Transfer of Functions etc) Act 1999 (c.2), section 175(5) is amended by the Social Security (Incapacity for Work) Act 1994 (c .18), section 122(1) is cited for the meaning of "prescribe".
(**2**) See sections 171 and 172(2) of the Social Security Administration Act 1992 (c.5).
(**3**) S.I. 1985/967.

(a) that employment was in any occupation set against that disease in the second column of that Part; and

(b) the person was so employed on, or at any time within one month immediately preceding, the date on which, under these Regulations, that person is treated as having developed the disease.

(2) Where a person has developed a disease which is prescribed in Part I of Schedule 1 in paragraphs A1, A2, A3(b), A10, A13, A14, B2, B6, B8B, B13, C17, C18, C22(a), C24, C31, C32, D2, D3, D6, D8, D8A, D9, D10, D11, D12 or D13, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if that employment was in any occupation set against that disease in the second column of that Part.

(3) Where a person in relation to whom tuberculosis is prescribed in paragraph B5 of Part I of Schedule 1 in respect of the occupation set out in sub-paragraph (a) in the second column of the entry relating to that disease, develops that disease, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if the date on which, under these Regulations, that person is treated as having developed the disease is—

(a) not less than six weeks after the date on which that person was first employed in that occupation; and

(b) not more than two years after the date on which that person was last so employed in that occupation.

(4) Where a person has developed a disease which is prescribed in Part I of Schedule 1 in paragraphs B1(b), B4(b), B7 and B8A, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if—

(a) that employment was in any occupation set against that disease in the second column of that Part; and

(b) that person was so employed—

(i) on the date on which, under these Regulations, that person is treated as having developed the disease; or

(ii) on a date at any time within—

(aa) in the case of B1(b) or B8A, two months;

(bb) in the case of B7, six months; or

(cc) in the case of B4(b), twelve months

immediately preceding the date on which, under these Regulations, that person is treated as having developed the disease.

(5) Where a person in relation to whom carpal tunnel syndrome is prescribed in paragraph A12 of Part I of Schedule 1 in respect of the occupation set out in sub-paragraph (b) in the second column of the entry relating to that disease, develops that disease, it shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if that person was employed in that occupation on the date, or at any time within one month immediately preceding the date, on which under these Regulations that person is treated as having developed the disease.

(6) Where a person in relation to whom primary neoplasm of the epithelial lining of the urinary tract is prescribed in paragraph C23 of Part I of Schedule 1 in respect of the occupation set out in sub-paragraph (a), (b) or (e) in the second column of the entry relating to that disease, develops that disease, it shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment.