STATUTORY RULES OF NORTHERN IRELAND

2006 No. 96

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*8th March 2006*
Coming into operation	*6th April 2006*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 108(2), 109(2) and 171(1) to (4) of, and paragraph 1 of Schedule 6 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

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

Citation and commencement

1. These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 6th April 2006.

Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations

2.—(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(**3**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) in the definition of "primary carcinoma of the lung"(**4**) after "D8" there shall be inserted ", D8A".

(3) After regulation18A(**5**) (diffuse mesothelioma – prescribed loss of faculty) there shall be inserted the following regulation—

(**1**) 1992 c. 7; section 109(2) was amended by paragraph 47 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I.1998/1506 (N.I. 10)), section 171(1) and (2) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and paragraph 28 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) respectively and paragraph 1 of Schedule 6 was amended by Part IV of Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) S.R. 1986 No. 179; relevant amending regulations are S.R. 1993 No. 148, S.R. 1997 No. 158, S.R. 2002 No. 237 and S.R. 2003 No. 63

(**4**) The definition of "primary carcinoma of the lung" was inserted by regulation 2(b) of S.R. 1993 No. 148

(**5**) Regulation 18A was inserted by regulation 2(3) of S.R. 2002 No. 237

"**Asbestos-related primary carcinoma of the lung – special conditions and prescribed loss of faculty**

18B.—(1) This regulation shall apply to a claim for disablement pension made in respect of the diseases prescribed in paragraphs D8 and D8A of Part I of Schedule 1 to these regulations.

(2) On a claim to which this regulation applies—

(a) section 103(6) of the Contributions and Benefits Act (entitlement after expiry of 90 days) shall apply as if for "after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident" there were substituted "the day on which he first suffers from a loss of faculty due to primary carcinoma of the lung"; and

(b) paragraph 6(1) of Schedule 6 to the Contributions and Benefits Act (period to be taken into account by an assessment) shall apply as if the words "beginning not earlier than the end of the period of 90 days referred to in section 103(6) above and in paragraph 9(3) of that Schedule and" were omitted.

(3) On a claim to which this regulation applies, the loss of faculty prescribed for the purposes of sub-paragraph (d) of paragraph 1 of Schedule 6 to the Contributions and Benefits Act (assessment of extent of disablement) is lung impairment caused by primary carcinoma of the lung.".

(4) In Part I of Schedule 1 (list of prescribed diseases and the occupations for which they are prescribed)—

(a) for the entry relating to prescribed disease C24(**6**) there shall be substituted—

(a) Angiosarcoma of the liver; or (b) osteolysis of the terminal phalanges of the fingers; or (c) sclerodermatous thickening of the skin of the hand; or (d) liver fibrosis, due to exposure to vinyl chloride monomer.	Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride.
C24A. Raynaud's phenomenon due to exposure to vinyl chloride monomer.	Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride before 1st January 1984.”;

(b) for the entry relating to prescribed disease D8(**7**) there shall be substituted—

"**D8.** Primary carcinoma of the lung where there is accompanying evidence of asbestosis.	(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

(**6**) Prescribed disease C24 was substituted by regulation 2(4)(r) of S.R. 2003 No. 63
(**7**) Prescribed disease D8 was amended by regulation 2(4)(b) of S.R. 1997 No. 158