STATUTORY RULES OF NORTHERN IRELAND

1997 No. 158

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997

Made - - - -	*14th March 1997*
Coming into operation	*9th April 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 108(2), 109(2) and 171(1) to (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 57(1), 60(1) and 165(1) and (4) of, and paragraph 2 of Schedule 3 to, the Social Security Administration (Northern Ireland) Act 1992(**2**) 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) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997 and shall come into operation on 9th April 1997.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Assembly.

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

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

(2) In regulation 1(2) (interpretation) after the definition of "the Act" there shall be inserted the following definition—

> ""the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;".

(3) In regulation 18 (special conditions for disablement benefit for pneumoconiosis, byssinosis and diffuse mesothelioma) after paragraph (2) there shall be added the following paragraph—

> "(3) On a claim for disablement pension in respect of diffuse mesothelioma—

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1986 No. 179; relevant amending regulations are S.R. 1986 No. 340, S.R. 1987 No. 116 and S.R. 1993 Nos. 148 and 350

(a) section 103(6) of the Contributions and Benefits Act shall apply as if for the words from "after the expiry" to the end there were substituted "the day on which he first suffers from a loss of faculty due to diffuse mesothelioma";

(b) paragraph 6(1) of Schedule 6 to the Contributions and Benefits Act 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.".

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

(a) for the entry in the second column relating to the disease numbered D3 (diffuse mesothelioma) there shall be substituted the following entry—

"Exposure to asbestos, asbestos dust or any admixture of asbestos at a level above that commonly found in the environment at large.";

(b) in the entry in the first column relating to the disease numbered D8 (primary carcinoma of the lung) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(b) unilateral or bilateral diffuse pleural thickening extending to a thickness of 5 millimetres or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging) which—

(i) in the case of unilateral diffuse pleural thickening, covers 50 per cent. or more of the area of the chest wall of the lung affected; or

(ii) in the case of bilateral diffuse pleural thickening, covers 25 per cent. or more of the combined area of the chest wall of both lungs.";

(c) for the entry in the first column relating to the disease numbered D9 (bilateral diffuse pleural thickening) there shall be substituted the following entry—

"D9. Unilateral or bilateral diffuse pleural thickening extending to a thickness of 5 millimetres or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging) which —

(i) in the case of unilateral diffuse pleural thickening, covers 50 per cent. or more of the area of the chest wall of the lung affected; or

(ii) in the case of bilateral diffuse pleural thickening, covers 25 per cent. or more of the combined area of the chest wall of both lungs.";

(d) for the entry relating to the disease numbered D12(**5**) (chronic bronchitis and emphysema) there shall be substituted the following entry—

(i) in the first column, the following disease—

"D12. Except in the circumstances specified in regulation 2(*d*)—

(a) chronic bronchitis; or

(b) emphysema; or

(c) both,

where there is accompanying evidence of a forced expiratory volume in one second (measured from the position of maximum inspiration with the claimant making maximum effort) which is—

(**5**) Prescribed Disease D12 was inserted by regulation 7 of S.R. 1993 No. 350