1993 No. 168

SOCIAL SECURITY

The Social Security (Industrial Injuries and Adjudication) (Amendment) Regulations (Northern Ireland) 1993

Made	*1st April 1993*
Coming into operation . .	*19th April 1993*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 110(1) and (2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and sections 43(2), 44(2), 45(3) and (9), 56(1), 57 and 60(1) of, and paragraph 2 of Schedule 3 to, the Social Security Administration (Northern Ireland) Act 1992(**b**) 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 and Adjudication) (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 19th April 1993.

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

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

2.—(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(**d**) shall be amended in accordance with paragraphs (2) to (6).

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

" "adjudicating medical authority" means, as the case may be, an adjudicating medical practitioner or a medical board;".

(3) In regulation 20(2) (pneumoconiosis — effects of emphysema and chronic bronchitis)—

(*a*) in sub-paragraph (*a*) for "a medical board" there shall be substituted "an adjudicating medical authority"; and

(*b*) in sub-paragraph (*b*) for "medical board" there shall be substituted "adjudicating medical authority".

(**a**) 1992 c. 7
(**b**) 1992 c. 8
(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. 1986 No. 179; relevant amending regulations are S.R. 1986 No. 340

(4) In regulation 21 (reduced earnings allowance — special provision for pneumoconiosis cases) for ''a medical board'' there shall be substituted ''an adjudicating medical authority''.

(5) In regulation 25 (further claims in respect of occupational deafness) for ''a medical board'' in each place where it occurs there shall be substituted ''an adjudicating medical authority''.

(6) In regulation 29 (review of assessment for unforeseen aggravation in respect of occupational deafness) for ''a medical board'' there shall be substituted ''an adjudicating medical authority''.

Amendment of the Social Security (Adjudication) Regulations

3.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1987(**a**) shall be amended in accordance with paragraphs (2) to (13).

(2) In regulation 1(2) (interpretation) after the definition of ''the 1986 Order'' there shall be inserted the following definition—

'' ''the Administration Act'' means the Social Security Administration (Northern Ireland) Act 1992;''.

(3) In regulation 29(1) (determination of medical questions)—

(*a*) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

''(*a*) any question arising on an application for the review of a decision under—

(i) section 45(1) of the Administration Act (decision given in ignorance of, or based on a mistake as to, a material fact), or

(ii) section 45(2) of that Act (error of law); and''; and

(*b*) sub-paragraph (*b*) shall be omitted.

(4) In regulation 33 (disqualification from acting as an adjudicating medical authority or as a member thereof or as a member of a medical appeal tribunal)—

(*a*) in paragraph (1) at the beginning there shall be inserted ''Subject to paragraphs (1A) and (2),'';

(*b*) after paragraph (1) there shall be inserted the following paragraph—

''(1A) A medical practitioner to whom a question has been referred under regulation 42(1) (reference of diagnosis and recrudescence questions for medical report) shall not be precluded from acting as an adjudicating medical practitioner solely by reason of his having prepared, under that regulation, a report on the case of the claimant (whether in relation to the question for determination or otherwise) if he proposes to determine the question in favour of the claimant.''; and

(**a**) S.R. 1987 No. 82; relevant amending regulations are S.R. 1987 No. 116, S.R. 1989 No. 397 and S.R. 1992 No. 36