1989 No. 319

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1989

Made	*2nd August 1989*
Coming into operation—	
Except for regulation 4	*9th August 1989*
Regulation 4	*16th October 1989*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76 and 77(2) of 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) 1989 and shall come into operation on 9th August 1989, except for regulation 4 which shall come into operation on 16th October 1989.

(2) These regulations shall be read as one with the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(**b**), hereinafter referred to as "the principal regulations".

Amendment of the principal regulations relating to date of onset

2. In regulation 6(1)(*b*) of the principal regulations (date of onset) for "no award of benefit is made" there shall be substituted "the degree of disablement is asssessed at less than one per cent.".

Amendment of the principal regulations relating to recrudescence

3. In regulation 7(1) of the principal regulations (recrudescence)—

(*a*) for the words from "If" to "pleural thickening" there shall be substituted "Where in respect of a prescribed disease other than pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, lung cancer or bilateral diffuse pleural thickening, a person's disablement has been assessed at not less than one per cent. and he"; and

(*b*) in sub-paragraph (*a*) for "an assessment of disablement relating to such a previous award" there shall be substituted "that assessment".

(**a**) 1975 c. 15

(**b**) S.R. 1986 No. 179; the relevant amending regulations are S.R. 1986 Nos. 270 and 340, S.R. 1987 Nos. 116 and 454 and S.R. 1988 No. 148

Amendment of the principal regulations relating to occupational deafness

4.—(1) Regulation 32 of the principal regulations (assessment of extent of disablement and rate of disablement benefit payable in respect of occupational deafness) shall be amended in accordance with sub-paragraphs (*a*) to (*d*)—

(*a*) in paragraph (1) for the words from ''shall be the percentage calculated'' to the end there shall be substituted ''shall be the percentage calculated by—

(*a*) determining the average total hearing loss due to all causes for each ear at 1, 2 and 3 kHz frequencies; and then by

(*b*) determining the percentage degree of disablement for each ear in accordance with Part I of Schedule 3 to these regulations; and then by

(*c*) determining the average percentage degree of binaural disablement in accordance with the formula set out in Part III of that Schedule.'';

(*b*) in paragraph (2) for the words from ''shall be assessed'' to the end there shall be substituted ''shall be the percentage calculated by—

(*a*) determining the average total hearing loss due to all causes for each ear at 1, 2 and 3 kHz frequencies; and then by

(*b*) determining the percentage degree of disablement for each ear in accordance with Part II of Schedule 3 to these regulations; and then by

(*c*) determining the average percentage degree of binaural disablement in accordance with the formula set out in Part III of that Schedule.'';

(*c*) in paragraph (3) ''this regulation and in'' shall be omitted; and

(*d*) after paragraph (3) there shall be inserted the following paragraph—

''(3A) For the purposes of determining the percentage degree of disablement in Parts I and II of Schedule 3 to these regulations, any fraction of an average hearing loss shall, where the average hearing loss is over 50dB, be rounded down to the next whole figure.''.

(2) In relation to prescribed disease A10 (occupational deafness) for the words of prescription set out in the first column of Part I of Schedule 1 to the principal regulations (list of prescribed diseases and the occupations for which they are prescribed) there shall be substituted the following—

''A10. Sensorineural hearing loss amounting to at least 50 dB in each ear, being the average of hearing losses at 1, 2 and 3 kHz frequencies, and being due in the case of at least one ear to occupational noise (occupational deafness).''.

(3) In the first column, in both Part I and Part II of Schedule 3 to the principal regulations (assessment of the extent of occupational deafness) for ''Average hearing loss (dB) over 1, 2 and 3 kHz'' there shall be substituted ''Average of hearing losses (dB) due to all causes at 1, 2 and 3 kHz frequencies''.