1983 No. 19

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1983

Made . . . . . *16th February 1983*

Coming into operation . . . *21st March 1983*

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The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76, 77, 78, 113, 115 and 146 of, and Schedules 12 and 13 to, the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, and for the purpose only of consolidating regulations hereby revoked, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1983 and shall come into operation on 21st March 1983.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts (Northern Ireland) 1927 to 1943(b), or the enactments repealed by the Workmen's Compensation Act (Northern Ireland) 1927(c), or the enactments repealed by the Workmen's Compensation Act 1906(d);

"the Benefit Regulations" means the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976(e);

"the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(f);

"the Determination of Claims and Questions Regulations" means the Social Security (Determination of Claims and Questions) Regulations (Northern Ireland) 1975(g);

"asbestos textiles" means yarn or cloth composed of asbestos or of asbestos mixed with any other material;

(a) 1975 c. 15
(b) 1927 c. 16 (N.I.); 1931 c. 16 (N.I.); 1940 c. 18 (N.I.); 1941 c. 16 (N.I.); 1943 c. 6 (N.I.); 1943 c. 13 (N.I.)
(c) 1927 c. 16 (N.I.)
(d) 1906 c. 58
(e) S.R. 1976 No. 42; amended by S.R. 1976 No. 259; S.R. 1977 Nos. 51, 73, 74 and 258; S.R. 1978 No. 262; S.R. 1979 No. 371; S.R. 1980 Nos. 357 and 384; S.R. 1981 No. 345; S.R. 1982 No. 344
(f) S.R. 1977 No. 351; amended by S.R. 1978 No. 90; S.R. 1979 No. 259; S.R. 1980 Nos. 267, 385 and 452; S.R. 1981 No. 281; S.R. 1982 Nos. 153, 284, 302 and 318
(g) S.R. 1975 No. 100; amended by S.R. 1975 No. 202; S.R. 1976 No. 99; S.R. 1979 No. 354; S.R. 1980 Nos. 362 and 383; S.R. 1982 Nos. 29 and 59

"coal mine" means any mine where one of the objects of the mining operations is the getting of coal (including bituminous coal, cannel coal, anthracite, lignite and brown coal);

"diffuse mesothelioma" means the disease numbered 44 in Part I of Schedule 1 to these regulations;

"employed earner" means employed earner for the purposes of industrial injuries benefit and the term "employed earner's employment" shall be construed accordingly;

"farmer's lung" means the disease numbered 43 in Part I of Schedule 1 to these regulations;

"foundry" means those parts of industrial premises where the production of metal articles (other than pig iron or steel ingots) is carried on by casting (not being diecasting or other casting in metal moulds), together with any part of the same premises where any of the following processes is carried on incidentally to such production, namely, the drying and subsequent preparation of sand for moulding (including the reclamation of used moulding sand), the preparation of moulds and cores, knock-out operations and dressing or fettling operations;

"grindstone" means a grindstone composed of natural or manufactured sandstone and includes a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted;

"mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting or dressing of minerals or the preparation of minerals for sale;

"occupational asthma" means the disease numbered 53 in Part I of Schedule 1 to these regulations;

"occupational deafness" means the disease numbered 48 in Part I of Schedule 1 to these regulations;

"pneumoconiosis" means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust reticulation but does not include byssinosis;

"prescribed disease" means a disease or injury prescribed under Part II of these regulations, and references to a prescribed disease being contracted shall be deemed to include references to a prescribed injury being received;

"silica rock" means quartz, quartzite, ganister, sandstone, gritstone and chert, but not natural sand or rotten rock;

"tuberculosis" in the description of the disease numbered 38 in Part I of Schedule 1 to these regulations means disease due to tuberculous infection, but when used elsewhere in these regulations in connection with pneumoconiosis means tuberculosis of the respiratory system only;

and other expressions have the same meanings as in the Act.

(3) Unless the context otherwise requires, any reference in these regulations—

(*a*) to a numbered section or Schedule is to the section of or, as the case may be, the Schedule to the Act bearing that number;

(*b*) to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(*c*) to any provision made by or contained in any enactment or instrument shall be construed as including a reference to any provision which it re-enacts or replaces, with or without modification.

PART II

PRESCRIPTION OF DISEASES AND PRESUMPTION AS TO THEIR ORIGIN

Prescription of diseases and injuries and occupations for which they are prescribed

2. For the purposes of Chapter V of Part II of the Act—

(*a*) subject to paragraph (*d*) and to regulation 50(2) and (4) each disease or injury set out in the first column of Part I of Schedule 1 to these regulations is prescribed in relation to all persons who have been employed on or after 5th July 1948 in employed earner's employment in any occupation set against such disease or injury in the second column of the said Part;

(*b*) pneumoconiosis is prescribed—

(i) in relation to all persons who have been employed on or after 5th July 1948 in employed earner's employment in any occupation set out in Part II of Schedule 1 to these regulations; and

(ii) in relation to all other persons who have been so employed in any occupation involving exposure to dust and who have not worked at any time (whether in employed earner's employment or not) in any occupation in relation to which pneumoconiosis is prescribed by virtue of regulations (apart from this sub-paragraph) in force—

(*aa*) in the case of any claim for disablement benefit or a claim for death benefit in respect of the death of a person to whom disablement benefit has been awarded in respect of pneumoconiosis, on the date of the claim for disablement benefit;

(*bb*) in the case of a claim for death benefit in respect of the death of any other person, on the date of the death of that person;

(*c*) subject to regulation 50(3) byssinosis is prescribed in relation to all persons who have been employed in employed earner's employment at any time on or after 5th July 1948 in any occupation in any room where any process up to and including the winding or beaming process is performed in factories in which the spinning or manipulation of raw or waste cotton or of flax is carried on;

(*d*) occupational deafness is prescribed in relation to all persons who have been employed—

(i) in employed earner's employment at any time on or after 5th July 1948; and

(ii) for a period or periods (whether before or after 5th July 1948) amounting in the aggregate to not less than 20 years;

in one or more of the occupations set out in the second column of paragraph 48 of Part I of Schedule 1 to these regulations.

Sequelae or resulting conditions

3. Where a person—

(*a*) is or was in employed earner's employment and a disease is or was prescribed under the Act and these regulations in relation to him in such employment; and

(*b*) is suffering from a condition which, in his case, has resulted from that disease;