1982 No. 128

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment No. 2) Regulations (Northern Ireland) 1982

Made . . . . . *22nd April 1982*

Coming into operation . . . *19th May 1982*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 113(1) and (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 No. 2) Regulations (Northern Ireland) 1982 and shall come into operation on 19th May 1982.

(2) In these regulations "the principal regulations" means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1977(**b**).

Amendment of principal regulations relating to rights of appeal from medical boards to medical appeal tribunals

2. The principal regulations shall be amended by the substitution, for paragraph (2) of regulation 48, of the following paragraph—

"(2) In relation to a decision (in this paragraph called 'the current decision') of a medical board on a diagnosis question in respect of pneumoconiosis or byssinosis raised by a claimant for disablement benefit by reason of either disease, regulation 28(1) (appeal to medical appeal tribunal) shall not apply if—

(*a*) the claimant has previously made an appeal, or an insurance officer has previously made a reference affecting the claimant under regulation 28(2), to a medical appeal tribunal in respect of a decision on a diagnosis question relating to pneumoconiosis or, as the case may be, byssinosis, unless by the date of the current decision at least 2 years have elapsed since the last occasion on which, having heard such an appeal or reference, the medical appeal tribunal rejected the appeal or, as the case may be, determined the question referred to them; or

(*b*) the current decision was given before 19th May 1982, unless at least once before the date on which the claim which gave rise to that decision was made—

(i) the claimant has claimed disablement benefit on account of pneumoconiosis or, as the case may be, byssinosis;

(ii) a medical board has, at least one year before the date of the current decision, given a decision (other than one given only on review under regulation 30) that no such disease was diagnosed; and

(**a**) 1975 c. 15
(**b**) S.R. 1977 No. 272; the relevant amending regulations are S.R. 1979 No. 77