1982 No. 59

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1982

Made	*3rd March 1982*
Coming into operation	*29th March 1982*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76, 77 and 113 of, and Schedule 12 to, 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) 1982, and shall come into operation on 29th March 1982.

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

Amendments of principal regulations relating to occupational asthma and other specified diseases

2.—(1) The principal regulations shall be amended in accordance with the provisions of this regulation.

(2) In regulation 1(2) (interpretation) there shall be inserted at the appropriate place in alphabetical order the following definition, namely—

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

(3) In regulation 7(1) (recrudescence) for "or occupational deafness" there shall be substituted ",occupational deafness or occupational asthma".

(4) In regulation 11(1) (application of Claims and Payments Regulations and Benefit Regulations) after "these regulations" there shall be inserted "or of regulation 38 or 46A".

(5) In regulation 20 (determination of claims and questions) for the expression "and 44" there shall be substituted the expression ",44 and 53".

(6) For paragraph (2) of regulation 23 (reference of diagnosis and recrudescence questions for medical report) there shall be substituted the following paragraph—

"(2) Subject to the provisions of regulation 24, if a diagnosis or recrudescence question arises in any case, the insurance officer shall forthwith refer that question for report to one or more medical practitioners who, in the case of pneumoconiosis, byssinosis or each of the diseases numbered 17, 36, 37(*b*), 40, 43, 44 and 53 in Part I of Schedule 1 to these regulations, shall have power, if he or they consider it to be necessary, to do any or all of the following, namely—

(*a*) to make or cause to be made a radiological examination of the person's lungs;

(*b*) to obtain the report of a radiologist or other physician on the case;

(a) 1975 c. 15
(b) S.R. 1977 No. 272, to which there are amendments not relevant to these regulations

(*c*) to make or cause to be made serological or lung function tests or such other tests as he or they consider necessary;

(*d*) to obtain reports upon the results of such tests.''.

(7) In regulation 31 (which deals, among other things, with the constitution of medical boards) there shall be inserted, at the end, the following paragraph—

''(3) Notwithstanding the provisions of regulation 16(2) of the Determination of Claims and Questions Regulations (which provides among other things that a medical practitioner shall not act as a member of a medical board for the purpose of the consideration of a case if he has taken part in it as a medical practitioner to whom any question has been referred for report) a medical practitioner shall not be precluded from acting as a member of a medical board for the purpose of the consideration of a case solely because he has taken part in that case as a medical practitioner to whom a question relating to pneumoconiosis, byssinosis or any of the diseases numbered 17, 36, 37(*b*), 40, 43, 44 and 53 in Part I of Schedule 1 to these regulations has been referred for report.''.

(8) In regulation 32 (diseases in respect of which injury benefit is not payable) for ''or occupational deafness'' there shall be substituted '',occupational deafness or occupational asthma''.

(9) After regulation 46 there shall be inserted the following regulation—

''Time for claiming benefit in respect of occupational asthma

46A.—(1) Subject to paragraphs (2) and (3), disablement benefit shall not be paid in pursuance of a claim in respect of occupational asthma which is made later than 10 years after the claimant or, as the case may be, the person in respect of whom the claim is made ceased to be employed in an occupation prescribed in relation to occupational asthma.

(2) Paragraph (1) shall not apply to any claim made before 29th March 1983 by or in respect of a person who ceased on or after 29th March 1972 to be employed in an occupation prescribed in relation to occupational asthma.

(3) Paragraph (1) shall not apply to any claim made by or in respect of a person who has at any time been found to be suffering from asthma as a result of an industrial accident and by virtue of that finding has been awarded disablement benefit either for life or for a period which includes the date on which the aforesaid claim is made.

(4) Subject to paragraphs (5) and (6), industrial death benefit shall not be paid in pursuance of a claim in respect of occupational asthma where the person in respect of whose death the benefit is being claimed died more than 10 years after he ceased to be employed in an occupation prescribed in relation to occupational asthma.

(5) Paragraph (4) shall not apply to any claim made in respect of the death of a person who died before 29th March 1983 and who ceased on or after 29th March 1972 to be employed in an occupation prescribed in relation to occupational asthma.

(6) Paragraph (4) shall not apply to any claim made in respect of the death of a person who had at any time been found to be suffering either from asthma as a result of an industrial accident or from occupational asthma and by virtue of that finding had been awarded disablement benefit either for life or for a period which included the date of his death.

(7) Regulation 14 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(**a**) (time for claiming benefit) shall not apply to a claim in respect of occupational asthma made before 29th March 1983.''.

(a) S.R. 1977 No. 351, to which there are amendments not relevant to these regulations.