**1979 No. 77**

**SOCIAL SECURITY**

# The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1979

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| *Made* . . . . . | 14*th March* 1979 |
| *Coming into operation* . . . | 6*th April* 1979 |

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, interpretation and commencement*

**1.** These regulations, which may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1979, shall be read as one with the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1977(b), and shall come into operation on 6th April 1979.

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

**2.** Regulation 48 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1977 shall be amended by the substitution for paragraph (2) of the following—

"(2) In relation to any 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 apply subject to the following conditions, namely that—

(*a*) before the date of that decision on at least one occasion—

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

(ii) such a board have given a decision (other than a decision given only on review under regulation 30) that no such disease was diagnosed; and accordingly

(iii) the claim was or, as the case may be, remained rejected; and

(*b*) by that date—

(i) not less than one year has elapsed since the date of the decision or, as the case may be, the first of the decisions referred to in sub-paragraph (*a*)(ii) above; and

(ii) in a case where an appeal has previously been made by the claimant, or a reference under regulation 28(2) has previously been made by an insurance officer, to a medical appeal tribunal in respect of a decision on a diagnosis question relating to pneumoconiosis or, as the case may be, byssinosis, not less than

(a) 1975 c. 15
(b) S.R. 1977 No. 272 (II, p. 1478)