

1996 No. 425

SOCIAL SECURITY

**The Social Security (Industrial Injuries and
Diseases) (Miscellaneous Amendments)
Regulations 1996**

Made - - - - - 26th February 1996

Laid before Parliament 1st March 1996

Coming into force - 24th March 1996

The Secretary of State for Social Security, in exercise of the powers conferred by section 108(2), 109(2) and (3), 113(1)(b), 122(1) and 175(1), (3) and (4) of, and sub-paragraphs (8) and (9) of paragraph 13 of Schedule 7 to, the Social Security Contributions and Benefits Act 1992(a) and sections 5(1)(k), 27(1)(b) and 189(1) and (4)(b) of the Social Security Administration Act 1992(b), and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendments) Regulations 1996 and shall come into force on 24th March 1996.

[Reg. 2 is revoked by S.I. 1999/91 as from 29.11.99.]

[Reg. 2(1) introduces amendments to S.I. 1995/1801.]

[Reg. 2(2) amends heading to reg. 59 of S.I. 1995/1801.]

[Reg. 2(3)(a) amends reg. 59(1) of S.I. 1995/1801.]

[Reg. 2(3)(b) inserts reg. 59(1)(f) into S.I. 1995/1801.]

[Reg. 2(4) amends heading to reg. 60 of S.I. 1995/1801.]

[Reg. 2(5) amends reg. 60(1) of S.I. 1995/1801.]

[Reg. 3(a) amends reg. 19 of S.I. 1987/1968.]

[Reg. 3(b) inserts reg. 19(4A) into S.I. 1987/1968.]

[Reg. 4(a) amends reg. 2(2) of S.I. 1982/1408.]

[Reg. 4(b) substitutes reg. 2(6) of S.I. 1982/1408.]

[Reg. 5(1) introduces amendments to S.I. 1985/967.]

[Reg. 5(2) amends reg. 4(1) of S.I. 1985/967.]

[Reg. 5(3)-(8) amends Sch. 1 to S.I. 1985/967.]

(a) 1992 c.4. Section 122(1) is cited for the meaning it ascribes to the word “prescribe”.

(b) 1992 c.5.

(c) See section 172 of the Social Security Administration Act 1992.

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[Reg. 6(1) introduces amendments to S.I. 1990/256.]

[Reg. 6(2) amends reg. 1 of S.I. 1990/256.]

[Reg. 6(3) substitutes regs. 2 and 3 for reg. 2 of S.I. 1990/256.]

Transitional provisions

7.—(1) The amendments made by regulation 5 of these Regulations (“the relevant amendments”) to the terms in which each of the prescribed diseases A12, D4 and D5 (“the relevant disease”) is prescribed shall not apply in the cases specified in the following provisions of this regulation, and in this regulation “commencement date” means the date on which these Regulations come into force.

- (2) The relevant amendments shall not apply in the case of a person—
- (a) who had an assessment of disablement in respect of the relevant disease for a period which includes commencement date; or
 - (b) in respect of whom a decision in relation to a relevant disease on a claim for disablement benefit made before commencement date is reviewed on or after that date under section 47 of the Social Security Administration Act 1992 (reviews of medical decisions) which results in an assessment for a period which includes commencement date;

during any period when there is in respect of him a continuous assessment of disablement in respect of that disease which began before commencement date, and for this purpose two or more assessments one of which begins on the day following the end of a preceding assessment shall be treated as continuous.

(3) The relevant amendments shall not apply in the case of a person who makes a claim for disablement benefit in respect of the relevant disease before commencement date which results in an assessment of disablement, where the date of onset of that disease is earlier than commencement date, during any period when there is in respect of him a continuous assessment of disablement in respect of that disease which began not later than 91 days (excluding Sundays) after commencement date, and for this purpose two or more assessments one of which begins on the day following the end of a preceding assessment shall be treated as continuous.

- (4) The relevant amendments shall not apply in the case of a person—
- (a) who has an assessment of disablement in respect of the relevant disease for a period which ended before commencement date;
 - (b) who suffers a further attack of that relevant disease before commencement date;
 - (c) who makes a claim for disablement benefit in respect of that disease after commencement date; and
 - (d) in respect of whom it is decided, under regulation 7 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (recrudescence) that the further attack is a recrudescence of that disease.

Signed by authority of the Secretary of State for Social Security.

26th February 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- (a) the Social Security (Adjudication) Regulations 1995 (S.I. 1995/1801);
- (b) the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968);
- (c) the Social Security (General Benefit) Regulations 1982 (S.I. 1982/1408);
- (d) the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (S.I. 1985/967); and
- (e) the Social Security (Industrial Injuries) (Regular Employment) Regulations 1990 (S.I. 1990/256).

The principal effect of the Regulations is to prescribe circumstances in which a person, who is entitled on the day on which these Regulations come into force to reduced earnings allowance under Schedule 7 to the Social Security Contributions and Benefits Act 1992, is to be treated as having given up regular employment for the purposes of that allowance, unless he is entitled to it for life, and to provide a new definition of regular employment for the purposes of paragraph 13 of that Schedule (regulation 6). They also alter the period in respect of which that allowance is payable following a late claim or application for review (regulations 2 and 3).

The Regulations also make alterations to the list of prescribed diseases, amending the terms of the prescription of diseases A10 (occupational deafness), A12 (carpal tunnel syndrome), D4 (inflammation of the mucous membrane of the upper respiratory tract) and D5 (non-infective dermatitis of external origin) and adding a new disease, C30 (chrome dermatitis and ulceration of the mucous membranes of the epidermis resulting from exposure to chromic acid, chromates or bi-chromates) (regulation 5). The existing prescription of each of diseases A12, D4 and D5 is preserved transitionally for existing beneficiaries and those who had a previous assessment which is reviewed under section 47 of the Social Security Administration Act 1992 (c.5), and in the case of those who have had an assessment for one of those diseases before the amendment comes into force and suffer a recrudescence during the period of that assessment which gives rise to entitlement subsequent to the coming into force of these Regulations (regulation 7).

The treatment of retirement allowance during periods of imprisonment or detention in legal custody is aligned with that for reduced earnings allowance (regulation 4).

These Regulations do not impose any costs on business.

