

2003 No. 270

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2003

Made - - - - - *10th February 2003*

Laid before Parliament *17h February 2003*

Coming into force - *17th March 2003*

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 108(2) and (4), 109(2) and (3), 122(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council(b), 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 2003 and shall come into force on 17th March 2003.

(2) In these Regulations “the principal Regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(c).

[Regulation 2 amends regulation 4 of S.I. 1985/967.]

[Regulation 3 amends regulation 7 of S.I. 1985/967.]

[Regulation 4 amends regulation 8 of S.I. 1985/967.]

[Regulation 5 amends Schedule 1 of S.I. 1985/967.]

Transitional provision

6.—(1) Regulations 2 and 5 shall not apply—

- (a) to a period of assessment which relates to a claim which is made before the commencement date;
- (b) to a period of assessment which relates to a claim which is made within 3 months after the commencement date in respect of a period which began before the commencement date; or
- (c) where a person suffers from an attack of a disease and under regulation 7 of the principal Regulations (recrudescence) the attack is a recrudescence of a disease for which a claim was made before the commencement date (or within 3 months after the commencement date in respect of a period which began before the commencement date).

(a) 1992 c. 4. S. 109(2) was amended by para. 65 of Sch. 7 to the Social Security Act 1998 (c. 14). S. 122(1) is cited for the definition of “prescribe”. S. 175 was amended by para. 29 of Sch. 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(b) See ss. 171 and 172(2) of the Social Security Administration Act 1992 (c. 5).

(c) S.I. 1985/967.

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- (2) For the purposes of this regulation—
- (a) “commencement date” means the date on which these Regulations come into force;
 - (b) the date on which a claim is made is the date on which the claim is made or treated as made in accordance with the Social Security (Claims and Payments) Regulations 1987(a); and
 - (c) a period of assessment which begins on the day following the end of a preceding period of assessment, shall be treated as a continuation of the preceding period of assessment.

Signed by authority of the Secretary of State for Work and Pensions.

10th February 2003

N. Brown
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (the principal Regulations).

Regulation 2 amends regulation 4 of the principal Regulations, mainly by removing 20 specified diseases from the presumption that they are due to the nature of the specified employment.

Regulations 3 and 4 remove from regulations 7 and 8 of the principal Regulations an obsolete reference to a determination in the manner provided by Part IX of the Social Security (Adjudication) Regulations 1984 (S.I. 1984/451) which have been revoked.

Regulation 5 amends Part I of Schedule 1 to the principal Regulations which prescribes diseases for which industrial injuries benefit is payable. The amendment relates to prescribed diseases due to chemical agents; it removes references to seven diseases and changes the entries for other diseases.

Regulation 6 makes transitional provision so that the amendments both to the Schedule of prescribed diseases and to the presumption as to the cause of the disease, do not apply in respect of claims made, or treated as made, before these Regulations come into force.

These Regulations do not impose any costs on business.

(a) S.I. 1987/1968; relevant amending instruments are S.I. 1989/1686, 1990/725 and 2208, 1991/2741, 1997/793, 1999/2572.