1979 No. 77

SOCIAL SECURITY

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

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)

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:

so however that, where the decision first mentioned in this paragraph was given before 6th April 1979, sub-paragraph (*a*) above shall have effect as if for the expression 'one occasion' there were substituted the expression '3 separate occasions', and sub-paragraph (*b*)(i) above shall have effect as if for the expression 'one year has' there were substituted the expression '2 years have' and as if the words 'the decision or, as the case may be,' were omitted.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 14th March 1979.

(L.S.) *J. M. Steele*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations amend regulation 48 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1977 with regard to the right of appeal to a medical appeal tribunal against a decision of a medical board on any diagnosis question relating to pneumoconiosis or byssinosis. Where the board's decison is given on or after 6th April 1979, the conditions subject to which that right exists are altered so that there must have been at least one previous rejection of the claim to benefit at least one year ago (instead of rejections on at least 3 separate occasions, the earliest of them at least 2 years ago). In all cases the conditions are altered so that where an appeal has previously been made to a medical appeal tribunal or where an insurance officer has made a reference to one (instead of only where an appeal has been made), at least 2 years must have elapsed since the last time the tribunal confirmed the decision of the board.