1986 No. 270

SOCIAL SECURITY

The Social Security (Industrial Injuries and Adjudication) (Miscellaneous Amendments) Regulations (Northern Ireland) 1986

Made	*15th August 1986*
Coming into operation . . .	*1st September 1986*

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 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 and Adjudication) (Miscellaneous Amendments) Regulations (Northern Ireland) 1986 and shall come into operation on 1st September 1986.

(2) In these regulations "the principal regulations" means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(**b**).

Occupational asthma

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

(2) In Part I of Schedule 1, the entry in the first column relating to the disease numbered D7 (occupational asthma) shall be amended by —

(*a*) substituting for sub-paragraph (*f*) the following sub-paragraph—

"(*f*) animals including insects and other arthropods used for the purposes of research or education or in laboratories;"; and

(*b*) inserting, after sub-paragraph (*g*), the following sub-paragraphs—

"(*h*) antibiotics;

(*i*) cimetidine;

(*j*) wood dust;

(*k*) ispaghula;

(*l*) castor bean dust;

(*m*) ipecacuanha;

(*n*) azodicarbonamide".

(3) In the second column of Schedule 4, for the entry set against the disease numbered D7 (occupational asthma) there shall be substituted the following entry—

"(*a*) In the case of a person suffering from asthma due to exposure to any of the following agents—

(**a**) 1975 c. 15; section 77(2) was amended by Article 39 of, and Schedule 5 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084) (N.I. 16)), and section 113(2) and (3) was amended by Article 4 of, and paragraph 4 of Schedule 2 to, the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))

(**b**) S.R. 1986 No. 179

(i) isocyanates;

(ii) platinum salts;

(iii) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylenetetramine;

(iv) fumes arising from the use of rosin as a soldering flux;

(v) proteolytic enzymes;

(vi) animals or insects used for the purposes of research or education or in laboratories;

(vii) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom,

29th March 1982;

(*b*) in the case of a person suffering from asthma due to exposure to any of the following agents—

(i) animals including insects and other arthropods used for the purposes of research or education or in laboratories;

(ii) antibiotics;

(iii) cimetidine;

(iv) wood dust;

(v) ispaghula;

(vi) castor bean dust;

(vii) ipecacuanha;

(viii) azodicarbonamide,

1st September 1986.''.

(4) In Schedule 5, in paragraph 6(*a*), for the entry

''(vi) occupational asthma : 29th March 1982;''

there shall be substituted the following entries—

''(vi) occupational asthma arising otherwise than as described at (vii)	:	29th March 1982
(vii) occupational asthma which is due to exposure to anti-biotics, cimetidine, wood dust, ispaghula, castor bean dust, ipeca-cuanha or azodicar-bonamide	:	1st September 1986;''.

Re-assessment of the extent of disability in respect of occupational deafness

3. For paragraph (5) of regulation 32 of the principal regulations there shall be substituted the following paragraph—

''(5) Where on re-assessment of the extent of disability in respect of occupational deafness the average sensorineural hearing loss over 1, 2 and 3 kHz frequencies is not 50dB or more in each ear, or where there is such a loss but the

loss in one or each ear is not 50dB or more due to occupational noise, the extent of disablement shall be assessed at less than 20 per cent.''.

Amendment of the Social Security (Adjudication) Regulations (Northern Ireland) 1984

4. In the Social Security (Adjudication) Regulations (Northern Ireland) 1984(**a**) the following provisions are revoked to the extent specified—

(*a*) in regulation 47(1) the words ''Subject to the provisions of regulation 51(3),'';

(*b*) in regulation 51, the whole of paragraph (3).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 15th August 1986.

(L.S.) *C. Davie*

Assistant Secretary

(**a**) S.R. 1984 No. 144, to which there are amendments not relevant to these regulations

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

Under the industrial injuries provisions of the Social Security (Northern Ireland) Act 1975, occupational asthma is prescribed as an industrial disease where a person is employed in an occupation involving exposure to any one of a number of sensitising agents. Regulation 2 makes additions to the list of sensitising agents.

Regulation 3 provides, in relation to occupational deafness, that where on re-assessment of disablement the sensorineural hearing loss is not 50dB or more in each ear disablement shall be re-assessed at less than 20 per cent.

Regulation 4 removes restrictions imposed by regulation 51(3) of the Social Security (Adjudication) Regulations (Northern Ireland) 1984 on the right to appeal to a medical appeal tribunal from the decision of a medical board on a diagnosis question given on a claim for disablement benefit in respect of pneumoconiosis or byssinosis.