

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED
DISEASES) AMENDMENT REGULATIONS 2007

2007 No. 811

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These regulations make amendments to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985, which prescribe diseases for which Industrial Injuries Disablement Benefit is paid. There are conditions that must be satisfied before a disease may be prescribed. First the disease ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of a person's occupations and not as a risk common to all persons. Second, it must be possible, in the absence of special circumstances, to establish or presume with reasonable certainty the attribution of particular cases to the nature of the employment.

2.2 These regulations amend the prescription or occupation for 7 existing cases.

3. Matters of special interest to the Select Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1. Under section 171 of the Social Security Administration Act 1992, the Industrial Injuries Advisory Council (IIAC) gives advice to the Secretary of State on matters relating to the Industrial Injuries Disablement Benefits. In June and July 2006, and January 2007, IIAC published reports recommending that the prescriptions or occupations for a number of existing diseases were amended.

5. Extent

5.1 This instrument applies to all of Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is subject to a negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 These Regulations implement the recommendations of IIAC as set out in their reports on Work related upper limb disorders (CM6868), Extrinsic Allergic Alveolitis (CM6867) and Completion of the review of the scheduled list of prescribed diseases (CM7003).

7.2 IIAC is an independent statutory body that advises the Secretary of State for Work and Pensions solely on matters relating to the industrial injuries benefits scheme. In particular, IIAC advises the Secretary of State on which diseases should be prescribed for the purpose of claims to Industrial Injuries Disablement Benefit, having studied the available evidence.

7.3 The recommendations in IIAC reports were fully accepted by the Minister of State for Work. They were that we amend the prescription or occupation for 7 existing diseases. These regulations amend regulations 2 of [and Part I of Schedule 1 to] the Social Security (Industrial Injuries)(Prescribed Diseases) Regulations 1985.

7.4 The amendments are:

Prescribed disease A4 - change of the prescription from “Cramp of the hand or forearm due to repetitive movements” to ‘Task-specific focal dystonia.’ This will bring it in line with current medical terms.

Prescribed disease A5, A6 and A7 – change of the prescription to remove references to ‘beat hand’, ‘beat knee’ and ‘beat elbow’, which are terms no longer used in modern clinical practise.

Prescribed disease A9 has been removed, as this was a condition caused by poor lighting in mines, which has not been a problem in decades.

Prescribed disease A12 – which is widely known as Carpal Tunnel Syndrome . The prescription for this has changed for those whose occupation involves repeated palmar flexion and dorsiflexion of the wrist for at least 20 hours per week and who have undertaken such work for at least 12 months in total in the 24 months prior to the start of the symptoms. Such symptoms should arise during this employment. The terms of prescription are amended to make it clear that the symptoms of CTS should develop during the occupation for which the scheduled exposure is defined. “Repeated” means once or more often in every 30 seconds.

Prescribed disease B6 – known as Extrinsic Allergic Alveolitis (EAA) has been extended to include claims from workers who are exposed to mists of metal working fluids.

Consultation

7.5 No formal consultation has taken place, although the regulations have been referred to IIAC for approval. Before making their recommendations, IIAC invited evidence from medical and scientific experts and claimants’ groups.

Consolidation and Guidance

7.6 Informal consolidation of the instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes), which are available at no cost to the public on the internet at:
<http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is to add to programme expenditure is expected to be £2m over a 4-year period with additional administration costs of £0.5m over a 4-year period. The cost is minimal and will be met from Jobcentre Plus budgets

9. Contact

9.1 June Anderson at the Department for Work and Pensions Tel: 0113 232 7671 or e-mail: june.Anderson@jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.