

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED
DISEASES) AMENDMENT (No.2) REGULATIONS 2008

2008 No. 1552

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 prescribed disease - D12 Chronic Bronchitis or Emphysema.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

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 Industrial Injuries Disablement Benefits.
 - 4.2 In November 2007, IIAC published a report recommending that the current prescribed disease PD D12 (Chronic Bronchitis and Emphysema) be extended to cover exposure to coal dust in screen workers employed at the surface of coal mines for 40 years. The exposure has to predate 1983, and can be aggregated with time spent underground.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to all of Great Britain.

6. European Convention on Human Rights

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 IAC as set out in its report Chronic Obstructive Pulmonary Disease (COPD) - Chronic Bronchitis and Emphysema (CM. 7253), published on 21st November 2007. The report is available to be read on the internet at <http://www.iac.org.uk/pdf/reports/cm7253.pdf>
- 7.2 IAC is an independent statutory body that advises the Secretary of State for Work and Pensions solely on matters relating to the industrial injuries benefit scheme. In particular, IAC 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 current terms of prescription for the prescribed disease D12 (Chronic Bronchitis or Emphysema) have been restricted to underground coal workers who have worked for twenty years or more.
- 7.4 Screen workers at the surface of coal mines handled and sorted coal manually. IAC recommended that the prescription for PD D12 be extended to include work at the screens on the surface of coal mines for 40 years or more, with the qualifying exposure to have occurred before 1983. By that date, changes in work practices had become effective in reducing the levels of dust from the previous hazardous levels.
- 7.5 IAC recognised that a number of underground coal workers may have transferred to surface work, and recommended that periods spent underground could be aggregated with the duration of dust exposure at the surface, such that 2 years of surface screen work is equivalent to 1 year working underground.

Consultation

- 7.6 No formal consultation has taken place, although the regulations were referred to IAC for approval. Before making its recommendations, IAC invited evidence from medical and scientific experts.

Consolidation and Guidance

- 7.7 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 full Impact Assessment has not been published 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 a maximum estimated £10m to programme expenditure over a 4-year period, with minimal additional estimated administration costs involved.

9. Contact

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