

## 1984 No. 371

## SOCIAL SECURITY

**The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1984**

*Made* . . . . . 30th October 1984

*Coming into operation* . . . . . 3rd December 1984

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 76, 77 and 157(1) of, and Schedule 17 to, 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) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 3rd December 1984.

(2) These regulations shall be read as one with the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1983(b), hereafter referred to as “the principal regulations”.

*Amendment of regulation 50 of the principal regulations*

2. For paragraph (2) of regulation 50 of the principal regulations (transitional provisions), there shall be substituted the following paragraph—

“(2) It shall be a condition of a person’s right to benefit in respect of any disease set out in Schedule 3 to these regulations that he was—

- (a) incapable of work, or
- (b) suffering from a loss of faculty,

as a result of that disease on or after the relevant date.”.

*Amendment of the principal regulations relating to viral hepatitis*

3.—(1) In the second column of Part I of Schedule 1 to the principal regulations (list of prescribed diseases and the occupations for which they are prescribed) for the occupation set against the disease numbered B8 (viral hepatitis) there shall be substituted—

“Contact with—

- (a) human blood or human blood products; or
- (b) a source of viral hepatitis.”.

(2) In the second column of Schedule 3 to the principal regulations (prescribed diseases and relevant dates for transitional provisions), for the date “2nd February 1976” set against the disease numbered B8 (viral hepatitis) there shall be substituted—

“In the case of a person employed in any occupation involving contact with human blood or human blood products, or contact with a source of viral hepatitis, 3rd December 1984.”.

(a) 1975 c. 15; see definitions of “prescribe” and “regulations” in Schedule 17

(b) S.R. 1983 No. 19; the relevant amending regulations are S.R. 1983 Nos. 37 and 260

(3) A person who is or has been suffering from viral hepatitis shall not be entitled to benefit for any day before 2nd February 1976.

*Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment No. 2) Regulations (Northern Ireland) 1983*

4. For paragraph (3) of regulation 17 of the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment No. 2) Regulations (Northern Ireland) 1983(a) (transitional provision) there shall be substituted the following paragraph—

“(3) A person who, immediately before 3rd October 1983, was in receipt of benefit in respect of a disease or injury which was prescribed by virtue of the principal regulations, or who makes a claim for benefit in respect of a prescribed disease after 2nd October 1983 where the date of onset of the disease or injury was before 3rd October 1983, shall be treated for the purpose only of determining whether the disease or injury is in relation to him a prescribed disease by virtue of the occupation in which he is or was engaged as if these regulations had not come into operation, if that would be more favourable to him.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 30th October 1984.

(L.S.)

*C. Davie*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1983 ("the principal regulations") and amend the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment No. 2) Regulations (Northern Ireland) 1983.

Regulation 2 provides that benefit in respect of any disease set out in Schedule 3 to the principal regulations is payable only where the claimant was incapable of work or suffering from a loss of faculty resulting from the disease on or after the date specified for that disease in Schedule 3.

Regulation 3 amends the description of the occupations for which viral hepatitis is prescribed, and provides that benefit is not payable in respect of viral hepatitis for any day before 2nd February 1976.

Regulation 4 enables a person in prescribed circumstances to have his claim for benefit determined as if the occupation prescribed in the principal regulations before 3rd October 1983 applied in his case, if that would be more favourable to him.