



SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) ORDER 2015

Index

Article	Page
1 Title	3
2 Commencement	3
3 Interpretation.....	3
4 Effect.....	3
5 Application to the Island of the applied legislation.....	4
 SCHEDULE 1	 5
THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) AMENDMENT REGULATIONS 2011	 5
 SCHEDULE 2	 7
THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) AMENDMENT REGULATIONS 2015	 7

Statutory Document No. 2015/0112

*Social Security Act 2000*

SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) ORDER 2015

Approved by Tynwald: 21 April 2015
Coming into Operation: 12 May 2015

The Treasury makes the following Order under section 1(1) to (3), (4)(b) and (5)(c) of the *Social Security Act 2000*.

1 Title

This Order is the Social Security Legislation (Benefits) (Application) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation on 12 May 2015¹.

3 Interpretation

- (1) In this Order “**the applied legislation**” means —
- (a) the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2011²; and
 - (b) the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015³.
- (2) Unless the context otherwise requires or it is expressly provided, a reference in the applied legislation to a provision of any such legislation or of any other legislation applied to the Island by an order under section 1 of the *Social Security Act 2000* shall be construed as a reference to that legislation as it has effect in the Island.

4 Effect

The applied legislation is deemed to have had effect as follows—

¹ Tynwald approval is required by section 2(1) of the Social Security Act 2000.

² S.I. 2011/1497.

³ S.I. 2015/87.

- (a) the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2011 are deemed to have had effect from 18 July 2011; and
- (b) the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 are deemed to have had effect from 16 March 2015.

5 Application to the Island of the applied legislation

- (1) The applied legislation, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island, is set out in the Schedules and applies to the Island as part of the law of the Island.
- (2) The applied legislation mentioned in —
 - (a) article 3(1)(a) is set out in Schedule 1; and
 - (b) article 3(1)(b) is set out in Schedule 2.

MADE 11TH MARCH 2015

W E TEARE
Minister for the Treasury

SCHEDULE 1

[Article 5(2)(a)]

This Schedule sets out the text of the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2011 (S.I. 2011/1497) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in *bold italic* type.

STATUTORY INSTRUMENTS

2011 No. 1497**SOCIAL SECURITY****THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES)
AMENDMENT REGULATIONS 2011**

<i>Made</i>	-	-	-	-	<i>14th June 2011</i>
<i>Laid before Parliament</i>					<i>20th June 2011</i>
<i>Coming into force</i>	-	-			<i>18th July 2011</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 108(2), 122(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992.

The Secretary of State for Work and Pensions is satisfied that the matters referred to in section 108(2) of that Act apply.

In accordance with section 172(2) of the Social Security Administration Act 1992, reference has been made to the Industrial Injuries Advisory Council.

Citation [...]

1. These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2011 [...].

2. Amendment of Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

In Part I of Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985⁴ (list of prescribed diseases and the occupations for which they are prescribed) after the entry relating to prescribed disease C30 add—

⁴ S.I. 1985/967 (see GC 361/86) Relevant amending instruments are S.I. 1996/425 (see SD 633/96) and S.I. 2003/270 (see SD 354/03).

- | | | |
|-------|--|---|
| “C31. | Bronchiolitis obliterans. | The use or handling of, or exposure to, diacetyl (also called butanedione or 2,3-butanedione) in the manufacture of— <ul style="list-style-type: none">(a) diacetyl; or(b) food flavouring containing diacetyl; or(c) food to which food flavouring containing diacetyl is added. |
| C32. | Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma). | <ul style="list-style-type: none">(a) The manufacture of inorganic chromates; or(b) work in hexavalent chrome plating”. |

Signed by authority of the Secretary of State for Work and Pensions.

Freud
Parliamentary Under-Secretary of State
Department for Work and Pensions

14th June 2011

SCHEDULE 2

[Article 5(2)(b)]

This Schedule sets out the text of the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 (S.I. 2015/87) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in *bold italic* type.

STATUTORY INSTRUMENTS

2015 No. 87**SOCIAL SECURITY**

**THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES)
AMENDMENT REGULATIONS 2015**

<i>Made</i> - - - -	<i>29th January 2015</i>
<i>Laid before Parliament</i>	<i>5th February 2015</i>
<i>Coming into force</i> - -	<i>16th March 2015</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 108(2), 109(2), 122(1), 175(1) and (3) to (5) of, and paragraph 2 of Schedule 6 to, the Social Security Contributions and Benefits Act 1992 after reference to the Industrial Injuries Advisory Council.

The Secretary of State is satisfied of the matters referred to in section 108(2)(a) and (b) of that Act.

1. Citation [...] and interpretation

(1) These regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 [...].

(2) In these regulations “the principal Regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985⁵.

2. Substitution of regulation 4 of the principal Regulations

For regulation 4 of the principal Regulations (presumption that a disease is due to the nature of employment) substitute —

“4. Presumption that a disease is due to the nature of employment

⁵ S.I. 1985/967 (see SD GC 361/86).

(1) Where a person has developed a disease which is prescribed in Part I of Schedule 1 in paragraphs A3(a), A4, A5, A6, A7, A8, A11, B1(a), B3, B4(a), B9, B10, B11, B12, B14, B15, C3, C24A, D4 or D7, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if—

- (a) that employment was in any occupation set against that disease in the second column of that Part; and
- (b) the person was so employed on, or at any time within one month immediately preceding, the date on which, under these Regulations, that person is treated as having developed the disease.

(2) Where a person has developed a disease which is prescribed in Part I of Schedule 1 in paragraphs A1, A2, A3(b), A10, A13, A14, B2, B6, B8B, B13, C17, C18, C22(a), C24, C31, C32, D2, D3, D6, D8, D8A, D9, D10, D11, D12 or D13, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if that employment was in any occupation set against that disease in the second column of that Part.

(3) Where a person in relation to whom tuberculosis is prescribed in paragraph B5 of Part I of Schedule 1 in respect of the occupation set out in sub-paragraph (a) in the second column of the entry relating to that disease, develops that disease, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if the date on which, under these Regulations, that person is treated as having developed the disease is —

- (a) not less than six weeks after the date on which that person was first employed in that occupation; and
- (b) not more than two years after the date on which that person was last so employed in that occupation.

(4) Where a person has developed a disease which is prescribed in Part I of Schedule 1 in paragraphs B1(b), B4(b), B7 and B8A, that disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if—

- (a) that employment was in any occupation set against that disease in the second column of that Part; and
- (b) that person was so employed —
 - (i) on the date on which, under these Regulations, that person is treated as having developed the disease; or
 - (ii) on a date at any time within —
 - (aa) in the case of B1(b) or B8A, two months;
 - (bb) in the case of B7, six months; or
 - (cc) in the case of B4(b), twelve monthsimmediately preceding the date on which, under these Regulations, that person is treated as having developed the disease.

(5) Where a person in relation to whom carpal tunnel syndrome is prescribed in paragraph A12 of Part I of Schedule 1 in respect of the occupation set out in sub-paragraph (b) in the second column of the entry relating to that disease, develops that disease, it shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if that person was employed in that occupation on the date, or at any time within one month immediately preceding the date, on which under these Regulations that person is treated as having developed the disease.

(6) Where a person in relation to whom primary neoplasm of the epithelial lining of the urinary tract is prescribed in paragraph C23 of Part I of Schedule 1 in respect of the occupation set out in sub-paragraph (a), (b) or (e) in the second column of the entry relating to that disease, develops that disease, it shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment.

(7) Where a person in relation to whom pneumoconiosis is prescribed in regulation 2(b)(i) develops pneumoconiosis, the disease shall, unless the contrary is proved, be presumed to be due to the nature of that person's employed earner's employment if that person has been employed in either of the occupations set out in Part II of Schedule 1 for a period or periods amounting in aggregate to not less than 2 years in employment which either was employed earner's employment or would have been employed earner's employment if it had taken place on or after 5th July 1948.”.

3. Substitution of regulation 20B of the principal Regulations

For regulation 20B of the principal Regulations (asbestos-related primary carcinoma of the lung-special conditions and prescribed loss of faculty)⁶ substitute —

“20B. Primary carcinoma of the lung and angiosarcoma of the liver—special conditions and prescribed loss of faculty

(1) This regulation applies to a claim for disablement pension made in respect of the diseases prescribed in paragraphs C4, C22(b), C24(a), D8, D8A, D10 and D11 of Part 1 of Schedule 1.

(2) On a claim to which this regulation applies —

- (a) section 103(6) of the Social Security Contributions and Benefits Act 1992 (entitlement after expiry of 90 days) shall apply as if for the words “after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident” there were substituted the words “the day on which that person first suffers from a loss of faculty due to primary carcinoma of the lung or bronchus or angiosarcoma of the liver”; and
- (b) paragraph 6(1) of Schedule 6 to the Social Security Contributions and Benefits Act 1992 (period to be taken into account by an assessment) shall apply as if the words “beginning not earlier than the end of the period of 90 days referred to in section 103(6) above and in paragraph 9(3) of that Schedule and” were omitted.

⁶ Regulation 20B inserted by S.I. 2006/586 (see SD 294/06).

(3) On a claim to which this regulation applies, the loss of faculty prescribed for the purposes of sub-paragraph (d) of paragraph 1 of Schedule 6 to the Social Security Contributions and Benefits Act 1992 (assessment of the extent of disablement) is lung impairment caused by primary carcinoma of the lung or bronchus, or impairment caused by angiosarcoma of the liver.”.

4. Amendment of Part 1 of Schedule 1 to the principal Regulations

(1) Column 1 of Part 1 of Schedule 1 to the principal Regulations (list of prescribed diseases and the occupations for which they are prescribed)⁷ is amended in accordance with paragraphs (2) to (6).

(2) For A3, substitute —

“A3

- (a) Dysbarism, including decompression sickness and barotrauma;
- (b) Osteonecrosis.”.

(3) For B1, substitute —

“B1

- (a) Cutaneous anthrax;
- (b) Pulmonary anthrax.”.

(4) For B4, substitute —

“B4

- (a) Cutaneous larva migrans;
- (b) Iron deficiency anaemia caused by gastrointestinal infection by hookworm.”.

(5) After “C32 Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma)”⁸, insert “C33 Chloracne.”.

(6) In D12 —

- (a) for “(a) chronic bronchitis; or (b) emphysema; or (c) both,” substitute “chronic obstructive pulmonary disease.”;
- (b) after sub-paragraph (ii) insert “The value of one litre in (i) and (ii) shall be construed as fixed and shall not vary by virtue of any treatment or treatments.”.

(7) Column 2 of Part 1 of Schedule 1 to the principal Regulations is amended in accordance with paragraphs (8) and (9).

(8) In B5 Tuberculosis, for “Contact with a source of tuberculous infection” substitute —

“B5

⁷ As amended by S.I.’s 1986/1374 (see GC 361/86), 1987/335 (see GC 108/88), 1989/1207 (see GC 349/91), 1991/1938 (see GC 363/93), 1993/862 (see SD 10/94), 1993/1985 (see SD 10/94), 1994/2343 (see SD 502/95), 1996/425 (see SD 633/96), 1997/810 (see SD 387/99), 2000/1588 (see SD 736/00), 2003/270 (see SD 354/03) and 2190 (see SD 795/03), 2005/324 (see SD 440/05), 2006/586 (see SD 294/06), 2007/811 (see SD 496/07), 2007/1753 (see SD 801/07), 2008/14 (see SD 287/08) and 1552 (see SD 761/08), 2009/1396 (see SD 594/06), 2012/647 (see SD 0444/12) and 1634 (see SD 0607/12).

⁸ C32 added by S.I. 2011/879 (see Schedule 1 to this Order).

Contact with a source of tuberculosis while undertaking—

- (a) work in a hospital, mortuary in which post mortems are conducted, or laboratory; or
- (b) work in any other workplace.”.

(9) After C32 insert “Exposure to a substance causing chloracne.”.

5. Consequential amendments to the principal Regulations

The principal Regulations are amended as follows —

- (a) in regulations 6(2)(a) and (b) and 7(1) for “chronic bronchitis or emphysema” substitute “chronic obstructive pulmonary disease”;
- (b) in the title to regulation 22 for “emphysema and chronic bronchitis” substitute “chronic obstructive pulmonary disease”;
- (c) in regulation 22(1) for “any emphysema and of any chronic bronchitis” substitute “any chronic obstructive pulmonary disease”.

Signed by authority of the Secretary of State for Work and Pensions

Mark Harper
Minister of State
Department for Work and Pensions

29th January 2015

EXPLANATORY NOTE

(This note is not part of the Order)

Section 1 of the Social Security Act 2000 (of Tynwald) enables the Treasury by Order to apply to the Island, as part of the law of the Island and incorporating such exceptions, adaptations and modifications as may be specified by the Order, any legislation to which that section applies.

Section 1 of that Act applies to (inter alia) the Social Security Contributions and Benefits Act 1992 and to any statutory instrument made or having effect as if made under that Act.

This Order applies to the Island two statutory instruments of the United Kingdom Parliament relating to industrial injuries disability benefits, the provisions of which are summarised in the following paragraphs. The applied legislation has effect from the same date as it did so in Great Britain.

Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2011 (S.I. 2011/1497)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (S.I. 1985/967) (“the 1985 Regulations”), which prescribe diseases for which industrial injuries benefit is payable.

Regulation 2 amends Part I of Schedule 1 to the 1985 Regulations by adding bronchiolitis obliterans to the list of prescribed diseases in relation to occupations involving the manufacture of diacetyl, or food flavouring containing diacetyl, or food to which such food flavouring is added.

Regulation 2 also adds carcinoma of the nasal cavity or associated air sinuses in relation to occupations involving the manufacture of inorganic chromates or work in hexavalent chrome plating to that list.

Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 (S.I. 2015/87)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (“the principal Regulations”) which provide for Industrial Injuries Disability Benefit to be paid to individuals whose employment has caused them to develop one or more of certain prescribed diseases listed in the principal Regulations.

Regulation 2 substitutes regulation 4 of the principal Regulations, which provides that certain prescribed diseases are to benefit from a presumption that those diseases were caused by a person’s employed earner’s employment.

New regulation 4 provides for a person who has developed one of 20 prescribed diseases referred to in regulation 4(1) to benefit from the presumption that that disease

was caused by that person's employed earner's employment, provided that that person was employed within the relevant prescribed occupation for that disease within one month of the date on which they developed that prescribed disease. It then provides for a person who has developed one of the 26 diseases referred to in regulation 4(2) to benefit from the same presumption regardless of when they were last employed within the relevant prescribed occupation for that prescribed disease.

New regulation 4 also prescribes, in paragraphs (3) to (7), additional disease specific rules regarding presumption in respect of eight other specified prescribed diseases.

Regulation 3 substitutes regulation 20B of the principal Regulations. New regulation 20B lists 7 diseases in respect of which certain words contained in section 103(6) of, and paragraph 6(1) of Schedule 6 to, the Social Security Contributions and Benefits Act 1992 (as it has effect in the Island) are substituted or omitted.

Regulation 4(1) to (6) amends column 1 of Part 1 of Schedule 1 to the principal Regulations, which prescribes the diseases for which industrial injuries benefit is payable, by amending the description of four prescribed diseases and inserting one new prescribed disease.

Regulation 4(7) to (9) amends column 2 of that Part of that Schedule by amending the description of the prescribed occupation for one prescribed disease and inserting details of the prescribed occupation for one new prescribed disease.

Regulation 5 makes consequential amendments to the principal Regulations as a result of the amendment to the description of prescribed disease D12 by regulation 4(6)(a).