



Social Security Act 1975

1975 CHAPTER 14

PART II

BENEFIT AND ITS ADMINISTRATION

CHAPTER IV

BENEFIT FOR INDUSTRIAL INJURIES

Disablement benefit

57 Disablement gratuity and pension

- (1) Subject to the provisions of this section, an employed earner shall be entitled to disablement benefit if he suffers as the result of the relevant accident from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts to not less than 1 per cent.
- (2) In this Act, references to loss of physical faculty include disfigurement, whether or not accompanied, by any actual loss of faculty.
- (3) " Assessed " means assessed in accordance with Schedule 8 to this Act; and for the purposes of that Schedule there shall be deemed not to be any relevant loss of faculty when the extent of the resulting disablement, if so assessed, would not amount to 1 per cent.
- (4) Disablement benefit shall not be available to a person until after the third day of the period of 156 days (disregarding Sundays) beginning with the day of the relevant accident nor until after the last day (if any) of that period on which he is incapable of work as the result of the relevant accident:

Provided that, where he makes a claim for disablement benefit in respect of the accident before the end of that period and does not withdraw it before it is finally determined, then if on any day of that period not earlier than the making of the claim he

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

is not so incapable of work, the fact that he is or may be so incapable on a subsequent day of the period shall be disregarded for the purposes of this subsection.

- (5) Where the extent of the disablement is assessed for the period taken into account as amounting to less than 20 per cent., disablement benefit shall be a disablement gratuity—
- (a) of an amount fixed, in accordance with the length of the period and the degree of the disablement, by a prescribed scale, but not in any case exceeding the amount specified in Schedule 4, Part V, paragraph 2; and
 - (b) payable, if and in such cases as regulations so provide, by instalments.
- (6) Where the extent of the disablement is assessed for the period taken into account as amounting to 20 per cent. or more, disablement benefit shall be a disablement pension for that period payable at the appropriate weekly rate specified in Schedule 4, Part V, paragraph 3:

Provided that where that period is limited by reference to a definite date, the pension shall cease on the death of the beneficiary before that date.

58 Unemployability supplement

- (1) The weekly rate of a disablement pension shall, if as the result of the relevant loss of faculty the beneficiary is incapable of work and likely to remain so permanently, be increased by the appropriate amount specified in Schedule 4, Part V, paragraph 4.
- (2) An increase of pension under this section is referred to in this Act as an "unemployability supplement".
- (3) For the purposes of this section, a person may be treated as being incapable of work and likely to remain so permanently, notwithstanding that the loss of faculty is not such as to prevent him being capable of work, if it is likely to prevent his earnings in a year exceeding a prescribed amount not less than £104.
- (4) An unemployability supplement shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

59 Increase of unemployability supplement

- (1) If on the qualifying date the beneficiary was—
 - (a) a man under the age of 60, or
 - (b) a woman under the age of 55,
 the weekly rate of unemployability supplement shall be increased by the appropriate amount specified in Schedule 4, Part V, paragraph 5.
- (2) In this section "the qualifying date" means, subject to subsections (3) and (4) below, the beginning of the first week for which the beneficiary qualified for unemployability supplement.
- (3) If the incapacity for work in respect of which unemployability supplement is payable forms part of a period of interruption of employment which has continued from a date earlier than the date fixed under subsection (2) above, the qualifying date means the first day in that period which is a day of incapacity for work, or such earlier day as may be prescribed.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) Subject to subsection (3) above, if there have been two or more periods for which the beneficiary was entitled to unemployability supplement, the qualifying date shall be, in relation to unemployability supplement for a day in any one of those periods, the beginning of the first week of that period.

For the purposes of this subsection a break of more than 13 weeks in entitlement to unemployability supplement means that the periods before and after the break are different periods, and a break of 13 weeks or less is to be disregarded.

- (5) In this section " period of interruption of employment" has the same meaning as it has for the purposes of unemployment benefit.

60 Increase of disablement pension for special hardship

- (1) The weekly rate of a disablement pension shall, subject to the following provisions of this section, be increased by an amount not exceeding the appropriate amount specified in Schedule 4, Part V, paragraph 6, if as the result of the relevant loss of faculty the beneficiary—

- (a) is incapable, and likely to remain permanently incapable, of following his regular occupation ; and
- (b) is incapable of following employment of an equivalent standard which is suitable in his case,

or if as the result of the relevant loss of faculty the beneficiary is, and has at all times since the end of the injury benefit period been, incapable of following that occupation or any such employment.

- (2) In subsection (1) above—

- (a) the reference to a person's regular occupation is to be taken as not including any subsidiary occupation of his;
- (b) the reference to employment of an equivalent standard is to be taken as not including employment other than employed earner's employment;

and in assessing the standard of remuneration in any employment, including a person's regular occupation, regard is to be had to his reasonable prospects of advancement.

- (3) For the purposes of this section, a person's regular occupation is to be treated as extending to and including employment in the capacities to which the persons in that occupation (or a class or description of them to which he belonged at the time of the relevant accident) are in the normal course advanced, and to which, if he had continued to follow that occupation without having suffered the relevant loss of faculty, he would have had at least the normal prospects of advancement; and so long as he is, as a result of the relevant loss of faculty, deprived in whole or in part of those prospects, he is to be treated as incapable of following that occupation.
- (4) Regulations may for the purposes of this section provide that a person is not to be treated as capable of following an occupation or employment merely because of his working thereat during a period of trial or for purposes of rehabilitation or training or in other prescribed circumstances.
- (5) An unemployability supplement and an increase of pension under this section shall not be payable for the same period.
- (6) Subject to subsection (5) above, an increase of pension under this section shall be payable for such period as may be determined at the time it is granted, but may be

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

renewed from time to time, and the amount of the increase shall be determined by reference to the beneficiary's probable standard of remuneration during the period for which it is granted in the employed earner's employments, if any, which are suitable in his case and which he is likely to be capable of following as compared with that in his regular occupation within the meaning of subsection (1) above.

- (7) Regulations may make as respects a disablement gratuity provision corresponding to that made by this section as respects a disablement pension, and may include provision for payment of a pension in lieu of a gratuity.

61 Increase where constant attendance needed

- (1) Where a disablement pension is payable in respect of an assessment of 100 per cent., then, if as the result of the relevant loss of faculty the beneficiary requires constant attendance, the weekly rate of the pension shall be increased by an amount, not exceeding the appropriate amount specified in Schedule 4, Part V, paragraph 7, determined in accordance with regulations by reference to the extent and nature of the attendance required by the beneficiary.
- (2) An increase of pension under this section shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

62 Increase during hospital treatment

- (1) Where a person is awarded disablement benefit but the extent of his disablement is assessed for the period taken into account by the assessment at less than 100 per cent., it shall be treated as assessed at 100 per cent. for any part of that period, whether before or after the making of the assessment or the award of benefit, during which he receives, as an in-patient in a hospital or similar institution, medical treatment for the relevant injury or loss of faculty.
- (2) Where the extent of the disablement is assessed for that period at less than 20 per cent., subsection (1) above shall not affect the operation of section 57(5) of this Act; but, in the case of a disablement pension payable by virtue of this section to a person awarded a disablement gratuity wholly or partly in respect of the same period, the weekly rate of the pension (after allowing for any increase under this Chapter) shall be reduced by the amount prescribed as being the weekly value of his gratuity.

63 Increase for exceptionally severe disablement

- (1) Where a disablement pension is payable to a person under section 57(6) above, and—
- (a) the person is or, but for having received medical or other treatment as an in-patient in a hospital or similar institution, would be entitled to an increase of the weekly rate of the pension under section 61, and the weekly rate of the increase exceeds the amount specified in Schedule 4, Part V, paragraph 7(a); and
 - (b) his need for constant attendance of an extent and nature qualifying him for such an increase at a weekly rate in excess of that amount is likely to be permanent,

the weekly rate of the pension shall, in addition to any increase under section 61, be further increased by the amount specified in Schedule 4, Part V, paragraph 8.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) An increase under this section shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.