



# Pneumoconiosis etc. (Workers' Compensation) Act 1979

## 1979 CHAPTER 41

### 3 Dependants.

(1) In this Act “dependant”, in relation to a person who, immediately before he died, was disabled by a disease to which this Act applies, means—

- (a) if he left a spouse [<sup>F1</sup>or civil partner] who was residing with him or was receiving or entitled to receive from him periodical payments for her maintenance, that spouse [<sup>F1</sup>or civil partner];
- (b) if paragraph (a) above does not apply but he left a child or children who fall within subsection (2) below, that child or those children;
- [<sup>F2</sup>(c) if neither of the preceding paragraphs applies but he left a person who was residing with him and with whom he was in a qualifying relationship, that person;]
- (d) if none of the preceding paragraphs applies, any relative or relatives of his who fall within subsection (2) below and who were, in the opinion of the Secretary of State, wholly or mainly dependent on him at the date of his death.

(2) A person falls within this subsection if, at the relevant date, he was

- (a) under the age of 16;
- (b) under the age of 21 and not gainfully employed full-time; or
- (c) permanently incapable of self-support;

and in this subsection “relevant date” means the date of the deceased’s death or the date of the coming into force of this Act, whichever is the later.

[<sup>F3</sup>(2A) For the purposes of subsection (1)(c)—

- (a) two persons of the opposite sex are in a qualifying relationship if they are living together as husband and wife;
- (b) two persons of the same sex are in a qualifying relationship if they are living together as if they were civil partners.]

[<sup>F4</sup>(2A) For the purposes of subsection (1)(c) two persons are in a qualifying relationship if they are living together [<sup>F5</sup>as if they were a married couple or civil partners].]

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*Changes to legislation: There are currently no known outstanding effects for the Pneumoconiosis etc. (Workers' Compensation) Act 1979, Section 3. (See end of Document for details)*

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<sup>F6</sup>(2B) .....

(3) Where any payment under this Act falls to be made to two or more persons, the payment shall be made to one of them or divided between some or all of them as the Secretary of State thinks fit.

(4) In this section—

“child” includes posthumous child;

“relative” means brother, sister, lineal ancestor or lineal descendant;

and for the purposes of this section a relationship shall be established as if any illegitimate child or step child of a person had been a child born to him in wedlock.

<sup>F7</sup>(5) .....

#### Textual Amendments

- F1** Words in s. 3(1)(a) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. **59(1)(a)**, 70(1)
- F2** S. 3(1)(c) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. **59(1)(b)**, 70(1)
- F3** S. 3(2A) substituted (E.W) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 1 para. 18(a)**
- F4** S. 3(2A) substituted (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 5 para. 7(a)**
- F5** Words in s. 3(2A) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 7**
- F6** S. 3(2B) omitted (E.W) (13.3.2014) by virtue of [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 1 para. 18(b)**; and (S.) (16.12.2014) by virtue of [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 5 para. 7(b)**
- F7** S. 3(5) repealed (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 59(3), 70(1), **Schs. 8**

**Changes to legislation:**

There are currently no known outstanding effects for the *Pneumoconiosis etc. (Workers' Compensation) Act 1979*, Section 3.