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SCHEDULES

SCHEDULE 4

SEVERE DISABLEMENT ALLOWANCE

PART I

CONSEQUENTIAL AMENDMENTS

Social Security Act 1975 (c.14)

- 3 In the following provisions of the Social Security Act 1975—
section 34(1)(b);
section 49(a);
section 79(3)(a) and (d);
section 135(2)(b); and
paragraph 2 of Part III of Schedule 4 and paragraph 9 of Part IV of that Schedule,
for the words " non-contributory invalidity pension " there shall be substituted the words " severe disablement allowance " .
- 4 At the end of each of the following provisions of that Act—
section 98(2)(b);
section 100(3)(2);
section 102(2);
section 103(1)(b); and
section 104(1)(c)(ii),
there shall be added the words " or severe disablement allowance " .
- 5 In section 108(1) of that Act—
(a) after the words " industrial injuries benefit" there shall be inserted the words " and severe disablement allowance " ;
(b) at the beginning of paragraph (a) there shall be inserted the words " in relation to industrial injuries benefit, " ; and
(c) at the beginning of paragraph (b) there shall be inserted the words " in relation to both benefits, " .
- 6 At the end of section 108(2) of that Act there shall be added the words " or, in such cases relating to severe disablement allowance as may be prescribed, by an adjudication officer. " .
- 7 In section 109(1) of that Act after the words " disablement benefit " there shall be inserted the words " or severe disablement allowance " .
- 8 In section 110 of that Act—

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- (a) in subsection (6), after the words " and in particular may " there shall be inserted the words " in any case relating to disablement benefit "; and
- (b) in subsection (7), after the words " disablement benefit" there shall be inserted the words " or severe disablement allowance, as the case may be, ".

9 In section 112(1)(b) of that Act after the words " relevant accident " there shall be inserted the words " or, in a case relating to severe disablement allowance, at the prescribed time ".

10 In Schedule 8 to that Act—

- (a) in paragraph 1—
 - (i) for the words " section 57 " there shall be substituted the words " section 36 or 57 " ; and
 - (ii) in sub-paragraph (b) at the beginning there shall be inserted the words " except in the case of an assessment for the purposes of section 36, ";

(b) after paragraph 4 there shall be inserted the following paragraph—

“4A Paragraph 4 above shall not apply in the case of an assessment of any person's disablement for the purposes of section 36 but the period to be taken into account for any such assessment shall be the period during which that person has suffered and may be expected to continue to suffer from the relevant loss of faculty beginning not later than—

- (a) the first claim day if his entitlement to benefit falls to be determined in accordance with section 36(3)(b) as modified by regulations under section 36(7)(b);
- (b) where his disablement has previously been assessed for the purposes of section 36 at a percentage which is not less than 80 per cent,—

- (i) if the period taken into account for that assessment was or included the period of 196 days ending immediately before the first claim day, the first claim day, or

- (ii) if the period so taken into account included any day falling within that period of 196 days, the day immediately following that day or, if there is more than one such day, the last such day ;

(c) in any other case, 196 days before the first claim day; and, in any case, ending not later than the day on which that person, if a woman, attains the age of 65 or, if a man, attains the age of 70.

In this paragraph "the first claim day" means the first day in respect of which the person concerned has made the claim in question for a severe disablement allowance”; and

(c) after paragraph 5 there shall be inserted the following paragraph—

“5A Paragraph 5 above shall not apply in relation to an assessment of any person's disablement for the purposes of section 36 but—

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- (a) any such assessment shall state the degree of disablement in the form of a percentage and shall specify the period taken into account by the assessment; and
- (b) for the purposes of any such assessment—
 - (i) a percentage which is not a whole number shall be rounded to the nearest whole number or if it falls equally near two whole numbers shall be rounded up to the higher; and
 - (ii) a percentage between 5 and 100 which is not a multiple of 10 shall be treated, if it is a multiple of 5, as being the next higher percentage which is a multiple of 10 and, in any other case, as being the nearest percentage which is a multiple of 10 ; and
- (c) if on the assessment the person's disablement is found to be less than 5 per cent. that degree of disablement shall for the purposes of section 36 be disregarded and, accordingly, the assessment shall state that he is not disabled.”.

11 In Schedule 20 to that Act—

- (a) the following entry shall be inserted after the entry relating to " Long-term benefit " —

““ Loss of physical faculty " .

Includes disfigurement whether or not accompanied by any actual loss of faculty.”;
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and

- (b) at the end of the entry relating to " relevant loss of faculty " there shall be added the words " or, in a case within section 36, the loss of faculty which results in disablement " .