

Status: Point in time view as at 10/08/2007.

Changes to legislation: Welfare Reform Act 2007, SCHEDULE 6 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 58

SCHEDULE TO BE INSERTED IN THE PNEUMOCONIOSIS ETC. (WORKERS' COMPENSATION) ACT 1979

Commencement Information

- I1** Sch. 6 in force at 12.7.2007 for specified purposes by S.I. 2007/1991, art. 2(1)
I2 Sch. 6 in force at 10.8.2007 in so far as not already in force by S.I. 2007/1991, art. 2(2)

“THE SCHEDULE

Section 2(3)

DEFINITION OF “RELEVANT EMPLOYER”

Basic definition

- 1 Subject to the following provisions, “relevant employer”, in relation to a person disabled by a disease to which this Act applies, means any person—
- (a) by whom the disabled person was employed in a prescribed occupation at any time during the period during which he was developing the disease, and
 - (b) against whom he might have or might have had a claim for damages in respect of the disablement.

Disregarded employers

- 2 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person has had no period of employment with him which is a qualifying period of employment.
- 3 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him did not exceed 12 months.
- 4 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him—
- (a) did not exceed 5 years, and
 - (b) represents not more than 25% of the time during which the disabled person was employed in a prescribed occupation.
- 5 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him—
- (a) did not exceed 7 years, and
 - (b) represents not more than 20% of the time during which the disabled person was employed in a prescribed occupation.

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- 6 In paragraphs 3 to 5, references to the disabled person's qualifying period of employment with his employer, where there has been more than one such period, are to the aggregate of those periods.

“Qualifying period of employment”

- 7 (1) In this Schedule, “qualifying period of employment”, in relation to a person disabled by a disease to which this Act applies, means any period of employment in a prescribed occupation, except for—
- (a) a period of employment which ended more than 20 years before the qualifying date, and
 - (b) in the case of a claim relating to diffuse mesothelioma, a period of employment which began not more than 15 years before the qualifying date.
- (2) In sub-paragraph (1), “qualifying date” means—
- (a) the date on which the Secretary of State determines a claim for disablement benefit made by or on behalf of the disabled person in respect of the disease, or
 - (b) if the disabled person has died without a claim for disablement benefit in respect of the disease having been determined, the date on which he died.

“Prescribed occupation”

- 8 (1) In this Schedule, “prescribed occupation”, in relation to a person disabled by a disease to which this Act applies, means an occupation prescribed in relation to the disease by the Secretary of State by order made by statutory instrument.
- (2) A statutory instrument that—
- (a) contains an order under sub-paragraph (1), and
 - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Power to amend Schedule

- 9 Regulations made by the Secretary of State may—
- (a) amend this Schedule for the purpose of adding to the cases in which a person is not a relevant employer in relation to a person disabled by a disease to which this Act applies;
 - (b) amend or repeal any provision of this Schedule relating to such cases.”

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