
STATUTORY INSTRUMENTS

1983 No. 136

The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983

PART II

ALLOWANCES AND DEATH BENEFIT

Benefit payable under this scheme

2.—(1) Subject to the following provisions of this scheme, benefit as hereinafter provided shall be payable out of [^{F1}money provided by Parliament] to or in respect of any person—

- (a) who is totally or partially disabled or dies, or who has died at any time after 31st December 1949, as a result of pneumoconiosis or byssinosis if the conditions in paragraph (2) are satisfied; or
- (b) who is a person who is totally or partially disabled (such disablement being likely to be permanent) as a result of any of the diseases set out in the first column of Schedule 1 or who dies or has died as a result of any of those diseases at any time after, in each case, the date set out in Schedule 4 against the number corresponding to the number given to that disease in the first column of Schedule 1, if he was a person who has been employed in Great Britain before 5th July 1948 in any of the occupations set against that disease in the second column of Schedule 1; or
- (c) who, being a person who satisfies the conditions for benefit for partial disablement under sub-paragraph (a) or (b), is totally incapable of work and likely to remain so incapable for a considerable period as a joint result either of 2 or more of the diseases referred to in those sub-paragraphs or of one such disease and one or more other relevant injuries or diseases.

(2) Benefit shall only be payable to or in respect of any person who is disabled or dies or who has died as a result of pneumoconiosis or byssinosis—

- (a) if he has been employed in Great Britain before 5th July 1948 in any of the occupations in the case of which the disease is prescribed in relation to persons employed in employed earner's employment by virtue of regulations made under section 76 of the Social Security Act which are in force at the date on which this scheme comes into operation or are made at any time thereafter during his lifetime;
- (b) if, except in a case where benefit under this scheme or any scheme revoked by this scheme, in respect of the disease has previously been awarded, the disease is not prescribed in relation to him under the Social Security Act;
- (c) if it is [^{F2}decided by the Secretary of State]—
 - (i) that he is totally disabled as a result of the disease; or
 - (ii) that, though not totally disabled, he is or was partially disabled, within the meaning of article 14, as a result of the disease; or
 - (iii) that he has died as a result of the disease.

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(3) For the purposes of this scheme, the expression “partially disabled” means in relation to any person claiming benefit as a result of a disease other than pneumoconiosis or byssinosis that, though not totally disabled by any of the diseases set out in Schedule 1, that person is suffering from the disease to such a degree that his general physical capacity for employment is thereby impaired.

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| <p>F1 Words in art. 2(1) substituted (9.1.1991) by The Workmens Compensation (Supplementation) (Amendment) and the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1990 (S.I. 1990/2538), arts. 1, 3(2)(a)</p> <p>F2 Words in art. 2(2)(c) substituted (5.7.1999) by The Social Security Act 1998 (Commencement No. 8, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1958), art. 1, Sch. 7 para. 2</p> |
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