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## STATUTORY INSTRUMENTS

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# 1983 No. 136

## The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983

### PART II

#### ALLOWANCES AND DEATH BENEFIT

##### Restriction on payment of benefit

3.—(1) Subject to the provision of paragraph (2), benefit shall not be payable to or in respect of a person who is disabled or dies or has died as a result of pneumoconiosis or byssinosis or any of the diseases set out in Schedule 1 if throughout the employment mentioned in article 2 he was employed otherwise than as a workman within the meaning of the Workmen's Compensation Act 1925, or if in respect of any attack of the disease suffered by him—

- (a) he or any person is or has been entitled to benefit under Chapter IV or V of Part II of the Social Security Act;
- (b) he or any other person would be or would have been so entitled but for the operation of section 82, 85 or 91 of the Social Security Act (which sections relate respectively to disqualification and suspension, overlapping benefits and adjustment for successive accidents);
- (c) he or any person is or has been entitled to any payment corresponding to such benefit under any legislation of Northern Ireland;
- (d) he, or any person, being a member of his family within the meaning of the Workmen's Compensation Act 1925, has received or is entitled to compensation under the Workmen's Compensation Acts or by virtue of any scheme made or certified thereunder (other than compensation in respect of total or partial incapacity for work under the Refractories Industries (Silicosis) Scheme 1931 or the Sandstone Industry (Silicosis) Scheme 1931 (1) or by virtue of any scheme or law in force in any country or territory outside Great Britain providing for compensation in respect of the disease;
- (e) he would have received or would be entitled to such compensation under the Workmen's Compensation Acts or by virtue of any scheme made or certified as aforesaid but for the fact that he was or is entitled to receive compensation in respect of disablement from any other disease or in respect of an injury by accident; or
- (f) he, or his personal representative, or any of his relatives has recovered any sum by way of damages whether at common law or under the Fatal Accidents Act 1976, or the Law Reform (Miscellaneous Provisions) Act 1934.

(2) The provisions of paragraph (1)(d), (e) and (f) shall not operate to prevent benefit from being payable to or in respect of any person in any case in which the disablement or death in respect of which the claim is made is the result of a separate and fresh contraction of the disease.

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