
STATUTORY INSTRUMENTS

1983 No. 136

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

PART IV

MEDICAL BOARD

[^{F1}Report of a medical practitioner

13.—(1) Subject to the provisions of paragraph (3), the Secretary of State, on consideration of a claim for an allowance in respect of pneumoconiosis or byssinosis, shall refer the case to a medical practitioner for advice.

(2) The Secretary of State need not refer the case as provided in paragraph (1), but may determine that an award cannot be made on the claim if the claimant fails to satisfy him—

- (a) that he fulfils the conditions relating to the allowance;
- (b) that there is reasonable cause for suspecting that he is totally or partially disabled within the meaning of this scheme as a result of pneumoconiosis or byssinosis or, where he has previously been awarded an allowance in respect of partial disablement and claims that he has become totally disabled, that he is totally disabled.

(3) For the purposes of determining whether there is reasonable cause for suspecting that the claimant is totally or partially disabled by pneumoconiosis, the Secretary of State shall have power, in any case where he considers necessary, to obtain a radiological report on the case.]

F1 Art. 13 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. 5](#)

[^{F2}Provision of a report by a medical practitioner]

14.—(1) Where a case is referred to [^{F3}a medical practitioner] under the provisions of article 13, the medical board shall, except as provided in paragraph (3), examine the claimant and shall [^{F3}provide a report]—

- (a) that the claimant is totally disabled as a result of the disease, if satisfied that he is so disabled;
- (b) that the claimant is or was partially disabled as a result of the disease if satisfied—
 - (i) where the claim is made in respect of pneumoconiosis, that though not totally disabled as a result of the disease, he is or was suffering from the disease to such a degree that his general physical capacity for employment is or was impaired by reason of the disease; or
 - (ii) where the claim is made in respect of byssinosis, that although not totally disabled as a result of the disease, he is or was suffering from the disease to such a degree that,

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if the Social Security Act had been applicable in his case, the resulting disablement would, in the opinion of [^{F3}the medical practitioner], have been assessed at not less than the minimum degree of disablement for which disablement benefit in respect of byssinosis is payable under that Act.

[^{F4}(2) For the purposes of the last foregoing paragraph of this article, in the case of a claimant disabled as a result of byssinosis, the medical practitioner shall not make a report as provided in this paragraph unless satisfied that the disablement is likely to be permanent, in which event he shall include in his report a statement to that effect, together with his opinion as to the degree of disablement;]

[^{F5}(3) The medical practitioner may provide a report in accordance with the provisions of paragraph (1) without examining the claimant, if satisfied that such examination can be dispensed with, having regard to any medical reports available as a result of any previous medical examination of the claimant carried out by a medical board or a specially qualified medical practitioner or a medical practitioner, whether in accordance with this scheme or otherwise, or if the claimant has died after having claimed the allowance but before having been examined by a medical board or a medical practitioner on the reference under article 13(1).]

(4) A [^{F6}report] given under paragraph (1) shall state—

- (a) where [^{F6}the medical practitioner] is satisfied that the relevant condition specified in paragraph (1)(a) is fulfilled, the date (not being a date earlier than 10th March 1952) as from which it was fulfilled;
- (b) where [^{F6}the medical practitioner] is satisfied that the relevant condition specified in paragraph (1)(b) is or was fulfilled, the date (not being a date earlier than 8th November 1954) as from which it was fulfilled.

(5) If, on a claim for death benefit, any question arises whether the deceased had suffered from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis to an extent which would if his physical condition were otherwise normal have been of a gravity comparable to an assessment under the Social Security Act of not less than 50 per cent, the [^{F7}Secretary of State] shall refer that question to [^{F7}a medical practitioner who shall provide a report to the Secretary of State.]

^{F8}(6)

[^{F9}(7) A decision of the Secretary of State following the provision of a report provided under paragraph (5) stating that the deceased did not suffer from pneumoconiosis, or from pneumoconiosis accompanied by tuberculosis, may, to the extent mentioned in that paragraph, be revised by the Secretary of State.]

F2	Words in art. 14 heading 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. 6(a)
F3	Words in art. 14(1) 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. 6(b)(i)-(iii)
F4	Words in art. 14(2) 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. 6(c)
F5	Words in art. 14(3) 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. 6(d)
F6	Words in art. 14(4) 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. 6(e)(i)-(ii)

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- F7** Words in Art. 14(5) 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. 5(f)**
- F8** Art. 14(6) omitted (5.7.1999) by virtue of 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. 6(g)**
- F9** Art. 14(7) 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. 6(h)**

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