
STATUTORY INSTRUMENTS

1983 No. 136

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

PART V

CLAIMS AND PAYMENTS

Information to be given when making a claim or obtaining payment of allowance or death benefit

15. Every person who makes a claim for or is entitled to an allowance or death benefit and every person to whom or on whose behalf sums are payable by way of an allowance or death benefit shall furnish in such manner and at such times as the Secretary of State may determine, such certificates, documents, information and evidence affecting the right to the allowance or death benefit or to the receipt of any sum payable by way of an allowance or death benefit as may reasonably be required by the Secretary of State, and, if so required, shall for that purpose attend at such office or place as the Secretary of State may direct.

Obligation to undergo medical examination

16.—(1) Subject to the following provisions of this article, every claimant for, and every beneficiary in receipt of, an allowance shall comply with every notice given to him by the Secretary of State which requires him to submit himself to a medical examination by a [^{F1}medical practitioner].

(2) Every notice given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing and shall specify the time and place of examination but shall not require the claimant or beneficiary to submit himself to examination—

- (a) in the case of examination by a [^{F2}medical practitioner], before the expiration of the period of 6 days beginning with the date of the notice or such shorter period as may be reasonable in the circumstances;
- (b) in any other case, on a date earlier than the third day after the date on which the notice was sent.

(3) Every claimant and every beneficiary who, in accordance with the foregoing provisions of this article, is required to submit himself to a medical examination shall attend at every such place and at every such time as may be required.

^{F3}(4)

Textual Amendments

F1 Words in art. 16(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. 7\(a\)](#)

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- F2** Words in art. 16(2)(a) 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. 7\(b\)](#)
- F3** Art. 16(4) 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. 7\(c\)](#)

Sums not payable when delay in claiming

[^{F4}17.—(1) An allowance, or an increase of allowance, shall not be payable to any person in respect of any period more than three months before the claim for the allowance or the increase, as the case may be, is made.

(2) Death benefit shall not be payable in respect of the death of any person to or for the benefit of any dependant who fails to make a claim for that benefit within a period of three months beginning with the day of the death.]

Textual Amendments

- F4** Art. 17 substituted (7.4.1997) by [The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit \(Amendment\) Scheme 1997 \(S.I. 1997/824\)](#), arts. 1(1), [2](#)

Payment of allowances

18. Where an allowance is payable under this scheme by means of orders for the payment ^{F5}... of weekly sums on account of the allowance, those weekly sums shall be payable on Thursdays.

Textual Amendments

- F5** Words in art. 18 revoked (26.3.2001) by [The Postal Services Act 2000 \(Consequential Modifications No. 1\) Order 2001 \(S.I. 2001/1149\)](#), art. 1(2), [Sch. 2](#) (with art. 4(11))

Obligation to notify change of circumstances

19. Every person entitled to an allowance shall, as soon as may be practicable, notify the Secretary of State in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any allowance or any part thereof awarded to him, or to the receipt of any such allowance or part of an allowance.

Allowances to be inalienable

20. Subject to the following provisions of this scheme, every assignment of, or charge on, an allowance, and every agreement to assign or charge an allowance, shall be void, and on the bankruptcy of a person entitled to an allowance, the allowance shall not pass to any trustee or other person acting on behalf of his creditors.

Forfeiture of allowances

21.—(1) Subject to the provision of paragraph (2), if a claimant or person entitled to an allowance—

- (a) fails without reasonable cause to comply with any requirement of article 15, 16 or 19, he shall, if the appropriate determining authority so decides, forfeit any allowance which would, apart from this paragraph, be payable in respect of the period of such failure;
 - (b) wilfully obstructs or is guilty of other misconduct in connection with any medical or other examination which he is required under article 16 to undergo, or with any proceedings under this scheme for the determination of his right to an allowance or to the receipt thereof, he shall forfeit, for such period as the appropriate determining authority shall determine, any allowance which would, apart from this paragraph, be payable.
- (2) Nothing in paragraph (1) providing for forfeiture of an allowance for failure to undergo medical examination or other examination or any obstruction or misconduct in connection with such examination shall authorise the disentitlement of the person concerned for a period exceeding 6 weeks on any forfeiture.

Allowances during imprisonment

22. Where a person has become entitled, in respect of a period, or any part of a period, during which he is and has continuously been undergoing imprisonment or detention in legal custody, to sums by way of allowance, including increases for dependants, which in the aggregate, either—

- (a) equal the total amount payable by way of an allowance for a period of one year; or
- (b) together with any sums payable by virtue of any scheme made under section 2 of the Act in respect of that period of imprisonment or detention in legal custody, equal the total amount payable by way of such allowances for a period of one year; then that person shall be disqualified from receiving any further sums by way of allowance in respect of that period, or any part thereof.

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