

STATUTORY INSTRUMENTS

1983 No. 136

SOCIAL SECURITY

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

<i>Made - - - -</i>	<i>9th February 1983</i>
<i>Laid before Parliament</i>	<i>23rd February 1983</i>
<i>Coming into Operation</i>	<i>16th March 1983</i>

ARRANGEMENT OF ARTICLES

PART I

GENERAL

1. Citation, commencement and interpretation.

PART II

ALLOWANCES AND DEATH BENEFIT

2. Benefit payable under this scheme.
3. Restriction on payment of benefit.
4. Allowances payable under this scheme.
5. Increase of allowance in respect of wife.
6. Increase of allowance in respect of children.
7. Increase of allowance on account of unemployment.
8. Increase of allowance when constant attendance needed and in respect of exceptionally severe disablement.
9. Death benefit.
10. Reduction of allowance or death benefit where benefit payable or paid under pre-1949 benefit schemes.

PART III

ADMINISTRATION OF THE SCHEME AND DETERMINATION OF QUESTIONS

11. Administration of the scheme.
12. Determination of questions arising under the scheme.

PART IV

MEDICAL BOARD

13. Reference of questions in respect of pneumoconiosis or byssinosis to medical authorities.
14. Issue of certificate by medical board.

PART V

CLAIMS AND PAYMENTS

15. Information to be given when making a claim or obtaining payment of allowance or death benefit.
16. Obligation to undergo medical examination.
17. Sums not payable when delay in claiming.
18. Payment of allowances.
19. Obligation to notify change of circumstances.
20. Allowances to be inalienable.
21. Forfeiture of allowances.
22. Allowances during imprisonment.

PART VI

RECOVERY AND ADJUSTMENT OF ALLOWANCES

23. Recovery of sums by deduction from allowances or benefit under the Social Security Act or a scheme made under section 2 of the Act.
24. Set-off of overpayments on account of allowances.

PART VII

TRANSITIONAL PROVISIONS

25. Finality of decisions of the Administrative Board.
26. Review of decisions of the Administrative Board.
27. Claims in respect of periods before commencement of scheme.
28. Conditions for allowance satisfied by previous awards.
29. Preservation of entitlement to larger amount of allowances.

PART VIII

MISCELLANEOUS

30. Exemption from stamp duty.
31. Reciprocal arrangements with Northern Ireland.
32. Breach of requirements of scheme.
33. Service by post.
34. Revocation of earlier schemes.

SCHEDULES

- SCHEDULE 1 – Diseases and occupations to which, in addition to pneumoconiosis and byssinosis, this scheme applies.
- SCHEDULE 2 – Conditions relating to increase of allowance in respect of a wife.
- SCHEDULE 3 – Provisions of the Social Security Act and regulations made thereunder applicable (with the necessary modifications) to this scheme.

SCHEDULE 4 – Dates after which death from diseases correspondingly numbered and set out in Schedule 1 must have occurred for the provisions of this scheme to apply.

SCHEDULE 5 – Schemes revoked.

The Secretary of State for Social Services, after consultation with the Council on Tribunals insofar as required by section 10 of the Tribunals and Inquiries Act 1971 (a), and with the consent of the Treasury, in exercise of powers conferred by sections 4(2), (3) and (4) (as applied by section 8(1)), 5, 8(3) and (4), 9(1), 10(1), 12, 13 and 14(2) of the Industrial Injuries and Diseases (Old Cases) Act 1975 (b) and of all other powers enabling him in that behalf, and for the purpose only of consolidating schemes hereby revoked, hereby makes the following scheme:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) This scheme may be cited as the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983, and shall come into operation on 16th March 1983.

(2) In this scheme, unless the context otherwise requires—

“the Act” means the Industrial Injuries and Diseases (Old Cases) Act 1975;

“the Social Security Act” means the Social Security Act 1975 (c) ;

“the Industrial Diseases (Benefit) Acts” means the Pneumoconiosis and Byssinosis Benefit Act 1951 (d) and the Industrial Diseases (Benefit) Act 1954 (e) ;

“the Workmen’s Compensation Acts” means the Workmen’s Compensation Acts 1925 to 1945, and any enactments repealed by the Workmen’s Compensation Act 1925 (f) ;

“the Administrative Board” has the meaning assigned to it by article 11 of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 (g) immediately before the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) (No. 2) Scheme 1977 (h) came into operation;

“allowance” means an allowance payable by virtue of Part II of this scheme and includes any increase thereof;

“the appropriate determining authority” means the insurance officer or, as the case may be, a local tribunal or Social Security Commissioner within the meaning of section 97 of the Social Security Act (i) ;

“beneficiary” means a person entitled to an allowance under this scheme;

“child benefit” means benefit under Part I of the Child Benefit Act 1975 (j) ;

(a) 1971 c.62.

(b) 1975 c.16.

(c) 1975 c.14.

(d) 1951 c.4.

(e) 1954 c.16.

(f) 1925 c.84.

(g) S.I. 1966/164.

(h) S.I. 1977/992.

(i) See also the Social Security Act 1980 (c.30),s.12.

(j) 1975 c.61.

“claimant” means a person claiming an allowance or death benefit under this scheme and includes, in relation to the review of an award or a decision, a person entitled to benefit under the award or affected by the decision;

“corresponding disablement pension rate” means the weekly rate for the time being of a pension payable under section 57(6) of the Social Security Act in respect of an assessment of 100 per cent;

“death benefit” means the benefit payable under this scheme in respect of the death of any person;

“medical board” means the medical board appointed under paragraph 3 of the Silicosis and Asbestosis (Medical Arrangements) Scheme 1931 (a) ;

“a specially qualified medical practitioner” means a member of a medical board;

“pneumoconiosis” means fibrosis of the lungs due to silica dust, asbestos dust or other dust and includes the condition of the lungs known as dust reticulation; and in the case of a person who suffers or has suffered from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis may be treated as if they were the effects of the pneumoconiosis and in the case of a person who suffers or has suffered from pneumoconiosis or pneumoconiosis accompanied by tuberculosis, to an extent which would, if his physical condition were otherwise normal, be of a gravity comparable to an assessment of not less than 50 per cent under the Social Security Act, the effects of any accompanying emphysema or chronic bronchitis may be treated as if they were the effects of the pneumoconiosis;

“relevant injury or disease” in relation to any person means an injury or disease in respect of which he is or has at any time after 4th July 1956 been entitled to weekly payments by way of workmen’s compensation or of an allowance payable by virtue of any scheme made under the Act, the Industrial Diseases (Benefit) Acts or the Workmen’s Compensation (Supplementation) Act 1951 (b) , including this scheme;

“workmen’s compensation” means compensation under the Workmen’s Compensation Acts 1925 to 1945, the enactments repealed by the Workmen’s Compensation Act 1925 and the enactments repealed by the Workmen’s Compensation Act 1906 (c) or under any contracting-out scheme duly certified under any of those Acts or any payments under the Workmen’s Compensation (War Addition) Acts 1917 and 1919 (d) or under the Workmen’s Compensation (Supplementary Allowances) Act 1940 (e) as amended by the Workmen’s Compensation (Temporary Increases) Act 1943 (f)

(3) For the purposes of this scheme—

(a) a claim for an allowance in respect of total disablement or total incapacity for work for a considerable period made by a person who has previously been awarded an allowance in respect of partial disablement shall be treated, for the purposes of the provisions relating to the making of claims, as a separate claim;

(b) a period shall be treated as considerable if it lasts or can be expected to last for not less than 13 weeks;

(a) S.R. & O. 1931/341.
(d) 1917 c.42, 1919 c.83.

(b) 1951 c.22.
(e) 1940 c.47.

(c) 1906 c.58.
(f) 1943 c.49.

(c) a person may be treated as being, as the result of pneumoconiosis, byssinosis or any of the diseases set out in Schedule 1 hereto, or as the joint result of such a disease and one or more other relevant injuries or diseases, totally incapable of work and likely to remain so incapable for a considerable period notwithstanding that the disability resulting from the disease or, as the case may be, diseases or injuries taken together, is not such as to prevent him from being capable of work, if it is likely to prevent his earnings (including any remuneration or profit derived from a gainful occupation) exceeding in a year such amount as is for the time being prescribed in pursuance of section 58(3) of the Social Security Act (unemployability supplement).

(4) For the purposes of this scheme, 2 persons shall not be treated as having ceased to reside together if they would not have been so treated under regulation 2 of the Social Security Benefit (Persons Residing Together) Regulations 1977 (a) (circumstances in which persons are not to be treated as having ceased to reside together).

(5) Except insofar as the context otherwise requires—

- (a) any reference in this scheme to a numbered Part, article or Schedule is a reference to the Part, article or Schedule of or to this scheme bearing that number;
- (b) any reference in an article to a numbered paragraph is to the paragraph of that article bearing that number; and
- (c) any reference in a paragraph to a lettered sub-paragraph is to the sub-paragraph of that paragraph bearing that letter.

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 the National Insurance Fund 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.

(a) S.I. 1977/956.

(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 certified as provided in article 14—
 - (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.

(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.

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 (a) or the Sandstone Industry (Silicosis) Scheme 1931 (b) 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;

(a) S.R. & O. 1931/345.

(b) S.R. & O. 1931/346, amended by S.R. & O. 1939/635, 1946/595.

- (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 (a), or the Law Reform (Miscellaneous Provisions) Act 1934 (b).

(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.

Allowances payable under this scheme

- 4.—(1) Subject to the provisions of this scheme, the benefit payable—
- (a) in cases of disablement due to pneumoconiosis, byssinosis or any of the diseases set out in Schedule 1 shall be an allowance—
 - (i) for any period during which the disablement is total, at the corresponding disablement pension rate; or
 - (ii) for any period during which the disablement is partial, at the weekly rate specified in section 7(2)(b) of the Act;
 - (b) in cases of total incapacity for work for a considerable period as a joint result of 2 or more relevant injuries or diseases, at least one of which is a disease referred to in article 2(1)(a) or (b), shall be an allowance at the corresponding disablement pension rate;

and such allowances shall be payable in any such case at the appropriate rate from the date (not being a date earlier than the date on which this scheme comes into operation) as from which it is determined by the appropriate determining authority that the claimant was totally incapable of work or totally or partially so disabled, as the case may be, having regard, in the case of disablement due to pneumoconiosis or byssinosis, to the date certified by a medical board in accordance with the provisions of article 14(4).

- (2) For the purposes of paragraph (1)—
- (a) for any period during which the claimant is totally disabled as a result of one of the said diseases or totally incapable of work as a joint result of 2 or more of the said diseases or of one or more such diseases and one or more injuries or diseases entitling the claimant to workmen's compensation, the weekly rate of benefit shall be reduced—
 - (i) by the amount of any allowance payable to him in excess of £1.00 for partial disablement due to any of the said diseases; and
 - (ii) by the amount of any workmen's compensation payable to him in respect of any relevant injury or disease; and
 - (b) subject to the provisions of sub-paragraph (a), a person shall not, in respect of the same period, be entitled to receive 2 or more allowances under this scheme at an aggregate weekly rate exceeding the corresponding disablement pension rate.

(a) 1976 c.30.

(b) 1934 c.41.

(3) A claimant shall not be entitled to an allowance unless he is ordinarily resident in the United Kingdom at the date of the claim or was, immediately before 10th March 1952, in receipt of any such benefit or payment as is mentioned in article 10.

(4) An increase of allowance under the provisions of article 5, 6, 7 or 8 shall not be payable for any period during which the person entitled to the allowance is absent from the United Kingdom, unless that person is absent in circumstances which, by virtue of the provisions of regulation 9(4) of the Social Security Benefit (Persons Abroad) Regulations 1975 (a) if that regulation referred to absence from the United Kingdom, would except such a person from disqualification for receiving the increase of disablement pension under the Social Security Act corresponding to the increase of allowance claimed.

Increase of allowance in respect of wife

5.—(1) Subject to the provisions of paragraph (3), for any period during which a person entitled to an allowance in respect of total disablement would be treated as residing with his wife or contributing to her maintenance at a weekly rate of not less than the amount specified in paragraph (2) the weekly rate of the allowance payable to that person shall, subject to the provisions of Schedule 2, be increased by the amount specified in paragraph (2).

(2) For the purposes of paragraph (1) and of paragraph 2 of Schedule 2, the specified amount shall be an amount equal to the increase of benefit in respect of an adult dependant specified in paragraph 11 of Part V of Schedule 4 to the Social Security Act.

(3) Where a person is also entitled to an increase of allowance under the provisions of article 7(1), and is residing with his wife, the provisions of paragraph 1(b) of Schedule 2 shall not have effect, but where the earnings of his wife for the calendar week ending last before any week for which he is entitled to any such increase of allowance exceeded the amount first stated in section 66(4) of the Social Security Act, the increase of allowance under this article shall be reduced in the manner provided by the said section 66(4), and for those purposes the earnings of his wife shall be calculated in accordance with the provisions of regulations 2 to 5 of the Social Security Benefits (Computation of Earnings) Regulations 1978 (b).

(4) Where in any case a person is entitled to an increase of allowance under the provisions of article 7(1), the foregoing provisions of this article shall apply but with the substitution of the words "paragraph 12" for the words "paragraph 11" in paragraph (2).

Increase of allowance in respect of children

6.—(1) Subject to the provisions of paragraph (2), for any period during which a person is entitled to child benefit in respect of a child or children within the meaning of sections 64 and 65 of the Social Security Act the weekly rate of the allowance payable to that person shall be increased by an amount equal to the increase (if any) which would be payable to him in respect of that child or those children under the said sections 64 and 65—

(a) if, in the case of a person entitled to an allowance in respect of total disablement but not to an increase of allowance under the provisions of article 7(1), he were entitled to injury benefit;

(a) S.I. 1975/563, to which there are amendments not relevant to this scheme.

(b) S.I. 1978/1698.

(b) if, in the case of a person entitled to an increase of allowance under the provisions of article 7(1), he were entitled to a disablement pension plus unemployability supplement.

(2) Where, for any period, the conditions for the receipt by a person of an increase of allowance under this article are satisfied, such increase of allowance shall be adjusted by reference to the weekly rate at which an allowance or an increase of benefit in respect of that child or those children is payable for that period under the Social Security Act so as to be payable (if at all) for that period at a weekly rate arrived at by deducting from the weekly rate at which the increase of allowance under this article would otherwise have been payable the said weekly rate of an allowance or increase of benefit payable under that Act.

Increase of allowance on account of unemployability

7.—(1) Where a person could for the purposes of section 58 of the Social Security Act (unemployability supplement) be treated as incapable of work and likely to remain permanently so incapable as the result of any disease in respect of which he is entitled to an allowance in respect of disablement, the weekly rate of the allowance payable to him shall, subject to the provisions of paragraph (3), be increased by an amount equal to the increase of disablement pension (if any) which would be payable to him under the said section 58 or, as the case may be, the said section 58 and section 59 of the said Act if he were entitled to disablement pension in respect of the disease.

(2) For the purposes of this article, the reference in section 59(2) of the Social Security Act (increase of unemployability supplement by reference to beneficiary's age on qualifying date) to "the qualifying date" shall, subject to the provisions of subsections (3), (4) and (5) of that section, mean the beginning of the first week for which a person qualified for an increase of allowance under this article.

(3) An increase of an allowance under this article shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

(4) An increase of an allowance under this article shall not be payable to any person for any period during which he is entitled to an increase of disablement pension by way of unemployability supplement under section 58 or 159 of the Social Security Act.

(5) Where a person is entitled to an allowance in respect of partial disablement and is also entitled to an increase of that allowance under this article, the provisions of article 5 shall apply to him for any period during which he is entitled to such increase as they apply to a person entitled to an allowance in respect of total disablement and an increase of that allowance under this article.

Increase of allowance when constant attendance needed and in respect of exceptionally severe disablement

8.—(1) Where a person is entitled to an allowance in respect of total disablement and requires constant attendance as a result of that disablement, the weekly rate of the allowance payable to him shall, subject to the provisions of paragraph (2), be increased by an amount equal to the increase of disablement pension (if any) which would be payable to him under section 61 of the Social Security Act (constant attendance allowance) or under section 63 of the said Act (exceptionally severe disablement allowance) if he

were entitled in respect of the disease to a disablement pension calculated by reference to an assessment of 100 per cent.

(2) An increase of an allowance under this article shall not be payable to any person in respect of any period during which he is entitled to an increase of disablement pension in respect of the need for constant attendance or in respect of exceptionally severe disablement under section 61, 63 or 159 of the Social Security Act.

Death benefit

9.—(1) The benefit payable in cases of death due to pneumoconiosis, byssinosis or any of the said diseases set out in Schedule 1 shall be payable to or for the benefit of such of the dependants of the deceased as are specified in paragraph (2) and, subject to the following provisions of this scheme, shall be a capital sum of an amount calculated in accordance with the provisions of paragraphs (4) and (5).

(2) The dependants of a person entitled to claim death benefit under this scheme are such of the members of the deceased's family as were wholly or in part dependent on the deceased at the time of his death or are treated as being so dependent under the provisions of paragraph (3), and for the purposes of this paragraph the expression "member of a family" has the same meaning as it has for the purposes of the Workmen's Compensation Act 1925.

(3) For the purposes of paragraph (2), a person shall be treated as having been wholly or in part dependent (as the case may be) upon the deceased at the time of his death if that person would have been so dependent but for the disablement due to the disease.

(4) The capital sum payable by way of death benefit in respect of a deceased person shall, subject to the condition that where, under the following provisions of this paragraph, such sum is payable to more than one person the total payment shall not exceed £300, be calculated and payment made in accordance with those provisions and with the order of priority herein set out:—

- (a) where the deceased is survived by—
- (i) his widow who was residing with him at his death, or
 - (ii) her widower who was wholly dependent upon her and who was residing with her at her death,

the sum of £300 shall be payable to that widow or, as the case may be, to that widower;

- (b) where the deceased is survived by no such widow or widower as aforesaid but is survived by—
- (i) either his widow who was at his death receiving or entitled to receive or would but for the relevant disease have been receiving from him periodic payments for her maintenance of not less than the amount prescribed by regulations for the purposes of section 67(1)(b) of the Social Security Act or, where the deceased was a woman, by her widower who was wholly dependent upon her; and
 - (ii) a child who was at his or her death residing with him or her and in respect of whom he or she was entitled to child benefit,

the sum of £300 shall be divided equally between the widow or, as the case may be, widower and that child or, if there is more than one child, between the widow or widower and those children;

- (c) where the deceased is survived by such a widow or widower as is mentioned in paragraph (4)(b) (i) but by no such child as described in paragraph (4)(b) (ii) the sum of £300 shall be payable to that widow or, as the case may be, to that widower;
- (d) where the deceased is survived by no such widow or widower as is mentioned in the foregoing sub-paragraphs but is survived by a child who was at his death, residing with him and in respect of whom he was entitled to child benefit, the sum of £300 shall be payable to that child or, if more than one, divided equally between those children;
- (e) where the deceased is survived by no such person as aforesaid but is survived by a member of his family who was wholly maintained by him at the date of his death, the sum of £300 shall be payable to that member or, if more than one, divided equally between those members;
- (f) where the deceased is survived by no such person as aforesaid but is survived by any member of his family who was partly maintained by him at the date of his death, such sum or sums not exceeding in total £300 shall be payable to that member or, if more than one, those members, as may be reasonable and proportionate to the loss sustained by such member or members.

(5) For the purposes of this article, a dependant shall be disregarded—

- (a) where the dependant has died (whether he had made a claim for death benefit or not) before an award of such benefit in respect of the deceased has been made; or
- (b) where the dependant was not ordinarily resident in the United Kingdom at the date of the death of the deceased.

Reduction of allowance or death benefit where benefit payable or paid under pre-1949 benefit schemes

10.—(1) Where benefit is payable or has been paid to or in respect of any person under the Byssinosis (Benefit) Scheme 1941 (a) or the Pneumoconiosis (Benefit) Scheme 1943 (b) —

- (a) the amount of an allowance payable to him for any period in respect of pneumoconiosis or byssinosis shall be reduced by the amount of any weekly payments of such benefit for the same period; and
- (b) the amount of death benefit shall be reduced by the amount of any benefit paid or payable in respect of his death under the said Pneumoconiosis (Benefit) Scheme.

(2) For the purposes of paragraph (1) of this article, any payments made by the National Coal Board to or in respect of a person in whose case benefit would have been payable under the Pneumoconiosis (Benefit) Scheme 1943, but for the fact that he was certified as totally disabled, or that he had died, more than 5 years after 1st July 1943, shall be treated as if they had been payments by way of benefit under the said scheme up to the amount of the benefit which would have been so payable.

PART III

ADMINISTRATION OF THE SCHEME AND DETERMINATION OF QUESTIONS

Administration of the scheme

11. This scheme shall be administered by the Secretary of State and,

- (a) S.R. & O. 1941/525, amended by S.R. & O. 1944/504, 1947/826 and modified by S.I. 1950/476, 1951/671.
- (b) S.R. & O. 1943/886.

subject to articles 16 and 17, the provisions of the Social Security (Claims and Payments) Regulations 1979 (a) and the Social Security (General Benefit) Regulations 1982 (b) which are specified in Schedule 3 shall, with the necessary modifications, apply for the purposes of this scheme.

Determination of questions arising under the scheme

12. Subject to the provisions of Part IV, any question relating to any allowance or benefit under this scheme shall be determined as if it had arisen under the Social Security Act and, except where this scheme otherwise provides, the provisions of the Social Security Act and of the Social Security (Determination of Claims and Questions) Regulations 1975 (c) which are specified in Schedule 3 shall, with the necessary modifications, apply for the purposes of this scheme.

PART IV

MEDICAL BOARD

Reference of questions in respect of pneumoconiosis or byssinosis to medical authorities

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

(2) The insurance officer 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 apart from the condition as to a certificate;
- (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 so disabled.

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

Issue of certificate by medical board

14.—(1) Where a case is referred to the medical board under the provisions of article 13, the medical board shall, except as provided in paragraph (3), examine the claimant and shall give a certificate—

- (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

(a) S.I. 1979/628; the relevant amending instrument is S.I. 1980/1621.

(b) S.I. 1982/1408, to which there is an amendment not relevant to this scheme.

(c) S.I. 1975/558.

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, if the Social Security Act had been applicable in his case, the resulting disablement would, in the opinion of the medical board, 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.

(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 board shall not give a certificate as provided in this paragraph unless satisfied that the disablement is likely to be permanent, in which event the medical board shall include a statement to that effect in the certificate.

(3) The medical board may give a certificate 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 examination of the claimant carried out by the medical board or a specially qualified 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 the medical board on the reference under article 13(1).

(4) A certificate given under paragraph (1) shall state—

- (a) where the medical board 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 the medical board 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 insurance officer shall refer that question to the medical board, who shall determine the question and shall give a certificate accordingly.

(6) Any certificate given in pursuance of the provisions of this article shall be signed by not less than 2 members of the medical board on behalf of the said board and forwarded to the insurance officer and shall for the purposes of this scheme be conclusive evidence of the matters therein certified.

(7) A certificate issued under paragraph (5) certifying that the deceased had not suffered from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis to the extent mentioned in that paragraph may be reviewed by the medical board at any time if the board is satisfied that the certificate was given in ignorance of or was based on a mistake as to some material fact; and on such a review the medical board shall issue a further certificate confirming or revising the original certificate, and the provision of this paragraph shall thereupon apply to the further certificate.

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 medical authority (as defined in paragraph (4)).

(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 medical board, 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.

(4) In this article, the expression “medical authority” means a medical board or medical practitioner nominated by the Secretary of State.

Sums not payable when delay in claiming

17.—(1) An allowance, or an increase of allowance, shall not be payable to any person in respect of any period more than 6 months before the claim for the allowance or the increase, as the case may be, is made, except that in any particular case the allowance shall be payable from such earlier date as is reasonable in the circumstances, not being a date before the date from which, apart from this article, the allowance or increase would be payable.

(2) Subject to the provisions of paragraph (3), 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 6 months beginning with the day of the death.

(3) Where in the opinion of the appropriate determining authority there is reasonable cause for failure to make the claim before the date on which it is made, that period shall be extended to the date on which the claim is made.

Payment of allowances

18. Where an allowance is payable under this scheme by means of orders for the payment through the Post Office of weekly sums on account of the allowance, those weekly sums shall be payable on Thursdays.

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.

PART VI

RECOVERY AND ADJUSTMENT OF ALLOWANCES

Recovery of sums by deduction from allowances or benefit under the Social Security Act or a scheme made under section 2 of the Act

23.—(1) Where any sums paid by way of an allowance are required to be repaid to the National Insurance Fund under this scheme, those sums may, without prejudice to any other method of recovery, be deducted from any allowance or from any benefit under Chapter IV or V of Part II of the Social Security Act or from any allowance under a scheme made under section 2 of the Act then or thereafter payable to the person by whom they are to be repaid or to any person entitled to receive any such allowance or benefit on his death, and the deduction may be made at such rate as the Secretary of State may determine.

(2) Where, in the case of any person, any sum may be recovered by deduction—

- (a) by virtue of any provision of the Social Security Act from any payment under that Act; or
- (b) by virtue of any provision of a scheme made under section 2 of the Act from any payment under such scheme;

it may instead be recovered in whole or in part by deduction from any allowance then or thereafter payable to him or to any person entitled to receive such allowance on his death.

Set-off of overpayments on account of allowances

24. Where any person has received any sum under a scheme made under section 2 of the Act to which, by virtue of any provisions of such scheme he was disentitled by reason of his being entitled in respect of the same period to an allowance under this scheme subsequently awarded, and there has not been a requirement to repay that sum (hereafter referred to as “the overpayment”) to the National Insurance Fund, then the rate of the allowance, which would apart from this provision be payable for any week in that period, shall be reduced by the overpayment made in respect of that week.

PART VII

TRANSITIONAL PROVISIONS

Finality of decisions of the Administrative Board

25. Except as provided by article 26, any decision given by the Administrative Board on a claim or question under provisions of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 (a) in force immediately before 1st July 1977 (b) or under any scheme made under the Industrial Diseases (Benefit) Acts in force immediately before 1st March 1966 shall be final for the purposes of this scheme.

(a) S.I. 1966/164.

(b) See S.I. 1977/992, article 5.

Review of decisions of the Administrative Board

26.—(1) The insurance officer may at any time and from time to time review any decision given by the Administrative Board under provisions of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 in force immediately before 1st July 1977 (a), if—

- (a) the decision was erroneous in view of new facts which have been brought to his notice since the date on which the decision was given or by reason of some mistake being made with respect to the facts or the law; or
- (b) there has been any relevant change of circumstances since the decision was given.

(2) The claimant or the Secretary of State may raise a question with a view to the review of any decision of the Administrative Board by application in writing to the insurance officer stating the grounds of the application.

(3) Where it appears to the Secretary of State that a question has arisen whether the award of an allowance to which this article relates ought to be revised in accordance with the provisions of paragraph (1), he may direct that the payment of the allowance shall be suspended in whole or in part until the question has been determined, but if he does so he shall forthwith refer the question to the insurance officer for determination in accordance with the provisions of this article.

(4) Any question arising in connection with the review to which this article applies shall be determined and, if appropriate, the decision revised and an allowance awarded or paid in accordance with the provisions in force when the original decision was given.

(5) Where on a review to which this article applies a decision of the Administrative Board is revised so as to make an allowance payable or to increase the rate of an allowance, the decision given on review shall, subject to paragraph (6), have effect from the date of the application for the review or from such earlier date as appears to the appropriate determining authority to be reasonable in the circumstances.

(6) Benefit shall not, by virtue of paragraph (5), become payable from a date earlier than the earliest date from which it could have been payable had it been awarded in the decision being reviewed.

(7) A decision given on review under this article, and a refusal to review a decision thereunder, shall be subject to appeal to the local tribunal and the Commissioner on the grounds set out in paragraph (1)(a) and (b).

(8) Where a decision is revised on review under this article, the decision given on review shall, subject to the provisions of the next succeeding paragraph, require repayment to the National Insurance Fund of any sums paid by way of an allowance in pursuance of the original decision to the extent to which they would not have been payable if the decision on the review had been given in the first instance.

(9) Notwithstanding the provision of the last preceding paragraph of this article, repayment of sums by way of an allowance in pursuance of the original decision shall not be required under this article in any case where it is shown to the satisfaction of the appropriate determining authority that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.

(a) See S.I. 1977/992, article 8.

(10) For the purposes of this article a decision given under any scheme made under the Industrial Diseases (Benefit) Acts shall be treated as if it had been a decision given under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 as it was immediately before 1st July 1977.

(11) On the review of a decision given by the Administrative Board under any scheme made under the Industrial Diseases (Benefit) Acts in force before 1st March 1966 a decision given by an insurance officer on any question referred to him for determination under any such scheme may be reviewed by such an insurance officer in accordance with the provisions of that scheme.

Claims in respect of periods before commencement of scheme

27. A claim may be made in respect of a period before the coming into operation of this scheme for an allowance payable by virtue of any scheme revoked by this scheme, or any scheme made under the Industrial Diseases (Benefit) Acts, and such a claim and any question arising in connection therewith shall be determined by the appropriate determining authority, and any allowance in respect of such a period shall be awarded and paid in accordance with the provisions of the appropriate scheme in force during that period.

Conditions for allowance satisfied by previous awards

28. Any allowance under this scheme may be paid without any claim or award or awarded without any claim if, in the opinion of the Secretary of State, evidence of the satisfaction of the conditions for that allowance is afforded by the award, in respect of a period before the coming into operation of this scheme, of an allowance payable by virtue of a scheme revoked by this scheme or a scheme made under the Industrial Diseases (Benefit) Acts, or of an allowance under the Workmen's Compensation and Benefit (Supplementation) Act 1956 (a).

Preservation of entitlement to larger amount of allowances

29. Any beneficiary who is entitled under the provisions of section 3(2) or (3) of the Workmen's Compensation and Benefit (Amendment) Act 1965 (b) to payment of a greater amount or aggregate amount than he is entitled to receive by way of allowances under this scheme and any other scheme made under the Act shall, so long as he is so entitled, be paid by way of increase to the allowance or, if more than one, the largest allowance to which he is entitled under this scheme, such a sum as will, in addition to the allowances payable to him by virtue of this scheme and any other scheme made under the Act, ensure that the total amount or aggregate amount payable to him is the amount to which he is entitled by virtue of the said section 3(2) or (3).

PART VIII

MISCELLANEOUS

Exemption from stamp duty

30. Stamp duty shall not be chargeable upon an appointment or revocation of an appointment of an agent and any other document authorised by or in pursuance of this scheme or otherwise required in order to give effect to the provisions of this scheme.

(a) 1956 c.51.

(b) 1965 c.79.

Reciprocal arrangements with Northern Ireland

31. If in pursuance of section 13(1) of the Act (reciprocal arrangements with Northern Ireland) the Secretary of State makes reciprocal arrangements for payments under corresponding legislation of Northern Ireland to be made out of the National Insurance Fund, the provisions of this scheme shall apply in relation to such payments as if they were payments made under this scheme.

Breach of requirements of scheme

32. If any person contravenes or fails to comply with any requirements of article 15 or article 19 he shall for such offence be liable on summary conviction to a penalty not exceeding £10.

Service by post

33. Any notice or other document required or authorised to be given or sent to any person under the provisions of this scheme may be sent by post to that person at his ordinary or last known address.

Revocation of earlier schemes

34. The schemes and regulations specified in column 1 of Schedule 5 hereto are, subject to the transitional provisions contained in Part VII, hereby revoked to the extent mentioned in column 3.

7th February 1983.

Norman Fowler,
Secretary of State for Social Services.

We consent.

9th February 1983.

Donald Thompson,
J. A. Cope,
Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE 1

Article 2

Diseases and occupations to which, in addition to pneumoconiosis and byssinosis, this scheme applies

Description of disease	Nature of occupation
<p>1. Epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil (including paraffin), or any compound, product, or residue of any of these substances, including scrotal epithelioma (chimney sweep's cancer).</p> <p>2. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissue or of the bones or anaemia of aplastic type due to X-rays, radium or other radio-active substance.</p> <p>3. (a) Carcinoma of the mucous membrane of the nose or associated air sinuses. (b) Primary carcinoma of a bronchus or of a lung.</p> <p>4. Primary neoplasm of the epithelial lining of— (a) the urinary bladder (papilloma of the bladder), (b) the renal pelvis, (c) the ureter, or (d) the urethra.</p>	<p>Any occupation involving:</p> <p>The use or handling of, or exposure to, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue or any of these substances.</p> <p>Exposure to X-rays, radium or other radio-active substance.</p> <p>Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.</p> <p>(a) Work in a building in which any of the following substances is produced for commercial purposes— (i) Alpha-naphthylamine or beta-naphthylamine; (ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group; (iii) any of the substances mentioned in sub-paragraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups; (iv) the salts of any of the substances mentioned in sub-paragraphs (i) to (iii) above; (v) auramine or magenta; (b) the use or handling of any of the substances mentioned in sub-paragraphs (i) to (iv) of paragraph (a), or work in a process in which any such substance is used or handled or is liberated;</p>

SCHEDULE 1 (continued)

Description of disease	Nature of occupation
<p>5. Primary malignant neoplasm of the mesothelium (diffuse mesothelioma) of the pleura or of the peritonium.</p>	<p>(c) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in paragraph (b), or the cleaning of clothing used in any such building as is mentioned in paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works.</p> <p>(a) The working or handling of asbestos or any admixture of asbestos;</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;</p> <p>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>
<p>6. Adeno-carcinoma of the nasal cavity or associated air sinuses.</p>	<p>Attendance for work in or about a building where wooden furniture is manufactured.</p>
<p>7. Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).</p>	<p>(a) Attendance for work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibre board; or</p> <p>(b) attendance for work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board.</p>

SCHEDULE 2

Article 5

Conditions relating to increase of allowance in respect of a wife

1. An increase of an allowance under the provisions of article 5 in respect of a wife shall not be payable for any period for which an increase of disablement benefit in respect of a wife would not be payable under the provisions of—

- (a) section 82(5) of the Social Security Act (disqualification for periods of absence from Great Britain and of imprisonment); or
- (b) regulation 8 of the Social Security Benefit (Dependency) Regulations 1977 (a) (increase of benefit in respect of wife not payable where her weekly earnings exceed the amount therein specified).

2. Where for any period—

- (a) any benefit payable otherwise than under this scheme which is specified as a dependency benefit in regulation 7(2) of the Social Security (Overlapping Benefits) Regulations 1979 (b) (adjustment of dependency benefit under the Social Security Act by reference to other dependency benefits) is payable to a person in respect of his wife or other adult dependant or to any other person on behalf of his wife; or
- (b) any one or more of the personal benefits specified in regulation 10(1) of the Social Security (Overlapping Benefits) Regulations 1979 (adjustment of dependency benefit under the Social Security Act by reference to personal benefits) is or are payable to his wife;

at a weekly rate or (if more than one) at an aggregate weekly rate—

- (i) which is equal to or exceeds the amount specified in article 5(2), then for that period an increase of an allowance in respect of his wife shall not be payable; or
- (ii) of less than the amount specified in article 5(2), then for that period such increase shall be reduced by an amount equal to the weekly rate or the aggregate weekly rate of such benefit or benefits.

Articles 11 and 12

SCHEDULE 3

Provisions of the Social Security Act and regulations made thereunder applicable (with the necessary modifications) to this scheme

Provisions of the Social Security Act and of regulations made thereunder	Subject matter
Social Security Act	
Section 95(1)(b) . . .	Question for determination by Secretary of State
Section 99 . . .	Decision of insurance officer
Section 100 . . .	Appeal to local tribunal
Section 101 . . .	Appeal from local tribunal to Commissioner
Section 102 . . .	Questions first arising on appeal
Section 104 . . .	Review of decisions
The Social Security (Claims and Payments) Regulations 1979 (a)	
Regulation 4 . . .	Manner in which claims are to be made
Regulation 5 . . .	Supply of claim forms
Regulation 6 . . .	Claims not on appropriate forms
Regulation 8 . . .	Amendment of claim forms
Regulation 16 . . .	Time and manner of payment of certain pensions and allowances
Regulation 22 . . .	Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time
Regulation 28 . . .	Persons unable to act
Regulation 29 . . .	Payments on death
The Social Security (Determination of Claims and Questions) Regulations 1975 (b)	
Regulation 3 . . .	Procedure at hearings and in connection with determinations; and right to representation
Regulation 4 . . .	Non-disclosure of evidence by local tribunal and Commissioner
Regulation 5 . . .	Reference by the Secretary of State or insurance officer or a competent tribunal to medical practitioner for report
Regulation 9 . . .	Appeals from insurance officer's decisions

(a) S.I. 1979/628; the relevant amending instrument is S.I. 1980/1621.

(b) S.I. 1975/558; the relevant amending instrument is S.I. 1980/1622.

SCHEDULE 3 (continued)

Provisions of the Social Security Act and of regulations made thereunder	Subject matter
Regulation 10 . . .	Time and place of hearing before local tribunals
Regulation 11 . . .	Hearings before local tribunals
Regulation 12 . . .	Decisions of local tribunals
Regulation 13 . . .	Procedure before Commissioner on appeal from a local tribunal
Regulation 32(1) and (2)(a) . . .	Review of decisions involving payment of increase of industrial injuries benefit
Regulation 34 . . .	Adjustment of industrial injuries benefit on review or appeal
The Social Security (General Benefit) Regulations 1982 (a)	
Regulation 3 . . .	Suspension of payment of benefit during imprisonment etc.
Regulation 41 . . .	Suspension of payment of benefit pending appeals or references

SCHEDULE 4

Article 2

Dates after which death from diseases correspondingly numbered and set out in Schedule 1 must have occurred for provisions of this scheme to apply

Number of disease in Schedule 1	Date after which death must have occurred
1	31st December 1949
2	31st December 1949
3	27th July 1967
4	27th July 1967
5	27th July 1967
6	27th May 1969
7	8th August 1979

(a) S.I. 1982/1408, to which there is an amendment not relevant to this scheme.

Article 34

SCHEDULE 5

Schemes revoked

Citation	Statutory Instrument	Extent of revocation
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966	S.I. 1966/164	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1966	S.I. 1966/581	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1967	S.I. 1967/1205	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) (No. 2) Scheme 1967	S.I. 1967/1233	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1969	S.I. 1969/722	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) (No. 2) Scheme 1969	S.I. 1969/1196	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1971	S.I. 1971/1222	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1972	S.I. 1972/1289	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1973	S.I. 1973/1439	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1974	S.I. 1974/944	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1975	S.I. 1975/514	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) (No. 2) Scheme 1975	S.I. 1975/1139	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1977	S.I. 1977/380	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) (No. 2) Scheme 1977	S.I. 1977/992	The whole of the scheme
The Workmen's Compensation Supplementation and Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Further Amendment) Scheme 1977	S.I. 1977/1063	The whole of the scheme
The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1979	S.I. 1979/996	The whole of the scheme

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme consolidates the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 with the amendments made thereto. It provides for payment of benefit out of the National Insurance Fund in respect of disablement or death from certain diseases arising out of employment before 5th July 1948 in cases where neither workmen's compensation nor benefit under the Social Security Act 1975 is payable.

The Scheme provides for its administration by the Secretary of State and for adjudication of questions (except certain medical questions which are for determination by the medical board appointed under the Silicosis and Asbestosis (Medical Arrangements) Scheme 1931) by the statutory authorities established under the Social Security Act 1975.

The Scheme contains detailed provisions relating to claims and payments and provides for the application to the Scheme of the provisions of the Social Security Act 1975 and the regulations made under that Act which are specified in Schedule 3.

The Scheme also contains transitional provisions relating to the transfer to the Secretary of State and the aforesaid statutory authorities of the functions of administration and adjudication formerly exercised by the Administrative Board.

SI 1983/136
ISBN 0-11-036136-9

