
STATUTORY INSTRUMENTS

1985 No. 967

The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

PART III

DATE OF ONSET AND RECRUDESCENCE

Recrudescence

7.—(1) [^{F1}Where in respect of a prescribed disease other than pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, [^{F2}primary carcinoma of the lung][^{F3}, bilateral diffuse pleural thickening or [^{F4}chronic obstructive pulmonary disease]], a person's disablement has been assessed at not less than one per cent. and he] suffers from another attack of the same disease, or dies as a result thereof, then—

- (a) if the further attack commences or the death occurs during a period taken into account by [^{F5} that assessment] (which period is in this regulation referred to as a “relevant period”) the disease shall be treated as a recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in the following subparagraph;
- (b) if the further attack commences or the death occurs otherwise than during a relevant period, or if it is determined^{F6}... that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(2) For the purposes of paragraph (1), a further attack of a prescribed disease shall be deemed to have commenced on the date on which the person concerned was first incapable of work or first suffered from the relevant loss of faculty, whichever is earlier, as a result of that further attack.

(3) Where, under the foregoing provisions of this regulation, a disease is treated as having been contracted afresh, the date of onset of the disease in relation to the fresh contraction shall be the date on which the person concerned was first incapable of work or first suffered from the relevant loss of faculty, whichever is earlier, as a result of the further attack, or in the event of his death, the date of death.

(4) Where, under the provisions aforesaid, a disease is treated as a recrudescence, any assessment of disablement in respect of the recrudescence during a period taken into account by a previous assessment of disablement shall be by way of [^{F7}a supersession of the assessment relating to the relevant period.]

(5) This regulation shall not apply in relation to a claim for sickness benefit made by virtue of section 50A of the Act except where such a claim is made by a person to whom regulation 8(1) applies.

F1 Words in reg. 7(1) substituted (9.8.1989) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment Regulations 1989 \(S.I. 1989/1207\)](#), regs. 1, **3(a)**

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- F2** Words in reg. 7(1) substituted (19.4.1993) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1993 (S.I. 1993/862), regs. 1, **5**
- F3** Words in reg. 7(1) substituted (13.9.1993) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1993 (S.I. 1993/1985), regs. 1, **4**
- F4** Words in reg. 7(1) substituted (16.3.2015) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 (S.I. 2015/87), regs. 1(1), **5(a)**
- F5** Words in reg. 7(1)(a) substituted (9.8.1989) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1989 (S.I. 1989/1207), regs. 1, **3(b)**
- F6** Words in reg. 7(1)(b) omitted (17.3.2003) by virtue of The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2003 (S.I. 2003/270), regs. 1(1), **3**
- F7** Words in reg. 7(4) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **2**

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