

Status: This revised version has been created from an electronic version contributed by Westlaw which was originally derived from the printed publication. **Read more** (See end of Document for details) **Changes to legislation:** The Social Security (Industrial Injuries and Diseases) Miscellaneous Provisions Regulations 1986 is up to date with all changes known to be in force on or before 23 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

EXPLANATORY NOTE

These regulations contain provisions consequential upon the changes made to chapters IV and V of Part II of the Social Security Act 1975 (industrial injuries and diseases) by section 39 of and Schedule 3 to the Social Security Act 1986 (“the 1986 Act”). As they are also made earlier than 6 months from the commencement of section 39 (1st October 1986), they are exempted by section 61(5)(b) of the 1986 Act from the requirement under section 141 of the Social Security Act 1975 to refer proposals to the Industrial Injuries Advisory Council and are made without reference to that Council.

Part I of the Regulations relates to their citation, commencement and interpretation.

Part II of the Regulations contains miscellaneous provisions relating to industrial injuries and diseases.

Regulation 2 provides that for the purposes of reduced earnings allowance, employed earner's employment in which a claimant was engaged when an industrial accident took place may be treated as if it had been his regular occupation where he had no regular occupation but was pursuing a course of full-time education.

Regulation 3 amends the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (“the Prescribed Diseases Regulations”) and provides for the aggregation of degrees of disablement assessed in respect of an industrial accident with those assessed in respect of an industrial disease. It further amends regulation 20 of the Prescribed Diseases Regulations to enable disablement pension to be awarded in respect of pneumoconiosis, byssinosis or diffuse mesothelioma where the degree of disablement is assessed as at least 1 per cent.

Part III of the Regulations contains minor consequential amendments to other sets of social security regulations. In addition, regulation 7 which amends the Social Security (General Benefit) Regulations 1982 provides that a person entitled to a disablement gratuity before 1st October 1986 shall be entitled to reduced earnings allowance until a final assessment expires or reduced earnings allowance is no longer payable.

Part IV contains transitional provisions. Regulation 8 provides, where a person was awarded a disablement gratuity before 1st October 1986, for the aggregation of degrees of disablement where a person has suffered 2 or more accidents and for calculating the disablement pension where the assessments of disablement share a common period.

Regulations 9 and 10 specify the maximum rate of reduced earnings allowance to apply until 6th April 1987, and the circumstances in which those formerly entitled to an increase of disablement pension under section 60 of the Social Security Act 1975 shall be treated as entitled to a reduced earnings allowance. Regulation 11 prevents payment for the same period of both unemployability supplement and reduced earnings allowance.

Regulation 12 specifies the circumstances in which claims for disablement benefit made before 1st October 1986 may be reviewed after that date on the ground that there has been an unforeseen aggravation of the results of the injury and the extent to which the provisions of the 1986 Act are to be taken account of in determining the review.

Regulation 13 deals with claims made after 30th September 1986 in respect of industrial accidents which occurred before 1st October 1986.

Regulation 14 enables awards of disablement benefit to be made where the disablement is assessed below 14 per cent. but the claim to benefit was made before 1st October 1986.

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Changes and effects yet to be applied to :

- reg. 13 revoked by