
STATUTORY INSTRUMENTS

1986 No. 1561

The Social Security (Industrial Injuries and Diseases) Miscellaneous Provisions Regulations 1986

PART IV

TRANSITIONAL PROVISIONS

Unforeseen Aggravation

12.—(1) Where a claim for disablement benefit has been made before 1st October 1986 and an application is made on or after that date for the assessment of the extent of disablement to be reviewed on the ground that since the making of the assessment there has been an unforeseen aggravation of the results of the relevant accident, the application for review shall be determined in accordance with the following paragraphs.

(2) Where—

(a) the assessment

(i) was final and the period of any new assessment begins on a day earlier than 1st October 1986, or

(ii) was provisional, or

(b) (i) the assessment was final, and

(ii) the period taken into account by the review begins on or after 1st October 1986, and

(iii) the beneficiary at the date of the review is entitled to a disablement pension in lieu of a gratuity under regulation 18 of the Social Security (General Benefit) Regulations 1982,

then the application for review shall be determined as though paragraph 3(1) of Schedule 3 to the 1986 Act had not been enacted and paragraph 3(2) had been enacted to the extent only of inserting subsection (1B) of section 57 of the 1975 Act but omitting the words “Subject to paragraph (1C)” and the words “from where it is” to the end of the subsection and section 57(5) of the 1975 Act had not been repealed.

(3) In a case to which paragraph (2)(b) refers, where on a subsequent assessment the extent of the beneficiary's disablement is assessed at 1 per cent. or more but less than 14 per cent., that assessment shall be determined as though section 57(5) of the 1975 Act had not been repealed, but no entitlement to a further pension in lieu of a gratuity shall arise.

Status:

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There are currently no known outstanding effects for the The Social Security (Industrial Injuries and Diseases) Miscellaneous Provisions Regulations 1986, Section 12.