

---

STATUTORY INSTRUMENTS

---

**1988 No. 668**

**The Pneumoconiosis etc. (Workers' Compensation)  
(Payment of Claims) Regulations 1988**

**Interpretation**

2.—(1) In these Regulations unless the context otherwise requires:—

- (a) “the Act” means the Pneumoconiosis etc. (Workers' Compensation) Act 1979;
- (b) “the appropriate percentage” means, in the case of any disease, the percentage specified in section 57(1) of the Social Security Act 1975(1) or, if Regulations have been made under section 77 of that Act specifying a different percentage in relation to that disease, the percentage specified in the Regulations;
- (c) “the appropriate period” means, in the case of any disease, the period specified in section 57(4) of the 1975 Act or, if Regulations have been made under section 77 of that Act specifying a different period in relation to that disease, the period specified in the Regulations;
- (d) “claim” means a claim made in accordance with the Pneumoconiosis etc. (Workers' Compensation) (Determination of Claims) Regulations 1985(2);
- (e) “determination” as respects a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), a Silicosis Medical Board or a Medical Appeal Tribunal means a determination in connection with a claim for disablement benefit;
- (f) “disease” means a disease to which the Act applies, namely pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung and bilateral diffuse pleural thickening;
- (g) “extent of incapacity” means extent of incapacity, either “total” or “partial”, assessed by a Silicosis Medical Board for the purposes of determining entitlement to an allowance under a scheme made, or having effect as if made, under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975(3) or under any corresponding provision of the former Old Cases Acts(4);
- (h) “percentage assessment” means percentage disability assessed in respect of a disease by a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), or Medical Appeal Tribunal, as the case may be, for the purpose of determining entitlement to disablement benefit under section 76 of the Social Security Act 1975 or under any corresponding provision of the former Industrial Injuries Acts(5);
- (i) “primary carcinoma of the lung” means primary carcinoma of the lung where there is accompanying evidence of one or both of the following:—
  - (i) asbestosis

---

(1) 1975 c. 14; sections 57 and 77 were amended by section 39 of and Schedule 3 to the Social Security Act 1986 (c. 50).  
(2) S.I. 1985/1645.  
(3) 1975 c. 16.  
(4) 1951 c. 4, 1967 c. 34.  
(5) 1946 c. 62, 1965 c. 52.

(ii) bilateral diffuse pleural thickening;

(j) “Secretary of State” means the Secretary of State for Employment.

(2) Any reference in these Regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these Regulations and any reference to the Schedule shall be construed as a reference to the Schedule to these Regulations.