
STATUTORY INSTRUMENTS

1996 No. 425

**The Social Security (Industrial Injuries and Diseases)
(Miscellaneous Amendments) Regulations 1996**

Transitional provisions

7.—(1) The amendments made by regulation 5 of these Regulations (“the relevant amendments”) to the terms in which each of the prescribed diseases A12, D4 and D5 (“the relevant disease”) is prescribed shall not apply in the cases specified in the following provisions of this regulation, and in this regulation “commencement date” means the date on which these Regulations come into force.

(2) The relevant amendments shall not apply in the case of a person—

- (a) who had an assessment of disablement in respect of the relevant disease for a period which includes commencement date; or
- (b) in respect of whom a decision in relation to a relevant disease on a claim for disablement benefit made before commencement date is reviewed on or after that date under section 47 of the Social Security Administration Act 1992 (reviews of medical decisions) which results in an assessment for a period which includes commencement date;

during any period when there is in respect of him a continuous assessment of disablement in respect of that disease which began before commencement date, and for this purpose two or more assessments one of which begins on the day following the end of a preceding assessment shall be treated as continuous.

(3) The relevant amendments shall not apply in the case of a person who makes a claim for disablement benefit in respect of the relevant disease before commencement date which results in an assessment of disablement, where the date of onset of that disease is earlier than commencement date, during any period when there is in respect of him a continuous assessment of disablement in respect of that disease which began not later than 91 days (excluding Sundays) after commencement date, and for this purpose two or more assessments one of which begins on the day following the end of a preceding assessment shall be treated as continuous.

(4) The relevant amendments shall not apply in the case of a person—

- (a) who had an assessment of disablement in respect of the relevant disease for a period which ended before commencement date;
- (b) who suffers a further attack of that relevant disease before commencement date;
- (c) who makes a claim for disablement benefit in respect of that disease after commencement date; and
- (d) in respect of whom it is decided, under regulation 7 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (recrudescence) that the further attack is a recrudescence of that disease.