

2006 No. 638

SOCIAL SECURITY

**The Pneumoconiosis, Byssinosis and Miscellaneous Diseases
Benefit (Amendment) Scheme 2006**

<i>Made</i> - - - -	<i>7th March 2006</i>
<i>Laid before Parliament</i>	<i>14th March 2006</i>
<i>Coming into force</i> - -	<i>6th April 2006</i>

The Secretary of State for Work and Pensions makes the following Scheme, with the consent of the Treasury, in exercise of the powers conferred by paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992(a).

The Secretary of State is satisfied of the matters referred to in paragraph 4(2)(i) and (ii) of that Schedule.

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 2006 and shall come into force on 6th April 2006.

(2) “The principal Scheme” means the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983(b).

Insertion of article 4A in the principal Scheme

2. After article 4 of the principal Scheme, insert—

“Cases in which disablement shall be regarded as being total

4A. On any claim for benefit in respect of any disease set out in paragraph 5, 8 or 8A of Schedule 1 the disablement shall be regarded as being total.”.

Amendment of Schedule 1 to the principal Scheme

3. In Schedule 1 to the principal Scheme (diseases and occupations to which in addition to pneumoconiosis and byssinosis, this scheme applies), for paragraph 8 substitute—

“8. Primary carcinoma of the lung where there is accompanying evidence of asbestosis.	(a) The working or handling of asbestos or any admixture of asbestos; or (b) the manufacture or repair of asbestos textiles or other articles containing or
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(a) 1992 c.4.

(b) S.I. 1983/136; relevant amending instruments are S.I. 1983/504, 1985/491 and 1997/824.

- 8A. Primary carcinoma of the lung.
- 8B. Unilateral or bilateral diffuse pleural thickening with obliteration of the costophrenic angle.
- composed of asbestos; or
(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or
(d) substantial exposure to the dust arising from any of the foregoing operations.
- Exposure to asbestos for a period of, or periods which amount in aggregate to, five years or more in the course of—
(a) the manufacture of asbestos textiles; or
(b) the manufacture of gas masks; or
(c) spraying asbestos; or
(d) asbestos insulation work; or
(e) applying or removing materials containing asbestos in the course of shipbuilding.
- (a) The working or handling of asbestos or any admixture of asbestos; or
(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or
(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or
(d) substantial exposure to the dust arising from any of the foregoing operations.”.

Signed by authority of the Secretary of State for Work and Pensions.

5th March 2006

Margaret Hodge
Minister of State,
Department for Work and Pensions

We consent,

7th March 2006

Tom Watson
Dave Watts
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Scheme amends the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983 (S.I. 1983/136).

It provides that where a claim is made in relation to certain diseases listed in Schedule 1 to the Scheme, the disablement shall be regarded as being total.

It also amends Schedule 1 by substituting for paragraph 8, new paragraphs 8, 8A and 8B. The disease previously set out at paragraph 8 has been replaced with primary carcinoma of the lung where there is accompanying evidence of asbestosis and primary carcinoma of the lung. New occupations involving exposure to asbestos are prescribed in relation to primary carcinoma of the lung. Unilateral or bilateral diffuse pleural thickening with obliteration of the costophrenic angle is added to the list of diseases in relation to specified occupations involving exposure to asbestos or the cleaning of specified items used for the collection of asbestos dust.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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