

SCHEDULES

SCHEDULE 3

ADJUDICATION

Disablement benefit, etc.

13.—(1) In Schedule 8 to that Act (assessment of extent of disablement), for paragraph 4(2) substitute the following sub-paragraphs—

“(2) Where the assessed extent of a claimant’s disablement amounts to less than 14 per cent., then, subject to sub-paragraphs (3) and (4) below, that assessment shall be a final assessment and the period to be taken into account by it shall not end before the earliest date on which it seems likely that the extent of the disablement will be less than 1 per cent.

(3) Sub-paragraph (2) above does not apply in any case where it seems likely that—

- (a) the assessed extent of the disablement will be aggregated with the assessed extent of any present disablement; and
- (b) that aggregate will amount to 14 per cent. or more.

(4) Where the extent of the claimant’s disablement is assessed at different percentages for different parts of the period taken into account by the assessment, then—

- (a) sub-paragraph (2) above does not apply in relation to the assessment unless the percentage assessed for the latest part of that period is less than 14 per cent.; and
- (b) in any such case that sub-paragraph shall apply only in relation to that part of that period (and subject to sub-paragraph (3) above).”.

(2) In paragraph 5 of that Schedule, in paragraph (a) of the proviso (degree of particularity in assessment of extent and period of disablement)—

- (a) for “section 57” substitute “sections 57 and 59A”; and
- (b) at the end add “and reduced earnings allowance (whether or not a claim has been made)”.