

*Status: Point in time view as at 12/07/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Pneumoconiosis etc. (Workers' Compensation) Act 1979, THE SCHEDULE. (See end of Document for details)*

## [<sup>F1</sup>THE SCHEDULE

Section 2(3)

### DEFINITION OF “RELEVANT EMPLOYER”

#### Textual Amendments

- F1** Sch. inserted (12.7.2007 for specified purposes) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 58(3), 70(2), [Sch. 6](#); [S.I. 2007/1991](#), art. 2(1)

#### *Basic definition*

- 1 Subject to the following provisions, “relevant employer”, in relation to a person disabled by a disease to which this Act applies, means any person—
- (a) by whom the disabled person was employed in a prescribed occupation at any time during the period during which he was developing the disease, and
  - (b) against whom he might have or might have had a claim for damages in respect of the disablement.

#### *Disregarded employers*

- 2 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person has had no period of employment with him which is a qualifying period of employment.
- 3 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him did not exceed 12 months.
- 4 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him—
- (a) did not exceed 5 years, and
  - (b) represents not more than 25% of the time during which the disabled person was employed in a prescribed occupation.
- 5 A person is not a relevant employer in relation to a person disabled by a disease to which this Act applies if the disabled person's qualifying period of employment with him—
- (a) did not exceed 7 years, and
  - (b) represents not more than 20% of the time during which the disabled person was employed in a prescribed occupation.
- 6 In paragraphs 3 to 5, references to the disabled person's qualifying period of employment with his employer, where there has been more than one such period, are to the aggregate of those periods.

#### *“Qualifying period of employment”*

- 7 (1) In this Schedule, “qualifying period of employment”, in relation to a person disabled by a disease to which this Act applies, means any period of employment in a prescribed occupation, except for—
- (a) a period of employment which ended more than 20 years before the qualifying date, and

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- (b) in the case of a claim relating to diffuse mesothelioma, a period of employment which began not more than 15 years before the qualifying date.

(2) In sub-paragraph (1), “qualifying date” means—

- (a) the date on which the Secretary of State determines a claim for disablement benefit made by or on behalf of the disabled person in respect of the disease, or
- (b) if the disabled person has died without a claim for disablement benefit in respect of the disease having been determined, the date on which he died.

*“Prescribed occupation”*

- 8 (1) In this Schedule, “prescribed occupation”, in relation to a person disabled by a disease to which this Act applies, means an occupation prescribed in relation to the disease by the Secretary of State by order made by statutory instrument.

(2) A statutory instrument that—

- (a) contains an order under sub-paragraph (1), and
- (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Power to amend Schedule*

- 9 Regulations made by the Secretary of State may—

- (a) amend this Schedule for the purpose of adding to the cases in which a person is not a relevant employer in relation to a person disabled by a disease to which this Act applies;
- (b) amend or repeal any provision of this Schedule relating to such cases.]

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