



Social Security Administration Act 1992

1992 CHAPTER 5

PART II

ADJUDICATION

Adjudication in relation to industrial injuries and disablement benefit

45 Disablement questions

- (1) In relation to industrial injuries benefit and severe disablement allowance, the “disablement questions” are the questions—
- (a) in relation to industrial injuries benefit, whether the relevant accident has resulted in a loss of faculty;
 - (b) in relation to both benefits, at what degree the extent of disablement resulting from a loss of faculty is to be assessed, and what period is to be taken into account by the assessment;
- but questions relating to the aggregation of percentages of disablement resulting from different accidents are not disablement questions (and accordingly fall to be determined by an adjudication officer).
- (2) Subject to and in accordance with regulations, the disablement questions shall be referred to and determined—
- (a) by an adjudicating medical practitioner; or
 - (b) by two or more adjudicating medical practitioners; or
 - (c) by a medical appeal tribunal; or
 - (d) in such cases relating to severe disablement allowance as may be prescribed, by an adjudication officer.
- (3) Where—
- (a) the case of a claimant for disablement benefit has been referred by the adjudication officer to one or more adjudicating medical practitioners for determination of the disablement questions; and

Status: This is the original version (as it was originally enacted).

- (b) on that or any subsequent reference, the extent of the disablement is provisionally assessed,
the case shall again be referred under this section, to one or more adjudicating medical practitioners as regulations may provide for the purposes of such subsequent references, not later than the end of the period taken into account by the provisional assessment.
- (4) Where, in the case of a claimant for disablement benefit, the extent of any disablement of his resulting from an aggregable accident (that is to say, an accident other than the one which is the basis of the claim in question) has been assessed in accordance with paragraph 6(3) of Schedule 6 to the Contributions and Benefits Act at less than 14 per cent., then—
 - (a) the adjudication officer may refer the disablement questions relating to the aggregable accident to one or more adjudicating medical practitioners for fresh determination; and
 - (b) on any such reference—
 - (i) those questions shall be determined as at the first day of the common period; and
 - (ii) the period to be taken into account shall be the period beginning with that day.
- (5) In subsection (4) above “the first day of the common period” means whichever is the later of—
 - (a) the first day of the period taken into account by the assessment of the extent of the claimant’s disablement resulting from the accident which is the basis of the claim in question;
 - (b) the first day of the period taken into account by the assessment of the extent of his disablement resulting from the aggregable accident.
- (6) In the following provisions of this Act “adjudicating medical practitioner” means, in relation to any case, one such practitioner, unless regulations applicable to cases of that description provide for references to more than one.