



Social Security Act 1975

1975 CHAPTER 14

PART II

BENEFIT AND ITS ADMINISTRATION

CHAPTER VI

ADMINISTRATION OF BENEFIT

Provisions relating to industrial injuries benefit only

88 Notification of accidents, etc.

Regulations may provide—

- (a) for requiring the prescribed notice of an accident in respect of which industrial injuries benefit may be payable to be given within the prescribed time by the employed earner or, where within that time he dies as a result of the accident, by such other person as may be prescribed, to the earner's employer or other prescribed person;
- (b) for requiring employers—
 - (i) to make reports, to such person and in such form and within such time as may be prescribed, of accidents in respect of which industrial injuries benefit may be payable,
 - (ii) to furnish to the prescribed person any information required for the determination of claims, or of questions arising in connection with claims or awards,
 - (iii) to take such other steps as may be prescribed to facilitate the giving notice of accidents, the making of claims and the determination of claims and of questions so arising.

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89 Medical examination and treatment

- (1) Regulations may provide for requiring claimants for injury benefit or disablement benefit—
 - (a) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident, or the treatment appropriate to the relevant injury or loss of faculty;
 - (b) to submit themselves from time to time to appropriate medical treatment for the injury or loss of faculty.
- (2) Regulations under subsection (1) above requiring persons to submit themselves to medical examination or treatment may—
 - (a) require those persons to attend at such places and at such times as may be required ; and
 - (b) with the consent of the Minister for the Civil Service, provide for the payment by the Secretary of State to those persons of travelling and other allowances (including compensation for loss of remunerative time).

90 Obligations of claimants

- (1) Without prejudice to section 89(1) above, it shall be the duty of any person claiming or entitled to injury benefit in respect of any injury not to behave in any manner calculated to retard his recovery.
- (2) Subject to subsection (4) below, regulations may provide for disqualifying a claimant for the receipt of injury benefit for failure without good cause to comply with the requirements of subsection (1) above in respect of the relevant injury, and may further provide for disqualifying a claimant for the receipt of benefit—
 - (a) for failure without good cause to comply with any requirement of regulations relevant under this subsection (including, in the case of a claim for industrial death benefit, a failure on the part of some other person to give the prescribed notice of the relevant accident);
 - (b) for wilful obstruction of, or other misconduct in connection with, any examination or treatment to which he is required under relevant regulations to submit himself, or in proceedings under this Act for the determination of his right to benefit or to its receipt,

or for suspending proceedings on the claim or payment of benefit, as the case may be, in the case of any such failure, obstruction or misconduct.
- (3) The regulations relevant under subsection (2) above are those made by virtue of the following provisions of this Chapter, namely—
 - section 79(1), (5);
 - section 81(4) (a) ;
 - section 88(a) ; and
 - section 89(1) and (2).
- (4) Regulations under subsection (2) above providing for disqualification for the receipt of benefit for any of the following matters, that is to say—
 - (a) for failure to comply with the requirements of subsection (1) above, or those of regulations under section 89(1) or (2);
 - (b) for obstruction of, or misconduct in connection with, medical examination or treatment,

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shall not be made so as to disentitle a claimant to benefit for a period exceeding 6 weeks on any disqualification.

91 Adjustments for successive accidents

- (1) Where a person suffers two or more successive accidents arising out of and in the course of his employed earner's employment—
 - (a) he shall not for the same period be entitled (apart from any increase of benefit mentioned in subsection (2) below) to receive industrial injuries benefit, either by way of injury benefit and a disablement pension or pensions, or by way of two or more disablement pensions, at an aggregate weekly rate exceeding the appropriate amount specified in Schedule 4, Part V, paragraph 16; and
 - (b) regulations may provide for adjusting—
 - (i) injury benefit or disablement benefit, or the conditions for the receipt of either, in any case where he has received or may be entitled to a disablement gratuity.
 - (ii) any increase of benefit mentioned in subsection (2) below, or the conditions for its receipt.
- (2) The increases of benefit referred to above are those under—
 - section 58 (unemployability supplement),
 - section 61 (constant attendance),
 - section 63 (exceptionally severe disablement),
 - section 64 (dependent children), or
 - section 66 (adult dependants);and for the purposes of subsection (1)(a) they include also, in the case of a beneficiary under the age of 18, any increase in the rate of a disablement pension under section 60 (special hardship).