



Pneumoconiosis etc. (Workers' Compensation) Act 1979

1979 CHAPTER 41

5 Reconsideration of determinations.

- (1) Subject to subsection (2) below, the Secretary of State may reconsider a determination that a payment should not be made under this Act on the ground—
 - (a) that there has been a material change of circumstances since the determination was made; or
 - (b) that the determination was made in ignorance of, or was based on a mistake as to, some material fact;and the Secretary of State may, on the ground set out in paragraph (b) above, reconsider a determination that such a payment should be made.
- (2) Regulations shall prescribe the manner in which and the period within which—
 - (a) an application may be made to the Secretary of State for his reconsideration of a determination; and
 - (b) the Secretary of State may of his own motion institute such a reconsideration.
- (3) Subsections (2) and (3) of section 4 above shall apply in relation to any reconsideration of a determination under this section as they apply in relation to the determination of a claim.
- (4) If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact and in consequence of the misrepresentation or failure a payment is made under this Act, the person to whom the payment was made shall be liable to repay the amount of that payment to the Secretary of State unless he can show that the misrepresentation or failure occurred without his connivance or consent.
- (5) Except as provided by subsection (4) above, no payment under this Act shall be recoverable by virtue of a reconsideration of a determination under this section.

Changes to legislation:

There are currently no known outstanding effects for the Pneumoconiosis etc. (Workers' Compensation) Act 1979, Section 5.