

## 1982 No. 566

## SOCIAL SECURITY

**The Social Security (Industrial Injuries)  
(Prescribed Diseases) Amendment (No. 2) Regulations 1982**

<i>Made</i> - - - - -	19th April 1982
<i>Laid before Parliament</i>	28th April 1982
<i>Coming into Operation</i>	19th May 1982

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 113 of the Social Security Act 1975<sup>(a)</sup> and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in so far as is required by section 10 of the Tribunals and Inquiries Act 1971<sup>(b)</sup> and after agreement with the Industrial Injuries Advisory Council that proposals to make these regulations should not be referred to it<sup>(c)</sup>, hereby makes the following regulations:—

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1982 and shall come into operation on 19th May 1982.

(2) In these regulations “the principal regulations” means the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980<sup>(d)</sup>.

*Amendment of principal regulations relating to rights of appeal from pneumoconiosis medical boards to medical appeal tribunals*

**2.** The principal regulations shall be amended by the substitution, for paragraph (5) of regulation 49, of the following paragraph:—

“(5) In relation to a decision (in this paragraph called ‘the current decision’) of a pneumoconiosis medical board on a diagnosis question in respect of pneumoconiosis or byssinosis raised by a claimant for disablement benefit by reason of either disease, regulation 30(1) (appeal to medical appeal tribunal) shall not apply if—

<sup>(a)</sup> 1975 c. 14.

<sup>(b)</sup> 1971 c. 62.

<sup>(c)</sup> See Social Security Act 1975, section 141(2)(b), as substituted by Social Security Act 1981 (c. 33), Schedule 2, paragraph 2.

<sup>(d)</sup> S.I. 1980/377, to which there are amendments not relevant to these regulations.

- (a) the claimant has previously made an appeal, or an insurance officer has previously made a reference affecting the claimant under regulation 30(2), to a medical appeal tribunal in respect of a decision on a diagnosis question relating to pneumoconiosis or, as the case may be, byssinosis, unless by the date of the current decision at least 2 years have elapsed since the last occasion on which, having heard such an appeal or reference, the medical appeal tribunal rejected the appeal or, as the case may be, determined the question referred to them; or
- (b) the current decision was given before 19th May 1982, unless at least once before the date on which the claim which gave rise to that decision was made—
  - (i) the claimant has claimed disablement benefit on account of pneumoconiosis or, as the case may be, byssinosis,
  - (ii) a pneumoconiosis medical board has, at least one year before the date of the current decision, given a decision (other than one given only on review under regulation 32) that no such disease was diagnosed, and
  - (iii) accordingly the claim was or, as the case may be, remained rejected.”

*Norman Fowler,*  
Secretary of State for Social Services.

19th April 1982.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations further amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980. Regulation 2 substitutes a new paragraph for paragraph (5) of regulation 49 of those regulations, so as to relax the restrictions on the right of appeal to a medical appeal tribunal from a decision of a pneumoconiosis medical board on a diagnosis question about pneumoconiosis or byssinosis raised by a claimant for disablement benefit.

Formerly, where the decision was made after 5th April 1979, the right was restricted to cases where there had been at least 2 adverse decisions by a board and at least one year had elapsed since the first of them. Where the decision was made before 6th April 1979, the right was restricted to cases where there had been at least 4 adverse decisions and at least 2 years had elapsed since the first of them.

The regulations provide that these restrictions are not to apply where the pneumoconiosis medical board's decision is made on or after 19th May 1982. The provision that there is no right of appeal if less than 2 years have elapsed since the last appeal (if any) is unaltered.



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