
STATUTORY INSTRUMENTS

1983 No. 136

The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983

PART VII

TRANSITIONAL PROVISIONS

Finality of decisions of the Administrative Board

25. Except as provided by article 26, any decision given by the Administrative Board on a claim or question under provisions of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 in force immediately before 1st July 1977⁽¹⁾ or under any scheme made under the Industrial Diseases (Benefit) Acts in force immediately before 1st March 1966 shall be final for the purposes of this scheme.

[^{F1}Review of decisions of the Administrative Board

26.—(1) The Secretary of State may at any time and from time to time revise or supersede any decision given by the Administrative Board under provisions of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 in force immediately before 1st July 1977, if—

- (a) the decision was erroneous in view of new facts which have been brought to his notice since the date on which the decision was given or by reason of some mistake being made with respect to the facts or the law; or
- (b) there has been any relevant change of circumstances since the decision was given.

(2) A decision of the Administrative Board may be revised or superseded by the Secretary of State on his own initiative or by application in writing to him for the purpose.

(3) Where it appears to the Secretary of State that an issue has arisen whether the decision as to an award of an allowance to which this article relates ought to be revised or superseded in accordance with the provisions of paragraph (1), he may decide that payment of the allowance shall be suspended in whole or in part until that issue has been determined.

(4) Repayment of sums by way of an allowance in pursuance of the original decision shall not be required under this article in any case where it is shown to the satisfaction of the Secretary of State that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.

(5) For the purposes of this article a decision given under any scheme made under the Industrial Diseases (Benefit) Acts shall be treated as if it had been a decision given under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 as in force immediately before 1st July 1977.

(1) See S.I. 1977/992, article 5.

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(6) On a revision or supersession of a decision given by the Administrative Board under any scheme made under the Industrial Diseases (Benefit) Acts in force before 1st March 1966 the Secretary of State may determine any issue referred to him arising under the scheme]

F1 Art. 26 substituted (5.7.1999) by [The Social Security Act 1998 \(Commencement No. 8, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/1958\)](#), art. 1, [Sch. 7 para. 8](#)

Claims in respect of periods before commencement of scheme

27. A claim may be made in respect of a period before the coming into operation of this scheme for an allowance payable by virtue of any scheme revoked by this scheme, or any scheme made under the Industrial Diseases (Benefit) Acts, and such a claim and any question arising in connection therewith shall be determined by the appropriate determining authority, and any allowance in respect of such a period shall be awarded and paid in accordance with the provisions of the appropriate scheme in force during that period.

Conditions for allowance satisfied by previous awards

28. Any allowance under this scheme may be paid without any claim or award or awarded without any claim if, in the opinion of the Secretary of State, evidence of the satisfaction of the conditions for that allowance is afforded by the award, in respect of a period before the coming into operation of this scheme, of an allowance payable by virtue of a scheme revoked by this scheme or a scheme made under the Industrial Diseases (Benefit) Acts, or of an allowance under the Workmen's Compensation and Benefit (Supplementation) Act 1956.

Preservation of entitlement to larger amount of allowances

29. Any beneficiary who is entitled under the provisions of section 3(2) or (3) of the Workmen's Compensation and Benefit (Amendment) Act 1965 to payment of a greater amount or aggregate amount than he is entitled to receive by way of allowances under this scheme and any other scheme made under the Act shall, so long as he is so entitled, be paid by way of increase to the allowance or, if more than one, the largest allowance to which he is entitled under this scheme, such a sum as will, in addition to the allowances payable to him by virtue of this scheme and any other scheme made under the Act, ensure that the total amount or aggregate amount payable to him is the amount to which he is entitled by virtue of the said section 3(2) or (3).

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