
STATUTORY INSTRUMENTS

1985 No. 967

**The Social Security (Industrial Injuries)
(Prescribed Diseases) Regulations 1985**

PART V

**SPECIAL PROVISIONS AS TO PNEUMOCONIOSIS, BYSSINOSIS,
OCCUPATIONAL DEAFNESS AND CERTAIN OTHER DISEASES**

SECTION A

BENEFIT

*Special conditions for disablement benefit for
pneumoconiosis, byssinosis and diffuse mesothelioma*

20.—^[F1](1) On a claim for disablement pension in respect of pneumoconiosis ^[F2]or byssinosis] section 57(1) shall apply as if for “14 per cent.” there was substituted “1 per cent.”.

(1A) Where on a claim for disablement pension in respect of pneumoconiosis ^[F3]or byssinosis] the extent of the disablement is assessed at one per cent. or more, but less than 20 per cent., disablement pension shall be payable at the 20 per cent. rate if the resulting degree of disablement is greater than 10 per cent. and if it is not at one-tenth of the 100 per cent. rate, with any fraction of a penny being for this purpose treated as a penny.

(1B) Where immediately before 1st October 1986 a person is entitled to a disablement pension on account of pneumoconiosis ^[F4]or byssinosis] and in determining the extent of his disablement other disabilities were taken into account in accordance with regulation 11 of the Social Security (General Benefit) Regulations 1982, disablement pension shall continue to be payable on or after 1st October 1986 at the weekly rate applicable to the degree of disablement determined on the last assessment made before 1st October 1986 until—

- (a) ^[F5]on a reassessment of the extent of disablement or in consequence of an application for revision or supersession] the degree of disablement is assessed either as less than 1 per cent. or as equal to or more than that determined on that last assessment, or
- (b) the other disability ceases to exist.]

(2) Section 78(4)(b), in so far as it provides that disablement benefit shall not be payable in respect of byssinosis unless the claimant is found to be suffering from loss of faculty which is likely to be permanent, shall not apply.

(3) Notwithstanding paragraph 4(a) of Schedule 8 (period to be taken into account by an assessment of the extent of the claimant's disablement), the period to be taken into account by an assessment of the extent of the claimant's disablement in respect of byssinosis, if not limited by reference to the claimant's life, shall not be less than one year.

^[F6](4) On a claim for disablement pension in respect of diffuse mesothelioma—

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- (a) section 103(6) of the Social Security Contributions and Benefits Act 1992 shall apply as if for the words “after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident”, there were substituted the words, “the day on which he first suffers from a loss of faculty due to diffuse mesothelioma”;
- (b) paragraph 6(1) of Schedule 6 to the Social Security Contributions and Benefits Act 1992 shall apply as if the words “beginning not earlier than the end of the period of 90 days referred to in section 103(6) above and in paragraph 9(3) of that Schedule and” were omitted.]

- F1** Reg. 20(1)(1A)(1B) substituted for reg. 20(1) (1.10.1986) by [The Social Security \(Industrial Injuries and Diseases\) Miscellaneous Provisions Regulations 1986 \(S.I. 1986/1561\)](#), regs. 1(1), **3(3)**
- F2** Words in reg. 20(1) substituted (29.7.2002) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment Regulations 2002 \(S.I. 2002/1717\)](#), regs. 1, **2(2)**
- F3** Words in reg. 20(1A) substituted (29.7.2002) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment Regulations 2002 \(S.I. 2002/1717\)](#), regs. 1, **2(2)**
- F4** Words in reg. 20(1B) substituted (29.7.2002) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment Regulations 2002 \(S.I. 2002/1717\)](#), regs. 1, **2(2)**
- F5** Words in reg. 20(1B)(a) substituted (4.7.1999) by [The Social Security Act 1998 \(Commencement No. 8, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/1958\)](#), art. 4, **Sch. 8 para. 7**
- F6** Reg. 20(4) inserted (9.4.1997) by [The Social Security \(Industrial Injuries\) \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/810\)](#), regs. 1, **5**

[^{F7}Diffuse mesothelioma—prescribed loss of faculty

20A.—(1) For the purposes of paragraph 1 of Schedule 6 to the Social Security Contributions and Benefits Act 1992 (which provides for the assessment of the extent of disablement for the purposes of industrial injuries disablement benefit), the loss of faculty set out in paragraph (2) below is prescribed under sub-paragraph (d) of that paragraph 1 (loss of faculty from which the resulting disabilities are to be taken as amounting to 100 per cent. disablement).

(2) The loss of faculty referred to in paragraph (1) above is impaired function of the pleura, pericardium or peritoneum function caused by diffuse mesothelioma.]

- F7** Reg. 20A inserted (29.7.2002) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment Regulations 2002 \(S.I. 2002/1717\)](#), regs. 1, **2(3)**

[^{F8}Primary carcinoma of the lung and angiosarcoma of the liver—special conditions and prescribed loss of faculty

20B.—(1) This regulation applies to a claim for disablement pension made in respect of the diseases prescribed in paragraphs C4, C22(b), C24(a), D8, D8A, D10 and D11 of Part 1 of Schedule 1.

(2) On a claim to which this regulation applies—

- (a) section 103(6) of the Social Security Contributions and Benefits Act 1992 (entitlement after expiry of 90 days) shall apply as if for the words “after the expiry of the period of 90 days (disregarding Sundays) beginning with the day of the relevant accident” there were substituted the words “the day on which that person first suffers from a loss of faculty due to primary carcinoma of the lung or bronchus or angiosarcoma of the liver”; and
- (b) paragraph 6(1) of Schedule 6 to the Social Security Contributions and Benefits Act 1992 (period to be taken into account by an assessment) shall apply as if the words “beginning

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not earlier than the end of the period of 90 days referred to in section 103(6) above and in paragraph 9(3) of that Schedule and” were omitted.

(3) On a claim to which this regulation applies, the loss of faculty prescribed for the purposes of sub-paragraph (d) of paragraph 1 of Schedule 6 to the Social Security Contributions and Benefits Act 1992 (assessment of the extent of disablement) is lung impairment caused by primary carcinoma of the lung or bronchus, or impairment caused by angiosarcoma of the liver.]

F8 Reg. 20B substituted (16.3.2015) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment Regulations 2015 \(S.I. 2015/87\)](#), regs. 1(1), 3

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