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## STATUTORY INSTRUMENTS

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# 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

#### *Pneumoconiosis—effects of <sup>F1</sup>chronic obstructive pulmonary disease*

**22.—**(1) [<sup>F1</sup>Except in the circumstances specified in paragraph (1A),] where any person is disabled by pneumoconiosis or pneumoconiosis accompanied by tuberculosis to an extent which would, if his physical condition were otherwise normal, be assessed at not less than 50 per cent, the effects of [<sup>F2</sup>any chronic obstructive pulmonary disease] from which that person is found to be suffering shall be treated for the purposes of Chapter V of Part II of the Act and of these regulations as if they were effects of the pneumoconiosis.

[<sup>F3</sup>(1A) The circumstances referred to in paragraph (1) are that the person is entitled to industrial injuries disablement benefit on account of the disease set out in paragraph D12 of Part I of Schedule 1.]

(2) Where, on a claim for death benefit, the question arises whether the extent of a person's disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis would, if his physical condition were otherwise normal, have been assessed at not less than 50 per cent—

- (a) if there has been no assessment of disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis made during the person's life, or if there is no such assessment current at the time of death [<sup>F4</sup>that issue shall be determined by the Secretary of State;]
- (b) if there is an assessment of disablement resulting from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis current at the time of the person's death, that [<sup>F4</sup>issue] shall be treated as having been determined by the decision of [<sup>F5</sup>the] [<sup>F4</sup>Secretary of State or, as the case may be, appeal tribunal,] which made such assessment.

**F1** Words in reg. 22(1) inserted (13.9.1993) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment \(No. 2\) Regulations 1993](#) (S.I. 1993/1985), regs. 1, **5(2)**

**F2** Words in reg. 22(1) substituted (16.3.2015) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment Regulations 2015](#) (S.I. 2015/87), regs. 1(1), **5(c)**

**F3** Reg. 22(1A) inserted (13.9.1993) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Amendment \(No. 2\) Regulations 1993](#) (S.I. 1993/1985), regs. 1, **5(3)**

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- F4** Words in reg. 22(2)(a)-(b) 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. 8(a)(b)(i)(ii)
- F5** Words in reg. 22(2)(b) substituted (19.4.1993) by [The Social Security \(Industrial Injuries and Adjudication\) Regulations 1993](#), arts. 1(1), 19(3)

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