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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

*[<sup>F1</sup>Reduced earnings allowance—special provision for pneumoconiosis cases*

[<sup>F1</sup>23. Where a beneficiary in receipt of a disablement pension in respect of pneumoconiosis receives advice from [<sup>F2</sup>the Secretary of State] that in consequence of the disease he should not follow his regular occupation unless he complies with certain special restrictions as to the place, duration or circumstances of his work, or otherwise, then for the purpose of determining whether he fulfils the conditions laid down in section 59A (reduced earnings allowance)] and for that purpose only—

- (a) the beneficiary shall be deemed, unless the contrary is proved by evidence other than the aforesaid advice—
  - (i) to be incapable of following his regular occupation and likely to remain permanently so incapable, and
  - (ii) to be incapable of following employment of an equivalent standard which is suitable in his case;
- (b) where the beneficiary has ceased to follow any occupation to which the aforesaid special restrictions were applicable, the fact that he had followed such an occupation in the period between the date of onset of the disease and the date of the current assessment of his disablement, or for a reasonable period of trial thereafter, shall be disregarded.

**F1** Words in reg. 23 substituted (1.10.1986) by [The Social Security \(Industrial Injuries and Diseases\) Miscellaneous Provisions Regulations 1986 \(S.I. 1986/1561\)](#), regs. 1(1), **6(3)**

**F2** Words in reg. 23 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. 9**

**Status:**

This revised version has been created from an electronic version contributed by Westlaw which was originally derived from the printed publication.

**Read more****Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985, Section 23.