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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

###### *Time for claiming benefit in respect of occupational asthma*

**36.**—(1) Subject to paragraphs (2) and (3), disablement benefit and sickness benefit payable by virtue of section 50A shall not be paid in pursuance of a claim in respect of occupational asthma which is made later than 10 years after the latest date, before the date of the claim, on which the claimant or, as the case may be, the person in respect of whom the claim is made worked [<sup>F1</sup>in employed earner's employment] in an occupation prescribed in relation to occupational asthma.

(2) Paragraph (1) shall not apply to any claim made before 29th March 1983 by or in respect of a person who ceased on or after 29th March 1972 to [<sup>F2</sup>work in employed earner's employment] in an occupation prescribed in relation to occupational asthma.

(3) Paragraph (1) shall not apply to any claim made by or in respect of a person who has at any time been found to be suffering from asthma as a result of an industrial accident and by virtue of that finding has been awarded disablement benefit either for life or for a period which includes the date on which the aforesaid claim is made.

(4) Subject to paragraphs (5) and (6), industrial death benefit shall not be paid in pursuance of a claim in respect of occupational asthma where the person in respect of whose death the benefit is being claimed died more than 10 years after the latest day on which he worked [<sup>F3</sup>in employed earner's employment] in an occupation prescribed in relation to occupational asthma.

(5) Paragraph (4) shall not apply to any claim made in respect of the death of a person who died before 29th March 1983 and who on or after 29th March 1972 had not worked [<sup>F4</sup>in employed earner's employment] in an occupation prescribed in relation to occupational asthma.

(6) Paragraph (4) shall not apply to any claim made in respect of the death of a person who had at any time been found to be suffering either from asthma as a result of an industrial accident or from occupational asthma and by virtue of that finding had been awarded disablement benefit either for life or for a period which included the date of his death.

(7) Regulation 14 of the Claims and Payments Regulations (time for claiming benefit) shall not apply to a claim in respect of occupational asthma made before 29th March 1983.

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- F1** Words in reg. 36(1) inserted (10.7.2000) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2000 (S.I. 2000/1588), regs. 1, **5(2)**
- F2** Words in reg. 36(2) substituted (10.7.2000) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2000 (S.I. 2000/1588), regs. 1, **5(3)**
- F3** Words in reg. 36(4) inserted (10.7.2000) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2000 (S.I. 2000/1588), regs. 1, **5(4)**
- F4** Words in reg. 36(5) inserted (10.7.2000) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2000 (S.I. 2000/1588), regs. 1, **5(5)**

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