
STATUTORY INSTRUMENTS

1985 No. 967

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

PART III

DATE OF ONSET AND RECRUDESCENCE

Date of onset

6.—(1) For the purposes of the first claim in respect of a prescribed disease suffered by a person, the date of onset shall be determined in accordance with the following provisions of this regulation, and, save as provided in regulation 7, that date shall be treated as the date of onset for the purposes of any subsequent claim in respect of the same disease suffered by the same person, so however that—

- (a) ^{F1}... any date of onset determined for the purposes of that claim shall not preclude fresh consideration of the question whether the same person is suffering from the same disease on any subsequent claim for or award of benefit; and
 - (b) if, on the consideration of a claim, [^{F2}the degree of disablement is assessed at less than one per cent], any date of onset determined for the purposes of that claim shall be disregarded for the purposes of any subsequent claim.
- (2) Where the claim for the purposes of which the date of onset is to be determined is—
- (a) a claim for sickness benefit made by virtue of section 50A of the Act⁽¹⁾ by a person to whom regulation 8(1) applies (except in respect of pneumoconiosis, byssinosis, diffuse mesothelioma, occupational deafness, occupational asthma, [^{F3}primary carcinoma of the lung][^{F4}, bilateral diffuse pleural thickening or [^{F5}chronic obstructive pulmonary disease]] the date of onset shall be the first day on which the claimant was incapable of work as the result of the disease on or after 5th July 1948;
 - (b) a claim for disablement benefit (except in respect of occupational deafness), the date of onset shall be the day on which the claimant first suffered from the relevant loss of faculty on or after 5th July 1948; and the date of onset so determined shall be the date of onset for the purposes of a claim for sickness benefit made by virtue of section 50A of the Act in respect of pneumoconiosis, byssinosis, diffuse mesothelioma, occupational asthma, [^{F3}primary carcinoma of the lung][^{F6}, bilateral diffuse pleural thickening or [^{F7}chronic obstructive pulmonary disease]] ;
 - (c) a claim for disablement benefit in respect of occupational deafness, the date of onset shall be the day on which the claimant first suffered from the relevant loss of faculty on or after 3rd February 1975; or, if later—
 - (i) 3rd September 1979 in the case of a claim made before that date which results in the payment of benefit commencing on that date, and

(1) Section 50A was inserted by the Social Security and Housing Benefits Act 1982 (c.24), section 39(4) .

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- (ii) in any other case, the date on which such claim is made as results in the payment of benefit; or
- (d) a claim for death benefit, the date of onset shall be the date of death.

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| <p>F1 Words in reg. 6(1)(a) deleted (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. 2</p> <p>F2 Words in reg. 6(1)(b) substituted (9.8.1989) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1989 (S.I. 1989/1207), regs. 1, 2</p> <p>F3 Words in reg. 6(2) substituted (19.4.1993) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1993 (S.I. 1993/862), regs. 1, 4</p> <p>F4 Words in reg. 6(2)(a) substituted (13.9.1993) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1993 (S.I. 1993/1985), regs. 1, 4</p> <p>F5 Words in reg. 6(2)(a) substituted (16.3.2015) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 (S.I. 2015/87), regs. 1(1), 5(a)</p> <p>F6 Words in reg. 6(2)(b) substituted (13.9.1993) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 1993 (S.I. 1993/1985), regs. 1, 4</p> <p>F7 Words in reg. 6(2)(b) substituted (16.3.2015) by The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 (S.I. 2015/87), regs. 1(1), 5(a)</p> |
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