
STATUTORY INSTRUMENTS

1986 No. 1561

The Social Security (Industrial Injuries and Diseases) Miscellaneous Provisions Regulations 1986

PART III

CONSEQUENTIAL AMENDMENTS OF REGULATIONS

Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

4. In regulation 9 of the Social Security Benefit (Persons Abroad) Regulations 1975(1)—
- (a) in paragraph (3), for the words “disablement benefit (other than any increase under sections 58 to 63 or 66 of the Act)” there shall be substituted the words “disablement benefit (other than any increase thereof under sections 58, 59, 61, 62, 63 or 66 of the Act)”;
 - (b) in paragraph (5), for the words “an increase of disablement pension in respect of special hardship under section 60 of the Act”, there shall be substituted the words “reduced earnings allowance under section 59A of the Act,” and for the words, in respectively sub-paragraphs (b) and (c), “such increase” there shall be substituted the words “such allowance”.

Amendment of the Social Security (Claims and Payments) Regulations 1979

5. In Schedule 1 to the Social Security (Claims and Payments) Regulations 1979(2)—
- (a) in paragraph 10, in column (1), the reference to section 60, and the words “special hardship”, shall be omitted, and
 - (b) after paragraph 10, there shall be inserted, in column 1, the words “10A. Reduced Earnings Allowance under section 59A” and in column 2, the words “The period of 3 months from the first day on which the conditions, other than the making of a claim, for receipt of the allowance are satisfied.”.

Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

6.—(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 shall be amended in accordance with the following provisions of this regulation.

- (2) For regulation 17 there shall be substituted the following regulation:—

(1) The relevant amending instruments are S.I. 1977/1679 and 1983/186.
(2) The relevant amending instrument is S.I. 1986/903.

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““Special provisions as to determination of regular occupation in relation to persons claiming reduced earnings allowance

17. Where a person who has been assessed as at least one per cent. disabled in respect of a prescribed disease establishes that he has abandoned any occupation as a result of the relevant disease at any time after having been employed in employed earner's employment in any occupation prescribed for that disease but before the first day in respect of which he was so assessed, then for the purpose of determining his right to, or the rate of, reduced earnings allowance under Section 59A, any occupation he has so abandoned may be treated as his regular occupation for the purposes of that section.”

(3) In regulation 23, for the words preceding “and for that purpose only” there shall be substituted the words—

““Reduced earnings allowance—special provision for pneumoconiosis cases

23. Where a beneficiary in receipt of a disablement pension in respect of pneumoconiosis receives advice from a special medical board 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)”

(4) In regulation 34(6), after the words “disablement benefit” there shall be inserted the words “or reduced earnings allowance”.

Amendment of the Social Security (General Benefit) Regulations 1982

7.—(1) The Social Security (General Benefit) Regulations 1982 shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2—

- (a) in paragraph (2) after the words “disablement benefit” there shall be inserted the words “, reduced earnings allowance”;
- (b) in paragraph (6) after the words “increase thereof” there shall be inserted the words “or reduced earnings allowance”.

(3) In regulation 14, after paragraph (1), there shall be inserted the following paragraph:—

“(1A) Paragraph (1) applies in relation to cases where the claim for benefit was made before 1st October 1986”.

(4) In regulation 17(1), for the words “section 60 (increase of disablement pension for special hardship)” there shall be substituted the words “section 59A (reduced earnings allowance)”.

(5) Subject to paragraph (6), regulation 18 and Schedule 4 shall continue to apply to a beneficiary who immediately before 1st October 1986 was entitled to benefit under that regulation, as though section 60(7) of the 1975 Act had not been repealed and as if references to an increase of disablement pension under section 60 of that Act were references to reduced earnings allowance payable under [F1section 59A of that Act, or in a case to which section 59B of the 1975 Act applies (ending of entitlement to reduced earnings allowance) to retirement allowance payable under that section; and for the purposes of this provision the reference to retirement allowance includes a reference to a retirement allowance which would have been payable but for any failure to satisfy the requirement in subsection (2) of section 59B as to the weekly rate or aggregate weekly rate of reduced earnings allowance payable.]

(6) Regulation 18 and Schedule 4 shall apply in accordance with paragraph (5) until—

- (a) the period of the assessment has expired or the assessment is reviewed, or

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(b) benefit under section 59A [^{F2}or, as the case may be, section 59B] of the 1975 Act has ceased to be payable,

whichever is the earlier, so however that where an award of a disablement pension in lieu of a gratuity is revised on review and a further award made, regulation 18(2) shall not apply to that award.

F1 Words in reg. 7(5) substituted (1.11.1989) by [The Social Security \(Industrial Injuries and Diseases\) Miscellaneous Provisions \(Amendment\) Regulations 1989 \(S.I. 1989/1824\)](#), regs. 1(1), **2(1)(a)**

F2 Words in reg. 7(6)(b) inserted (1.11.1989) by [The Social Security \(Industrial Injuries and Diseases\) Miscellaneous Provisions \(Amendment\) Regulations 1989 \(S.I. 1989/1824\)](#), regs. 1(1), **2(1)(b)**

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