1967 No. 1205

WORKMEN'S COMPENSATION

The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1967

Made - - -	*8th August* 1967
Laid before Parliament	*15th August* 1967
Coming into Operation	*16th August* 1967

The Minister of Social Security, with the consent of the Treasury, in exercise of the powers conferred by sections 5, 14(2) and 15(10) of the Industrial Injuries and Diseases (Old Cases) Act 1967**(a)** and section 3(3) of the National Insurance Act 1967**(b)** and of all other powers enabling her in that behalf, hereby makes, in consequence of the National Insurance (Industrial Injuries) (Amendment) Act 1967**(c)**, the following Scheme:—

Citation, interpretation and commencement

1. This Scheme, which may be cited as the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1967, shall be read as one with the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966**(d)** as amended **(e)** (hereinafter referred to as "the principal Scheme") and shall come into operation on 16th August 1967.

Amendment of Article 1(2) *of the principal Scheme*

2. In Article 1(2) of the principal Scheme at the end of the definition of "pneumoconiosis" there shall be added the following words:—

"and in the case of a person who suffers or has suffered from pneumoconiosis, or pneumoconiosis accompanied by tuberculosis, to an extent which would, if his physical condition were otherwise normal, be of a gravity comparable to an assessment of not less than 50 per cent. under the Industrial Injuries Act, the effects of any accompanying emphysema or chronic bronchitis may be treated as if they were the effects of the pneumoconiosis;".

Amendment of Article 15 *of the principal Scheme*

3. At the beginning of sub-paragraph (*e*) of Article 15(1) of the principal Scheme there shall be added the words "subject to Article 16(6A),".

Amendment of Article 16 *of the principal Scheme*

4.—(1) After paragraph 6 of Article 16 of the principal Scheme there shall be added the following paragraph:—

"(6A) If, on a claim for death benefit, any question arises whether the deceased had suffered from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis to an extent which would if his physical condition were otherwise normal have been of a gravity comparable to an assessment under the Industrial Injuries Act of not less than 50 per cent., the Administrative Board shall refer that question to the Medical Board, who shall determine the question and shall give a certificate accordingly.".

(2) At the end of paragraph (7) of the said Article 16 there shall be added the following proviso:—

"Provided that a certificate issued under paragraph (6A) of this Article, certifying that the deceased had not suffered from pneumoconiosis or from

(a) 1967 c. 34. **(b)** 1967 c. 73. **(c)** 1967 c. 25. **(d)** 1966/164 (1966 I, p. 303).
(e) The amendment is not relevant to the subject matter of this Scheme.

pneumoconiosis accompanied by tuberculosis to the extent mentioned in that paragraph may be reviewed by the Medical Board at any time if satisfied that such certificate was given in ignorance of or was based on a mistake as to some material fact; and on such review the Medical Board shall issue a further certificate confirming or revising the original certificate, and the provisions of this paragraph shall thereupon apply to such further certificate.".

Transitional provisions

5. Where in any case a claimant is on 16th August 1967 entitled to an allowance as provided in Article 4(1) (*a*) (ii) of the principal Scheme (partial disablement) in respect of pneumoconiosis or pneumoconiosis accompanied by tuberculosis—

(*a*) if it appears to the Administrative Board that his case should be reconsidered in the light of the amendment made by Article 2 of this Scheme the Administrative Board may refer the case to the Medical Board who shall proceed as on a reference under Article 16(1) of the principal Scheme except that the Medical Board shall not give a certificate other than a certificate of total disablement in accordance with Article 16(4) (*a*) and if, on such reference, the Medical Board give such certificate the Administrative Board may make an award of the appropriate allowance notwithstanding that no claim for such an allowance has been made;

(*b*) if his case is not referred under the provisions of sub-paragraph (*a*) of this Article he may apply to have his case so referred if he furnishes evidence which shows to the satisfaction of the Administrative Board that there is reasonable cause for suspecting that it should be reconsidered as aforesaid.

Judith Hart,
Minister of Social Security.

3rd August 1967.

We consent

E. Alan Fitch,
Harry Gourlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

8th August 1967.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme amends the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 so as to enable the effects of emphysema and chronic bronchitis to be treated as if they were the effects of pneumoconiosis in certain circumstances.

The Scheme also contains transitional provisions relating to certain claimants who on the date of the coming into operation of this Scheme are entitled to an allowance under the Scheme for a period during which their disablement in respect of pneumoconiosis is partial.

The Scheme is made in consequence of the National Insurance (Industrial Injuries) (Amendment) Act 1967 and, in accordance with section 15(10) of the Industrial Injuries and Diseases (Old Cases) Act 1967, no draft of the Scheme has been laid before Parliament.