STATUTORY INSTRUMENTS

1971 No. 1222

SOCIAL SECURITY

WORKMEN'S COMPENSATION

The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1971

Made - - -	*26th July* 1971
Laid before Parliament	*5th August* 1971
Coming into Operation	*22nd September* 1971

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of his powers under sections 5 and 7 of the Industrial Injuries and Diseases (Old Cases) Act 1967(**a**), as amended by section 11(1), (2) and (3) of and Schedule 5, paragraph 13(2), to the National Insurance Act 1971(**b**), and of all other powers enabling him in that behalf, hereby makes, in consequence of the said Act of 1971, the following Scheme :—

Citation, interpretation and commencement

1. This Scheme, which may be cited as the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1971, shall be read as one with the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966(**c**), as amended (**d**) (hereinafter referred to as "the principal Scheme"), and shall come into operation on 22nd September 1971.

Amendment of Article 4 of the principal Scheme

2. In paragraph 1(*a*)(ii) of Article 4 of the principal Scheme (allowance for partial disablement), for the sum "£3·05" there shall be substituted the sum "£3·65".

Amendment of Article 5 of the principal Scheme

3. At the end of paragraph (1) of Article 5 of the principal Scheme (increase of allowance in respect of a wife) there shall be added the following proviso :—

"Provided that where a person is also entitled to an increase of allowance under the provisons of Article 7(1) of this Scheme, and is residing with his wife, the provisions of paragraph 1(*b*) of Schedule 2 hereto shall

(**a**) 1967 c. 34. (**b**) 1971 c. 50.
(**c**) S.I. 1966/164 (1966 I, p. 303).
(**d**) The relevant amending instruments are S.I. 1969/1196, 1970/46 (1969 II, p. 3531; 1970 I, p. 243).

not have effect, but where the earnings of his wife for the calendar week ending last before any week for which he is entitled to any such increase of allowance exceeded the amount first stated in section 18(3A) of the Industrial Injuries Act, the increase of allowance under this Article shall be reduced in the manner provided by the said section 18(3A), and for these purposes the earnings of his wife shall be calculated in accordance with the provisions of Regulation 9(1A) and (2) of the Benefit Regulations.".

Amendment of Article 6 of the principal Scheme

4. For Article 6 of the principal Scheme, and the proviso thereto, there shall be substituted the following Article :—

"Increase of allowance in respect of children

6. For any period during which a person has a family which includes a child or children within the meaning of section 17 of the Industrial Injuries Act, the weekly rate of the allowance payable to that person shall be increased by an amount equal to the increase (if any) which would be payable to him in respect of that child or those children under the said section 17—

(*a*) if, in the case of a person entitled to an allowance in respect of total disablement but not to an increase of allowance under the provisions of Article 7(1) of this Scheme, he were entitled to injury benefit ;

(*b*) if, in the case of a person entitled to an increase of allowance under the provisions of Article 7(1) of this Scheme, he were entitled to a disablement pension plus unemployability supplement :

Provided that where, for any period, the conditions for the receipt by a person of an increase of allowance under this Article are satisfied, such increase of allowance shall be adjusted by reference to the weekly rate at which an allowance or an increase of benefit in respect of that child or those children is payable for that period under the Industrial Injuries Act or the National Insurance Act 1965 so as to be payable (if at all) for that period at a weekly rate arrived at by deducting from the weekly rate at which the increase of allowance under this Article would otherwise have been payable the said weekly rate of any allowance or increase of benefit payable under the above-mentioned Acts.".

Amendment of Article 7 of the principal Scheme

5.—(1) In paragraph (1) of Article 7 of the principal Scheme (increase of allowance on account of unemployability), after the words "the said section 13" there shall be inserted the words "or, as the case may be, the said section 13 and section 13A of the said Act".

(2) After paragraph (1) of the said Article, there shall be inserted the following paragraph :—

"(1A) For the purposes of this Article, the reference in section 13A(2) of the Industrial Injuries Act (increase of unemployability supplement by reference to beneficiary's age on qualifying date) to 'the qualifying date' shall, subject to the provisions of subsections (3), (4) and (5) of that section, mean the beginning of the first week for which a person qualified for an increase of allowance under this Article.".

(3) For paragraph (4) of the said Article, there shall be substituted the following paragraph :—

"(4) Where a person is entitled to an allowance in respect of partial disablement and is also entitled to an increase of that allowance under this Article, the provisions of Article 5 shall apply to him for any period during which he is entitled to such increase as they apply to a person entitled to an allowance in respect of total disablement and an increase of that allowance under this Article.".

Amendment of Schedule 2 to the principal Scheme

6. In Schedule 2 to the principal Scheme (conditions relating to increase of allowance in respect of a wife), for sub-paragraph 1(*b*) and the proviso thereto there shall be substituted the following sub-paragraph :—

"(*b*) Regulation 9(1) of the Benefit Regulations (which regulation provides that an increase of benefit in respect of a wife shall not be payable where her weekly earnings exceed the amount therein specified), and for the purpose of this sub-paragraph the weekly earnings of a wife shall be ascertained in the manner specified in paragraphs (1) and (2) of the said regulation.".

Amendment of Schedule 3 to the principal Scheme

7. Schedule 3 to the principal Scheme (provisions of the Industrial Injuries Act and of regulations made thereunder applicable (with the necessary modifications) to claims for and payment of allowances) shall be amended by the insertion after the entry relating to Regulation 24 in the first and second columns thereof respectively of the words "Regulation 24A" and "Payment of benefit to a third party".

Signed by authority of the Secretary of State for Social Services.

Paul Dean,
Parliamentary Under Secretary of State,
Department of Health and Social Security.

26th July 1971.

We consent,

Walter Clegg,
Bernard Weatherill,
Two of the Lords Commissioners of
Her Majesty's Treasury.

26th July 1971.

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 give effect to section 11(1), (2) and (3) of and Schedule 5, paragraph 13(2), to the National Insurance Act 1971 by increasing the rate of allowance in respect of partial disablement, varying the conditions relating to a wife's earnings where she is residing with a person entitled to an increase of allowance on account of unemployability under the provisions of Article 7, increasing the allowance in respect of children where a person is entitled to such an increase of allowance, extending the Scheme to provide for a further increase of allowance under the said Article 7 by reference to a person's age corresponding to the increase of unemployability supplement under section 13A of the Industrial Injuries Act, and by making provision for payment of allowance to a third party. Minor consequential amendments are also made.

This Scheme is made in consequence of the National Insurance Act 1971, and accordingly, by virtue of Schedule 6, paragraph 2(2), of that Act, no draft of the Scheme has been laid before Parliament.