STATUTORY INSTRUMENTS

1985 No. 491

SOCIAL SECURITY

The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1985

Laid before Parliament in draft

Made - - - 21*st March* 1985

Coming into Operation 1*st April* 1985

Whereas a draft of the following Scheme was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, with the consent of the Treasury, in exercise of his powers under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975(**a**) and of all other powers enabling him in that behalf, hereby makes the said Scheme:—

Citation, interpretation and commencement

1. This Scheme, which may be cited as the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1985, shall be read as one with the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983(**b**) (hereinafter referred to as "the principal Scheme") and shall come into operation on 1st April 1985.

Interpretation of "Asbestosis"

2. In Article 1(2) of the principal Scheme (interpretation), there shall be inserted, after the entry relating to "the appropriate determining authority", the following entry:—

> "'asbestosis' means fibrosis of the parenchyma of the lungs due to the inhalation of asbestos dust;".

Addition of lung carcinoma to Schedule 1 to the principal Scheme

3. Schedule 1 to the principal Scheme shall be amended by the addition, at the end of the first and second columns thereof respectively, of the disease specified in the first column of the Schedule hereto and of the occupations set against the said disease in the second column of that Schedule.

(**a**) 1975 c.16.

(**b**) S.I. 1983/136; the relevant amending instrument is S.I. 1983/504.

Amendment of Schedule 4 to the principal Scheme

4. Schedule 4 to the principal Scheme shall be amended by the addition of "8" at the end of the first column thereof and of "1st April 1985" at the end of the second column thereof.

Revocation

5. Article 6(1)(*a*) of the principal Scheme (increase of allowance in respect of children) is hereby revoked.

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

Tony Newton,
Minister of State,
Department of Health and Social Security.

19th March 1985.

John Major,
A. G. Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

21st March 1985.

Article 3 SCHEDULE

Description of disease	Nature of occupation
8. Primary carcinoma of the lung where there is accompanying evidence of one or both of the following:— (*a*) asbestosis; (*b*) bilateral diffuse pleural thickening.	(*a*) The working or handling of asbestos or any admixture of asbestos; or (*b*) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or (*c*) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or (*d*) substantial exposure to dust arising from any of the foregoing operations.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme amends the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983 ("the principal Scheme") so as to add to the list of diseases, in respect of which benefit is payable out of the National Insurance Fund under the principal Scheme, a further disease falling within the category of malignant or potentially malignant neoplasms, namely lung carcinoma, when accompanied by asbestosis or bilateral diffuse pleural thickening.

Article 5 revokes Article 6(1)(*a*) of the principal Scheme, which relates to child dependency increases and which is now otiose following changes made to section 41 of the Social Security Act 1975 (c.14) by section 13 and paragraph 3 of Schedule 5 to the Health and Social Security Act 1984 (c.48).

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