STATUTORY INSTRUMENTS

1966 No. 164

WORKMEN'S COMPENSATION

The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966

Laid before Parliament in draft

Made - - - - 17*th February* 1966
Coming into Operation 1*st March* 1966

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

Now, therefore, the Minister of Pensions and National Insurance, with the consent of the Treasury, in exercise of powers conferred by the Pneumoconiosis and Byssinosis Benefit Act 1951(a), as extended by the Industrial Diseases (Benefit) Act 1954(b), and as further extended by the Workmen's Compensation and Benefit (Amendment) Act 1965(c), and of all other powers enabling her in that behalf, hereby makes the said Scheme:—

PART I

General

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966, and shall come into operation on the 1st March 1966.

(2) In this Scheme, unless the context otherwise requires—

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act 1965(d);

"the 1965 Act" means the Workmen's Compensation and Benefit (Amendment) Act 1965;

"the Supplementation Act" means the Workmen's Compensation (Supplementation) Act 1951;

"the Industrial Diseases (Benefit) Acts" means the Industrial Diseases (Benefit) Acts 1951 and 1954(e);

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts 1925 to 1945, and any enactments repealed by the Workmen's Compensation Act 1925(f);

"the Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations 1964(g);

"the Minister" means the Minister of Pensions and National Insurance;

"the Administrative Board" means the Administrative Board established under article 11 of this Scheme;

(a) 1951 c. 4. (b) 1954 c. 16. (c) 1965 c. 79. (d) 1965 c. 52.
(e) 1951 c. 4; 1954 c. 16. (f) 1925 c. 84. (g) S.I. 1964/504 (1964 I, p. 833).

" allowance " means an allowance payable by virtue of Part II of this Scheme and includes any increase thereof ;

" claimant " means a person claiming an allowance or death benefit under this Scheme and includes, in relation to the review of an award or a decision, a person entitled to benefit under the award or affected by the decision ;

" the Commissioner " and an " insurance officer " mean respectively the Commissioner and an insurance officer for the time being charged with the duty of determining claims and questions, other than special questions, under the Industrial Injuries Act ;

" corresponding disablement pension rate " means the weekly rate for the time being of a pension payable under Section 12(5) of the Industrial Injuries Act in respect of an assessment of one hundred per cent ;

" death benefit " means the benefit payable under this Scheme in respect of the death of any person ;

" Medical Board " means the Medical Board appointed under paragraph 3 of the Silicosis and Asbestosis (Medical Arrangements) Scheme 1931(a) ;

" a specially qualified medical practitioner " means a member of a Medical Board ;

" pneumoconiosis " means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust reticulation ; and in the case of a person who suffers or has suffered from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis may be treated as if they were the effects of the pneumoconiosis ;

" relevant injury or disease " in relation to any person means an injury or disease in respect of which he is or has at any time after 4th July 1956 been entitled to weekly payments by way of workmen's compensation or of an allowance payable by virtue of any scheme made under the Supplementation Act or the Industrial Diseases (Benefit) Acts, including this Scheme ;

" workmen's compensation " means compensation under the Workmen's Compensation Acts 1925 to 1945, the enactments repealed by the Workmen's Compensation Act 1925 and the enactments repealed by the Workmen's Compensation Act 1906(b) or under any contracting out scheme duly certified under any of those Acts or any payments under the Workmen's Compensation (War Addition) Acts 1917 and 1919(c) or under the Workmen's Compensation (Supplementary Allowances) Act 1940(d) as amended by the Workmen's Compensation (Temporary Increases) Act 1943(e).

(3) For the purposes of this Scheme—

(*a*) a claim for an allowance in respect of total disablement or total incapacity for work for a considerable period made by a person who has previously been awarded an allowance in respect of partial disablement shall be treated, for the purposes of the provisions relating to the making of claims, as a separate claim ;

(*b*) a period shall be treated as considerable if it lasts or can be expected to last for not less than 13 weeks ;

(*c*) a person may be treated as being, as the result of pneumoconiosis, byssinosis or any of the diseases set out in Schedule 1 hereto, or as the joint result of such a disease and one or more other relevant

(a) S.R. & O. 1931/341 (Rev. XXIV, p. 642: 1931 p. 680) (b) 1906 c. 58.
(c) 1917 c. 42; 1919 c. 83. (d) 1940 c. 47 (e) 1943 c. 49.

injuries or diseases, totally incapable of work and likely to remain so incapable for a considerable period notwithstanding that the disability resulting from the disease or, as the case may be, diseases or injuries taken together is not such as to prevent him from being capable of work, if it is likely to prevent his earnings (including any remuneration or profit derived from a gainful occupation) exceeding £104 a year.

(4) References in this Scheme to any enactment, scheme or regulations shall, unless the context otherwise requires, include references to such enactment, scheme or regulations as amended or reproduced by any subsequent enactment, order, scheme or regulations.

(5) Any notice or other document required or authorised to be given or sent to any person under the provisions of this Scheme shall be deemed to have been given or sent, if it was sent by post to that person at his ordinary or last known address.

(6) The provisions of Section 37 of the Interpretation Act 1889(a) and the rules for the construction of Acts of Parliament contained in that Act, shall apply in relation to this instrument and in relation to the revocations effected by it as if this instrument and the instruments revoked by it were Acts of Parliament, and as if each revocation were a repeal.

PART II

Allowances and Death Benefit

Benefit payable under this Scheme

2.—(1) Subject to the following provisions of this Scheme, benefit as hereinafter provided shall be payable out of the Industrial Injuries Fund to or in respect of any person—

(*a*) who is totally or partially disabled or dies, or who has died at any time after 31st December 1949 as a result of pneumoconiosis or byssinosis if the conditions in paragraph (2) of this Article are satisfied; or

(*b*) who is a person who is totally or partially disabled (such disablement being likely to be permanent) or dies or has died at any time after 31st December 1949 as a result of any of the diseases set out in the first column of Schedule 1 hereto if he was a person who has been employed in Great Britain before 5th July 1948 in any of the occupations set against that disease in the second column of that Schedule; or

(*c*) who, being a person who satisfies the conditions for benefit for partial disablement under sub-paragraph (*a*) or (*b*) of this paragraph, is totally incapable of work and likely to remain so incapable for a considerable period as a joint result, either of two or more of the diseases referred to in those sub-paragraphs or of one such disease and one or more other relevant injuries or diseases.

(2) Benefit shall only be payable to or in respect of any person who is disabled or dies or who has died as a result of pneumoconiosis or byssinosis—

(i) if he has been employed in Great Britain before 5th July 1948 in any of the occupations in the case of which the disease is prescribed in relation to insured persons employed in insurable employment by virtue of regulations made under Section 56 of the Industrial Injuries Act which are in force at the date on which this Scheme comes into operation or are made at any time thereafter during his lifetime;

(a) 1889 c. 63.

(ii) if, except in a case where benefit under this Scheme in respect of the disease has previously been awarded, the disease is not prescribed in relation to him under the Industrial Injuries Act;

(iii) if he is disabled or dies or has died as a result of byssinosis, having been employed for a period or periods amounting in the aggregate to not less than ten years in any of the occupations in the case of which that disease is prescribed as aforesaid;

(iv) if it is certified as provided in Article 16 or determined as provided in Article 15 as the case may require;

(*a*) that he is totally disabled as a result of the disease; or

(*b*) that, though not totally disabled, he is or was partially disabled within the meaning of Article 16 as a result of the disease; or

(*c*) that he has died as a result of the disease.

(3) For the purposes of this Scheme, the expression "partially disabled" means in relation to any person claiming benefit as a result of a disease other than pneumoconiosis or byssinosis that, though not totally disabled by any of the diseases set out in Schedule 1 hereto, that person is suffering from the disease to such a degree that his general physical capacity for employment is thereby impaired.

Restriction on payment of benefit

3. Benefit shall not be payable to or in respect of a person who is disabled or dies or has died as a result of pneumoconiosis or byssinosis or any of the said diseases set out in Schedule 1 hereto if throughout the relevant employment mentioned in Article 2 he was employed otherwise than as a workman within the meaning of the Workmen's Compensation Act 1925, or if in respect of any attack of the disease suffered by him—

(*a*) he or any person is or has been entitled to benefit under the Industrial Injuries Act;

(*b*) he or any other person would be or would have been so entitled but for the operation of Sections 29, 30 or 31 of that Act (which Sections relate respectively to adjustments for successive accidents, overlapping benefits and disqualifications, forfeitures and suspensions);

(*c*) he or any person is or has been entitled to any payment corresponding to such benefit under any legislation of Northern Ireland;

(*d*) he or any person being a member of his family within the meaning of the Workmen's Compensation Act 1925 has received or is entitled to compensation under the Workmen's Compensation Acts or by virtue of any scheme made or certified thereunder or by virtue of any scheme or law in force in any country or territory outside Great Britain providing for compensation in respect of the disease;

(*e*) he would have received or would be entitled to such compensation under the Workmen's Compensation Acts or by virtue of any scheme made or certified as aforesaid but for the fact that he was or is entitled to receive compensation in respect of disablement from any other disease or in respect of an injury by accident;

(*f*) he or his personal representative, or any of his relatives has recovered any sum by way of damages whether at common law or under the Fatal Accident Acts 1846 to 1959(**a**), or the Law Reform (Miscellaneous Provisions) Act 1934(**b**):

(**a**) 1846 c. 93; 1864 c. 95; 1959 c. 65. (**b**) 1934 c. 41.

Provided that the provisions of paragraphs (*d*) (*e*) and (*f*) of this Article shall not operate to prevent benefit from being payable to or in respect of any person in any case in which the Administrative Board are satisfied that the disablement or death in respect of which the claim is made is the result of a separate and fresh contraction of the disease.

Allowances payable under this Scheme

4.—(1) Subject to the provisions of this Scheme, the benefit payable—

(*a*) in cases of disablement due to pneumoconiosis, byssinosis or any of the diseases set out in Schedule 1 hereto shall be an allowance—

(i) for any period during which the disablement is total, at the corresponding disablement pension rate ; or

(ii) for any period during which the disablement is partial, at the weekly rate of 50s.:

Provided that for any such period during which a major incapacity allowance is payable by virtue of a scheme made under the Supplementation Act, the allowance shall be at the weekly rate of 20s. ;

(*b*) in cases of total incapacity for work for a considerable period as a joint result of two or more relevant injuries or diseases, at least one of which is a disease referred to in sub-paragraph (*a*) or (*b*) of Article 2(1), shall be an allowance at the corresponding disablement pension rate ;

and such allowances shall be payable in any such case at the appropriate rate from the date (not being a date earlier than the date on which this Scheme comes into operation) as from which the Administrative Board determine that the claimant was totally incapable of work or totally or partially so disabled, as the case may be, having regard, in the case of disablement due to pneumoconiosis or byssinosis, to the date certified by a Medical Board in accordance with the provisions of Article 16(6) :

Provided that—

(*a*) for any period during which the claimant is totally disabled as a result of one of the said diseases or totally incapable of work as a joint result of two or more of the said diseases or of one or more such diseases and one or more injuries or diseases entitling the claimant to workmen's compensation, the weekly rate of benefit shall be reduced—

(i) by the amount of any allowance payable to him in excess of 20s. for partial disablement due to any of the said diseases ; and

(ii) by the amount of any workmen's compensation payable to him in respect of any relevant injury or disease ;

(*b*) subject to the provision of paragraph (*a*) of this proviso, a person shall not, in respect of the same period, be entitled to receive two or more allowances under this Scheme at an aggregate weekly rate exceeding the corresponding disablement pension rate.

(2) A claimant shall not be entitled to an allowance unless he is ordinarily resident in the United Kingdom at the date of the claim or was, immediately before 10th March 1952, in receipt of any such benefit or payment as is mentioned in Article 10.

(3) An increase of allowance under the provisions of Articles 5, 6, 7 or 8 shall not be payable for any period during which the person entitled to the allowance is absent from the United Kingdom, unless that person is absent in circumstances which, by virtue of the provisions of regulation 30(2) of the Benefit Regulations, if that regulation referred to absence from the

United Kingdom, would except such a person from disqualification for receiving the increase of disablement pension under the Industrial Injuries Act corresponding to the increase of allowance claimed.

Increase of allowance in respect of a wife

5.—(1) For any period during which a person entitled to an allowance in respect of total disablement would under the provisions of the Industrial Injuries Act be treated as residing with his wife or contributing to her maintenance at a weekly rate of not less than the amount specified in paragraph (2) of this Article the weekly rate of the allowance payable to that person shall, subject to the provisions of Schedule 2 hereto, be increased by the amount specified in paragraph (2) of this Article.

(2) For the purposes of paragraph (1) of this Article and of paragraph 2 of the said Schedule 2, the specified amount shall be an amount equal to the increase of benefit in respect of an adult dependant, specified in paragraph 8 of Schedule 3 to the Industrial Injuries Act.

Increase of allowance in respect of children

6. For any period during which a person entitled to an allowance in respect of total disablement 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 if he were entitled to injury benefit:

Provided that an increase of an allowance under this Article in respect of a child or children shall not be payable for any period during which an allowance or an increase of benefit in respect of that child or those children is payable under the Industrial Injuries Act or the National Insurance Act 1965.

Increase of allowance on account of unemployability

7.—(1) Where a person could for the purposes of Section 13 of the Industrial Injuries Act (which relates to unemployability supplement) be treated as incapable of work and likely to remain permanently so incapable as the result of any disease in respect of which he is entitled to an allowance in respect of disablement, the weekly rate of the allowance payable to him shall, subject to the provision of paragraph (3) of this Article, be increased by an amount equal to the increase of disablement pension (if any) which would be payable to him under the said Section 13 if he were entitled to a disablement pension in respect of the disease.

(2) An increase of an allowance under this Article shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

(3) An increase of an allowance under this Article shall not be payable to any person for any period during which he is entitled to an increase of disablement pension by way of unemployability supplement under the said Section 13, or under Section 81 of the Industrial Injuries Act.

(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 Articles 5 and 6 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.

Increase of allowance when constant attendance needed

8.—(1) Where a person is entitled to an allowance in respect of total disablement and requires constant attendance as a result of that disablement the weekly rate of the allowance payable to him shall, subject to the provisions of paragraph (2) of this Article, be increased by an amount equal to the increase of disablement pension (if any) payable to him under Section 15 of the Industrial Injuries Act (which relates to constant attendance allowance) if he were entitled in respect of the disease to a disablement pension calculated by reference to an assessment of 100 per cent.

(2) An increase of an allowance under this Article shall not be payable to any person for any period during which he is entitled to an increase of disablement pension in respect of the need for constant attendance under the said Section 15 or under Section 81 of the Industrial Injuries Act.

Death Benefit

9.—(1) The benefit payable in cases of death due to pneumoconiosis, byssinosis or to any of the said diseases set out in Schedule 1 hereto shall be payable to or for the benefit of such of the dependants of the deceased as are specified in paragraph (2) of this Article, and subject to the following provisions of this Scheme, shall be a capital sum of an amount calculated in accordance with the provisions of paragraph (4) of this Article.

(2) The dependants of a person entitled to claim death benefit under this Scheme are such of the members of the deceased's family as were wholly or in part dependent on the earnings of the deceased at the time of his death, or are treated as being so dependent under the provisions of paragraph (3) of this Article, and for the purposes of this paragraph the expression "member of a family" has the same meaning as it has for the purposes of the Workmen's Compensation Act 1925:

Provided that for the purposes of this Article, a dependant shall be disregarded—

(*a*) where he was only in part dependent upon the earnings of the deceased and there is another dependant who was wholly so dependent and who is entitled to death benefit;

(*b*) where the dependant has died (whether he has made a claim for death benefit or not) before an award of such benefit in respect of the deceased has been made;

(*c*) where the dependant was not ordinarily resident in the United Kingdom at the date of the death of the deceased.

(3) For the purposes of paragraph (2) of this Article a person shall be treated as having been wholly or in part dependent (as the case may be) upon the earnings of the deceased at the time of his death if the following conditions or any of them are satisfied:—

(*a*) if that person would have been so dependent but for the disablement due to the disease;

(*b*) if that person, being the widow of the deceased, would have been so dependent but for the fact that she was in receipt of a retirement pension by virtue of her husband's insurance under the provisions of the National Insurance Act 1965;

(*c*) where the deceased was for such period immediately preceding his death as the Administrative Board may consider appropriate in receipt of a retirement pension under the provisions of the National Insurance Act 1965 and, in addition, satisfied the conditions for an increase of allow-

ance under Article 7 of this Scheme, if that person (being the widow of the deceased from whom he was not separated at the time of his death) was so dependent at the date of his retirement and would, but for his having been in receipt of such retirement pension, have continued to be so dependent to the date of his death.

(4) The capital sum payable by way of death benefit shall be calculated as follows:—

(*a*) if the deceased leaves any dependants wholly dependent on his earnings, the capital sum shall be £300;

(*b*) if the deceased does not leave any dependants wholly dependent on his earnings but leaves any dependants in part so dependent, the capital sum shall be such sum not exceeding £300 as may be determined by the Administrative Board to be reasonable and proportionate to the loss sustained by the said dependants.

Reduction of allowance or death benefit where benefit payable or paid under pre-1949 Benefit Schemes

10.—(1) Where benefit is payable or has been paid to or in respect of any person under the Byssinosis (Benefit) Scheme 1941(**a**) or the Pneumoconiosis (Benefit) Scheme 1943(**b**)

(*a*) the amount of an allowance payable to him for any period in respect of pneumoconiosis or byssinosis shall be reduced by the amount of any weekly payments of such benefit for the same period; and

(*b*) the amount of death benefit shall be reduced by the amount of any benefit paid or payable in respect of his death under the said Pneumoconiosis (Benefit) Scheme.

(2) For the purposes of paragraph (1) of this Article, any payments made by the National Coal Board to or in respect of a person in whose case benefit would have been payable under the Pneumoconiosis (Benefit) Scheme 1943, but for the fact that he was certified as totally disabled, or that he died, more than five years after the 1st July 1943, shall be treated as if they had been payments by way of benefit under the said Scheme up to the amount of the benefit which would have been so payable.

PART III

Constitution and procedure of the Administrative Board

Constitution of the Administrative Board

11.—(1) There shall be established for the administration of this Scheme and for the determination of all questions assigned to them under this Scheme an Administrative Board consisting of

(*a*) members appointed by the Minister, of whom one-third shall be chosen after consultation with such organisations representing employers and one-third after consultation with such organisations representing employed persons as the Minister thinks fit; and

(*b*) a Chairman and deputy Chairman appointed by the Minister.

(2) The Chairman and deputy Chairman shall be barristers or advocates of not less than ten years standing.

(**a**) S.R. & O. 1941/525 (Rev. XXIV, p. 561: 1941 I, p. 1239) as amended S.R. & O. 1944/504, 1947/826 (Rev. XXIV, p. 561: 1944 I, p. 1099; 1947 I, p. 2677) and modified S.I. 1950/476, 1951/671 (1950 II, p. 1522; 1951 II, p. 1399).

(**b**) S.R. & O. 1943/886 (Rev. XXIV, p. 597: 1943 I, p. 1016).

(3) The Chairman and deputy Chairman and other members of the Administrative Board shall hold office for such period as the Minister may fix in any particular case and shall be eligible for re-appointment.

(4) The Minister shall appoint a Secretary to the Administrative Board.

Procedure of the Administrative Board

12.—(1) The Administrative Board may meet together for the determination of all questions assigned to them under this Scheme and for the despatch of business, adjourn and otherwise regulate their meetings as they think fit.

(2) The proceedings of the Administrative Board shall not be invalidated—

(*a*) by any vacancy in their number or by any defect in the appointment of any member of the Administrative Board ;

(*b*) by the absence from any meeting of the Administrative Board of any member thereof:

Provided that the Administrative Board shall not proceed with the determination of any such question as is mentioned in paragraph (1) of this Article or with the despatch of any other business if both the Chairman and deputy Chairman are absent.

(3) Questions arising at any meeting shall be decided by a majority of votes and in the case of an equality of votes the Chairman, or in his absence the deputy Chairman, shall have a second or casting vote.

(4) The Administrative Board may delegate any of their powers to a sub-committee of the Administrative Board consisting of the Chairman or deputy Chairman and such other members as the Administrative Board may determine, and in particular may authorise any such sub-committee to determine any questions assigned to the Administrative Board under this Scheme and to exercise any of the powers of the Administrative Board under Article 13 relating to such determination.

(5) Subject to the provisions of this Article and of Article 13, the procedure at any meeting of the Administrative Board shall be such as the Administrative Board may from time to time determine.

(6) Every document purporting to be an instrument issued by the Administrative Board and to be signed by the Secretary to the Administrative Board or any person authorised to act in that behalf, shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

Procedure on determination of claims and questions

13.—(1) Any claim for an allowance for death benefit and any question arising in connection with a claim for or an award of an allowance or death benefit (other than such a question as is mentioned in Articles 15 to 17 inclusive) shall be determined by the Administrative Board in accordance with the provisions of Article 12 and of this Article.

(2) For the purpose of determining any question assigned to them under this Scheme in connection with a claim for an allowance or death benefit in respect of any of the diseases specified in Schedule 1 hereto the Administrative Board may refer the case to a registered medical practitioner for examination and report.

(3) Any claimant may make a request to the Administrative Board—

(*a*) for a hearing for the determination of any claim or question which they are required to determine under paragraph (1) of this Article ; or

(*b*) in a case of a disease specified in Schedule 1 hereto, for the reference of the case to a registered medical practitioner for examination and report;

and the Administrative Board shall grant the request unless they are satisfied that the claim or question can properly be determined without a hearing or without a reference, as the case may be, in which event they shall inform the claimant in writing and shall proceed with the determination of the case.

(4) If in accordance with the provisions of paragraph (3) of this Article a request for a hearing has been granted, or if notwithstanding no request has been made, the Administrative Board are otherwise satisfied that a hearing is desirable, reasonable notice of the time and place of the hearing shall be given to the claimant.

(5) Every such hearing shall be in public, except insofar as the Administrative Board for special reasons may otherwise direct.

(6) The Administrative Board may require persons to attend at any such hearing to give evidence and to produce documents reasonably required for the purpose of determining the claim.

(7) The claimant, or an association of employed persons of which the claimant is or has been a member, shall have the right to be heard at any hearing by the Administrative Board of his case and may be represented by counsel or solicitor or other representative at any such hearing.

(8) If the claimant should fail to appear either in person or by representative at the hearing the Administrative Board may proceed to determine the claim or question notwithstanding his absence or may give such direction with a view to the determination of the claim or question as they think proper.

(9) The Administrative Board shall in each case record their decision in writing and the claimant shall be informed in writing of the decision as soon as practicable.

Finality of decisions of the Administrative Board

14. Except as provided by Article 29 any decision given by the Administrative Board on a claim or question as provided by Article 13 shall be final for the purposes of this Scheme.

Reference of questions for determination under the Industrial Injuries Act

15.—(1) The following questions shall be determined in like manner as any corresponding question arising in respect of a claim for benefit under the Industrial Injuries Act—

(*a*) any question whether for any period a person would under the provisions of the Industrial Injuries Act be treated as residing with his wife or contributing towards her maintenance at a weekly rate not less than the amount specified in Article 5(2);

(*b*) any question whether for any period his wife is or was engaged in any gainful occupation or occupations from which her weekly earnings exceed or exceeded the amounts specified in regulation 9 of the Benefit Regulations;

(*c*) any question whether a person is or was a child of a person's family (or would under the provisions of the Industrial Injuries Act be treated as being a child of a person's family), and any question whether the

requirements of Section 17(3) and (4) and of Section 21(4) of the Industrial Injuries Act are satisfied;

(*d*) any question whether the conditions for an increase of an allowance on account of unemployability or in respect of the need for constant attendance set out in Article 7(1) and Article 8(1) respectively are or were satisfied and as to the amount of any such increase;

(*e*) any question arising on a claim for death benefit whether the deceased died as a result of pneumoconiosis or byssinosis.

(2) If on consideration of a claim or question the Administrative Board are of opinion that any such question as is mentioned in paragraph (1) of this Article arises, they shall refer that question to an insurance officer who shall himself determine the question or refer it for determination as required by that paragraph, and the determination of that question as provided by this Article shall be conclusive for the purposes of this Scheme subject to the same rights of appeal and review as would have been applicable if it had been given for the purposes of the Industrial Injuries Act:

Provided that the Administrative Board may postpone the reference of any such question to an insurance officer until after the other questions arising in connection with the claim have been determined, and in cases where the determination of any of those other questions disposes of the claim or any part thereof, may determine without any such reference that an award cannot be made in respect of the claim or that part of the claim.

Reference of questions in respect of pneumoconiosis or byssinosis, to medical authorities

16.—(1) Subject to the provisions of paragraph (2) of this Article, the Administrative Board on the consideration of a claim for an allowance in respect of pneumoconiosis or byssinosis shall refer the case to the Medical Board:

Provided that the Administrative Board may in their discretion determine the order in which cases shall be so referred.

(2) The Administrative Board need not refer the case as provided in paragraph (1) of this Article, but may determine that an award cannot be made on the claim, if the claimant fails to satisfy them—

(*a*) that he fulfils the conditions relating to the allowance apart from the condition as to a certificate;

(*b*) that there is reasonable cause for suspecting that he is totally or partially disabled within the meaning of this Scheme as a result of pneumoconiosis or byssinosis, or, where he has previously been awarded an allowance in respect of partial disablement and claims that he has become totally disabled, that he is totally so disabled.

(3) For the purpose of determining whether there is reasonable cause for suspecting that the claimant is totally or partially disabled by pneumoconiosis, the Administrative Board shall have power, in any case where they consider necessary, to obtain a radiological report on the case.

(4) Where a case is referred to the Medical Board under the provisions of paragraph (1) of this Article, the Medical Board shall, except as provided in paragraph (5) of this Article, examine the claimant and shall give a certificate—

(*a*) that the claimant is totally disabled as a result of the disease, if satisfied that he is so disabled;

(*b*) that the claimant is or was partially disabled as a result of the disease if satisfied—

(i) where the claim is made in respect of pneumoconiosis, that though not totally disabled as a result of the disease, he is or was suffering from the disease to such a degree that his general physical capacity for employment is or was impaired by reason of the disease ; or

(ii) where the claim is made in respect of byssinosis, that although not totally disabled as a result of the disease, he is or was suffering from the disease to such a degree that, if he had been insured against it under the Industrial Injuries Act, the resulting disablement would, in the opinion of the Medical Board, have been assessed at not less than the minimum degree of disablement for which disablement benefit in respect of byssinosis is payable under that Act :

Provided that in the case of a claimant disabled as a result of byssinosis, the Medical Board shall not give a certificate as provided in this paragraph unless satisfied that the disablement is likely to be permanent, in which event the Medical Board shall include a statement to that effect in the certificate.

(5) The Medical Board may give a certificate in accordance with the provisions of paragraph (4) of this Article without examining the claimant, if satisfied that such examination can be dispensed with, having regard to any medical reports available as a result of any previous examination of the claimant carried out by the Medical Board or a specially qualified medical practitioner, whether in accordance with this Scheme or otherwise, or if the claimant has died after having claimed the allowance but before having been examined by the Medical Board on the reference under paragraph (1) of this Article.

(6) A certificate given under paragraph (4) of this Article shall state—

(*a*) where the Medical Board is satisfied that the relevant condition specified in sub-paragraph (*a*) of that paragraph is fulfilled, the date (not being a date earlier than 10th March 1952) as from which it was fulfilled ;

(*b*) where the Medical Board is satisfied that the relevant condition specified in the sub-paragraph (*b*) of that paragraph is or was fulfilled, the date (not being a date earlier than 8th November 1954) as from which it was fulfilled.

(7) Any certificate given in pursuance of the provisions of this Article shall be signed by not less than two members of the Medical Board on behalf of the said Board and forwarded to the Administrative Board and shall for the purposes of this Scheme be conclusive evidence of the matters therein certified.

17. If on the consideration of any claim or question, it appears to the Administrative Board that the question—

(*a*) whether the claimant or any other person is or has been entitled to benefit under the Industrial Injuries Act in respect of the disablement or death ; or

(*b*) whether the disease is prescribed in relation to any person under that Act ;

is one of special difficulty, they may refer that question for determination by the Commissioner, who shall decide it in the same manner as if it were a question arising for determination by him under the Industrial Injuries Act, and his determination of that question shall, except as provided by Article 29(2), be conclusive for the purposes of this Scheme.

PART IV

Claims and Payments

Claims to be made to the Administrative Board in writing

18. Every claim for an allowance or for death benefit shall be made in writing to the Administrative Board, and, for the purposes of the provisions of this part of this Scheme relating to the making of claims, every increase of an allowance shall be treated as a separate benefit.

Information to be given when making a claim or obtaining payment of allowance or death benefit

19. Every person who makes a claim for or is entitled to an allowance or death benefit and every person to whom or on whose behalf sums are payable by way of an allowance or death benefit shall furnish in such manner and at such times as the Administrative Board or the Minister, as the case may be, may determine, such certificate, documents, information and evidence affecting the right to the allowance or death benefit or to the receipt of any sum payable by way of an allowance or death benefit as may reasonably be required by the Administrative Board or the Minister, and, if so required, shall for that purpose attend at such office or place as the Administrative Board or the Minister may direct.

Obligation to undergo medical examination

20. The Administrative Board may by notice in writing require any claimant for and any person in receipt of an allowance to undergo medical or other examination not less than three clear days after the day on which such notice was sent, and any such person shall comply with every such requirement and shall attend at every such place and at every such time as may be required.

Sums not payable when delay in claiming

21.—(1) An allowance, or an increase of an allowance, shall not be payable to any person in respect of any period more than six months before the claim for the allowance or the increase, as the case may be, is made, except that in any particular case the Administrative Board may determine that the allowance or increase shall be payable from such earlier date as they may consider reasonable in the circumstances, not being a date before the date from which, apart from this Article, the allowance or increase would be payable.

(2) Death benefit shall not be payable in respect of the death of any person to or for the benefit of any dependant who fails to make a claim for that benefit within a period of six months beginning with the day of the death:

Provided that, where in the opinion of the Administrative Board there is reasonable cause for failure to make the claim before the date on which it is made, that period shall be extended to the date on which the claim is made.

Payment of allowances

22. Payment of allowances shall be made by the Minister, and accordingly the provisions of the Industrial Injuries Act and of the regulations made or deemed to be made thereunder specified in Schedule 3 hereto shall be applicable with the necessary modifications to claims for and payment of allowances as the same apply to disablement benefit under that Act:

Provided that where an allowance is payable by means of orders for the payment through the Post Office of weekly sums on account of the allowance, the said weekly sums shall be payable on Thursdays.

Payment of death benefit

23.—(1) Any sums payable by way of death benefit shall be paid by the Minister for the benefit of the dependant or dependants entitled thereto into the county court of the district selected by the Administrative Board who, in a case where the said dependant or dependants or any of them has a place of residence in Great Britain, shall have regard to that place.

(2) Where money is paid into court under paragraph (1) of this Article—

(*a*) the Minister shall lodge with the registrar a form in duplicate, specifying the amount of the sum paid in and the names and addresses and relationship to the deceased of the dependants entitled thereto, and shall forthwith give notice to the said dependants of such payment having been made;

(*b*) the fee payable (being the fee payable on the payment into court of compensation for the benefit of the dependants of a deceased workman under the Workmen's Compensation Acts) shall be paid by the Minister.

(3) The proportion of the said amount payable to each dependant shall be settled by the county court.

(4) The provisions of Schedule 2 to the Workmen's Compensation Act 1925, and the rules of court made thereunder, shall have effect with respect to money paid into court under this Scheme and the application and investment thereof as if the same were money paid into court under that Act and as if the dependants entitled thereto under this Scheme were entitled to such money under the said Act.

(5) Where the amount of death benefit payable in any case is reduced by virtue of the provisions of Article 10, the sum payable by way of that benefit shall not be paid into the county court under the provisions of paragraph (1) of this Article, but shall be paid by the Minister to or for the benefit of the dependant or dependants entitled thereto in such manner as the Administrative Board may determine.

(6) In the application of this Article to Scotland, the expression "county court" means sheriff court; the expression "district" means sheriffdom; the expression "registrar" means sheriff clerk; and for any reference to rules of court there shall be substituted a reference to an Act of Sederunt.

Obligation to notify change of circumstances

24. Every person entitled to an allowance shall, as soon as may be practicable, notify the Minister in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any allowance or any part thereof awarded to him, or to the receipt of any such allowance or part, and the Minister shall thereupon notify the Administrative Board of any such change of circumstances.

Allowances to be inalienable

25. Subject to the following provisions of this Scheme every assignment of, or charge on, an allowance, and every agreement to assign or charge an allowance shall be void, and on the bankruptcy of a person entitled to an allowance, the allowance shall not pass to any trustee or other person acting on behalf of his creditors.

Forfeiture of allowances

26. If a claimant or person entitled to an allowance—

(*a*) fails without reasonable cause to comply with any requirement of Articles 19, 20 or 24, he shall, if the Administrative Board so decide,

forfeit any allowance which would, apart from this paragraph, be payable in respect of the period of such failure;

(*b*) wilfully obstructs or is guilty of other misconduct in connection with any medical or other examination which he is required under Article 20 to undergo, or with any proceedings under this Scheme for the determination of his right to an allowance or to the receipt thereof, he shall forfeit for such period as the Administrative Board shall determine any allowance which would, apart from this paragraph, be payable:

Provided that nothing in this Article providing for forfeiture of an allowance for failure to undergo medical or other examination or any obstruction or misconduct in connection with such examination shall authorise the disentitlement of the person concerned for a period exceeding six weeks on any forfeiture.

Suspension of payment of allowances

27. Where it appears to the Minister that a question has arisen whether an award of an allowance ought to be revised in accordance with Article 29, he may direct that the payment of the allowance shall be suspended in whole or in part until the question has been determined, but if he does so he shall forthwith refer the question to the Administrative Board for determination in accordance with the provisions of that Article.

Allowances during imprisonment

28.—(1) Where a person has become entitled, in respect of a period, or any part of a period, during which he is and has continuously been undergoing imprisonment or detention in legal custody, to sums by way of allowance which in the aggregate, either

(*a*) equal the total amount payable by way of an allowance for a period of one year; or

(*b*) together with any sums payable by virtue of any scheme made under the Supplementation Act in respect of such period of imprisonment or detention in legal custody, amount to £100;

then that person shall be disqualified from receiving any further sums by way of allowance in respect of such period, or any part thereof.

(2) The provisions of regulation 32 of the Benefit Regulations (which regulation relates to the suspension of payment of benefit during periods of imprisonment or detention in legal custody) shall be applicable with the necessary modifications to the payment of an allowance as the same apply to benefit under the Industrial Injuries Act.

PART V

Review, overpayments, recovery

Review of decisions of the Administrative Board

29.—(1) The Administrative Board may at any time and from time to time review any decision given by them under this Scheme—

(*a*) if it appears to them that the decision was erroneous

(i) in view of new facts which have been brought to their notice since the date on which it was given; or

(ii) by reason of some mistake being made with respect to the facts; or

(iii) by reason of some mistake being made with respect to the law; or

(*b*) if there has been any relevant change of circumstances since the decision was given ; or

(*c*) if the decision was based on the decision of any question such as is specified in Article 15, and the decision of that question is revised in accordance with the Industrial Injuries Act ; or

(*d*) if the decision was based on the decision of any such question as is mentioned in Article 17, and the decision on that question is revised in accordance with paragraph (2) of this Article.

(2) Any decision of the Commissioner under Article 17 may be reviewed at any time by the said Commissioner in any of the circumstances in which a decision of the Administrative Board may be reviewed under the provisions of heads (i) and (ii) of sub-paragraph (*a*) of paragraph (1) of this Article.

(3) A question may be raised by the claimant or the Minister with a view to the review of any decision of the Administrative Board or of the Commissioner by means of an application in writing stating the grounds of the application and made to the Administrative Board, who shall forthwith refer the application to the said Commissioner if it relates to a decision given by him.

(4) Where on review a decision of the Administrative Board is revised so as to make an allowance payable or to increase the rate of an allowance, then, subject to the provisions of this Scheme relating to the time of payment of allowances, the allowance shall be payable accordingly from such date as the Administrative Board may consider reasonable in the circumstances.

Requirement to repay wrongly paid allowances or death benefit

30.—(1) Where on review a decision of the Administrative Board is revised, the decision given on review shall require repayment to the Industrial Injuries Fund of any sums paid by way of an allowance or death benefit in pursuance of the original decision to the extent to which they would not have been payable if the decision on review had been given in the first instance:

Provided that subject to the provisions of paragraph (2) of this Article repayment of sums by way of an allowance or death benefit in pursuance of the original decision shall not be required under this paragraph in any case where it is shown to the satisfaction of the Administrative Board that in the obtaining and receiving of those sums the person concerned and any person acting for him has throughout used due care and diligence to avoid overpayment.

(2) Where on review a decision of the Administrative Board is revised so as, in respect of any period, to make an increase of an allowance under the provisions of Articles 5, 6, 7 or 8 not payable, or to reduce such increase, and the person concerned has also been awarded a corresponding increase of benefit under the National Insurance Act 1965, or the Industrial Injuries Act, as the case may be, the decision on review shall require repayment to the Industrial Injuries Fund, of so much of the said increase of the allowance paid in pursuance of the original decision of the Administrative Board as does not exceed the amount of the corresponding increase of benefit which has been so awarded in respect of the same period.

(3) Where in a case of total incapacity for work for a considerable period due wholly or in part, or in a case of disablement due to pneumoconiosis, byssinosis or to any of the diseases set out in Schedule 1 hereto, a decision of the Administrative Board is revised on review so as,

in respect of any period, to make an allowance not payable, and the person concerned has also been awarded benefit under the Industrial Injuries Act in respect of the same disease, the Administrative Board shall require repayment to the Industrial Injuries Fund of so much of the allowance paid in pursuance of the original decision of the Administrative Board as does not exceed the amount of the benefit under the Industrial Injuries Act which has been awarded in respect of the same period.

(4) Where by a decision on review or appeal an award of benefit under the Industrial Injuries Act in respect of any of the said diseases is revised so as, in respect of any period, to make the benefit not payable, and the person concerned has also been awarded an allowance in respect of the same disease, any benefit paid under the Industrial Injuries Act in pursuance of the award under that Act before the decision on review or appeal shall be treated as having been paid on account of the allowance payable for the same period except insofar as it has been directed to be repaid to the Industrial Injuries Fund by the decision on review or appeal.

Recovery of sums by deductions from allowances or benefit under the Industrial Injuries Act or allowances under a Supplementation Act scheme

31.—(1) Where any sums paid by way of an allowance are required to be repaid to the Industrial Injuries Fund under Article 30, such sums may, without prejudice to any other method of recovery, be deducted from any allowance or from any benefit under the Industrial Injuries Act or from any allowance under a scheme made under the Supplementation Act then or thereafter payable to the person by whom they are to be repaid or to any person entitled to receive any such allowance or benefit on his death and such deduction may be made at such rate as the Minister may determine.

(2) Where, in the case of any person, any sum may be recovered by deduction

(*a*) by virtue of any provision of the Industrial Injuries Act from any payment under that Act; or

(*b*) by virtue of any provision of a scheme made under the Supplementation Act from any payment under such scheme;

it may instead be recovered in whole or in part by deduction from any allowance then or thereafter payable to him or to any person entitled to receive such allowance on his death.

Set-off of overpayments on account of allowances

32. Where any person has received any sum under a scheme made under the Supplementation Act to which, by virtue of any provisions of such scheme he was disentitled by reason of his being entitled in respect of the same period to an allowance under this Scheme subsequently awarded, and there has not been a requirement to repay that sum (hereafter referred to as " the overpayment ") to the Industrial Injuries Fund, then the rate of the allowance, which would apart from this provision be payable for any week in that period, shall be reduced by the overpayment made in respect of that week.

PART VI

Transitional Provisions

Claims in respect of periods before commencement of Scheme

33. Any claim in respect of a period before the coming into operation of this Scheme, for an allowance payable by virtue of any scheme made under the Industrial Diseases (Benefit) Acts may be made, and when made, such

claim and any question arising in connection therewith shall be determined by the Administrative Board, or where appropriate by an insurance officer or by the Commissioner, and any allowance in respect of such a period shall be awarded and paid in accordance with the provisions of the appropriate scheme under the Industrial Diseases (Benefit) Acts which was in force during the said period.

Conditions for allowance satisfied by previous awards

34. Any allowance under this Scheme may be paid without any claim or award or awarded without any claim, if, in the opinion of the Minister or, as the case may be, the Administrative Board, evidence of the satisfaction of the conditions for that allowance is afforded by the award, in respect of a period before the coming into operation of this Scheme, of an allowance payable by virtue of a scheme made under the Industrial Diseases (Benefit) Acts or of an allowance under the Workmen's Compensation and Benefit (Supplementation) Act 1956.

Preservation of entitlement to larger amount of allowances

35. Any beneficiary who is entitled under the provisions of Section 3(2) or (3) of the 1965 Act, to payment of a greater amount or aggregate amount than he is entitled to receive by way of allowances under this Scheme and any scheme made under the Supplementation Act, shall, so long as he is so entitled, be paid by way of increase to the allowance or, if more than one, the largest allowance to which he is entitled under this Scheme, such a sum as will, in addition to the allowance or allowances payable to him by virtue of this Scheme and any scheme made under the Supplementation Act, ensure that the total amount or aggregate amount payable to him is the amount to which he is entitled by virtue of the said Section 3(2) or (3).

Transitional provisions as to review

36.—(1) The Administrative Board may at any time and from time to time review any decision given by an Administrative Board under any scheme made under the Industrial Diseases (Benefit) Acts in force immediately before the coming into operation of this Scheme as if it had been a decision given by them under this Scheme:

Provided that in respect of any period falling before the coming into operation of this Scheme, taken into account on such review, the question shall be determined and, if appropriate, the decision revised and an allowance awarded or paid in accordance with the provisions of the appropriate scheme in force during such period.

(2) On any such review as is mentioned in paragraph (1) of this Article a decision given by an insurance officer or by the Commissioner on any question referred to him for determination under any such scheme may be reviewed by such an insurance officer or, as the case may be, by the Commissioner in accordance with the provisions of that scheme.

Transitional provisions relating to the Administrative Board

37. The appointment by the Minister of the Chairman, deputy Chairman and other members of, and the Secretary to, the Administrative Board established for the administration of the schemes revoked by this Scheme, having effect immediately before the coming into operation of this Scheme, shall continue to have effect as if made under this Scheme and as if such appointment had been made to the Administrative Board established for the administration of this Scheme.

PART VII

Miscellaneous

Exemption from stamp duty

38. Stamp Duty shall not be chargeable upon such documents used in connection with business under this Scheme as are specified in Schedule 4 hereto.

Reciprocal arrangements with Northern Ireland

39. If in pursuance of Section 5(1) of the Supplementation Act (which relates to reciprocal arrangements with Northern Ireland) as applied by the Industrial Diseases (Benefit) Acts, the Minister makes reciprocal arrangements for payments under corresponding legislation of Northern Ireland to be made out of the Industrial Injuries Fund, the provisions of this Scheme shall apply in relation to such payments as if they were payments made under this Scheme.

Breach of requirements of Scheme

40. If any person contravenes or fails to comply with any requirement of Articles 19 or 24 he shall for such offence be liable on summary conviction to a penalty not exceeding £10.

Revocation of earlier schemes

41. The schemes specified in Schedule 5 hereto are, subject to the transitional provisions contained in Part VI of this Scheme, hereby revoked; and nothing in the said Part VI shall be taken as restricting the general application of Section 38 of the Interpretation Act 1889, as applied by Article 1(6) of this Scheme, with regard to the effect of these revocations.

Margaret Herbison,
Minister of Pensions and National Insurance.

16th February 1966.

We consent

John Silkin,
George Lawson,
Two of the Lords Commissioners of Her Majesty's Treasury.

17th February 1966.

Article 2 SCHEDULE 1

Diseases and occupations to which, in addition to pneumoconiosis and byssinosis, this Scheme applies

Description of disease	*Nature of occupation*
1. Epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil (including paraffin), or any compound, product, or residue of any of these substances, including scrotal epithelioma (chimney sweep's cancer).	Any occupation involving: The use or handling of, or exposure to, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances.
2. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissue or of the bones or anæmia of aplastic type due to x-rays, radium or other radio-active substance.	Exposure to x-rays, radium or other radio-active substance.

Article 5 SCHEDULE 2

Conditions relating to increase of allowance in respect of a wife

1. An increase of an allowance under the provisions of Article 5 in respect of a wife shall not be payable for any period for which an increase of disablement benefit in respect of a wife would not be payable under the provisions of—

(*a*) Section 31(1) of the Industrial Injuries Act (which sub-section relates to disqualification for periods of absence from Great Britain and of imprisonment): or

(*b*) Regulation 9 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):

Provided that for the purpose of this sub-paragraph the weekly earnings of a wife shall be ascertained in the manner specified in sub-paragraph (*b*) or (*c*) of paragraph (2) of the said regulation (which sub-paragraphs relate to computation of earnings), whichever is appropriate.

2. Where for any period—

(*a*) Any benefit payable otherwise than under this Scheme which is specified as a dependency benefit in regulation 5(2) of the National Insurance (Overlapping Benefits) Regulations 1948 (which regulation relates to the adjustment of dependency benefit under the National Insurance Act 1965, by reference to other dependency benefit) is payable to a person in respect of his wife or any other adult dependant or to any other person in respect of his wife; or

(*b*) Any one or more of the personal benefits specified in regulation 39(2) of the Benefit Regulations (which regulation relates to adjustment of dependency benefit under the Industrial Injuries Act by reference to personal benefits) is or are payable to his wife;

at a weekly rate or (if more than one) at an aggregate weekly rate—

(i) which is equal to or exceeds the amount specified in Article 5(2) then for that period an increase of an allowance in respect of his wife shall not be payable; or

(ii) of less than the amount specified in Article 5(2), then for that period such increase shall be reduced by an amount equal to the weekly rate or the aggregate weekly rate of such benefit or benefits.

SCHEDULE 3

Article 22

Provisions of the Industrial Injuries Act and of regulations made thereunder applicable (with the necessary modifications) to claims for and payment of allowances

Provisions of the Industrial Injuries Act and of the regulations made thereunder	*Subject matter*
Section 27(4)	Fractions of a penny to be disregarded.
The National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964(a)	
Regulation 15	Time and manner of payment of benefit.
Regulation 20	Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time.
Regulation 24	Persons unable to act.
Regulation 25	Payments on death.

SCHEDULE 4

Article 38

Documents exempt from Stamp Duty

1. Draft or order or receipt given in respect of an allowance or death benefit.
2. Appointment or revocation of an appointment of an agent and any other document authorised by or in pursuance of this Scheme or otherwise required to give effect to the provisions of this Scheme.

SCHEDULE 5

Article 41

SCHEMES REVOKED

Citation	*References*
The Pneumoconiosis and Byssinosis Benefit Scheme 1952.	S.I. 1952/373 (1952 III, p. 3966).
The Pneumoconiosis and Byssinosis Benefit (Amendment) Scheme 1952.	S.I. 1952/1301 (1952 III, p. 3983).
The Industrial Diseases (Miscellaneous) Benefit Scheme 1954.	S.I. 1954/1443 (1954 II, p. 2949).
The Pneumoconiosis and Byssinosis Benefit Amendment Scheme 1954.	S.I. 1954/1444 (1954 II, p. 2964).
The Pneumoconiosis and Byssinosis Benefit Amendment Scheme 1957.	S.I. 1957/2212 (1957 II, p. 3063).
The Pneumoconiosis and Byssinosis Benefit Amendment Scheme 1958.	S.I. 1958/1240 (1958 II, p. 2877).
The Industrial Diseases (Miscellaneous) Benefit Amendment Scheme 1962.	S.I. 1962/281 (1962 I, p. 263).
The Pneumoconiosis and Byssinosis Benefit Amendment Scheme 1962.	S.I. 1962/282 (1962 I, p. 266).

(a) S.I. 1964/73 (1964 I, p. 115).

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme revokes and replaces with extensions and amendments the Pneumoconiosis and Byssinosis Benefit Scheme 1951 and the Industrial Diseases (Miscellaneous) Benefit Scheme 1954 and subsequent amendment schemes under each head.

The Scheme provides for payment of benefit out of the Industrial Injuries Fund in respect of disablement or death from certain diseases arising out of employment before 5th July 1948 in cases where neither workmen's compensation nor benefit under the National Insurance (Industrial Injuries) Act 1965, is payable. It applies to all persons covered by the revoked schemes and to those formerly entitled to allowances for total incapacity or disablement (as a result, wholly or partly, of such a disease) provided by the Workmen's Compensation and Benefit (Supplementation) Act 1956 (which is repealed by the 1965 Act).

The Scheme provides for administration by a Board appointed by the Minister, and contains detailed provisions relating to claims and payments and other incidental matters based on the corresponding provisions of the Industrial Injuries Act. It also contains transitional provisions.