STATUTORY INSTRUMENTS

1979 No. 727

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Determination of Claims) Regulations 1979

Made - - - -	26*th June* 1979
Laid before Parliament	3*rd July* 1979
Coming into Operation	4*th July* 1979

The Secretary of State in exercise of the power conferred on him by sections 4, 5 and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Determination of Claims) Regulations 1979 and shall come into operation on 4th July 1979.

(2) In these Regulations "the Act" means the Pneumoconiosis etc. (Workers' Compensation) Act 1979.

(3) Any reference in these Regulations to a numbered Regulation shall be construed as a reference to the Regulation bearing that number in these Regulations.

Manner of making claims

2. Any claim made under the provisions of the Act, by a person who is disabled by a disease to which the Act applies or by the dependant of a person who, immediately before he died, was disabled by a disease to which the Act applies, shall be made in writing, signed by or on behalf of the person making the claim, in such form, provided by the Secretary of State, as he may determine.

Time for making claims

3.—(1) In the case of a person disabled by a disease to which the Act applies no claim shall be considered for payment by the Secretary of State unless it is made within the period of 12 months from the date on which disablement benefit first became payable to that person or, if such benefit first became payable before the Act came into force, before 4th July 1980.

(2) In the case of a dependant of a person who immediately before he died was disabled by a disease to which the Act applies no claim shall be considered for payment by the Secretary of State unless it is made within the period of 12 months from the date of the deceased's death or, if such death occurred before the Act came into force, before 4th July 1980.

(a) 1979 c. 41.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this Regulation the Secretary of State may extend the period for making any claims referred to in the said paragraphs for such further period as he considers appropriate, having regard to the circumstances of any particular case.

Particulars to be supplied as respects claims

4. As respects any claim made under the provisions of the Act the Secretary of State may require the applicant to give such information in relation to the claim and supply such evidence in connection therewith as will enable the Secretary of State to adequately determine any such claim.

Reconsideration by Secretary of State

5. Any person who has made a claim for payment under the provisions of the Act, the Secretary of State having determined in relation to that claim that payment should not be made, may apply to the Secretary of State for reconsideration of the determination on either of the grounds specified in section 5 of the Act, namely that there has been a material change of circumstances since the determination was made or that the determination was made in ignorance of, or was based on a mistake as to, some material fact.

Manner of application for reconsideration

6. Any application for reconsideration referred to in Regulation 5 shall be made in writing to the Secretary of State and signed by or on behalf of the person making the claim. Any person making such application shall specify the grounds upon which it is requested that the said determination be reconsidered and shall give such other relevant information as the Secretary of State may require in order that he may adequately deal with the said reconsideration.

Time for application for reconsideration

7.—(1) In the case of a person disabled by a disease to which the Act applies, application for reconsideration on the ground that there has been a material change of circumstances since the determination was made, shall be made, in each case, to the Secretary of State within the period of 12 months from the date on which disablement benefit first became payable to that person or, if such benefit first became payable before the Act came into force, before 4th July 1980.

(2) In the case of the dependant of a person who, immediately before he died, was disabled by a disease to which the Act applies, application for reconsideration on the ground that there has been a material change of circumstances since the determination was made shall be made to the Secretary of State within the period of 12 months from the date of the deceased's death or, if such death occurred before the Act came into force, before 4th July 1980.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this Regulation the Secretary of State may extend the period for reconsideration referred to in the said paragraphs for such further period as he considers appropriate, having regard to the circumstances of any particular case.

(4) In the case of a person disabled by a disease to which the Act applies or in the case of the dependant of a person who, immediately before he died, was disabled by a disease to which the Act applies, application for reconsideration on the ground that the determination was made in ignorance of, or was based on a mistake as to, some material fact, shall be made, in each case, to

the Secretary of State within a period of 3 months from the date on which the applicant became aware that the determination appeared to be so made or so based.

Reconsideration on the motion of the Secretary of State

8. The Secretary of State may, if he sees fit, at any time, of his own motion, institute a reconsideration of a determination on either of the grounds specified in sub-section (1) of section 5 of the Act.

Patrick Mayhew,

Joint Parliamentary Under-Secretary of State,
Department of Employment.

Signed by order of the Secretary of State.
26th June 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply throughout Great Britain, prescribe the manner in which claims for payment must be made for determination by the Secretary of State under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 and also the manner in which applications for reconsideration of such determinations must be made. Time limits for making such claims and applications are prescribed, though the Secretary of State has power to extend these time limits where appropriate.

The Regulations apply to the diseases to which the 1979 Act applies, namely to pneumoconiosis, byssinosis and diffuse mesothelioma.

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