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## STATUTORY INSTRUMENTS

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**1984 No. 453**

### **SOCIAL SECURITY**

#### **The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1984**

<i>Made</i>	- - - -	<i>26th March 1984</i>
<i>Laid before Parliament</i>		<i>2nd April 1984</i>
<i>Coming into Operation</i>		<i>23rd April 1984</i>

The Secretary of State for Social Services, after consultation with the Council on Tribunals in so far as is required by section 10 of the Tribunals and Inquiries Act 1971, and with the consent of the Treasury, in exercise of the powers conferred by sections 2, 4(2), (3), (4), (8) and 8(1) and (3) of the Industrial Injuries and Diseases (Old Cases) Act 1975<sup>(1)</sup> and of all other powers enabling him in that behalf, by this instrument, which is made in consequence of section 25 of and Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 and which is accordingly exempt from the requirement of section 4(8)(a) of the Industrial Injuries and Diseases (Old Cases) Act 1975 (scheme not to be made unless a draft of that scheme has been approved by resolution of each House of Parliament)<sup>(2)</sup>, hereby makes the following scheme:—

#### **Citation, interpretation and commencement**

1. This scheme, which may be cited as the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1984, shall be read as one with the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983<sup>(3)</sup> (“the principal scheme”) and shall come into operation on 23rd April 1984.

#### **Amendment of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983**

2.—(1) The principal scheme shall be amended in accordance with the following provisions of this article.

(2) In article 12 of the principal scheme for the reference to the Social Security (Determination of Claims and Questions) Regulations 1975 there shall be substituted a reference to the Social Security (Adjudication) Regulations 1984.

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(1) , as amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), section 11(1).

(2) See Health and Social Services and Social Security Adjudications Act 1983, Schedule 8, paragraph 31(4).

(3) , to which there is an amendment not relevant to this Scheme.

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(3) In Schedule 3 to the principal scheme for the entries relating to the Social Security (Determination of Claims and Questions) Regulations 1975 there shall be substituted the following entries—

“The Social Security (Adjudication) Regulations 1984	
Regulation 2	Procedure in connection with determinations; and right to representation.
Regulation 3	Manner of making applications, appeals or references; and time limits.
Regulation 4	Oral hearings.
Regulation 5	Postponement and adjournment.
Regulation 6	Withdrawal of appeals, applications for leave to appeal and references.
Regulation 7	Medical references.
Regulation 8	Non-disclosure of medical evidence.
Regulation 9	Correction of accidental errors in decisions.
Regulation 10	Setting aside of decisions on certain grounds.
Regulation 11	Provisions common to regulations 9 and 10.
Regulation 17	Procedure on claim or question involving question for determination by the Secretary of State.
Regulation 18	Oral hearing of appeals and references.
Regulation 19	Decisions of appeal tribunals.
Regulation 26	Procedure before Commissioner on application for leave to appeal or appeal.
Regulation 83	Review of decisions involving payment or increase of industrial injuries benefit.
Regulation 85	Adjustment of industrial injuries benefit on review or appeal.”

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

22nd March 1984

*Tony Newton*  
Parliamentary Under-Secretary of State  
Department of Health and Social Security

We consent.

26th March 1984

*Alastair Goodlad*  
*Donald Thompson*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## EXPLANATORY NOTE

This scheme makes amendments to the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983 (“the principal scheme”) consequential on the passing of the Health and Social Services and Social Security Adjudications Act 1983 and the making of the Social Security (Adjudication) Regulations 1984.

It substitutes for the references to the Social Security (Determination of Claims and Questions) Regulations 1975 (S.I. 1975/558) in article 12 of and Schedule 3 to the principal scheme references to the corresponding provisions of the Social Security (Adjudication) Regulations 1984.