

*A guide to*

# Industrial Injuries Benefits

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# *Abbreviations*

<b>AA</b>	Attendance Allowance
<b>CA</b>	Carer's Allowance
<b>CAA</b>	Constant Attendance Allowance
<b>CHB</b>	Child Benefit
<b>DLA</b>	Disability Living Allowance
<b>ESDA</b>	Exceptionally Severe Disablement Allowance
<b>IA</b>	Industrial accident
<b>IB</b>	Incapacity Benefit
<b>IDB</b>	Industrial Death Benefit
<b>IIB</b>	Industrial Injuries Benefits
<b>IIDB</b>	Industrial Injuries Disablement Benefit
<b>IS</b>	Income Support
<b>IVB</b>	Invalidity Benefit
<b>JSA</b>	Jobseeker's Allowance
<b>LA</b>	Local Authority
<b>MA</b>	Medical Adviser
<b>MOP</b>	Method of Payment
<b>PB&amp;MDB</b>	Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme
<b>PD</b>	Prescribed Disease
<b>RA</b>	Retirement Allowance
<b>REA</b>	Reduced Earnings Allowance
<b>RLOF</b>	Relevant Loss of Faculty
<b>RP</b>	Retirement Pension
<b>Sched</b>	Schedule
<b>SDA</b>	Severe Disablement Allowance

## Abbreviations

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<b>TAPS</b>	Transcontinental Automated Payment System
<b>TAS</b>	The Appeals Service
<b>UK</b>	United Kingdom
<b>UNSUPP</b>	Unemployability Supplement
<b>WC (Supp)</b>	Workmen's Compensation (Supplementation) Scheme

## *About this guide*

This is one of several guides that give detailed information about social security benefits.

It is intended for professional advisers and members of the public who want to know more about benefits for people who are disabled as a result of injuries or diseases arising from work.

There are three Industrial Injuries Benefits leaflets, *SD6 Ill or disabled because of a disease or deafness caused by work?*, *SD7 Disabled because of an accident at work?* And *SD8 Ill or disabled because of working with asbestos in your job?*

You can get these leaflets from Jobcentre Plus or social security offices.

### *This guide and the law*

The guide gives a detailed explanation about benefits for people who are disabled as a result of injuries or diseases arising from work. It cannot cover every situation or problem, or provide a full interpretation of the rules in all cases. So it must not be treated as a complete and authoritative statement of the law.

The basis of the law for these benefits is contained in the Social Security Act 1998, the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992. These Acts provide the framework for the detailed rules contained in regulations and orders made by the Secretary of State and approved by Parliament.

In the text there are references to the relevant Acts, Regulations or Schedules to allow you to consult the legislation. These documents are listed in 'Further information' (see page 87) which tells you where you can consult them.

# *Introduction to the Industrial Injuries Scheme*

The Industrial Injuries Scheme provides non-contributory no-fault benefits for disablement because of an accident at work, or because of one of over 70 prescribed diseases known to be a risk from certain jobs. (See Appendix 1 for a list of the prescribed diseases.)

The benefits payable under the scheme are sometimes described as Industrial Injuries Benefits (IIB).

SS C&B Act 1992 sec 2(1)(a)

Benefits are paid to employees who are liable to pay income tax under Schedule E on wages, salaries or fees.

SS C&B Act 1992 sec 2(1)(b)

Accidents or diseases which arise out of self-employment or service in HM forces are not included in the scheme.

SS C&B Act 1992 sec 115

The Department for Education and Skills (DfES) has a similar scheme for trainees and the Home Office also has one for prisoners.

All Industrial Injuries Benefits except Industrial Death Benefit, are tax free.

They are payable in addition to other incapacity and disability benefits but taken into account against income-related benefits.

The Industrial Injuries Benefits are:

- Industrial Injuries Disablement Benefit
- Constant Attendance Allowance
- Exceptionally Severe Disablement Allowance
- Reduced Earnings Allowance
- Retirement Allowance
- Industrial Death Benefit
- Unemployability Supplement

and benefits payable under the:

- Workmen's Compensation (Supplementation) Scheme
- Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme.

### ***If you cannot act for yourself***

SS (C&P) Regs 1987 reg 33

If you wish to claim for any of these benefits but you are unable to act for yourself because of physical or mental incapacity, the Secretary of State can appoint someone to act on your behalf. If this happens, the person appointed is responsible for dealing with all your social security affairs, including claiming and receiving benefits. They are also responsible for notifying any changes of circumstances which may affect your benefit.

SS (C&P) Regs 1987  
reg 20A(4)(b)

If you are able to handle your own affairs but want someone else to collect your benefit for you regularly, you may be able to make arrangements with your bank, building society or, if you have a Post Office® card account, the Post Office. Please ask them to help you with this.

If you are paid by order book, you should consider having your benefit paid directly into an account. For further details please read the 'How you are paid' paragraphs on page 26 of this guide.

If you continue to be paid by order book, you can arrange for someone else to collect your money.

### ***If someone who was disabled because of an accident at work or a prescribed disease dies***

SS (C&P) Regs 1987  
reg 30(5)

If someone who has not claimed Industrial Injuries Disablement Benefit dies, but they would have qualified for this benefit, a claim can be made on their behalf, for example by a widow.

SS (C&P) Regs 1987  
reg 30(2)

If someone who has claimed Industrial Injuries Disablement Benefit dies, any outstanding benefit can be paid to a third party, for example an executor or next of kin.

# *Industrial Injuries Disablement Benefit*

SS C&B Act 1992 sec 94 –  
accidents

SS C&B Act 1992 sec 108 –  
prescribed diseases

Industrial Injuries Disablement Benefit is a weekly benefit paid to people who become disabled because of an accident at work or due to certain prescribed diseases caused by their job on or after 5 July 1948. (See Appendix 1 for a list of prescribed diseases.)

The amount you get depends on how badly you are disabled as a result of the industrial injury or disease.

## *Eligibility*

### *Employed earner's employment*

SS C&B Act 1992 sec 94 –  
accidents

SS C&B Act 1992 sec 108 –  
prescribed diseases

Only employed earners, or people who can be treated as employed earners, are covered by the Industrial Injuries Scheme.

SS C&B Act 1992 sec 2(1)(a)

An employed earner is a person who is gainfully employed in Great Britain either under a contract of service or is an office holder (for example, a company director), and is liable to pay income tax under Schedule E on their salary, wages or fees.

Some people who are not employed earners are treated as though they were for the purposes of the scheme, for example:

- special constables, who are not paid and so cannot be said to be working for reward
- agency staff who are self-employed under a contract for services but are still liable to pay Class 1 National Insurance (NI) contributions in respect of their earnings.

SS (Employed Earners  
Employment for Industrial  
Injuries Purposes) Regs 1975  
Sched 1 Part 1 & Sched 3

You do not need to have paid any NI contributions in order to claim Industrial Injuries Disablement Benefit.

If your accident or disease is caused by self-employed work or employment not treated as employed earner's employment, you are not covered by the scheme.

Trainees who have an accident or contract a disease during the course of a training scheme run by the Department for Education and Skills (DfES) cannot get industrial injuries benefits. But there is a similar scheme run by the DfES for these people.

SS C&B Act 1992 sec 115(2) You cannot get industrial injuries benefits for accidents which occur or diseases contracted while serving in HM forces. You may be able to get compensation through the War Pensions Scheme.

If you are not sure whether you are covered you should ask at your social security office.

The decision maker will give an informal opinion on employed earner's employment and if it is accepted that the employment is as an employed earner no further question on employment status arises.

If it is not accepted that the employment is as an employed earner, any claim to benefit will be disallowed. If you dispute a disallowance, your papers will be sent to the Inland Revenue for a formal decision on employed earner's employment.

### ***Residence in Great Britain***

You must normally have had the accident or got the disease in Great Britain, but you may still get benefit if:

SS C&B Act 1992 sec 117  
SSB (PA) Regs 1975  
reg 10c & 11

- you were a mariner, airman, worked on the continental shelf of the United Kingdom, or worked in another European Community (EC) country or Norway

SS Contributions Regs 1979  
reg 120

- your employer was paying Class 1 NI contributions for you while you were working out of the country

SSB (PA) Regs 1975  
reg 10(c)5 & 6

- you were paying special Class 2 contributions as a volunteer development worker
- you worked in one of the countries with which Great Britain has an agreement covering industrial injuries.

## *How to claim Industrial Injuries Disablement Benefit*

### ***Obtaining a claim form***

Contact your social security office for a claim form. You can get the address of your nearest office from the post office or by looking in the business section of the phone book under **Jobcentre Plus or social security**.

You can also access the claim forms on the DWP website. The address is **[www.dwp.gov.uk](http://www.dwp.gov.uk)**

The claim forms are:

BI100A	Accidents
BI100B	Diseases (other than specific ones covered below)
BI100C	Chronic bronchitis/emphysema
BI100E	Allergic rhinitis
BI100—OA	Occupational asthma
BI100—OD	Occupational deafness
BI100PN	Pneumoconiosis, byssinosis, diffuse mesothelioma, diffuse pleural thickening and lung cancer (when accompanied by asbestosis or diffuse pleural thickening).

Not every social security office deals with these claims. You may be referred to another office that deals with this benefit.

### ***When to claim***

If you think you have a disease caused by your job, claim Industrial Injuries Disablement Benefit straight away.

If you have an accident, claim 2 months after the accident. This is because you cannot get benefit for the first 15 weeks (90 days not including Sundays) after your accident and you will not normally be medically examined until after this time.

If you have any relevant medical evidence, send it with your claim form but do not delay claiming by trying to get a fresh report.

Do not delay claiming. If you do you may lose some benefits. This is because Industrial Injuries Disablement Benefit cannot be paid:



SS (C&P) Regs 1987  
reg 19(1) & Sched 4

- for a period more than 3 months before the date of your claim

SS&CS (D&A) Regs 1999  
reg 7(2)

- more than one month before the date of claim, if you are already receiving Industrial Injuries Disablement Benefit for other accidents or diseases.

Different rules apply to claims for occupational deafness. You cannot get benefit for any period before the date of claim – see the ‘Prescribed diseases’ on pages 30–45.

SS (C&P) Regs 1987 reg 6

The date of your claim is the date your fully completed claim form is received by a Jobcentre Plus or social security office. It is very important that you fill in all the details on the form carefully and return it to your Jobcentre Plus or social security office as soon as possible.

If you want help filling in your claim form, or any part of it, ring the **Benefit Enquiry Line** for people with disabilities. The phone number is **0800 88 22 00**.

# *Industrial accidents*

An 'accident' for Industrial Injuries Disablement Benefit purposes means any unintended happening or incident at work that has arisen out of and in the course of your employment, and has resulted in a personal injury.

SS Act 1998 sec 29 6(b)

It must have arisen from employed earner's employment that took place on or after 5 July 1948.

You can only get benefit if the accident results in personal injury (also described as loss of faculty). It does not matter if the effect of the injury is immediate (for example, if you break your leg in a fall) or is delayed (for example, a blow to the knee which leads to impaired mobility at a later time).

SS C&B Act 1992 sec 99

Generally an accident which happens when you are at work is accepted as having happened as a result of your work, unless there is some evidence that this is not so. Whether or not you are considered to be at work at a particular time depends on the circumstances in each case. For example, you cannot normally be regarded as being at work when you are travelling to or from work, but you may be if you are in transport provided by your employer.

An accident can be treated as having happened when you were at work and as a result of your work if it occurred:

because you were doing something you were employed to do

or because your work put you at special risk

SS C&B Act 1992 sec 100

or while you were helping in an emergency, for instance in rescue work at any premises used for your employer's business.

If you were doing something which your employer does not allow you to do, or the rules for your job do not allow you to do, the accident may still be treated as having happened during, and as a result of, your work, if what you were doing was done for the purpose of your employer's business and was within the scope of your job.

In some other unusual cases, such as 'skylarking' by workmates, an accident can be covered if it happens through no fault of your own while you are at work.

## *Notification of accident*

If you suffer an accident at work you are required to give notice of the accident to one of the following people:

- your employer
- any foreman or other official in charge
- any person designated by your employer for that purpose.

The following details must be provided either orally or in writing:

- your full name, address and occupation
- the date, time and place where the accident happened
- the cause and nature of the injury.

SS Administration Act 1992  
sec 8  
SS (C&P) Regs 1987  
reg 24 & 25

An accident book or an equivalent electronic record must be maintained by any employer who:

- owns or occupies any mine or quarry
- owns or occupies any premises to which any of the provisions of the Factory Act 1961 apply
- normally employs ten or more people at the same time or about the same premises in connection with a trade or business carried on by that employer.

The accident book or electronic record must be readily accessible.

## *Accident declarations*

You can apply for a declaration that your accident is an industrial accident.

### ***How to apply***

**An accident declaration is not a claim for benefit but will be helpful if you decide to claim benefit for your accident in the future.**

**If you wish to claim Industrial Injuries Disablement Benefit for an accident at work you should complete a form BI100A.**

You can get an accident declaration form (BI95) from your social security office. You can do this immediately even if you do not claim benefit until later, perhaps because disablement is not immediate. You can also access form BI95 on the DWP website. The address is

**[www.dwp.gov.uk](http://www.dwp.gov.uk)**

### ***How an accident declaration is dealt with***

Once your Jobcentre Plus or social security office receives a form BI95, they will normally write to your employer to verify the accident.

Confirmation is needed of the following:

- the time, date and place of the accident
- that the accident arose out of and in the course of your employment
- that your employment was employed earner's employment
- that the employment was in Great Britain or was covered by special provisions.

SS C&B Act 1992  
sec 94–101

The accident must have happened in the course of your employment while you were doing something which:

you were authorised, expressly or by implication, to do by your employer

or was so closely related to your employment that it was reasonable for you to be doing it

or is covered by the special provisions regarding actions in an emergency, transport provided by the employer, breach of the rules or accident caused by another person's behaviour.

If your employer is no longer trading, and the location of their records is not known, you will be asked to provide details of any witnesses to the accident.

### ***The accident declaration decision***

Once the decision maker in the office has all the relevant information about the accident, they will then make their decision, and notify you in writing.

SS Act 1998 sec 29(3)

The decision maker may refuse to decide the accident question if satisfied that it is unlikely to be needed for any claim to benefit.

### ***If you disagree with the decision***

See NI260 DMA – *A guide to Dispute, Supersession and Appeal.*

## *Making a benefit claim for an industrial accident*

### ***When to claim***

If you have an accident, claim 2 months after the accident. This is because you cannot get benefit for the first 15 weeks (90 days not including Sundays) after your accident and you will not normally be medically examined until after this time.

If you have any relevant medical evidence send it with your claim form but do not delay claiming by trying to get a fresh report.

Do not delay claiming. If you do you may lose some benefits. This is because Industrial Injuries Disablement Benefit cannot be paid:

SS (C&P) Regs 1987  
reg 19(1) & Sched 4

- for a period more than 3 months before the date of your claim
- or if you are already in receipt of Industrial Injuries Disablement Benefit for other accidents or diseases, more than one month before the date of claim.

### ***How to claim***

Contact your social security office for a claim form BI100A. You can get the address of your nearest office from the post office or by looking in the business section of the phone book under **Jobcentre Plus** or **social security**.

You can also access form BI100A on the DWP website. The address is **[www.dwp.gov.uk](http://www.dwp.gov.uk)**

SS (C&P) Regs 1987 reg 6

The date of your claim is the date your fully completed claim form is received by a social security office. It is very important that you carefully fill in all the details on the form and return it to your Jobcentre Plus or social security office as soon as possible.

If you want help filling in your claim form, or any part of it, ring the **Benefit Enquiry Line** for people with disabilities. The telephone number is **0800 88 22 00**.

You will be sent a written acknowledgement that the claim form has been received.

If the accident has already been investigated we will not have to write to your employer again. If it has not we will need to contact your employer for verification of the accident.

SS Act 1998 sec 19(1)

Once you have made a claim and the decision maker has accepted that you have suffered an industrial accident, you may then be asked to attend a medical examination.

SS Act 1998 sec 19(3)

If you are asked to attend a medical examination and you fail to turn up without good cause, your claim will be disallowed.

### ***About the medical examination***

Your medical examination will be carried out by one or possibly two experienced medical practitioners.

These doctors are specially trained in industrial injuries disablement matters.

SS (C&P) Regs 1987 reg 26

If you can travel, you will be told when and where to go for the examination. You will be told what out-of-pocket expenses you can claim. If you are not fit to travel alone, someone can travel with you.

If you are not fit to travel, you can also request an examination at home.

The medical examination will be held in private but you may be able to take a companion if the doctor allows it. Occasionally you may be asked if an observer can be present.

You can give the doctor any evidence which was not included with your claim form, if you think it will help them to give an opinion on your disablement.

If you have attended a hospital following an industrial accident, the doctor may seek further information from the hospital. Hospital case notes may be requested by the doctor to assist in giving an opinion.

The doctor could also ask for a report from your GP.

The doctor will take a statement from you and send a written report to the decision maker based upon the examination and any other medical evidence. The doctor will give an opinion on whether you have suffered a loss of faculty as a result of the accident and, if so, advise on the level of your disablement and how long it is expected to last. The doctor will also provide an explanation for the decision maker about how they arrived at that opinion.

Commissioners Decisions  
R(l)7/67 and R(l)1/81

### **What is a loss of faculty?**

Loss of physical or mental faculty means some loss of power or function of an organ of the body. Loss of faculty can include disfigurement even when this causes no bodily handicap. Whether a loss of faculty results in disability is decided by comparing your condition as a result of the accident with the condition of a normal healthy person of the same age and sex.

### ***Degree of disablement***

Your disablement is assessed as a percentage up to 100%.

SS (Gen Ben) Regs 1982  
Sched 2

The degree of disablement for certain defined injuries is laid down in the Regulations. For example, for serious disablement such as loss of both hands or loss of sight the degree of disablement is 100%, for the loss of one hand it is normally 60%, and for the loss of an index finger it is usually 14%. The percentages listed in Regulations for different disablements is in Appendix 2.

The degree of disablement for injuries not listed in the Regulations is arrived at by comparing them with these standards.

The medical advice or assessment takes account of all disabilities resulting from the industrial accident. Where your disability also results from some other cause which arose before the accident, the degree of disablement which would in any event be present due to that other cause is not counted, but the interaction between the two causes is included in the assessment.

SS (Gen Ben) Regs 1982  
reg 11

For example, a miner who has had considerable trouble with his back for many years and who is known to have lumbar spondylosis, injures his back lifting a heavy weight at work.

The doctor considers a gross assessment of disablement for injury to the spine and deducts an amount for the disablement already present due to the earlier back problems.

If your disablement is 11% or more, and some other condition arises after the accident but is not directly caused by it, any increase in your disablement due to the accident as a result of that other cause is also used to work out your disablement.

SS (Gen Ben) Regs 1982  
reg 11

For example, a man fractured his left forearm in a fall at work. After the industrial accident he was involved in a traffic accident and fractured his left collar bone.

The doctor considers an assessment of disablement for injury to the forearm and if that assessment is over 11% the doctor adds a further assessment for the extent that the later fracture increases the man's disability.

SS C&B Act 1992 Sched 6(2) You may be given a 'final' assessment of disablement for life if your disability is assessed as permanent and is unlikely to change. Or where you are likely to make a full recovery the assessment may be final but for a limited period. Or you may be given a provisional assessment for a limited period at the end of which you will be re-examined and your disablement assessed again.

## *The decision on your claim*

After the medical examination, your claim will be decided by a decision maker. The decision maker will look at the doctor's advice and any other available evidence.

Your Jobcentre Plus or social security office will write to tell you the decision on your claim, the amount of any benefit you will get and the period for which you will receive benefit.

The decision only takes account of your physical or mental condition. Basic Industrial Injuries Disablement Benefit is not affected by what type of job you do or any loss of earnings. It can be paid whether or not you have returned to work and it does not depend on your earnings.

Loss of earnings and other circumstances may, however, mean you can get one or more of the other benefits described later in this guide.



## ***If you disagree with the decision***

See NI260 DMA – *A guide to Dispute, Supersession and Appeal.*

## ***Payment of benefit***

### ***How much benefit you will get***

The amount of benefit you get depends on how badly you are disabled by the accident.

- SS C&B Act 1992 sec 103(6) Industrial Injuries Disablement Benefit cannot be paid for the first 15 weeks (90 days not including Sundays) after the date of your accident.
- SS C&B Act 1992 sec 103(1) You will not get benefit if your disablement is assessed at less than 14%.
- SS C&B Act 1992 sec 103(2) But you may be able to get benefit if you have had more than one accident or disease and the total disablement, when the effects of all the accidents and diseases are added together, is 14% or more. This is known as aggregation.
- If your disablement is at least 14% your benefit will be paid as a weekly pension.
- If your disablement is:
- SS C&B Act 1992 sec 103(3) **between 14% and 19%** you will get a pension at the 20% rate  
**20% or over** it will be rounded up or down to the nearest 10%.
- The following table provides a breakdown of the percentage assessment and percentage payable:

Percentage assessment	Percentage payable
14 – 24 %	20%
25 – 34 %	30%
35 – 44 %	40%
45 – 54 %	50%
55 – 64 %	60%
65 – 74 %	70%
75 – 84 %	80%
85 – 94 %	90%
95 – 100%	100%

The maximum rate payable for Industrial Injuries Disablement Benefit is 100% even if you have several assessments which add up to over 100%.

For current rates see Leaflet GL23 *Social security benefit rates*.

### ***How you are paid***

Our policy is to pay all benefits directly into an account.

This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account. You may be able to use a cash machine, which will usually mean you can get your money at any time of the day or night.

You can use your existing account for direct payment if you are happy to do so. It is easy to provide your existing account details.

The Post Office® also provides a bank account that we can pay benefits into. With this account you can only collect your money in cash from Post Office branches.

There are also arrangements with a number of major banks and building societies so that you can collect cash from some of their accounts at your local Post Office.

We recommend that you get your money in this way because:

- it is safe and secure
- it is convenient – you decide when and how much you want to withdraw
- using an account may help you save

- from some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not, you may be charged a fee
- you can get your money from many different places.

The account can be:

- in your name, or
- in the name of your partner. We use partner to mean the person you are married to or the person you live with as if you were married to them, or
- in both the names of yourself and your partner, or
- in the name of the person acting on your behalf, or
- in both the names of yourself and the person acting on your behalf.

If you do not have a suitable bank or building society account, or are unwilling to use an existing account, any bank or building society will help you open an account that suits you better. Remember to ask whether their accounts allow you to get your money from the Post Office, if this is important to you.

Restricted arrangements apply for the Post Office® card account.

The Post Office® card account is a simple bank account that can only have benefit and tax credits paid into it. You can only collect payment from it in cash at a Post Office branch. You will not have a cheque book and cannot withdraw money at a cash machine. You will not be able to run up an overdraft, pay bills by Direct Debit or Standing Order, or have your salary or any other money paid in. The account can only be in your name. You may be able to arrange with the Post Office for someone else to collect your benefit regularly from this account.

Benefit is paid either every week, every 4 weeks or every 13 weeks.

### ***If your circumstances change***

A decision can be looked at again at any time if your condition has changed.

If the condition for which you are getting benefit improves you must tell us straight away.

If you feel your condition has got worse and you want us to have another look at the decision, complete and return form BI168, which you can get from your social security office.

If you are receiving Industrial Injuries Disablement Benefit you must also tell us if:

- you marry or remarry and change your name
- you change your address
- you leave the country
- you go into prison.

SS (C&P) Regs 1987 reg 32

If any of these apply, you must tell your Jobcentre Plus or social security office straight away.

### **If you leave the country**

SSB (PA) Regs 1975 reg 9

If you leave the country, Industrial Injuries Disablement Benefit is payable while you are away. If you intend to be away for less than 3 months, and you are paid by order book, you should consider having your benefit paid directly into an account. For further details please read the 'How you are paid' paragraphs on page 26 of this guide.

If you intend to be away for more than 3 months, payment of your benefit will be made by International Pensions Centre 3 (IPC3).

You will be asked how you want your payments to be made while you are away. You can choose between:

- Direct Payment to a United Kingdom (UK) bank, building society or Post Office® card account every 4 or 13 weeks
- payable orders sent directly to you every 4 or 13 weeks while you are away
- Transcontinental Automated Payments (TAPS), if the country has this arrangement with Jobcentre Plus
- payment to a nominee
- payment when you return to the UK.

You must let us know when you return to the UK.

**If you go to prison**

If you go into prison, you must let us know the date you were admitted.

Payment of Industrial Injuries Disablement Benefit is suspended during any period of imprisonment.

SS (Gen Ben) Regs 1987  
reg 2(6) & 2(7)

When you are released let us know the date. Arrears of Industrial Injuries Disablement Benefit may be paid for the period of imprisonment subject to a maximum of one year's benefit.

**If you die**

If you die, someone should let us know straight away. If you have an order book, they should send it back straight away. They should not cash it.

## *Effects of Industrial Injuries Disablement Benefit on other benefits*

Your basic Industrial Injuries Disablement Benefit does not affect any other National Insurance benefits such as:

- Incapacity Benefit
- Contribution-based Jobseeker's Allowance
- Retirement Pension.

But Industrial Injuries Disablement Benefit may affect income-related benefits that you or your partner receive such as:

- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit
- Child Tax Credit.

Industrial Injuries Disablement Benefit may also affect how much War Pension you get, if you are entitled to both.

# Prescribed diseases

## Introduction

SS C&B Act 1992 sec 108(1)  
SS (II) (PD) Regs 1985  
Sched 1

The law provides for payment of benefits to people who are suffering from certain diseases contracted in the course of certain types of employment. These diseases are referred to as prescribed diseases (PDs) and are listed in Regulations.

SS C&B Act 1992 sec 108(2)

A disease or injury is prescribed when the Secretary of State is satisfied that it is a risk arising from a person's occupation and not a risk common to everybody.

There is no entitlement to benefit in respect of a disease if it is not listed in the Regulations, or if the person's job is not listed against the particular disease. But there may be entitlement to benefit under the industrial accident provisions if a disease has been caused as a result of an accident (see pages 18–29).

SS C&B Act 1992 sec 108(1)

The date of onset or development of a prescribed disease, which may have resulted in incapacity, loss of faculty or death, must be on or after 5 July 1948. But benefit can be paid for certain diseases resulting from employment before 5 July 1948. See pages 68–81 later in this guide.

If you are told that you are not entitled to benefit for a certain disease, it does not mean you do not have the disease for which you claimed. What you are being told is that you do not meet the criteria laid down for receiving benefit for that disease. These criteria are laid down so that it can be presumed that your job caused the prescribed disease in question.

For example, if a coal miner is refused benefit for chronic bronchitis and emphysema this does not mean he does not have those illnesses. It means that, for the purposes of the benefit scheme, his illness cannot be presumed to have been caused by his job.

This is especially important for diseases common in the population at large, where it is known that some workers would have got the disease whatever job they did.

## *Which diseases are prescribed*

Prescribed diseases are grouped according to their causes. There are four groups of causes, each identified by a letter, and each prescribed disease has a number. The groups are:

- A** for a physical cause
- B** for a biological cause
- C** for a chemical cause
- D** for any other cause.

SS (II) (PD) Regs 1985  
Sched 1

A full list of the prescribed diseases and types of occupation which are covered by the scheme is set out in Appendix 1.

## *Questions arising on a prescribed diseases claim*

The primary questions arising on a prescribed disease claim are:

- Is the disease a prescribed disease?
- Is the disease prescribed in relation to you?  
This is called the prescription question and involves considering whether your employment could have caused the disease, and whether the employment was employed earner's employment
- Are you suffering from the disease, or have you suffered from the disease?  
This is called the diagnosis question
- Is the disease due to the nature of your employment?
- When was the date of onset of the disease?
- Have you suffered a relevant loss of faculty due to the disease?

SS (II) (PD) Regs 1985 reg 8

If you have an attack of the same disease that you have previously been paid Workmen's Compensation for, you may be able to get benefit under the Industrial Injuries Scheme if you satisfy the rules described above and if it is decided you have suffered a fresh attack of the disease.

If you cannot get benefit under the Industrial Injuries Scheme you may be able to get benefit under the Workmen's Compensation (Supplementation) Scheme. See the section on 'Workmen's Compensation' on pages 68–74.

### ***Presumption***

Most prescribed diseases are presumed to be due to the nature of a person's employment.

If you have contracted a prescribed disease the presumption applies if you were employed in a prescribed occupation and you were employed on the date of onset of the disease or at any time within one month of the date of onset of the disease, unless the decision maker can prove that the disease was not due to the nature of your employment.

Commissioners Decisions  
3 R(I) 38/52

To do this the decision maker must have sufficient proof to establish this on the balance of probabilities. The decision maker must be satisfied that, taking into account all the relevant evidence, it is more probable that the disease was not due to the nature of your employed earner's employment than it was.

If the presumption does not apply, the onus is on you to establish on the balance of probabilities that the disease was due to the nature of your employment.

SS (II) (PD) Regs 1985 reg 4

Presumption does not apply to prescribed diseases A12 and D5.

Presumption applies in different ways to prescribed diseases A10, B5, D1, D2, D4 and D12.



## *Making a benefit claim for a prescribed disease*

### ***When to claim***

You can make a claim at any time on or after the date you think you contracted the prescribed disease.

If you have any relevant medical evidence send it with your claim form but do not delay claiming by trying to get a fresh report.

Do not delay claiming. If you do you may lose some benefits. This is because Industrial Injuries Disablement Benefit cannot be paid:

SS (C&P) Regs 1987 reg 19(1)  
& Sched 4

- for a period more than 3 months before the date of your claim
- or if you are already in receipt of Industrial Injuries Disablement Benefit for other accidents or diseases, more than one month before the date of claim.

### ***How to claim***

Contact your social security office for a claim form. You can get the address of your nearest office from the post office or by looking in the business section of the phone book under **Jobcentre Plus** or **social security**. You can also access the claim forms on the DWP website. The address is **[www.dwp.gov.uk](http://www.dwp.gov.uk)**

The date of your claim is the date your fully completed claim form is received by a Jobcentre Plus or social security office. It is very important that you fill in all the details on the form carefully and return it to your Jobcentre Plus or social security office as soon as possible.

There are a number of different claim forms to claim for a prescribed disease depending on which disease you have. These are:

BI100B	General claim form for prescribed diseases not covered below
BI100C	Chronic/bronchitis and emphysema
BI100E	Allergic rhinitis
BI100–OA	Occupational asthma
BI100–OD	Occupational deafness

BI100PN Pneumoconiosis, asbestosis, bilateral diffuse pleural thickening, byssinosis, diffuse mesothelioma, primary cancer of the lung.

### ***How claims are decided***

When you have completed the claim form, return it to the nearest Jobcentre Plus or social security office. If you have any medical evidence relevant to your claim, you should send it with the claim form.

You will be sent a written acknowledgement that the claim form has been received.

We may have to contact your employer(s) to confirm:

- your periods of employment
- that your employment was employed earner's employment (see page 14)
- that you worked with any of the listed tools or in conditions which are relevant for your claim.

### **If you satisfy the prescription question**

SS Act 1998 sec 19(1)

Your papers will be referred to medical services and you may be asked to attend a medical examination.

SS Act 1998 sec 19(3)

If you are asked to attend a medical examination and you fail to turn up without good cause, your claim will be disallowed.

### **If you do not satisfy the prescription question**

Your claim will be disallowed and we will write to tell you this.

### **Fast track cases**

All asbestos-related prescribed diseases and claims for prescribed diseases D3, D8, D9, D10 and D11 are treated as fast track cases. Fast track cases are generally serious diseases. Diseases treated in this way are given priority attention at all times and are sent to medical services whilst the enquiries about your employment are carried out to speed up your claim.

## Specific criteria

Certain prescribed diseases have specific criteria which must be met to make a claim.

### Occupational deafness

SS (II) (PD) Regs 1985 reg 2(c) To meet the criteria for occupational deafness you must have worked in employed earner's employment in one or more of the prescribed occupations:

- at any time on or after 5 July 1948
- for a total of at least 10 years.

SS (II) (PD) Regs 1985 reg 25(2)

You must claim within 5 years of leaving the employed earner's employment which may have caused the deafness.

Any claims made outside of this period will be disallowed but if you return to a prescribed occupation you can claim again when you satisfy the rules.

SS (II) (PD) Regs 1985 reg 27

If you claimed at least 3 years ago and that claim was turned down because you had not satisfied the work rules you can claim again as long as you worked in one of the listed jobs within the last 5 years.

If by waiting for the 3 years to pass it would be more than 5 years since you worked in a listed job, you do not have to wait 3 years before claiming again.

If you claim again, all the work and medical rules will be applied in the same way as if it was your first claim.

### Chronic bronchitis and emphysema

To satisfy the prescription for chronic bronchitis and emphysema you must have worked:

in employed earner's employment on or after 5 July 1948

and for a total of **20 years** underground in a coal mine.

It does not have to be 20 years with the same employer or be one unbroken period. Periods of employment can be added together and some breaks in employment can be ignored.

Periods of work before 5 July 1948 can count towards the 20 year total.

Time worked on the surface does not count.

Your claim will be disallowed if you do not satisfy the above conditions.

If you got the disease from employment which ended on or before 4 July 1948, you cannot get Industrial Injuries Disablement Benefit.

### **Asthma**

To qualify for Industrial Injuries Disablement Benefit for occupational asthma as a prescribed disease, you must have worked in employed earner's employment in a prescribed occupation involving exposure to the sensitising agent which may have caused the asthma.

You must claim within 10 years of leaving the employed earner's employment which may have caused the asthma.

If you do not satisfy the 10 year rule, your claim will be disallowed.

Disallowance on the 10 year rule does not prevent you from making another claim. This is because the 10 year period starts again if you work again in an occupation involving exposure to a sensitising agent.

### ***About the medical examination***

Your medical examination will be carried out by one or possibly two experienced medical practitioners.

These doctors are specially trained in industrial injuries disablement matters.

If you can travel, you will be told when and where to go for the examination. You will be told what out-of-pocket expenses you can claim. If you are not fit to travel alone, someone can travel with you.

If you are not fit to travel, you can also request an examination at home.

The medical examination will be held in private but you may be able to take a companion if the doctor allows it. Occasionally you may be asked if an observer can be present.

SS (II) (PD) Regs 1985  
reg 36(1)

You can give the doctor any evidence which was not included with your claim form, if you think it will help them to give an opinion on your disablement.

If you have attended a hospital in connection with the disease you are claiming for, the doctor may seek further information from the hospital. Hospital case notes may be requested by the doctor to assist in giving an opinion.

The doctor could also ask for a report from your GP.

The doctor will take a statement from you and send a written report to the decision maker based upon the examination and any other medical evidence.

The doctor will advise on:

- whether you are suffering from a prescribed disease, and if so;
- whether you have suffered a loss of faculty from the disease, and if so;
- the level of your disablement and how long it is expected to last.

If the doctor has advised that you are suffering from a prescribed disease he will also advise on the date of onset of the disease.

The doctor will also provide an explanation for the decision maker as to how they arrived at their opinion.

The doctor will also advise if, in their opinion, the disease is due to the nature of your employed earner's employment. This is called causation.

## **Special arrangements**

For some prescribed diseases you will need to have tests before the medical examination.

### **Occupational deafness**

In claims for occupational deafness, we will arrange for you to have a hearing test to see if you have an average hearing loss of at least 50 decibels in both ears due to damage to the inner ear. In at least one ear this must be due to noise at work. If the doctor advises that you satisfy this test you will then have a medical examination. If not, your claim will be sent back to the decision maker who will consider whether to disallow it.

## Chronic bronchitis and emphysema

In claims for chronic bronchitis and emphysema, it may be necessary for you to have a breathing test. If the doctor advises that you satisfy this test you will then have a medical examination. If not, your claim will be sent back to the decision maker who will consider whether to disallow it.

## Pneumoconiosis

In claims for pneumoconiosis, we will normally arrange for you to have an X-ray of your chest. If the X-ray and other evidence shows that you may have the disease you will then have a medical examination. If the X-ray shows no trace of the disease your claim will be sent back to the decision maker who will consider whether to disallow it.

Commissioners Decisions  
R(l)7/67 and R(l)1/81

### What is a loss of faculty?

Loss of physical or mental faculty means some loss of power or function of an organ of the body. Loss of faculty can include disfigurement even when this causes no bodily handicap. Whether a loss of faculty results in disability is decided by comparing your condition as a result of the disease with the condition of a normal healthy person of the same age and sex.

SS (II) (PD) Regs 1985  
reg 6(2)(b)

### What is the date of onset?

The date of onset of a disease is the date you first suffered a loss of faculty from the disease. The date of onset may be earlier than the date that benefit is actually paid from. This is because the date benefit is paid from is governed by time limits for claiming and other criteria.

## ***Degree of disablement***

The medical advice or assessment takes account of all disabilities resulting from the disease. Where your disability also results from some other cause which arose before you got the disease, the degree of disablement which would in any event be present due to that other cause is not counted, but the interaction between the two causes is included in the assessment.

SS (Gen Ben) Regs 1982  
reg 11

For example, an assembly worker who had previously fractured her right arm in a road accident is diagnosed as having prescribed disease A4 (cramp of the hand or forearm) in the same arm.

The doctor considers a gross assessment of disablement for upper limb dysfunction and deducts an amount for the disablement that remains due to the earlier accident.

If your disablement is 11% or more, and some other condition arises after the accident or disease but is not directly caused by it, any increase in your disablement due to the disease as a result of that other cause is also used to work out your disablement.

SS (Gen Ben) Regs 1982  
reg 11

For example, a man who is diagnosed as having prescribed disease A11 (vibration white finger) has also developed osteoarthritis in one of his fingers at a later date.

The doctor considers an assessment of disablement for upper limb dysfunction and if that assessment is over 11% the doctor adds a further assessment for the extent that the osteoarthritis increases the man's disability.

## **Different types of assessment**

SS C&B Act 1992 Sched 6(2)

You may be given a 'final' assessment of disablement for life if your disability is assessed as permanent and is unlikely to change. Or where you are likely to make a full recovery the assessment may be final but for a limited period. Or you may be given a provisional assessment for a limited period at the end of which you will be re-examined and your disablement assessed again.

## *The decision on your claim*

After the medical examination your claim will be decided by a decision maker. The decision maker will look at the doctor's advice and any other available evidence.

Your Jobcentre Plus or social security office will write to tell you the decision on your claim, the amount of any benefit you will get and the period for which you will get benefit.

The decision only takes account of your physical or mental condition. Basic Industrial Injuries Disablement Benefit is not affected by what type of job you do or any loss of earnings. It can be paid whether or not you have returned to work and it does not depend on your earnings.

Loss of earnings and other circumstances may, however, mean you can get one or more of the other benefits described later in this guide.

### *If you disagree with the decision*

See NI260 DMA – *A guide to Dispute, Supersession and Appeal.*

## *Payment of benefit*

### *How much benefit you will get*

The amount of benefit you get depends on how badly you are disabled by the disease.

SS C&B Act 1992 sec 103(6) Industrial Injuries Disablement Benefit cannot be paid for the first 15 weeks (90 days not including Sundays), after the date of onset of the disease.

SS (II) (PD) Regs 1985 reg 6(2)(c) The exception to this is in claims for occupational deafness, when payment can only be made from the date the claim form is received by Jobcentre Plus, and in claims for diffuse mesothelioma, when payment can be made from the date you were first disabled by the disease but not for more than 3 months before the date of your claim.

SS (II) (PD) Regs 1985 reg 20(4)(a)

SS (C&P) Regs 1987 Sched 4



SS C&B Act 1992 sec 103(1) You will not normally get benefit if your disablement is less than  
 SS C&B Act 1992 sec 103(2) 14%.

But you may be able to get benefit if you have had more than one accident or disease and the total disablement, when the effects of all the accidents and diseases are added together, is 14% or more. This is known as aggregation.

SS C&B Act 1992 sec 103(2) If your disablement is at least 14% your benefit will be paid as a  
 SS (C&P) Regs 1987 reg 22 weekly pension.

If your disablement is:

SS C&B Act 1992 sec 103(3) **between 14% and 19%** you will get a pension at the 20% rate  
 SS (II) (PD) Regs 1985 reg 15 **20% or over** it will be rounded up or down to the nearest 10%.

The following table provides a breakdown of the percentage assessment and percentage payable:

Percentage assessment	Percentage payable
14 – 24 %	20%
25 – 34 %	30%
35 – 44 %	40%
45 – 54 %	50%
55 – 64 %	60%
65 – 74 %	70%
75 – 84 %	80%
85 – 94 %	90%
95 – 100%	100%

The maximum rate payable for Industrial Injuries Disablement Benefit is 100% regardless if the total assessment is over 100%.

For current rates see Leaflet GL23 *Social security benefit rates*.

### Rules for specific diseases

#### **Pneumoconiosis, byssinosis and diffuse mesothelioma,**

For the respiratory diseases pneumoconiosis, byssinosis and diffuse mesothelioma, you can get benefit if your disablement is assessed as at least 1%.

SS (II) (PD) Regs 1985  
 reg 20(1)

SS (II) (PD) Regs 1985  
reg 29(a)

### **Occupational deafness**

To get benefit for occupational deafness, your disablement must be assessed as 20% or more and for a first claim the period of award is limited to 5 years after which you will be examined again.

SS (II) (PD) Regs 1985  
reg 15(3)

If the assessment is less than 20% for occupational deafness it cannot be aggregated with any other assessment of disablement.

### **Chronic bronchitis and emphysema**

If you claim for chronic bronchitis and emphysema you must not already be getting any benefit which takes full account of this condition.

For example, if you have been awarded Industrial Injuries Disablement Benefit for pneumoconiosis and your disablement from pneumoconiosis, or pneumoconiosis with tuberculosis, has been assessed at 50% or more you may have already had your benefit increased to take full account of bronchitis/emphysema.

If so you will not qualify separately for bronchitis/emphysema but if you think your bronchitis/emphysema has got worse, you should apply to have your assessment for pneumoconiosis looked at again in case it can be increased.

### ***How you are paid***

Our policy is to pay all benefits directly into an account.

This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account. You may be able to use a cash machine, which will usually mean you can get your money at any time of the day or night.

You can use your existing account for direct payment if you are happy to do so. It is easy to provide your existing account details.

The Post Office® also provides a bank account that we can pay benefits into. With this account you can only collect your money in cash from Post Office branches.

There are also arrangements with a number of major banks and building societies so that you can collect cash from some of their accounts at your local Post Office.

We recommend that you get your money in this way because:

- it is safe and secure
- it is convenient – you decide when and how much you want to withdraw
- using an account may help you save
- from some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not, you may be charged a fee
- you can get your money from many different places.

The account can be:

- in your name, or
- in the name of your partner. We use partner to mean the person you are married to or the person you live with as if you were married to them, or
- in both the names of yourself and your partner, or
- in the name of the person acting on your behalf, or
- in both the names of yourself and the person acting on your behalf.

If you do not have a suitable bank or building society account, or are unwilling to use an existing account, any bank or building society will help you open an account that suits you better. Remember to ask whether their accounts allow you to get your money from the Post Office, if this is important to you.

Restricted arrangements apply for the Post Office® card account.

The Post Office® card account is a simple bank account that can only have benefit and tax credits paid into it. You can only collect payment from it in cash at a Post Office branch. You will not have a cheque book and cannot withdraw money at a cash machine. You will not be able to run up an overdraft, pay bills by Direct Debit or Standing Order, or have your salary or any other money paid in. The account can only be in your name. You may be able to arrange with the Post Office for someone else to collect your benefit regularly from this account.

Benefit is paid either every week, every 4 weeks or every 13 weeks.

### ***If your circumstances change***

A decision can be looked at again at any time if your condition has changed.

If you feel your condition has got worse and you want us to have another look at the decision, complete and return form BI168, which you can get from your Jobcentre Plus or social security office.

If you claim because of occupational deafness and your hearing is assessed for the claim, your hearing cannot be assessed again for 5 years.

If the condition for which you are getting benefit improves you must tell us straight away.

If you are receiving Industrial Injuries Disablement Benefit you must also tell us if:

- you marry or remarry and change your name
- you change your address
- you leave the country
- you go into prison.

SS (C&P) Regs 1987 reg 32

If any of these apply, you must tell your Jobcentre Plus or social security office straight away.

### **If you leave the country**

If you leave the country, Industrial Injuries Disablement Benefit is payable while you are away. If you intend to be away for less than 3 months, and you are paid by order book, you should consider having your benefit paid directly into an account. For further details please read the 'How you are paid' paragraphs on page 26 of this guide.

If you intend to be away for more than 3 months, payment of your benefit will be made by International Pensions Centre 3 (IPC3).

You will be asked how you want your payments to be made while you are away. You can choose between:

- Direct Payment to a United Kingdom (UK) bank, building society or Post Office® card account every 4 or 13 weeks
- payable orders sent directly to you every 4 or 13 weeks while you are away
- Transcontinental Automated Payments (TAPS), if the country has this arrangement with Jobcentre Plus

- payment to a nominee
- payment when you return to the UK.

You must let us know when you return to the UK.

### **If you go to prison**

If you go into prison, you must let us know the date you were admitted.

Payment of Industrial Injuries Disablement Benefit is suspended during any period of imprisonment.

When you are released let us know the date. Arrears of Industrial Injuries Disablement Benefit may be paid for the period of imprisonment subject to a maximum of one year's benefit.

### **If you die**

If you die, someone should let us know straight away. If you have an order book, they should send it back straight away. They should not cash it.

## *Effects of Industrial Injuries Disablement Benefit on other benefits*

Your basic Industrial Injuries Disablement Benefit does not affect any other National Insurance (NI) benefits such as:

- Incapacity Benefit
- Contribution-based Jobseeker's Allowance
- Retirement Pension.

But Industrial Injuries Disablement Benefit may affect income-related benefits that you or your partner receive such as:

- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit
- Child Tax Credit.

Industrial Injuries Disablement Benefit may also affect how much War Pension you get, if you are entitled to both.

# *Constant Attendance Allowance*

## *Conditions of entitlement*

SS C&B Act 1992 sec 104

Constant Attendance Allowance (CAA) can be paid if you need constant care and attention as a result of your injury or disease.

You can get Constant Attendance Allowance, for example, if you are bedridden, blind or paralysed. It is not paid for help with ordinary housework or for similar domestic purposes, and it is not paid simply for help with dressing and undressing.

If you apply for Constant Attendance Allowance, you have to prove that you need daily attendance and are likely to need it for a long time. Although you must show that you need daily attendance, the attendance need not last throughout the day.

Attendance need not be provided on a paid basis and Constant Attendance Allowance can still be paid when attendance is provided by a relative.

SS C&B Act 1992 sec 104(1)

Industrial Injuries Disablement Benefit must be the 100% rate payable for you to be considered for Constant Attendance Allowance.

SS (Gen Ben) Regs 1982  
reg 20

But you may also receive it if you get Industrial Injuries Disablement Benefit of less than 100% and also receive payments for disablement which bring your total disablement to at least 100% under the:

Workmen's Compensation Acts

or Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme

or War Pension scheme.

## *How and when to claim*

If Industrial Injuries Disablement Benefit is payable at the 100% rate, an opinion will automatically be given for Constant Attendance Allowance at the time of your medical examination.

You only need apply for Constant Attendance Allowance if you are already receiving benefit at the 100% rate and you later discover that you need constant attendance. You should then claim on form BI104 which you can get from your Jobcentre Plus or social security office or on the DWP website. The address is [www.dwp.gov.uk](http://www.dwp.gov.uk)

## *How claims are decided*

Medical services carry out an examination at the same time as giving an opinion on the extent of your disablement. The doctor will complete a report and advise on your need for attendance. They will look at and consider:

- the nature and amount of attendance you need
- if you are dependent on attendance for the necessities of life
- if you need attendance as a result of the relevant loss of faculty.

There are four rates of Constant Attendance Allowance based on the amount of attendance you need.

These are:

- part-time
- or normal maximum
- or intermediate
- or exceptional.

Before giving advice, it may be necessary to arrange a visit in your own home to see what your requirements are.

The report will give details of your home life including information about:

- what you can do for yourself
- what help you need during the day
- how you spend your time

SS (Gen Ben) Regs 1982  
reg 19

SS C&B Act 1992 Sched 4  
para 2

- details of the amount and type of attendance you need at night and the length of time taken to provide it on each occasion
- reasons for any night attendance
- what aids are available and used for moving around or outside the home and travelling
- any special features incorporated in or added to the home.

The decision maker will consider the doctor's report and any other evidence and will decide the rate, amount and period of the award. The award will be renewed if you continue to satisfy the conditions.

### *The decision on your claim*

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You will be notified of the decision in writing. It will explain how the decision was arrived at and if there is any entitlement to benefit.

#### ***If you disagree with the decision***

SS&CS (D&A) Regs 1999  
Sched 2 para 14(a)

There is no right of appeal against a decision on Constant Attendance Allowance. If you disagree with the decision you can ask for it to be reconsidered if you consider you have good reason.

See NI260 DMA – *A guide to Dispute, Supersession and Appeal*.

### *How much benefit you will get*

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How much benefit you get depends on how much looking after you need. Up-to-date amounts are in Leaflet GL23 *Social security benefit rates*.

### *How you are paid*

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Payment of your Constant Attendance Allowance will be made with your Industrial Injuries Disablement Benefit direct into an account.



## *If your circumstances change*

If you are getting Constant Attendance Allowance you must tell us straight away if you are admitted to hospital or similar institution.

SS (Gen Ben) Regs 1982  
reg 21(2)

Constant Attendance Allowance is payable for the first 4 weeks of free in-patient treatment if:

you are already receiving Constant Attendance Allowance at the date of admission

or Constant Attendance Allowance is subsequently granted for a period which includes the date of admission.

If you are in hospital longer than 4 weeks and payment has stopped, you can receive payment for certain periods when you are allowed to leave hospital. Payment will start again when you are discharged.

SSB (PA) Regs 1975 reg 9(4)

If you go abroad, Constant Attendance Allowance can be paid for 6 months from the date you go, or for a longer period as the Secretary of State may allow.

## *Effects of Constant Attendance Allowance on other benefits*

SS (Overlapping Benefits)  
Regs 1979 Sched 1 para 5

If you qualify for Constant Attendance Allowance, you cannot also get Attendance Allowance (AA) or the care component of Disability Living Allowance (DLA), unless it is higher than the Constant Attendance Allowance. In that case you will get Constant Attendance Allowance and may get the balance of the other benefit.

SS C&B Act 1992 sec 70

While you are getting Constant Attendance Allowance, the person looking after you may be able to get Carer's Allowance (CA) or may have their rights to basic National Insurance Retirement Pension protected without the need to pay voluntary contributions by applying for Home Responsibilities Protection (HRP).

SSP (HR) Regs 1994  
reg 2(2) & 2(3)

Constant Attendance Allowance does not affect any other National Insurance benefits such as:

- Incapacity Benefit
- Contribution-based Jobseeker's Allowance
- Retirement Pension.

But Constant Attendance Allowance may affect income-related benefits you or your partner receive such as:

- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit
- Child Tax Credit.

# *Exceptionally Severe Disablement Allowance*

SS C&B Act 1992  
sec 105(1)(a)(b)  
SS (Gen Ben) Regs 1982  
reg 43 & 44

This is an extra allowance if you are exceptionally severely disabled and already entitled to Constant Attendance Allowance at the intermediate or exceptional rate, and your need for the attendance is likely to be permanent.

You do not have to make a separate claim. Your entitlement will be considered at the same time as your Constant Attendance Allowance.

## *How claims are decided*

When Constant Attendance Allowance is granted at the intermediate or exceptional rate, entitlement to Exceptionally Severe Disablement Allowance is automatically considered at the same time.

The decision maker looks at the doctor's advice and decides the period of the award. Exceptionally Severe Disablement Allowance is usually awarded for the same period as Constant Attendance Allowance. The allowance may be reconsidered from time to time depending on your circumstances.

## *The decision on your claim*

You will be notified of the decision in writing. It will explain how the decision was arrived at and if there is any entitlement to benefit.

## *If you disagree with the decision*

SS&CS (D&A) Regs 1999  
Sched 2 para 14(a)

There is no right of appeal against a decision on Exceptionally Severe Disablement Allowance. If you disagree with the decision you can ask for it to be reconsidered if you think you have good reason.

See NI260 DMA – *A guide to Dispute, Supersession and Appeal.*

## *How you are paid*

Payment of your Exceptionally Severe Disablement Allowance will be made with your Industrial Injuries Disablement Benefit and Constant Attendance Allowance direct into an account.

## *If your circumstances change*

SSB (PA) Regs 1975 9(4)

If you are absent abroad, Exceptionally Severe Disablement Allowance can be paid for 6 months from the date of absence from the United Kingdom, or for such longer period as the Secretary of State may allow.

If you are admitted to hospital or a similar institution for medical treatment you can continue to receive Exceptionally Severe Disablement Allowance.

## *Effects on other benefits*

Your Exceptionally Severe Disablement Allowance does not affect any other National Insurance benefits such as:

- Incapacity Benefit
- Contribution-based Jobseeker's Allowance
- Retirement Pension.

But Exceptionally Severe Disablement Allowance may affect income-related benefits you or your partner receive such as:

- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit
- Child Tax Credit.

# Reduced Earnings Allowance

## Conditions of entitlement

SS C&B Act 1992 Sched 7  
para 11(1)

Reduced Earnings Allowance (REA) is a separate benefit to Industrial Injuries Disablement Benefit. It can be paid on its own or in addition to Industrial Injuries Disablement Benefit. Reduced Earnings Allowance was introduced from 1 October 1986 and replaced Special Hardship Allowance (SHA).

Reduced Earnings Allowance can be paid on top of Industrial Injuries Disablement Benefit. If you do not get Industrial Injuries Disablement Benefit because your disablement is less than 14% you can still get Reduced Earnings Allowance as long as your disablement is assessed at 1% or more.

Reduced Earnings Allowance compensates for the loss of earnings' capacity where, as a result of an industrial accident or disease, you are unable:

either to return to your regular occupation

or to carry out other work producing the same level of earnings.

SS C&B Act 1992 Sched 7  
para 11(1)

There is no entitlement to Reduced Earnings Allowance for an accident which occurred on or after 1 October 1990

or a prescribed disease with a date of onset on or after 1 October 1990

or a prescribed disease which was added to the list of prescribed diseases on or after 10 October 1994 irrespective of the date of onset

or an extension to a prescribed disease made on or after 10 October 1994 irrespective of the date of onset.

To be entitled to Reduced Earnings Allowance you must satisfy the following conditions:

- have an assessment of disablement of at least 1%
- be incapable of following your regular occupation as a result of the relevant loss of faculty

- be incapable of work of an equivalent standard which is considered suitable in your case and:
  - either are likely to be permanently incapable of following your regular occupation (known as the permanent condition)
  - or at all times since the end of the 90 day period (excluding Sundays) following the date of accident or date of onset of the prescribed disease, have been incapable of your regular occupation or suitable alternative employment (known as the continuous condition).

A regular occupation must be gainful employment, but it does not have to be employed earner's employment (see page 14). This will occur when the work done at the time of the accident was employed earner's employment but it was not your regular occupation.

A regular occupation for a prescribed disease is normally the occupation which caused the disease.

Whether other employment is of an equivalent standard depends mainly on whether the pay is comparable. But your chances of promotion to higher paid work in your regular occupation can also be taken into account in some circumstances.

SS C&B Act 1992 Sched 7  
para 11(5)(b)

Only employed earner's employment can be considered as employment of an equivalent standard.

If you gave up an occupation because of the relevant loss of faculty due to the prescribed disease for which you have an assessment, that occupation can be your regular occupation even if you stopped following it before the prescribed disease was:

- added to the list of prescribed diseases
- altered to include your work.

SS (II) (PD) Regs 1985 reg 17

Your occupation may be treated as your regular occupation if you:

had to give up an occupation because of the effects of an industrial accident or prescribed disease

and subsequently receive a disablement assessment for that accident or disease.

If you are suffering from pneumoconiosis and the doctor who examined you for Industrial Injuries Disablement Benefit purposes gave advice about the conditions in which you should work, there are rules which may help you qualify for Reduced Earnings Allowance if you leave your regular occupation. You will usually be regarded as unable to continue in that occupation or to do work of an equivalent standard. This will apply even if the doctor advised that you could continue in your occupation in suitable dust conditions.

If you have more than one accident or prescribed disease, you can claim Reduced Earnings Allowance for each accident or prescribed disease.

## *How and when to claim*

Contact your social security office for a claim form BI103. You can get the address of your nearest office from the post office or by looking in the business section of the phone book under **Jobcentre Plus or social security**. You can also access form BI103 on the DWP website. The address is **www.dwp.gov.uk**

SS (C&P) Regs 1987 reg 6

The date of your claim is the date your fully completed claim form is received by a Jobcentre Plus or social security office. It is very important that you carefully fill in all the details on the form and return it to your Jobcentre Plus or social security office as soon as possible.

SS (C&P) Regs 1987 Sched 4 para 5

Claim as soon as you think you meet the rules for the allowance. Do not delay claiming until the result of your Industrial Injuries Disablement Benefit claim is determined, as you could lose benefit for any period more than 3 months before the date of claim.

If you want help filling in your claim form, or any part of it, ring the **Benefit Enquiry Line** for people with disabilities. The telephone number is **0800 88 22 00**.

## *How claims are decided*

When you have completed the claim form return it to your Jobcentre Plus or social security office.

Your papers are then sent to medical services for advice on whether:

- you are capable of following your regular occupation

- the date from which you are incapable of following your regular occupation
- you are temporarily or permanently incapable of following your regular occupation
- you are incapable of alternative remunerative employment
- if you are not completely incapable of work, what limitations, if any, exist which restrict the type of work you can do.

The decision maker will use this advice to determine whether or not you have any entitlement to Reduced Earnings Allowance.

### *The decision on your claim*

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We may contact your current or previous employers to obtain employment and earnings information about:

- your regular occupation
- your present occupation
- any occupation you have had since your accident or disease.

If your regular occupation no longer exists, your earnings may be calculated by referring to an index based on the changes in the level of earnings as published in the New Earnings Survey.

Reduced Earnings Allowance will be awarded for a limited period. At the end of this period, we will invite you to make a renewal Reduced Earnings Allowance claim unless your assessment of disablement was final and expires at the same time as the Reduced Earnings Allowance award.

We will send you a renewal form before your award ends. If you were entitled to Reduced Earnings Allowance on 30 September 1990 and you subsequently cease to be entitled for one or more days, you cannot again become entitled to Reduced Earnings Allowance for that accident or prescribed disease. You should complete and return the form as soon as possible to avoid any delays in payment or a possible permanent loss of your entitlement to Reduced Earnings Allowance. You must still complete a renewal form even if payment is temporarily suspended for any reason. The decision maker will decide:

- whether up-to-date medical advice is needed
- if further employment enquiries need to be made.



## *If you disagree with the decision*

See NI260 DMA – *A guide to Dispute, Supersession and Appeal.*

## *How much benefit you will get*

SS C&B Act 1992 Sched 7  
para 11(10)

The amount of Reduced Earnings Allowance payable is the difference between your earnings in your regular and alternative occupations. There is a maximum amount of Reduced Earnings Allowance payable, even if the difference in earnings between your regular and alternative occupation is greater than this amount.

This maximum is equivalent to the 40% rate of Industrial Injuries Disablement Benefit.

If you receive more than one Reduced Earnings Allowance award, the maximum amount of Reduced Earnings Allowance and any Industrial Injuries Disablement Benefit you can receive equates to the 140% rate of Industrial Injuries Disablement Benefit.

You will be notified of the amount of benefit you are entitled to.

Reduced Earnings Allowance under the Industrial Injuries Scheme can be paid as well as an allowance for a lower standard of occupation under the War Pension scheme.

SS C&B Act 1992 Sched 7  
para 12

Reduced Earnings Allowance, like most social security benefits, goes up from time to time, but your Reduced Earnings Allowance will not be increased if before 9 April 1989 you:

received Reduced Earnings Allowance

and retired for social security purposes.

If you reach pension age now, your entitlement to Reduced Earnings Allowance is transferred to entitlement to Retirement Allowance if you are not in regular employment. See 'Retirement Allowance' on pages 61–63.

## *How you are paid*

Our policy is to pay all benefits directly into an account.

This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account.

You may be able to use a cash machine, which will usually mean you can get your money at any time of the day or night.

You can use your existing account for direct payment if you are happy to do so. It is easy to provide your existing account details.

The Post Office® also provides a bank account that we can pay benefits into. With this account you can only collect your money in cash from Post Office branches.

There are also arrangements with a number of major banks and building societies so that you can collect cash from some of their accounts at your local Post Office.

We recommend that you get your money in this way because:

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- it is convenient – you decide when and how much you want to withdraw
- using an account may help you save
- from some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not, you may be charged a fee
- you can get your money from many different places.

The account can be:

- in your name, or
- in the name of your partner. We use partner to mean the person you are married to or the person you live with as if you were married to them, or
- in both the names of yourself and your partner, or
- in the name of the person acting on your behalf, or
- in both the names of yourself and the person acting on your behalf.

If you do not have a suitable bank or building society account, or are unwilling to use an existing account, any bank or building society will help you open an account that suits you better. Remember to ask whether their accounts allow you to get your money from the Post Office, if this is important to you.

Restricted arrangements apply for the Post Office® card account.

The Post Office® card account is a simple bank account that can only have benefit and tax credits paid into it. You can only collect payment from it in cash at a Post Office branch. You will not have a cheque book and cannot withdraw money at a cash machine. You will not be able to run up an overdraft, pay bills by Direct Debit or Standing Order, or have your salary or any other money paid in. The account can only be in your name. You may be able to arrange with the Post Office for someone else to collect your benefit regularly from this account.

Benefit is paid either every week, every 4 weeks or every 13 weeks.

If you are receiving Industrial Injuries Disablement Benefit your Reduced Earnings Allowance will be paid together direct into the same account.

## *If your circumstances change*

If:

- you stop or start working
- or your earnings alter
- or you change occupation
- or you are over pension age and stop working an average of ten hours a week
- or you stop or start getting Incapacity Benefit

you must tell your Jobcentre Plus or social security office straight away, as your award may be affected.

You must also tell your Jobcentre Plus or social security office straight away if:

- you marry or remarry and change your name
- you change your address
- you leave the country
- you go into prison.

### **If you leave the country**

If you go abroad to a country where there is no reciprocal arrangement and the European Community (EC) regulations do not apply, Reduced Earnings Allowance can be paid for the first 3 months abroad if:

SSB (PA) Regs 1975 reg 9(5)

- your stay is temporary
- your stay is not for business purposes in any way
- the claim for Reduced Earnings Allowance was made before you went abroad.

To qualify for Reduced Earnings Allowance when you return to the UK, you must have had title to Reduced Earnings Allowance throughout your stay even if Reduced Earnings Allowance is not paid during part of the absence. If title to Reduced Earnings Allowance is not maintained you may not be able to receive Reduced Earnings Allowance again.

### **If you go to prison**

SS C&B Act 1992  
sec 113(1)(b)

SS (Gen Ben) Regs 1982  
reg 2

If you are imprisoned you cannot get Reduced Earnings Allowance. You must tell your social security office when you are admitted and when you are released.

### **If you die**

If you die, someone should let us know straight away. If you have an order book, they should send it back straight away. They should not cash it.

## *Effects of Reduced Earnings Allowance on other benefits*

Your Reduced Earnings Allowance does not affect any other National Insurance benefits such as:

- Incapacity Benefit
- Contribution-based Jobseeker's Allowance
- Retirement Pension.

But Reduced Earnings Allowance may affect income-related benefits you or your partner receive such as:

- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit
- Child Tax Credit.

# Retirement Allowance

## Conditions of entitlement

SS C&B Act 1992 Sched 7  
para 13(1) & (2)

Retirement Allowance (RA) replaces Reduced Earnings Allowance when you reach age 60 (woman) or 65 (man) if Reduced Earnings Allowance is at least £2.00 a week and you are not in regular employment.

If Reduced Earnings Allowance is paid at less than £2.00 a week and you are not in regular employment when you reach age 60 (woman) or 65 (man) you will not be entitled to either Reduced Earnings Allowance or Retirement Allowance.

SS (II) (Regular Employment)  
Regs 1990 reg 2

Regular employment means working under a contract of service for an average of 10 hours a week or more over a period of 5 consecutive weeks or more.

If you are in regular employment when you reach age 60 (woman) or 65 (man), you will continue to receive Reduced Earnings Allowance for as long as you remain in regular employment. Once you stop regular employment your entitlement to Reduced Earnings Allowance will be replaced by entitlement to Retirement Allowance, provided that Reduced Earnings Allowance was payable at over £2.00 a week.

You do not need to claim Retirement Allowance. You will be sent a letter to complete before reaching age 60 (woman) or 65 (man). There will be a part of this you have to complete and return before a decision can be made. The letter will ask for details of your employment.

## The decision on your claim

You will be notified of the decision in writing. It will explain the decision and if there is any benefit payable.

### ***If you disagree with the decision***

See NI260 DMA – *A guide to Dispute, Supersession and Appeal.*

### *How much benefit you will get*

SS C&B Act 1992 Sched 7  
para 13(3)

Retirement Allowance is paid for life.

The weekly rate of Retirement Allowance is whichever of the following is less (1/2p or more being rounded up):

**either** 25% of the weekly rate of Reduced Earnings Allowance to which you were last entitled

SS C&B Act 1992 Sched 7  
para 13(4), (6) & (11)

**or** 10% of the 100% Industrial Injuries Disablement Benefit pension rate.

You can only get one award of Retirement Allowance, regardless of how many Reduced Earnings Allowance awards were in payment previously.

### *How you are paid*

Retirement Allowance will be paid in the same way as your Reduced Earnings Allowance direct into an account.

It is paid either every week (from June 2003), every 4 weeks or every 13 weeks.

If you are receiving Industrial Injuries Disablement Benefit your Retirement Allowance will be paid together direct into the same account.

### *If your circumstances change*

SS (Gen Ben) Regs 1982  
reg 2 & 3

If you are imprisoned you cannot get Retirement Allowance. You must tell your Jobcentre Plus or social security office when you are admitted and return your order book if you are paid in this way. When you are released tell your Jobcentre Plus or social security office straight away so that payment can be considered again.

If you are living abroad and have maintained underlying entitlement to Reduced Earnings Allowance whilst abroad, even though disqualified from receiving payment, you can be awarded and paid Retirement Allowance once you are over the minimum pension age and cease regular employment.

SSB (PA) Regs 1975 reg 9(7)

If you are entitled to Retirement Allowance and live, or go to live, in any country you will continue to receive Retirement Allowance for life.

## *Effects of Retirement Allowance on other benefits*

Your Retirement Allowance does not affect any other National Insurance benefits such as:

- Incapacity Benefit
- Contribution-based Jobseeker's Allowance
- Retirement Pension.

But Retirement Allowance may affect income-related benefits you or your partner receive such as:

- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit
- Child Tax Credit.

# *Industrial Death Benefit*

## *Conditions of entitlement*

SS C&B Act 1992 sec 106  
& Sched 7

Industrial Death Benefit (IDB) is a benefit payable to the widow or widower and children of a person working as an employed earner who died as a result of an industrial accident or prescribed disease. The death must have been before **11 April 1988**.

For deaths before 11 April 1988, the widow is entitled to Industrial Death Benefit if when her husband died she was:

residing with him

SS C&B Act 1992 Sched 7  
part VI  
SS (Gen Ben) Regs 1982  
reg 23

or receiving from him directly, or through another person, periodical payments for her maintenance provided or procured by the deceased, amounting on average to not less than 25p per week

SS C&B Act 1992 Sched 7  
para 15

or entitled to payments such as those above under an order of court, a trust or an agreement, which she had taken reasonable steps to enforce.

SS C&B Act 1992 Sched 7  
para 15

If the qualifying conditions are satisfied, the rate payable is decided on individual circumstances. The personal rates of benefit payable are:

- initial rate (first 26 weeks after death)
- higher permanent rate
- lower permanent rate.

SS C&B Act 1992 Sched 7  
para 17

The widower is entitled to industrial Death Benefit if when his wife died he was:

- being wholly or mainly maintained by her or would have been if the relevant accident or disease had not happened, and
- permanently incapable of supporting himself.

If the qualifying conditions are satisfied the rate payable is at the higher permanent level.

## *Additional entitlement*

There may also be an entitlement to payment of

SS C&B Act 1992 Sched 7  
para 18

- Child Increase or Children Increases



SS (Gen Ben) Regs 1982  
reg 33

- Christmas Bonus
- Age 80 addition.

SS C&B Act 1992  
sec 148–150

SS (WB and RP) Regs 1979  
reg 17

Entitlement to Industrial Death Benefit for a child is linked to both:  
the deceased's entitlement to Child Benefit (CHB)

and the entitlement of the person now claiming money for them.

Industrial Death Benefit is taxable but increases of Industrial Death Benefit for children are not taxable.

## *How you are paid*

Our policy is to pay all benefits directly into an account.

This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account. You may be able to use a cash machine, which will usually mean you can get your money at any time of the day or night.

You can use your existing account for direct payment if you are happy to do so. It is easy to provide your existing account details.

The Post Office® also provides a bank account that we can pay benefits into. With this account you can only collect your money in cash from Post Office branches.

There are also arrangements with a number of major banks and building societies so that you can collect cash from some of their accounts at your local Post Office.

We recommend that you get your money in this way because:

- it is safe and secure
- it is convenient – you decide when and how much you want to withdraw
- using an account may help you save
- from some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not, you may be charged a fee
- you can get your money from many different places.

The account can be:

- in your name, or
- in the name of your partner. We use partner to mean the person you are married to or the person you live with as if you were married to them, or
- in both the names of yourself and your partner, or
- in the name of the person acting on your behalf, or
- in both the names of yourself and the person acting on your behalf.

If you do not have a suitable bank or building society account, or are unwilling to use an existing account, any bank or building society will help you open an account that suits you better. Remember to ask whether their accounts allow you to get your money from the Post Office, if this is important to you.

Restricted arrangements apply for the Post Office® card account.

The Post Office® card account is a simple bank account that can only have benefit and tax credits paid into it. You can only collect payment from it in cash at a Post Office branch. You will not have a cheque book and cannot withdraw money at a cash machine. You will not be able to run up an overdraft, pay bills by Direct Debit or Standing Order, or have your salary or any other money paid in. The account can only be in your name. You may be able to arrange with the Post Office for someone else to collect your benefit regularly from this account.

Benefit is paid either every week, every 4 weeks or every 13 weeks.

### *If you disagree with the decision*

See NI260 DMA – *A guide to Dispute, Supersession and Appeal*.

Although the NI260 DMA does not specifically mention Industrial Death Benefit, the generic procedures for dealing with disputes, supersessions and appeals apply.

### *If your circumstances change*

Industrial Death Benefit for a widow is usually a pension payable for life following the deceased's death. It is not payable:

SS C&B Act 1992 Sched 7  
para 15(2)

if you remarry

SS C&B Act 1992 Sched 7  
para 15(3)

or for any period when you and a man you are not married to are living together as husband and wife

SS C&B Act 1992 sec 113(1)

or if you are in prison.

If any of the above apply you must tell the Industrial Death Benefit section at the Industrial Injuries Unit straight away (see page 91).

### ***Admission to hospital or similar institution***

SS (Hospital In-patients) Regs  
1975

If you are admitted to hospital or similar institution you must tell your Jobcentre Plus or social security office when you are admitted and return your order book if you are paid in this way. There are a number of different circumstances which affect the claim, dependent on what rate of payment you receive.

#### **If you receive lower rate**

*after 52 weeks:* downrated to Personal Requirements Allowance (PRA) but age addition stops (PRA = 20% of basic pension rate)

#### **If you receive higher rate with no dependant**

*after 52 weeks:* reduces to PRA, and age addition stops

#### **If you receive higher rate with dependent child**

*after 52 weeks:* reduces by 20% of basic pension rate unless you apply for payments to be made to the dependant or some other person

#### **If you receive dependent child rate**

*after 12 weeks:* dependency increase stops unless payments in hospital are made for expenses to benefit the child.

#### **If you have been living in prescribed accommodation**

The downrating of benefit will be decided during hospitalisation and you will be notified in writing.

If you have been living in prescribed accommodation prior to going into hospital, the period in prescribed accommodation may be treated as having been in hospital.

Once you have been discharged from hospital you must notify the office dealing with your claim immediately.

# *Accidents and Diseases before 5 July 1948 – Workmen’s Compensation (Supplementation) Scheme*

SS C&B Act 1992 sec 111 &  
Sched 8  
WC(S) Scheme 1982

You may be able to get benefit under this scheme if you are already getting Workmen’s Compensation for an accident or disease from work you did before 5 July 1948, or think you have a right to this.

The Department for Work and Pensions (DWP) does not pay Workmen’s Compensation. It is paid by your employer.

You and your employer have to settle the compensation in the way laid down by the Workmen’s Compensation Acts. This is by agreement with the employer or, if you cannot reach agreement, by arbitration and then by the courts.

This extra benefit is called Workmen’s Compensation (Supplementation). It can only be paid if you live in the UK, another European country or in a country with which Great Britain has an agreement covering industrial injuries.

## *Conditions of entitlement*

There are three main allowances:

- basic allowance
- major incapacity allowance
- lesser incapacity allowance.

### *Basic allowance*

WC(S) Scheme 1982  
Article 2

The basic allowance of up to £2 a week is applicable if you had an accident or contracted a disease in your job before 1 January 1924 and, as result, are totally or partially unable to work. You must have had a right on or after 21 March 1951 to weekly payments under the Workmen’s Compensation Act, or payments under any employer’s contracting-out scheme.

### ***Major incapacity allowance***

You can get a major incapacity allowance if one of the conditions in the left-hand column and one of the conditions in the right-hand column apply:

WC(S) Scheme 1982  
Article 1

- you had the weekly right to Workmen’s Compensation any time after 5 July 1956
- or were paid a basic allowance any time after 5 July 1956
- or had a lump sum settlement before 5 July 1956 and have since had the right to weekly payments that can be treated as Workmen’s Compensation.

- you are unable to work and likely to remain so for at least 13 weeks as a result of the injury or disease (this does not apply if you are suffering from pneumoconiosis and byssinosis)
- it has been decided that you are totally disabled by pneumoconiosis, silicosis or asbestosis
- you are suffering from byssinosis
- you are unable to work and likely to remain so for at least 13 weeks as a result of more than one of the injuries or diseases.

WC(S) Scheme 1982  
Article 2

WC(S) Scheme 1982  
Article 4

The major incapacity allowance normally makes up the weekly compensation and basic allowance to the same rate as the 100% Industrial Injuries Disablement Benefit.

If you do not meet these basic rules now, you may be able to get the lesser incapacity allowance.

### ***Lesser incapacity allowance***

If you are partially unable to work because of an accident or disease from your work before 5 July 1948 you can claim a lesser incapacity allowance, providing:

- you have had a right to weekly basic allowance or Workmen’s Compensation for loss of earnings at some time after 1 March 1966
- or you would have had a right but the employer is paying you an incapacity pension or some other payment which is regarded as Workmen’s Compensation. Payments from an employer instead of a formal declaration of liability do not meet this condition. If the weekly payment is now less than 2.5 pence (or less than 6d (2.5 pence) before 30 November 1965) you will have to prove that it is based on loss of earnings calculated under Workmen’s Compensation rules.

The weekly rate of your lesser incapacity allowance is based on the earnings you are losing because of your injury or disease. This is decided by comparing what you earn with the earnings of people in your pre-accident occupation.

But if the job you were doing does not exist now, a similar job with the same earning power today is used instead. Any reasonable prospects of advancement which you may have lost may be taken into account.

WC(S) Scheme 1982  
Article 5

### ***How and when to claim***

For a claim form write to or phone the Industrial Injuries Unit Pneumo and Workmen’s Compensation (their address is on page 91).

Send your completed claim form to this address also.

Do not delay claiming because benefit cannot be paid for a period more than 3 months before the date of your claim.

When we receive your claim we will send you an acknowledgement.

WC(S) Scheme 1982  
Article 18  
WC(S) (Amendment) (No2)  
Scheme 1997 Article 2

## *The decision on your claim*

If you satisfy the residence and entitlement conditions we then make enquires about loss of earnings and obtain medical evidence.

When we have all the information we need your claim will be decided by a decision maker. The decision maker will look at the medical evidence and any other available evidence.

We will write to tell you the decision on your claim, the amount of any benefit you will get (current rates can be found in Leaflet GL23 *Social security benefit rates*), and the period for which you will get benefit.

### ***If you disagree with the decision***

See NI260 DMA – *A guide to Dispute, Supersession and Appeal*.

Although the NI260 DMA does not specifically mention WC(Supp), the generic procedures for dealing with disputes, supersessions and appeals apply.

## *How you are paid*

Our policy is to pay all benefits directly into an account.

This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account. You may be able to use a cash machine, which will usually mean you can get your money at any time of the day or night.

You can use your existing account for direct payment if you are happy to do so. It is easy to provide your existing account details.

The Post Office® also provides a bank account that we can pay benefits into. With this account you can only collect your money in cash from Post Office branches.

There are also arrangements with a number of major banks and building societies so that you can collect cash from some of their accounts at your local Post Office.

We recommend that you get your money in this way because:

- it is safe and secure

- it is convenient – you decide when and how much you want to withdraw
- using an account may help you save
- from some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not, you may be charged a fee
- you can get your money from many different places.

The account can be:

- in your name, or
- in the name of your partner. We use partner to mean the person you are married to or the person you live with as if you were married to them, or
- in both the names of yourself and your partner, or
- in the name of the person acting on your behalf, or
- in both the names of yourself and the person acting on your behalf.

If you do not have a suitable bank or building society account, or are unwilling to use an existing account, any bank or building society will help you open an account that suits you better. Remember to ask whether their accounts allow you to get your money from the Post Office, if this is important to you.

Restricted arrangements apply for the Post Office® card account.

The Post Office® card account is a simple bank account that can only have benefit and tax credits paid into it. You can only collect payment from it in cash at a Post Office branch. You will not have a cheque book and cannot withdraw money at a cash machine. You will not be able to run up an overdraft, pay bills by Direct Debit or Standing Order, or have your salary or any other money paid in. The account can only be in your name. You may be able to arrange with the Post Office for someone else to collect your benefit regularly from this account.

Benefit is paid either every week, every 4 weeks or every 13 weeks.



## *If your circumstances change*

A decision can be looked at again at any time if your condition has changed.

If you feel your condition has got worse and you want us to have another look at the decision, write to or phone the Industrial Injuries Unit Pneumo and Workmen’s Compensation (their address is on page 91).

If the condition for which you are getting benefit improves you must tell us straight away.

You must also tell us if you:

- marry or remarry and change your name
- change your address
- leave the country
- go into prison
- go into hospital or similar accommodation.

SS (C&P) Regs 1987 reg 32

If any of these apply, you must tell the Industrial Injuries Unit Pneumo and Workmen’s Compensation straight away.

If you die, someone should let us know straight away. If you have an order book, they should send it back straight away. They should not cash it.

## *Other benefits you may be entitled to*

### ***Constant Attendance Allowance***

You may be entitled to Constant Attendance Allowance if the need for constant attendance is because of the injury or disease for which compensation is or was payable.

Four primary conditions must all be met before Constant Attendance Allowance can be awarded. You must be:

entitled to weekly payments of Workmen’s Compensation on or after 5 July 1948 and totally incapable of work and likely to remain so

and dependent on attendance for the necessities of life

and able to demonstrate that the attendance is needed as a result of the relevant loss of faculty

and able to demonstrate that attendance will be needed for a prolonged period.

See 'Constant Attendance Allowance' on pages 46–50 for general information on Constant Attendance Allowance.

### ***Exceptionally Severe Disablement Allowance***

SS C&B Act 1992 Sched 8  
para 7

SS (Gen Ben) Regs 1982  
reg 43

To qualify for Exceptionally Severe Disablement Allowance you must:

have an award of Constant Attendance Allowance at either the intermediate or exceptional rate

and be likely to need that level of attendance permanently.

See the 'Exceptionally Severe Disablement Allowance' on pages 51–52 for general information on Exceptionally Severe Disablement Allowance.

# *Diseases before 5 July 1948 – Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme*

## *Conditions of entitlement*

You may be able to get an allowance under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme if:

you are partially or totally disabled by one of the diseases listed in Appendix 3

and you were employed in Great Britain at some time before 5 July 1948 in one of the jobs shown against the disease and finished that job before 5 July 1948

SS C&B Act 1992 sec 111  
& Sched 8  
PB&MDB Scheme 1983

and you normally live in the UK, another European country or in a country with which Great Britain has an agreement covering industrial injuries.

PB&MDB Scheme 1983  
Article 3

You cannot get an allowance if:

at any time you have had a right to benefit for the disease under the main Industrial Injuries Scheme

or at any time you have had a right to benefit for the disease under the Workmen's Compensation Acts for the disease

or you have been paid damages through the courts for the disease.

## *How and when to claim*

For a claim form write to or phone the Industrial Injuries Unit Pneumo and Workmen's Compensation (their address is on page 91).

Send your completed claim form to this address also.

PB&MDB Scheme 1983  
Article 17  
PB&MDB (Amendment)  
Scheme 1997 Article 2

Do not delay claiming because benefit cannot be paid for a period more than 3 months before the date of your claim.

When we receive your claim we will send you an acknowledgement.

## *How claims are decided*

Firstly we consider residence conditions and payment of any compensation already made. Then we have to check that you were employed in a job that caused the disease.

This can take some time as it is difficult to get employment details from over 40 years ago.

You may be asked to provide written evidence giving reasons why you think that you are disabled. You may need to have a chest X-ray.

SS Act 1998 sec 19(1)

If it is decided that you are covered by the scheme, you may be asked to attend a medical examination.

SS Act 1998 sec 19(3)

If you are asked to attend a medical examination and you fail to turn up without good cause, your claim will be disallowed.

## *About the medical examination*

If you are asked to attend a medical examination your examination will be carried out by one or possibly two experienced medical practitioners.

These doctors are specially trained in industrial injuries disablement matters.

SS (C&P) Regs 1987 reg 26

If you can travel, you will be told when and where to go for the examination. You will be told what out-of-pocket expenses you can claim. If you are not fit to travel alone, someone can travel with you.

If you are not fit to travel, you can also request an examination at home.

The medical examination will be held in private but you may be able to take a companion if the doctor allows it. Occasionally you may be asked if an observer can be present.

You can give the doctor any evidence which was not included with your claim form, if you think it will help them to give an opinion on your disablement.

If you have attended a hospital the doctor may seek further information from the hospital. Hospital case notes may be requested by the doctor to assist in giving an opinion.

The doctor could also ask for a report from your GP.

The doctor will take a statement from you and send a written report to the decision maker based upon the examination and any other medical evidence.

The doctor will advise on:

- whether you are suffering from a disease listed in Appendix 3; and if so,
- whether you are partially or totally disabled by the disease; and
- the date your disablement began.

The doctor will provide an explanation for the decision maker as to how they arrived at their opinion.

The doctor will also look at causation, ie in their opinion whether the disease is due to the nature of your employment prior to 5 July 1948.

## *The decision on your claim*

After the medical examination your claim will be decided by a decision maker. The decision maker will look at the doctor's advice and any other available evidence.

We will write to tell you the decision on your claim, the amount of any benefit you will get (current rates can be found in Leaflet GL23 *Social security benefit rates*), and the period for which you will get benefit.

### ***If you disagree with the decision***

See NI260 DMA – *A guide to Dispute, Supersession and Appeal*.

Although the NI260 DMA does not specifically mention the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme, the generic procedures for dealing with disputes, supersessions and appeals apply.

## *How much benefit you will get*

PB&MDB Scheme 1983  
Article 4

There are two rates of allowance

- Partial disablement rate
- Total disablement rate.

The current rates can be found in Leaflet GL23 *Social security benefit rates* which can be obtained from your social security office.

## *How you are paid*

Our policy is to pay all benefits directly into an account.

This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account. You may be able to use a cash machine, which will usually mean you can get your money at any time of the day or night.

You can use your existing account for direct payment if you are happy to do so. It is easy to provide your existing account details.

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- it is safe and secure
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- using an account may help you save
- from some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not, you may be charged a fee
- you can get your money from many different places.

The account can be:

- in your name, or
- in the name of your partner. We use partner to mean the person you are married to or the person you live with as if you were married to them, or
- in both the names of yourself and your partner, or
- in the name of the person acting on your behalf, or
- in both the names of yourself and the person acting on your behalf.

If you do not have a suitable bank or building society account, or are unwilling to use an existing account, any bank or building society will help you open an account that suits you better. Remember to ask whether their accounts allow you to get your money from the Post Office, if this is important to you.

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Benefit is paid either every week, every 4 weeks or every 13 weeks.

## *If your circumstances change*

A decision can be looked at again at any time if your condition has changed.

If you feel your condition has got worse and you want us to have another look at the decision, write to or phone the Industrial Injuries Unit Pneumo and Workmen's Compensation (their address is on page 91).

If the condition for which you are getting benefit improves you must tell us straight away.

You must also tell us if you:

- marry or remarry and change your name
- change your address
- leave the country
- go into prison
- go into hospital or similar accommodation.

SS (C&P) Regs 1987 reg 32

If any of these apply, you must tell Industrial Injuries Unit Pneumo and Workmen's Compensation straight away.

If you die, someone should let us know straight away. If you have an order book, they should send it back straight away. They should not cash it.

## *Other benefits you may be entitled to*

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### ***Constant Attendance Allowance***

You may be entitled to Constant Attendance Allowance if the need for constant attendance is because of the injury or disease for which benefit is or was payable.

Four primary conditions must all be met before Constant Attendance Allowance can be awarded. You must be:

- entitled to the 100% rate of benefit under the scheme
- and** dependent on attendance for the necessities of life
- or** needing the attendance as a result of the disability you are already getting benefit for
- and** needing attendance for a prolonged period.

See 'Constant Attendance Allowance' on pages 46–50 for general information on Constant Attendance Allowance.

### ***Exceptionally Severe Disablement Allowance***

To qualify for Exceptionally Severe Disablement Allowance you must:



SS C&B Act 1992 Sched 8  
para 7  
SS (Gen Ben) Regs 1982  
reg 43

have an award of Constant Attendance Allowance at either the intermediate or exceptional rate

and be likely to need that level of attendance permanently.

See 'Exceptionally Severe Disablement Allowance' on pages 51–52 for general information on Exceptionally Severe Disablement Allowance.

### ***Death Benefit***

PB&MDB Scheme 1983  
Article 9

If you were supported by someone who has died because of any of the diseases listed under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme, you may get a payment of up to £300.

This benefit is paid as well as any National Insurance Widow's Benefit.

The person who has died need not have been getting a disablement allowance.

PB&MDB Scheme 1983  
Articles 3 and 9

You cannot get death benefit if:

- you get Industrial Death Benefit
- or the person who died did not meet the work rules shown in Appendix 3
- or the person who died had the right to benefit under the Industrial Injuries Scheme, Workmen's Compensation Acts or any scheme abroad
- or the person who died had the right to Workmen's Compensation but got compensation for another disease or accident instead
- or the person who died was paid damages
- or any member of the person's family got (or had the right to get) benefit for their death under the Industrial Injuries Scheme, Workmen's Compensation Acts or any scheme abroad, or got damages for their death.

For a claim form write to or phone the Industrial Injuries Unit Pneumo and Workmen's Compensation (their address is on page 91).

Send your completed claim form to this address also.

You should normally claim within 3 months of the death.

# *Unemployability Supplement*

## *Conditions of entitlement*

From 6 April 1987, Unemployability Supplement (UNSUPP) was abolished as an increase of Industrial Injuries Disablement Benefit. People in receipt of Unemployability Supplement on 6 April 1987 were allowed to continue to receive it providing they satisfied the benefit criteria.

Claims for Unemployability Supplement can, however, continue to be made under the following schemes:

- Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme
- Workmen's Compensation (Supplementation) Scheme.

Renewals for existing recipients will continue as long as they fulfil the qualifying conditions.

Unemployability Supplement can only be awarded if you are:

receiving an allowance under the PB&MDB scheme or Workmen's Compensation scheme

and incapable of any work as a result of the loss of faculty for which the allowance or compensation has been awarded

and likely to be permanently incapable of any work.

You can be treated as permanently incapable of work if the relevant loss of faculty is likely to prevent you from earning more in a year than the prescribed amount specified in Schedule 7 of the Contributions and Benefits Act 1992.

You can earn more than the equivalent proportion for part of the year, provided that you are incapable of earning more than the prescribed amount during the whole year.

As well as personal benefit, people receiving Unemployability Supplement can also get:

- allowance for dependants
- age of onset allowance
- age addition.

Only one increase can be paid for:

- an adult dependant
- each child.

### ***Dependants***

Dependants may include:

- a spouse
- a person looking after a child or children for you
- children.

The amount payable for dependants is reduced by any dependency allowance payable:

- with Unemployability Supplement with a War Pension
- by Guardian's Allowance.

A dependency increase is not payable if you are receiving a training allowance, as that allowance contains an additional allowance for dependants.

If your dependant receives any personal benefits in their own right, there are overlapping benefit provisions.

If your dependant's income changes, the dependency increase is looked at again to determine whether it is still appropriate.

An age addition is not payable for dependants.

### ***Age of onset allowance***

The amount of an age of onset allowance depends on your age when your incapacity began.

Age of onset allowance extinguishes or reduces Invalidity Allowance.

### ***Age addition***

The age addition is payable if you are over 80, and are not receiving the addition with any other benefit.

The amount is the same as the addition paid with Retirement Pension.

An age addition is not payable for a dependant.

## *How to claim*

For a claim form write to or phone Industrial Injuries Unit Pneumo and Workmen's Compensation (their address is on page 91).

Send your completed claim form to this address also.

Do not delay claiming. If you do you may lose some benefits.

This is because Unemployability Supplement cannot be paid for a period more than 3 months before the date of your claim.

When we receive your claim we will send you an acknowledgement.

SS (C&P) Regs 1987

## *The decision on your claim*

Your claim will be decided by a decision maker. The decision maker will consider all the evidence and may ask for medical advice.

We will write to tell you the decision on your claim, the amount of any benefit you will get (current rates can be found in Leaflet GL23 *Social security benefit rates*) and the period for which you will get benefit.

### ***If you disagree with the decision***

See NI260 DMA – *A guide to Dispute, Supersession and Appeal.*

## *How much benefit you will get*

Unemployability Supplement can only be awarded for a period when you are receiving an allowance under the PB&MDB scheme or a date from which Workmen's Compensation was awarded.

Normally Unemployability Supplement is awarded for between 6 months and 2 years.

If Unemployability Supplement overlaps with any of the following benefits it reduces or extinguishes payments of:

- Incapacity Benefit
- Carer's Allowance
- Invalidity Benefit
- Retirement Pension

- Severe Disablement Allowance
- Widow's Benefits.

## *How you are paid*

Unemployability Supplement is paid together with your Industrial Injuries Disablement Benefit, PB&MDB or WC (Supp).

## *If your circumstances change*

A decision can be looked at again at any time if your condition has changed.

If you want us to have another look at the decision, write or telephone the Industrial Injuries Unit Pneumo and Workmen's Compensation (their address is on page 91).

You must also tell us if you:

- marry or remarry and change your name
- change your address
- leave the country
- go into prison
- go into hospital or similar accommodation.

SS (C&P) Regs 1987 reg 32

If any of these apply, you must tell the Industrial Injuries Unit Pneumo and Workmen's Compensation straight away.

If you die, someone should let us know straight away. If you have an order book, they should send it back straight away. They should not cash it.

You must also tell us if you are claiming an increase for a dependant and their circumstances change.

# *Additional payment for people whose employer has gone out of business*

## *Pneumoconiosis etc (Workers' Compensation) Act 1979*

This is an additional payment which you can claim. It covers people, or dependants of people, who suffer from certain industrial diseases caused by dust.

You can make a claim if you are unable to get damages from your employer who caused or contributed to the disease.

The diseases covered are:

- diffuse mesothelioma
- pneumoconiosis (including asbestosis, silicosis and kaolinosis)
- diffuse pleural thickening
- primary carcinoma of the lung if accompanied by asbestosis or diffuse pleural thickening
- byssinosis.

## *How to claim*

If you are suffering from one of the above diseases and you think you may be entitled to a payment, contact the Pneumoconiosis Worker's Compensation Section as soon as possible (the address is on page 91).

Do **not** wait for the outcome of your claim under the Industrial Injuries scheme before you make a claim for this additional payment.

# Further information

## Rates of benefits

Rates of benefits are published each year in the Social Security Benefits Up-rating Order, which is debated by Parliament, usually towards the end of the year. Benefits are usually up-rated from April, at the beginning of the financial year. Details of social security benefit rates are available in Leaflet GL23 *Social security benefit rates*.

## Social security leaflets

### You can get copies of the leaflets from

your Jobcentre Plus or social security office <i>for your nearest office look for 'Jobcentre Plus' or 'social security' in the business numbers section of the phone book</i>	for social security leaflets and most others
Post offices, Jobcentres or Jobcentre Plus offices	for the main leaflets
Your local council	for leaflets on Housing Benefit and Council Tax Benefit

You can get more information from the DWP website.

The address is: **[www.dwp.gov.uk](http://www.dwp.gov.uk)**

To contact us by email see the *Contact Us* section of the website.

Community advisers who belong to an organisation that gives benefits information to the public can join the DWP Publicity Register, which gives advisers access to information from the Department for Work and Pensions and its agencies. To join call 0845 602 4444 (9am – 6pm, Monday to Friday).

Or fax us on 0870 241 2634. Calls are charged at local rate.

## Technical guides

Technical guides, such as this one, give detailed information on particular benefits or benefit areas. They are intended for professional and voluntary advisers and for members of the public who want to know more about benefit procedures.

- HB5 *A guide to non-contributory benefits for disabled people*
- IS20 *A guide to Income Support*
- NI17A *A guide to maternity benefits*
- NP45 *A guide to Widow's Benefits*
- RR2 *A guide to Housing Benefit and Council Tax Benefit*
- SB16 *A guide to the Social Fund*

You can get copies of these from any Jobcentre Plus or social security office.

## The Acts, Regulations and the 'Blue Volumes'

The Acts and Regulations which set down the rules explained in this guide are included in a series of loose-leaf books, *The Law relating to Social Security* (also known as the Blue Volumes) which are published by the Stationery Office. The relevant Acts and Regulations are indexed and kept up to date by regular supplements. You can consult a copy at your Jobcentre Plus or social security office, and many libraries also have a copy. Copies can also be bought from the Stationery Office.

This technical guide is only a guide to Industrial Injuries Benefits. It has no status in law, but it refers you to the Acts and Regulations which cover particular rules. The Regulations may be changed or added to from time to time by Amendment Regulations. Also, each year a set of Up-rating Regulations is published changing the benefit rates.

The main Acts and Regulations which govern Industrial Injuries Benefits are currently:

**Social Security Act 1998**

**Social Security Contributions and Benefits Act 1992**



**Social Security Administration Act 1992****Social Security (Claims and Payments) Regulations 1987***Abbreviations key for legislation*

<b>PB&amp;MDB Scheme 1983</b>	Pneumoconiosis, Bysinosis and Miscellaneous Diseases Benefit Scheme 1983
<b>SS Act 1998</b>	Social Security Act 1998
<b>SS Contributions Regs 1979</b>	Social Security Contributions Regulations 1979
<b>SSB (PA) Regs 1975</b>	Social Security Benefit (Persons Abroad) Regulations 1975
<b>SS (C&amp;P) Regs 1987</b>	Social Security (Claims and Payments) Regulations 1987
<b>SS (Gen Ben) Regs 1982</b>	Social Security (General Benefits) Regulations 1982
<b>SS C&amp;B Act 1992</b>	Social Security Contributions and Benefits Act 1992
<b>SS (II) (PD) Regs 1985</b>	Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985
<b>SS&amp;CS (D&amp;A) Regs 1999</b>	Social Security and Child Support (Decisions and Appeals) Regulations 1999
<b>SS (WB and RP) Regs 1979</b>	Social Security (Widow's Benefit & Retirement Pension) Regulations 1979
<b>SS (Hospital In-patients) Regs 1975</b>	Social Security (Hospital In-patients) Regulations 1975
<b>SS Administration Act 1992</b>	Social Security Administration Act 1992
<b>SSP (HR) Regs 1994</b>	Social Security Pensions (Home Responsibilities) Regulations 1994

<b>SS (Overlapping Benefits) Regs 1979</b>	Social Security (Overlapping Benefits) Regulations 1979
<b>SS (II) (Regular Employment) Regs 1990</b>	Social Security (Industrial Injuries) (Regular Employment) Regulations 1990
<b>WC(S) Scheme 1982</b>	Workmen's Compensation (Supplementation) Scheme 1982

## *Useful addresses*

### ***Attendance Allowance/Disability Living Allowance***

Disability Benefits Unit  
Warbreck House  
Warbreck Hill Road  
Blackpool  
Lancashire  
FY2 0UZ

### ***Compensation Recovery***

Compensation Recovery Unit  
Reyrolle Building  
Hebburn  
Tyne and Wear  
NE31 1XB

### ***Inland Revenue***

Inland Revenue  
Contracted-out Employments Group  
Longbenton  
Newcastle  
NE98 1YX

***Pneumoconiosis Worker's Compensation Section***

Phoenix House  
Stephen Street  
Barrow-in-Furness  
Cumbria  
LA14 1ZA  
  
Freephone 0800 279 2322

***Disablement Services Authority***

For information about artificial limbs and wheelchairs contact the Disablement Services Authority:

Government Buildings  
Warbreck Hill Road  
Blackpool  
FY2 0YF

***Industrial Injuries Unit Industrial Death Benefit***

Jobcentre Plus  
Room 306  
Norcross  
BLACKPOOL  
FY5 3TA  
  
Phone: 01253 333 899

***Industrial Injuries Unit Pneumoconiosis and Workmen's Compensation Section***

Jobcentre Plus  
Room 306  
Norcross  
BLACKPOOL  
FY5 3TA  
  
Phone: 01253 333 577

### ***Carer's Allowance Unit***

DWP  
Palatine House  
Lancaster Road  
Preston  
PR1 1NS

### ***Motability***

Goodman House  
Station Approach  
Harlow  
CM20 2ET

### ***International Pensions Centre 3 (IPC3)***

General II enquiries  
IPC (II)  
Room TC013  
Tyneview Park  
Whitley Road  
Newcastle upon Tyne  
NE98 1BA

Contributions Enquiries  
Inland Revenue  
International Services  
Newcastle upon Tyne  
NE98 1ZZ

### ***Veterans Agency***

Veterans Agency  
Tomlinson House  
Norcross  
Blackpool  
Lancashire  
FY5 3WP

# Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit

## *List of diseases which are covered and the kinds of jobs which are included*

The information in italics is an attempt to make the medical terms easier to understand and to give you some idea as to the jobs in which you might get one of the diseases. It is not a complete list of jobs and you should not be put off claiming just because your job is not listed. If in doubt, claim.

<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to physical agents (physical cause)</i></b>	<b>Type of job <i>Any job involving</i></b>
A1	Leukemia (other than chronic lymphatic leukemia) or cancer of the bone, female breast, testis or thyroid.	Exposure to electromagnetic radiations (other than radiant heat) or to ionising particles where the dose is sufficient to double the risk of the occurrence of the condition. <i>For example, people working in the nuclear industry and hospital X-ray departments.</i>
A2	Cataract.	Frequent or prolonged exposure to radiation from red-hot or white-hot material. <i>For example, glass and metal workers, stokers.</i>
A3	Dysbarism, including decompression sickness, barotrauma and osteonecrosis. <i>For example, the bends.</i>	Subjection to compressed or rarefied air or other respirable gases or gaseous mixtures. <i>For example, underwater or tunnel workers.</i>

**Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit**

<b>Disease number</b>	<b>Name of Disease or Injury Conditions due to physical agents (physical cause)</b>	<b>Type of job Any job involving</b>
A4	Cramp of the hand or forearm due to repetitive movements. <i>For example, writer's cramp.</i>	Prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm. <i>For example, typists, clerks and routine assemblers.</i>
A5	Subcutaneous cellulitis of the hand. ( <i>Beat hand.</i> )	Manual labour causing severe or prolonged friction or pressure on the hand. <i>For example, miners and road workers using picks and shovels.</i>
A6	Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee. ( <i>Beat knee.</i> ) <i>For example, housemaid's knee.</i>	Manual labour causing severe or prolonged external friction or pressure at or about the knee. <i>For example, workers who kneel a lot.</i>
A7	Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow. ( <i>Beat elbow.</i> )	Manual labour causing severe or prolonged external friction or pressure at or about the elbow. <i>For example, jobs involving continuous rubbing or pressure on the elbow.</i>
A8	Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths. <i>Tenosynovitis.</i>	Manual labour, or frequent or repeated movements of the hand or wrist. <i>For example, routine assembly workers.</i>
A9	Miner's nystagmus. <i>Jerky movements of the eyeballs.</i>	Work in or about a mine.

<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to physical agents (physical cause)</i></b>	<b>Type of job Any job involving</b>
A10	Occupational deafness. Sensorineural hearing loss amounting to at least 50dB in each ear, being the average of hearing losses at 1, 2 and 3 kHz frequencies, and being due in the case of at least one ear to occupational noise.	<p>The use of, or work wholly or mainly in the immediate vicinity of the use of, a:</p> <p>(a) band saw, circular saw or cutting disc to cut metal in the metal founding or forging industries, circular saw to cut products in the manufacture of steel, powered (other than hand powered) grinding tool on metal (other than sheet metal or plate metal), pneumatic percussive tool on metal, pressurised air arc tool to gouge metal, burner or torch to cut or dress steel-based products, skid transfer bank, knock out and shake out grid in a foundry, machine (other than a power press machine) to forge metal including a machine used to drop stamp metal by means of closed or open dies or drop hammers, machine to cut or shape or clean metal nails, or plasma spray gun to spray molten metal;</p> <p>(b) pneumatic percussive tool to drill rock in a quarry, on stone in a quarry works, underground, for mining coal, for sinking a shaft, or for tunnelling in civil engineering works;</p> <p>(c) vibrating metal moulding box in the concrete products industry, or circular saw to cut concrete masonry blocks;</p>

**Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit**

<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to physical agents (physical cause)</i></b>	<b>Type of job Any job involving</b>
A10 <i>continued</i>		<p>(d) machine in the manufacture of textiles for weaving man-made or natural fibres (including mineral fibres), high speed false twisting of fibres, or the mechanical cleaning of bobbins;</p> <p>(e) multi-cutter moulding machine on wood, planing machine on wood, automatic or semi-automatic lathe on wood, multiple cross-cut machine on wood, automatic shaping machine on wood, double-end tenoning machine on wood, vertical spindle moulding machine (including a high speed routing machine) on wood, edge banding machine on wood, bandsawing machine (with a blade width of not less than 75 millimetres) on wood, circular sawing machine on wood including one operated by moving the blade towards the material being cut, or chain saw on wood;</p> <p>(f) jet of water (or mixture of water and abrasive material) at a pressure above 680 bar, or jet channelling process to burn stone in a quarry;</p> <p>(g) machine in a ship's engine room, or gas turbine for performance testing on a test bed, installation testing of a replacement engine in an aircraft, or acceptance testing of an Armed Service fixed wing combat aircraft;</p> <p>(h) machine in the manufacture of glass containers or hollow ware for automatic moulding, automatic blow moulding, or automatic glass pressing and forming;</p>



<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to physical agents (physical cause)</i></b>	<b>Type of job Any job involving</b>
A10 <i>continued</i>		(i) spinning machine using compressed air to produce glass wool or mineral wool; (j) continuous glass toughening furnace; (k) firearm by a police firearms training officer; or (l) shot-blaster to carry abrasives in air for cleaning.
A11	Episodic blanching, occurring throughout the year, affecting the middle or proximal phalanges, or in the case of a thumb the proximal phalanx, of: (a) in the case of a person with 5 fingers (including thumb) on one hand, any 3 of those fingers; or (b) in the case of a person with only 4 such fingers, any 2 of those fingers; or (c) in the case of a person with less than 4 such fingers, any one of those fingers or, as the case may be, the one remaining finger. (Vibration white finger.)	(a) the use of hand-held chain saws in forestry; or (b) the use of hand-held rotary tools in grinding or in the sanding or polishing of metal, or the holding of material being ground, or metal being sanded or polished, by rotary tools; or (c) the use of hand-held percussive metalworking tools, or the holding of metal being worked upon by percussive tools, in riveting, caulking, chipping, hammering, fettling or swaging; or (d) the use of hand-held powered percussive drills or hand-held powered percussive hammers in mining, quarrying, demolition, or on roads or footpaths, including road construction; or (e) the holding of material being worked upon by pounding machines in shoe manufacture.
A12	Carpal tunnel syndrome.	The use of hand-held powered tools whose internal parts vibrate so as to transmit that vibration to the hand, but excluding those which are solely powered by hand.

**Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit**

<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to biological agents (caused by animal, plant or other living organism)</i></b>	<b>Type of job Any job involving</b>
B1	Anthrax.	Contact with animals infected with anthrax or the handling (including the loading or unloading or transport) of animal products or residues. <i>For example, glue and shaving brush makers.</i>
B2	Glanders.	Contact with equine animals or their carcasses. <i>For example, farm and slaughterhouse workers, and grooms handling horses.</i>
B3	Infection by leptospira. <i>For example, swamp fever, swineherd's disease, and Weil's disease.</i>	(a) Work in places which are, or are liable to be, infested by rats, field mice or voles, or other small mammals; or (b) work at dog kennels or the care or handling of dogs; or (c) contact with bovine animals or their meat products or pigs or their meat products. <i>For example, farm, veterinary, sewerage and slaughterhouse workers.</i>
B4	Ancylostomiasis. <i>Hookworm disease, rarely found in this country.</i>	Work in or about a mine.
B5	Tuberculosis. <i>TB infection.</i>	Contact with a source of tuberculous infection. <i>For example, doctors, nurses, ambulance crews, pathology technicians and social workers.</i>

<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to biological agents (caused by animal, plant or other living organism)</i></b>	<b>Type of job Any job involving</b>
B6	Extrinsic allergic alveolitis <i>(including farmer's lung).</i>	Exposure to moulds or fungal spores or heterologous proteins by reason of employment in: (a) agriculture, horticulture, forestry, cultivation of edible fungi or malt-working; or (b) loading or unloading or handling in storage mouldy vegetable matter or edible fungi; or (c) caring for or handling birds; or (d) handling bagasse.
B7	Infection by organisms of the genus brucella. <i>Brucellosis.</i>	Contact with: (a) animals infected by brucella, or their carcasses or parts thereof, or their untreated products; or (b) laboratory specimens or vaccines of, or containing, brucella. <i>For example, farm, veterinary, slaughterhouse, animal laboratory workers.</i>
B8	Viral hepatitis. <i>An infection of the liver by a virus.</i>	Contact with: (a) human blood or human blood products; or (b) a source of viral hepatitis. <i>For example, doctors, nurses, ambulance crews, pathology workers.</i>
B9	Infection by <i>Streptococcus suis</i> . <i>A very rare form of meningitis from exposure to infected pigs or pork products.</i>	Contact with pigs infected by <i>Streptococcus suis</i> , or with the carcasses, products or residues of pigs so infected. <i>For example, pork butchers, pig breeders, slaughterhouse workers.</i>

**Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit**

<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to biological agents (caused by animal, plant or other living organism)</i></b>	<b>Type of job Any job involving</b>
B10(a)	Avian chlamydiosis.	Contact with birds infected with chlamydia psittaci, or with the remains or untreated products of such birds. <i>For example, duck farm workers, feather processing workers, abattoir workers, poultry meat inspectors, pet shop owners and assistants.</i>
B10(b)	Ovine chlamydiosis.	Contact with sheep infected with chlamydia psittaci, or with the remains or untreated products of such sheep. <i>For example, sheep farm workers, veterinary surgeons.</i>
B11	Q fever.	Contact with animals, their remains or their untreated products. <i>For example, farm workers involved in the rearing of sheep, abattoir workers, veterinary surgeons.</i>
B12	Orf.	Contact with sheep or goats, or with the carcasses of sheep or goats. <i>For example, farm workers, abattoir workers, meat inspectors.</i>
B13	Hydatidosis.	Contact with dogs. <i>For example, shepherds, veterinarians and people who care for dogs.</i>

<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to chemical agents (chemical cause)</i></b>	<b>Type of job Any job involving</b>
C1(a)	Anaemia with a haemoglobin concentration of 9g/dL or less, and a blood film showing punctate basophilia;	The use or handling of, and exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead.
C1(b)	peripheral neuropathy;	<i>For example, plumbers, painters, enamellers, pottery glazing workers.</i>
C1(c)	central nervous system toxicity.	
C2	Central nervous system toxicity characterised by parkinsonism.	The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese. <i>For example, dry battery, pottery glazing and soap workers.</i>
C3	Poisoning by phosphorus or an inorganic compound of phosphorus or poisoning due to the anticholinesterase or pseudo anticholinesterase action of organic phosphorus compounds.	The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus. <i>For example, pest control, agricultural workers, workers on incendiary devices, match makers.</i>
C4	Primary carcinoma of the bronchus or lung.	Exposure to the fumes, dust or vapour of arsenic, a compound of arsenic or a substance containing arsenic.
C5(a)	Central nervous system toxicity characterised by tremor and neuropsychiatric disease.	Exposure to mercury or inorganic compounds of mercury for a period of, or periods which amount in aggregate to, 10 years or more.
C5(b)	Central nervous system toxicity characterised by combined cerebellar and cortical degeneration.	Exposure to methylmercury.

## Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit

<b>Disease number</b>	<b>Name of Disease or Injury <i>Conditions due to chemical agents (chemical cause)</i></b>	<b>Type of job Any job involving</b>
C6	Peripheral neuropathy.	The use or handling of, or exposure to the fumes or vapour of, carbon disulphide (also called carbon disulfide).
C7	Acute non-lymphatic leukaemia.	Exposure to benzene.
C12(a)	Peripheral neuropathy;	Exposure to methyl bromide (also called bromomethane).
C12(b)	central nervous system toxicity.	vapour containing, a nitro- or
C13	Cirrhosis of the liver.	Exposure to chlorinated naphthalenes.
C16(a)	Neurotoxicity;	Exposure to the dust of gonioma kamassi.
C16(b)	cardiotoxicity.	
C17	Chronic beryllium disease.	Inhalation of beryllium or a beryllium compound.
C18	Emphysema	Inhalation of cadmium fumes for a period of, or periods which amount in aggregate to, 20 years or more.
C19(a)	Peripheral neuropathy;	Exposure to acrylamide.
C19(b)	central nervous system toxicity.	
C20	Dystrophy of the cornea (including ulceration of the corneal surface) of the eye. <i>Wasting and ulceration of the corneal surface of the eye.</i>	Exposure to quinone or hydroquinone.
C21	Primary carcinoma of the skin.	Exposure to arsenic or arsenic compounds, tar, pitch, bitumen, mineral oil (including paraffin) or soot.
C22(a)	Primary carcinoma of the mucous membrane of the nose or paranasal sinuses;	Work before 1950 in the refining of nickel involving exposure to oxides, sulphides or water-soluble compounds of nickel.
C22(b)	primary carcinoma of the bronchus or lung.	

Disease number	Name of Disease or Injury <i>Conditions due to chemical agents (chemical cause)</i>	Type of job Any job involving
C23	Primary neoplasm of the epithelial lining of the urinary tract.	<p>(a) The manufacture of 1-naphthylamine, 2-naphthylamine, benzidine, auramine, magenta or 4-aminobiphenyl (also called biphenyl-4-ylamine);</p> <p>(b) work in the process of manufacturing methylene-bis-orthochloroaniline (also called MbOCA) for a period of, or periods which amount in aggregate to, 12 months or more;</p> <p>(c) exposure to 2-naphthylamine, benzidine, 4-aminobiphenyl (also called biphenyl-4-ylamine) or salts of those compounds otherwise than in the manufacture of those compounds;</p> <p>(d) exposure to orthotoluidine, 4-chloro-2-methylaniline or salts of those compounds; or</p> <p>(e) exposure for a period of, or periods which amount in aggregate to, 5 years or more, to coal tar pitch volatiles produced in aluminium smelting involving the Soderberg process (that is to say, the method of producing aluminium by electrolysis in which the anode consists of a paste of petroleum coke and mineral oil which is baked <i>in situ</i>).</p>

## Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit

Disease number	Name of Disease or Injury <i>Conditions due to chemical agents (chemical cause)</i>	Type of job Any job involving
C24(a)	Angiosarcoma of the liver;	Exposure to vinyl chloride monomer in the manufacture of polyvinyl chloride
C24(b)	acro-osteolysis characterised by – (i) lytic destruction of the terminal phalanges, (ii) in Raynaud's phenomenon, the exaggerated vasomotor response to cold causing intense blanching of the digits, and (iii) sclerodermatous thickening of the skin;	
C24(c)	liver fibrosis.	
C25	Vitiligo.	The use or handling of, or exposure to, paratertiary-butylphenol (also called 4- <i>tert</i> -butylphenol), paratertiary-butylcatechol (also called 4- <i>tert</i> -butylcatechol), para-amylphenol (also called <i>p</i> -pentyl phenol isomers), hydroquinone, monobenzyl ether of hydroquinone (also called 4-benzyloxyphenol) or mono-butyl ether of hydroquinone (also called 4-butoxyphenol).
C26(a)	Liver toxicity;	The use or handling of, or exposure to, carbon tetrachloride (also called tetrachloromethane).
C26(b)	kidney toxicity.	
C27	Liver toxicity.	The use or handling of, or exposure to, trichloromethane (also called chloroform).
C29	Peripheral neuropathy.	The use or handling of, or exposure to, n-hexane or n-butyl methyl ketone.
C30(a)	Dermatitis;	The use or handling of, or exposure to, chromic acid, chromates or dichromates.
C30(b)	ulceration of the mucous membrane or the epidermis.	



<b>Disease number</b>	<b>Name of Disease or Injury</b> <i>Miscellaneous conditions not included elsewhere in the list</i>	<b>Type of job</b> <b>Any job involving</b>
D1	Pneumoconiosis. <i>Includes silicosis and asbestosis.</i>	<p>(1) (a) The mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);</p> <p>(b) the handling of any of the materials specified in the foregoing subparagraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.</p> <p>(2) The breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint, or substantial exposure to the dust arising from any such operations.</p> <p>(3) Sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from sand and blasting.</p> <p>(4) Work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations:</p>

**Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit**

<b>Disease number</b>	<b>Name of Disease or Injury</b> <i>Miscellaneous conditions not included elsewhere in the list</i>	<b>Type of job</b> <b>Any job involving</b>
D1 <i>continued</i>		<p>(a) the freeing of steel castings from adherent siliceous substance;</p> <p>(b) the freeing of metal castings from adherent siliceous substance:</p> <p style="padding-left: 20px;">(i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel, or</p> <p style="padding-left: 20px;">(ii) by the use of power-driven tools.</p> <p>(5) The manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom.</p> <p>(6) The grinding of mineral graphite, or substantial exposure to the dust arising from such grinding.</p> <p>(7) The dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.</p> <p>(8) The use, or preparation for use, of a grindstone, or substantial exposure to the dust arising therefrom.</p> <p>(9)(a) The working or handling of asbestos or any admixture of asbestos;</p> <p style="padding-left: 20px;">(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;</p>

Disease number	Name of Disease or Injury <i>Miscellaneous conditions not included elsewhere in the list</i>	Type of job Any job involving
D1 <i>continued</i>		<p>(c) the cleaning of any machinery or plant used in any foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p> <p>(10)(a) Work underground in any mine in which one of the objects of the mining operations is the getting of any mineral;</p> <p>(b) the working or handling above ground at any coal or tin mine of any minerals extracted therefrom, or any operation incidental thereto;</p> <p>(c) the trimming of coal in any ship, barge, or lighter, or in any dock or harbour or at any wharf or quay;</p> <p>(d) the sawing, splitting or dressing of slate, or any operation incidental thereto.</p> <p>(11) The manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom.</p> <p>(12) Boiler scaling or substantial exposure to the dust arising therefrom.</p> <p>(13) Exposure to dust if the person employed in it has never at any time worked in any of the other occupations listed.</p>

**Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit**

<b>Disease number</b>	<b>Name of Disease or Injury</b> <i>Miscellaneous conditions not included elsewhere in the list</i>	<b>Type of job</b> <b>Any job involving</b>
D2	Byssinosis. <i>A respiratory condition.</i>	Work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax, or the weaving of cotton or flax, is carried on. <i>For example, cotton or flax workers.</i>
D3	Diffuse mesothelioma (primary neoplasm of the mesothelium of the pleura or of the pericardium or of the peritoneum). <i>A cancer starting in the covering of the lungs or the lining of the abdomen.</i>	Exposure to asbestos, asbestos dust or any admixture of asbestos at a level above that commonly found in the environment at large.
D4	Allergic rhinitis which is due to exposure to any of the following agents: (a) isocyanates (b) platinum salts (c) fumes of dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylenetetramine (d) fumes arising from the use of rosin as a soldering flux (e) proteolytic enzymes (f) animals including insects and other arthropods used for the purposes of research or education or in laboratories (g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling,	Exposure to any of the agents set out in column 2 of this paragraph. <i>Wide range of occupations for example, metal plating industry, food processing, laboratory workers, grain processing, drug manufacture, washing powder manufacture, hair dressing, electronics industry, welders, dye tea and coffee processing.</i>

Disease number	Name of Disease or Injury <i>Miscellaneous conditions not included elsewhere in the list</i>	Type of job Any job involving
D4 <i>continued</i>	milling, transport or storage of meal or flour made therefrom (h) antibiotics (i) cimetidine (j) wood dust (k) ispaghula (l) castor bean dust (m) ipecacuanha (n) azodicarbonamide (o) animals including insects and other arthropods or their larval forms used for the purposes of pest control or fruit cultivation, or the larval forms of animals used for the purposes of research, education or in laboratories (p) glutaraldehyde (q) persulphate salts or henna (r) crustaceans or fish or products arising from these in the food processing industry (s) reactive dyes (t) soya bean (u) tea dust (v) green coffee bean dust (w) fumes from stainless steel welding. <i>For example, hay fever symptoms.</i>	

## Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit

Disease number	Name of Disease or Injury <i>Miscellaneous conditions not included elsewhere in the list</i>	Type of job Any job involving
D5	<p>Non-infective dermatitis of external origin (excluding dermatitis due to ionising particles or electromagnetic radiations other than radiant heat).</p> <p><i>For example, skin rash, dermatitis.</i></p>	<p>Exposure to dust, liquid or vapour or any other external agent except chromic acid, chromates or bi-chromates, capable of irritating the skin (including friction or heat but excluding ionising particles or electromagnetic radiations other than radiant heat).</p> <p><i>For example, any job involving exposure to a substance which can irritate the skin except for jobs involving exposure to chromium compounds (see C30) and radiation.</i></p>
D6	<p>Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).</p> <p><i>Cancer of the nose.</i></p>	<p>(a) Attendance for work in or about a building where wooden goods are manufactured or repaired; or</p> <p>(b) attendance for work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibreboard; or</p> <p>(c) attendance for work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibreboard.</p>

<b>Disease number</b>	<b>Name of Disease or Injury</b> <i>Miscellaneous conditions not included elsewhere in the list</i>	<b>Type of job</b> <b>Any job involving</b>
D7	<p>Asthma which is due to exposure to any of the following agents:</p> <ul style="list-style-type: none"> <li>(a) isocyanates</li> <li>(b) platinum salts</li> <li>(c) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylenetetramine</li> <li>(d) fumes arising from the use of rosin as a soldering flux</li> <li>(e) proteolytic enzymes</li> <li>(f) animals including insects and other arthropods used for the purposes of research or education or in laboratories</li> <li>(g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom</li> <li>(h) antibiotics</li> <li>(i) cimetidine</li> <li>(j) wood dust</li> <li>(k) ispaghula</li> <li>(l) castor bean dust</li> <li>(m) ipecacuanha</li> <li>(n) azodicarbonamide</li> <li>(o) animals including insects and other arthropods or their larval forms, used for the purposes of pest control or fruit cultivation, or the larval forms of animals used for the</li> </ul>	<p>Exposure to any of the agents set out in column 2 of this paragraph.</p>

**Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit**

<b>Disease number</b>	<b>Name of Disease or Injury</b> <i>Miscellaneous conditions not included elsewhere in the list</i>	<b>Type of job</b> <b>Any job involving</b>
D7 <i>continued</i>	<p>purposes of research, education or in laboratories</p> <p>(p) glutaraldehyde</p> <p>(q) persulphate salts or henna</p> <p>(r) crustaceans or fish or products arising from these in the food processing industry</p> <p>(s) reactive dyes</p> <p>(t) soya bean</p> <p>(u) tea dust</p> <p>(v) green coffee bean dust</p> <p>(w) fumes from stainless steel welding</p> <p>(x) any other sensitising agent. (Occupational asthma)</p>	
D8	<p>Primary carcinoma of the lung where there is accompanying evidence of one or both of the following:</p> <p>(a) asbestosis</p> <p>(b) unilateral or bilateral diffuse pleural thickening extending to a thickness of 5mm or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging) which:</p> <p>(i) in the case of unilateral diffuse pleural thickening, covers 50% or more of the area of the chest wall of the lung affected; or</p> <p>(ii) in the case of bilateral diffuse pleural thickening, covers 25% or more of the combined area of the chest wall of both lungs.</p>	<p>(a) The working or handling of asbestos or any admixture of asbestos; or</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; or</p> <p>(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</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p>



Disease number	Name of Disease or Injury <i>Miscellaneous conditions not included elsewhere in the list</i>	Type of job Any job involving
D9	<p>Unilateral or bilateral diffuse pleural thickening extending to a thickness of 5mm or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging) which:</p> <p>(i) in the case of unilateral diffuse pleural thickening, covers 50% or more of the area of the chest wall of the lung affected; or</p> <p>(ii) in the case of bilateral diffuse pleural thickening, covers 25% or more of the combined area of the chest wall of both lungs.</p>	As D8 above.
D10	Primary carcinoma of the lung.	<p>(a) Work underground in a tin mine; or</p> <p>(b) exposure to bis (chloromethyl) ether produced during the manufacture of chloromethyl methyl ether; or</p> <p>(c) exposure to zinc chromate, calcium chromate or strontium chromate in their pure forms.</p>
D11	Primary carcinoma of the lung where there is accompanying silicosis.	<p>Exposure to silica dust in the course of:</p> <p>(a) the manufacture of glass or pottery</p> <p>(b) tunnelling in, or quarrying sandstone or granite</p> <p>(c) mining metal ores</p> <p>(d) slate quarrying or the manufacturing of artefacts from slate.</p>

**Appendix 1: List of diseases covered by Industrial Injuries Disablement Benefit**

<b>Disease number</b>	<b>Name of Disease or Injury</b> <i>Miscellaneous conditions not included elsewhere in the list</i>	<b>Type of job</b> <b>Any job involving</b>
D11 <i>continued</i>		(e) mining clay (f) using siliceous materials as abrasives (g) cutting stone (h) stonemasonry (i) work in a foundry.
D12	<p>Chronic bronchitis or emphysema; or both where, with maximum effort, where there is accompanying evidence of a forced expiratory volume in one second which is:</p> <p>(i) at least one litre below the appropriate mean value predicted, obtained from the following prediction formulae which give the mean values predicted in litres:</p> <ul style="list-style-type: none"> <li>• For a man, where the measurement is made without back-extrapolation, <math>(3.62 \times \text{Height in metres}) - (0.031 \times \text{Age in years}) - 1.41</math>; or, where the measurement is made with back-extrapolation, <math>(3.71 \times \text{Height in metres}) - (0.032 \times \text{Age in years}) - 1.44</math></li> <li>• For a woman, where the measurement is made without back-extrapolation, <math>(3.29 \times \text{Height in metres}) - (0.029 \times \text{Age in years}) - 1.42</math>; or, where the measurement is made with back-extrapolation, <math>(3.37 \times \text{Height in metres}) - (0.030 \times \text{Age in years}) - 1.46</math></li> </ul> <p>(b) <b>or</b> less than one litre.</p>	Exposure to coal dust by reason of working underground in a coal mine for a period or periods amounting in the aggregate to at least 20 years (whether before or after 5 July 1948) and any such period or periods shall include a period or periods of incapacity while engaged in such an occupation.

# Appendix 2: Prescribed degrees of disablement

SS (Gen Ben) Regs 1982 Sched 2

<b>Description of injury</b>	<b>Degree of disablement</b>
1. Loss of both hands or amputation at higher sites .....	100
2. Loss of a hand and a foot .....	100
3. Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot .....	100
4. Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential .....	100
5. Very severe facial disfiguration .....	100
6. Absolute deafness .....	100
7. Forequarter or hindquarter amputation .....	100
<b>Amputation cases – upper limbs (either arm)</b>	
8. Amputation through shoulder joint .....	90
9. Amputation below shoulder with stump less than 20.5 centimetres from tip of acromion .....	80
10. Amputation from 20.5 centimetres from tip of acromion to less than 11.5 centimetres below tip of olecranon .....	70
11. Loss of a hand or of the thumb and four fingers of one hand or amputation from 11.5 centimetres below tip of olecranon .....	60
12. Loss of thumb .....	30
13. Loss of thumb and its metacarpal bone .....	40
14. Loss of four fingers of one hand .....	50
15. Loss of three fingers of one hand .....	30
16. Loss of two fingers of one hand .....	20
17. Loss of terminal phalanx of thumb .....	20

Description of injury	Degree of disablement
<b>Amputation cases – lower limbs</b>	
18. Amputation of both feet resulting in end-bearing stumps ..	90
19. Amputation through feet proximal to the metatarso-phalangeal joint .....	80
20. Loss of all toes of both feet through the metatarso-phalangeal joint .....	40
21. Loss of all toes of both feet proximal to the proximal inter-phalangeal joint .....	30
22. Loss of all toes of both feet distal to the proximal inter-phalangeal joint .....	20
23. Amputation at hip .....	90
24. Amputation below hip with stump not exceeding 13 centimetres in length measured from tip of great trochanter .....	80
25. Amputation below hip and above knee with stump exceeding 13 centimetres in length measured from tip of great trochanter, or at knee not resulting in end-bearing stump .....	70
26. Amputation at knee resulting in end-bearing stump or below knee with stump not exceeding 9 centimetres ...	60
27. Amputation below knee with stump exceeding 9 centimetres but not exceeding 13 centimetres .....	50
28. Amputation below knee with stump exceeding 13 centimetres .....	40
29. Amputation of one foot resulting in an end-bearing stump .....	30
30. Amputation through one foot proximal to the metatarso-phalangeal joint .....	30
31. Loss of all toes of one foot through the metatarso-phalangeal joint .....	20

<b>Description of injury</b>	<b>Degree of disablement</b>
<b>Other injuries</b>	
32. Loss of one eye, without complications, the other being normal .....	40
33. Loss of vision of one eye, without complications or disfigurement of the eyeball, the other being normal ...	30
<b>Loss of fingers of the right or left hand</b>	
<b>Index finger</b>	
34. Whole .....	14
35. Two phalanges .....	11
36. One phalanx .....	9
37. Guillotine amputation of tip without loss of bone .....	5
<b>Middle finger</b>	
38. Whole .....	12
39. Two phalanges .....	9
40. One phalanx .....	7
41. Guillotine amputation of tip without loss of bone .....	4
<b>Ring or little finger</b>	
42. Whole .....	7
43. Two phalanges .....	6
44. One phalanx .....	5
45. Guillotine amputation of tip without loss of bone .....	2
<b>Loss of toes of the right or left foot</b>	
<b>Great toe</b>	
46. Through metatarso-phalangeal joint .....	14
47. Part, with some loss of bone .....	3
<b>Any other toe</b>	
48. Through metatarso-phalangeal joint .....	3
49. Part, with some loss of bone .....	1
<b>Two toes of one foot, excluding great toe</b>	
50. Through metatarso-phalangeal joint .....	5
51. Part, with some loss of bone .....	2

<b>Description of injury</b>	<b>Degree of disablement</b>
<b>Three toes of one foot, excluding great toe</b>	
52. Through metatarso-phalangeal joint .....	6
53. Part, with some loss of bone .....	3
<b>Four toes of one foot, excluding great toe</b>	
54. Through metatarso-phalangeal joint .....	9
55. Part, with some loss of bone .....	3

# Appendix 3: Diseases and jobs covered by the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme

## *Diseases and jobs covered by the scheme*

Disease number	Description of the Disease	Any job involving
	Pneumoconiosis <i>Includes silicosis and asbestosis.</i>	<p>(1)(a) The mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);</p> <p>(b) the handling of any of the materials specified in the foregoing sub-paragraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.</p> <p>(2) The breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint, or substantial exposure to the dust arising from any of such operations.</p>

**Appendix 3: Diseases and jobs covered by the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme**

<b>Disease Number</b>	<b>Description of the Disease</b>	<b>Any job involving</b>
		<p>(3) Sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from such sand blasting.</p> <p>(4) Work in a foundry or the performance of, or substantial exposure to the dust arising from any of the following operations:</p> <ul style="list-style-type: none"> <li>(a) the freeing of steel castings from adherent siliceous substance;</li> <li>(b) the freeing of metal castings from adherent siliceous substance; <ul style="list-style-type: none"> <li>(i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel; or</li> <li>(ii) by the use of power-driven tools.</li> </ul> </li> </ul> <p>(5) The manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom.</p> <p>(6) The grinding of mineral graphite, or substantial exposure to the dust arising from such grinding.</p> <p>(7) The dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.</p> <p>(8) The use, or preparations for use, of a grind-stone, or substantial exposure to the dust arising therefrom.</p>



<b>Disease Number</b>	<b>Description of the Disease</b>	<b>Any job involving</b>
		<p>(9)(a) The working or handling of asbestos or any admixture of asbestos;</p> <p>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;</p> <p>(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;</p> <p>(d) substantial exposure to the dust arising from any of the foregoing operations.</p> <p>(10)(a) Work underground in any mine in which one of the objects of the mining operations is the getting of any mineral;</p> <p>(b) the working or handling above ground at any coal or tin mine of any minerals extracted therefrom, or any operation incidental thereto;</p> <p>(c) the trimming of coal in any ship, barge or lighter, or in any dock or harbour or at any wharf or quay;</p> <p>(d) the sawing, splitting or dressing of slate, or any operation incidental thereto.</p> <p>(11) The manufacture, or work incidental to the manufacture, of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide and any occupation involving substantial exposure to the dust arising therefrom.</p>

**Appendix 3: Diseases and jobs covered by the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme**

Disease Number	Description of the Disease	Any job involving
		(12) Boiler scaling or substantial exposure to the dust arising therefrom. (13) Exposure to dust if the person employed in it has never at any time worked in any of the other occupations listed.
	Byssinosis.	Work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax, or the weaving of cotton or flax, is carried on.
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).	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 anaemia of aplastic type due to X-rays, radium or other radioactive substance.	Exposure to X-rays, radium or other radioactive substance.
3(a)	Carcinoma of the mucous membrane of the nose or associated air sinuses.	Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.
3(b)	Primary carcinoma of a bronchus or of a lung.	

<b>Disease Number</b>	<b>Description of the Disease</b>	<b>Any job involving</b>
4	Primary neoplasm of the epithelial lining of the urinary bladder (papilloma of the bladder), or of the renal pelvis or of the ureter or of the urethra.	<p>(a) Work in a building in which any of the following substances is produced for commercial purposes:</p> <ul style="list-style-type: none"> <li>(i) alpha-naphthylamine or betanaphthylamine;</li> <li>(ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group;</li> <li>(iii) any of the substances mentioned in sub-paragraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups but not by other groups;</li> <li>(iv) the salts of any of the substances mentioned in sub-paragraphs (i) to (iii) above;</li> <li>(v) auramine or magenta;</li> </ul> <p>(b) the use or handling of any of the substances mentioned in sub-paragraphs (i) to (iv) of paragraph (a), or work in a process in which any such substance is used or handled or is liberated;</p> <p>(c) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in paragraph (b), or the cleaning of clothing used in any such building as is mentioned in paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works;</p> <p>(d) exposure to coal tar pitch volatiles produced in aluminium smelting involving the Soderberg process (that is to say the method of producing aluminium by electrolysis in which the anode consists of a paste of petroleum coke and mineral oil which is baked <i>in situ</i>).</p>

**Appendix 3: Diseases and jobs covered by the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme**

<b>Disease Number</b>	<b>Description of the Disease</b>	<b>Any job involving</b>
5	Primary malignant neoplasm of the mesothelium (diffuse mesothelioma) of the pleura or of the peritoneum.	Exposure to asbestos, asbestos dust or any admixture of asbestos at a level above that commonly found in the environment at large.
6	Adeno-carcinoma of the nasal cavity or associated air sinuses.	Attendance for work in or about a building where wooden furniture is manufactured.
7	Carcinoma of the nasal cavity or associated air sinuses (nasal carcinoma).	(a) Attendance for work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibreboard; or (b) attendance for work at a place used wholly or mainly for the repair of footwear made wholly or partly of leathers or fibreboard.
8	Primary carcinoma of the lung where there is accompanying evidence of one or both of the following: (a) asbestosis (b) unilateral or bilateral diffuse pleural thickening extending to a thickness of 5mm or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging) which: (i) in the case of unilateral diffuse pleural thickening, covers 50 per cent or more of the area of the chest wall of the lung affected; or (ii) in the case of bilateral diffuse pleural thickening, covers 25 per cent or more of the combined area of the chest wall of both lungs.	(a) The working or handling of asbestos or any admixture of asbestos; (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; (d) substantial exposure to dust arising from any of the foregoing operations.

<b>Disease Number</b>	<b>Description of the Disease</b>	<b>Any job involving</b>
9	Primary carcinoma of the lung.	(a) Work underground in a tin mine; or (b) exposure to bis (chloromethyl) ether produced during the manufacture of chloromethyl methyl ether; or (c) exposure to zinc chromate, calcium chromate or strontium chromate in their pure forms.
10	Primary carcinoma of the lung where there is accompanying evidence of silicosis.	Exposure to silica dust in the course of: (a) the manufacture of glass or pottery (b) tunnelling in or quarrying sandstone or granite (c) mining metal ores (d) slate quarrying or the manufacture of artefacts from slate (e) mining clay (f) using siliceous materials as abrasives (g) cutting stone (h) stonemasonry (i) work in a foundry.

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# Industrial Injuries Benefits

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