

Draft Regulations laid before Parliament under section 7(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) Amendment Regulations 1998**

Made - - - - *1998*
Coming into force - - *1st September 1998*

The Secretary of State, in exercise of the powers conferred on him by sections 1(1), (2) and (4) and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following regulations, of which a draft has been approved by resolution of each House of Parliament:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Amendment Regulations 1998 and shall come into force on 1st September 1998.

(2) These Regulations shall apply in relation to any case in which a person first fulfils the conditions of entitlement to a payment under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 on or after the day on which they come into force.

Amendment of the Regulations

2. In the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988⁽²⁾—

- (a) for the Schedule to those Regulations there shall be substituted the Schedule set out in the Schedule to these Regulations;
- (b) in regulations 5(1) and 8 (minimum amounts payable to dependant), for the amount £1,852 there shall be substituted the amount £1,943;

(1) 1979 c. 41: section 1 of the Act was amended by section 24 of the Social Security Act 1985 (c. 53).
(2) S.I.1988/668, as amended by S.I. 1989/552, 1990/825, 1991/899, 1992/403, 1993/1158, 1995/1514, 1996/1979 and 1997/1691.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Amendment Regulations 1998 No. 1840

- (c) in regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount £3,832 (in both places) there shall be substituted the amount £4,020.

Signed by authority of the Secretary of State

Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

1998

SCHEDULE

Regulation 2(a)

“SCHEDULE

Regulations 3, 4, and 6

TABLE 1

(1) This table is for the determination of payments to disabled persons under regulation 3 (or as the case may be, regulation 6), and for the determination of payments to dependants of deceased sufferers under regulation 4(1).

(2) The relevant period is the period specified in regulation 3(2) or 3(3) or, in the case of a disabled person to whom regulation 6 applies, the period specified in regulation 6(1)(b).

(3) The age to be taken for the purpose of determining the amount payable to a disabled person is his age on the date specified in regulation 3(2) or 3(3) or, in the case of a disabled person to whom regulation 6 applies, his age on the date specified in regulation 6(1)(b). In determining the amount payable to a dependant of a disabled person under regulation 4(1), the age to be taken for the purpose of calculating the sum to be deducted from the amount which would have been payable to the disabled person had he still been alive is the age of the deceased at his last birthday preceding his death.

PART A

**PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE
DISABLEMENT BENEFIT UNDER SECTION 108 OF THE SOCIAL
SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 OR UNDER
ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL
INJURIES ACTS, OR WOULD BE PAYABLE BUT FOR THE DISABLEMENT
AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE**

<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	<i>10% or less £</i>	<i>11%– 20% £</i>	<i>21%– 30% £</i>	<i>31%– 40% £</i>	<i>41%– 50% £</i>	<i>51%– 60% £</i>	<i>61%– 70% £</i>	<i>71%– 80% £</i>	<i>81%– 90% £</i>	<i>91%– 100% £</i>
37 and under	22,503	40,187	47,151	48,491	49,830	50,901	51,975	53,045	54,117	55,188
38	21,860	38,578	45,731	47,368	48,757	49,830	50,901	51,975	53,045	54,117
39	21,217	36,970	44,311	46,240	47,688	48,757	49,830	50,901	51,975	53,045
40	20,576	35,362	42,892	45,114	46,614	47,688	48,757	49,830	50,901	51,975
41	19,932	33,756	41,472	43,988	45,544	46,614	47,688	48,757	49,830	50,901
42	19,286	32,149	40,052	42,866	44,472	45,544	46,614	47,688	48,757	49,830
43	18,325	30,273	38,631	42,008	43,724	45,009	46,079	47,151	48,223	49,296
44	17,360	28,397	37,211	41,150	42,972	44,472	45,544	46,614	47,688	48,757
45	16,397	26,522	35,792	40,293	42,223	43,936	45,009	46,079	47,151	48,223

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<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	<i>10% or less £</i>	<i>11%– 20% £</i>	<i>21%– 30% £</i>	<i>31%– 40% £</i>	<i>41%– 50% £</i>	<i>51%– 60% £</i>	<i>61%– 70% £</i>	<i>71%– 80% £</i>	<i>81%– 90% £</i>	<i>91%– 100% £</i>
46	15,431	24,648	34,373	39,436	41,472	43,401	44,472	45,544	46,614	47,688
47	14,468	22,772	32,952	38,578	40,722	42,866	43,936	45,009	46,079	47,151
48	13,636	22,020	31,828	36,863	39,436	41,362	42,437	43,507	44,578	45,652
49	12,806	21,272	30,702	35,149	38,152	39,863	40,936	42,008	43,081	44,152
50	11,976	20,522	29,598	33,435	36,863	38,363	39,436	40,507	41,578	42,650
51	11,146	19,772	28,450	31,720	35,578	36,863	37,946	39,005	40,079	41,150
52	10,314	19,021	27,327	30,005	34,291	35,362	36,437	37,506	38,578	39,649
53	9,537	17,683	25,611	28,505	33,005	34,291	35,362	36,437	37,506	38,578
54	8,760	16,343	23,896	27,007	31,720	33,221	34,291	35,362	36,437	37,506
55	7,983	15,003	22,184	25,504	30,433	32,149	33,221	34,291	35,362	36,437
56	7,206	13,662	20,468	24,005	29,149	31,077	32,149	33,221	34,291	35,362
57	6,430	12,323	18,754	22,503	27,866	30,006	31,077	32,149	33,221	34,291
58	5,921	11,200	16,746	20,198	25,074	27,059	28,210	29,337	30,433	31,506
59	5,411	10,072	14,734	17,897	22,288	24,111	25,343	26,522	27,648	28,717
60	4,904	8,947	12,725	15,591	19,505	21,165	22,476	23,710	24,863	25,935
61	4,393	7,822	10,717	13,287	16,718	18,218	19,609	20,897	22,076	23,146
62	3,885	6,698	8,707	10,983	13,933	15,271	16,746	18,084	19,286	20,360
63	3,616	6,054	7,822	9,820	12,392	13,715	15,110	16,397	17,574	18,646
64	3,353	5,411	6,938	8,653	10,850	12,163	13,477	14,708	15,859	16,930
65	3,082	4,768	6,054	7,491	9,310	10,609	11,841	13,021	14,146	15,218
66	2,814	4,128	5,171	6,321	7,771	9,055	10,208	11,332	12,432	13,502
67	2,546	3,482	4,285	5,157	6,229	7,503	8,573	9,645	10,717	11,788
68	2,477	3,374	4,139	4,942	6,017	7,206	8,238	9,350	10,380	11,439
69	2,411	3,268	3,993	4,730	5,802	6,913	7,905	9,055	10,049	11,090
70	2,344	3,162	3,843	4,514	5,586	6,616	7,569	8,760	9,711	10,744
71	2,278	3,053	3,698	4,299	5,371	6,321	7,234	8,467	9,378	10,397
72	2,211	2,948	3,550	4,087	5,157	6,029	6,898	8,172	9,040	10,049
73	2,156	2,896	3,497	4,006	5,076	5,894	6,765	7,958	8,774	9,752
74	2,103	2,839	3,443	3,925	4,998	5,759	6,632	7,743	8,507	9,451
75	2,051	2,787	3,390	3,843	4,915	5,626	6,497	7,528	8,238	9,161

<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	<i>10% or less</i>	<i>11%–20%</i>	<i>21%–30%</i>	<i>31%–40%</i>	<i>41%–50%</i>	<i>51%–60%</i>	<i>61%–70%</i>	<i>71%–80%</i>	<i>81%–90%</i>	<i>91%–100%</i>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
76	1,996	2,731	3,334	3,765	4,835	5,494	6,364	7,315	7,969	8,869
77 and over	1,943	2,678	3,282	3,683	4,755	5,358	6,229	7,102	7,702	8,573

PART B

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE AN ALLOWANCE UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SCHEDULE 8, PARAGRAPH 4 TO THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACTS

<i>Age of disabled person</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial £</i>	<i>Total £</i>
37 and under	40,187	55,188
38	38,578	54,117
39	36,970	53,045
40	35,362	51,975
41	33,756	50,901
42	32,149	49,830
43	30,273	49,296
44	28,397	48,757
45	26,522	48,223
46	24,648	47,688
47	22,772	47,151
48	22,020	45,652
49	21,272	44,152
50	20,522	42,650
51	19,772	41,150
52	19,021	39,649
53	17,683	38,578
54	16,343	37,506
55	15,003	36,437

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<i>Age of disabled person</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial £</i>	<i>Total £</i>
56	13,662	35,362
57	12,323	34,291
58	11,200	31,506
59	10,072	28,717
60	8,947	25,935
61	7,822	23,146
62	6,698	20,360
63	6,054	18,646
64	5,411	16,930
65	4,768	15,218
66	4,128	13,502
67	3,482	11,788
68	3,374	11,439
69	3,268	11,090
70	3,162	10,744
71	3,053	10,397
72	2,948	10,049
73	2,896	9,752
74	2,839	9,451
75	2,787	9,161
76	2,731	8,869
77 and over	2,678	8,573

TABLE 2

(1) Table 2 is for the determination of payments to dependants of deceased sufferers who died as a result of the disease under regulation 4(2) or regulation 4(b).

(2) The relevant period is the period specified in regulation 3(2) or 3(3) or, in the case of a disabled person to whom regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), the period specified in regulation 6(1)(b).

PART A

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER SECTION 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 IS PAYABLE, OR TO DEPENDANTS OF PERSONS TO WHOM DISABLEMENT BENEFIT UNDER THAT SECTION OR UNDER

ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS WAS PAYABLE, OR TO DEPENDANTS OF A PERSON TO WHOM DISABLEMENT BENEFIT WOULD HAVE BEEN PAYABLE IMMEDIATELY BEFORE HE DIED BUT FOR THE OCCURRENCE OF ONE OF THE CIRCUMSTANCES LISTED IN REGULATION 5(1)(A)(III) OR BUT FOR HIS DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA

<i>Age of disabled person at his last birthday preceding death</i>	<i>Percentage assessment for the relevant period</i>				
	<i>10% or less £</i>	<i>11%–20% £</i>	<i>21%–30% £</i>	<i>31%–49% £</i>	<i>50% and over £</i>
37 and under	10,582	20,631	23,575	24,380	25,050
38	10,261	19,719	22,772	23,575	24,432
39	9,941	18,807	21,969	22,772	23,817
40	9,616	17,897	21,165	21,969	23,200
41	9,296	16,986	20,360	21,165	22,584
42	8,977	16,078	19,556	20,360	21,969
43	8,397	14,897	18,833	19,637	21,380
44	7,822	13,715	18,108	18,914	20,783
45	7,248	12,538	17,387	18,191	20,198
46	6,670	11,357	16,601	17,466	19,609
47	6,095	10,179	15,942	16,746	19,021
48	5,654	9,858	15,407	16,182	18,298
49	5,210	9,537	14,868	15,620	17,574
50	4,768	9,215	14,335	15,056	16,851
51	4,327	8,894	13,798	14,494	16,129
52	3,885	8,573	13,262	13,933	15,407
53	3,683	7,822	12,245	13,154	14,814
54	3,482	7,072	11,225	12,378	14,226
55	3,282	6,321	10,208	11,601	13,636
56	3,082	5,572	9,189	10,825	13,045
57	2,879	4,823	8,172	10,049	12,457
58	2,692	4,285	7,007	8,682	10,825

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<i>Age of disabled person at his last birthday preceding death</i>	<i>Percentage assessment for the relevant period</i>				
	<i>10% or less £</i>	<i>11%–20% £</i>	<i>21%–30% £</i>	<i>31%–49% £</i>	<i>50% and over £</i>
59	2,502	3,750	5,841	7,315	9,189
60	2,318	3,216	4,674	5,947	7,556
61	2,132	2,678	3,510	4,582	5,921
62	1,943	2,144	2,344	3,216	4,285
63	1,943	2,103	2,265	2,959	3,819
64	1,943	2,062	2,182	2,706	3,353
65	1,943	2,024	2,103	2,451	2,879
66	1,943	1,984	2,024	2,197	2,411
67 and over	1,943	1,943	1,943	1,943	1,943

PART B

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SCHEDULE 8, PARAGRAPH 4, TO THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 HAS BEEN PAID, OR TO DEPENDANTS OF PERSONS TO WHOM AN ALLOWANCE UNDER SUCH A SCHEME OR UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACTS WAS PAYABLE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA

<i>Age of disabled person at his last birthday preceding death</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial £</i>	<i>Total £</i>
37 and under	20,631	25,050
38	19,719	24,432
39	18,807	23,817
40	17,897	23,200
41	16,986	22,584
42	16,078	21,969
43	14,897	21,380
44	13,715	20,783

<i>Age of disabled person at his last birthday preceding death</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial £</i>	<i>Total £</i>
45	12,538	20,198
46	11,357	19,609
47	10,179	19,021
48	9,858	18,298
49	9,537	17,574
50	9,215	16,851
51	8,894	16,129
52	8,573	15,407
53	7,822	14,814
54	7,072	14,226
55	6,321	13,636
56	5,572	13,045
57	4,823	12,457
58	4,285	10,825
59	3,750	9,189
60	3,216	7,556
61	2,678	5,921
62	2,144	4,285
63	2,103	3,819
64	2,062	3,353
65	2,024	2,879
66	1,984	2,411
67 and over	1,943	1,943

PART C

PAYMENTS TO DEPENDANTS OF PERSONS WHO DIED AS A RESULT OF DIFFUSE MESOTHELIOMA

<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment £</i>
37 and under	25,050
38	24,432
39	23,817
40	23,200

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<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment £</i>
41	22,584
42	21,969
43	21,380
44	20,783
45	20,198
46	19,609
47	19,021
48	18,298
49	17,574
50	16,851
51	16,129
52	15,407
53	14,814
54	14,226
55	13,636
56	13,045
57	12,457
58	10,825
59	9,189
60	7,556
61	5,921
62	4,285
63	3,819
64	3,353
65	2,879
66	2,411
67 and over	1,943"

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 ("the Act") lump sum payments may be made to certain persons disabled by a disease to which the Act applies, or to dependants of persons who were so disabled immediately before they died.

These Regulations amend the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988, as amended, so as to increase the amount payable under the Act. The increase in each case is 4.9 per cent, rounded up or down to the nearest £1 as appropriate.

The diseases to which the Act applies are pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or diffuse pleural thickening) and diffuse pleural thickening.