
STATUTORY INSTRUMENTS

1988 No. 668

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) Regulations 1988**

Made - - - - *30th March 1988*
Coming into force - - *11th April 1988*

The Secretary of State in exercise of the powers conferred on him by sections 1 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, revocation and transitional provision

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 and shall come into force on 11th April 1988 in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Act on or after that date.

(2) Subject to paragraph (3), the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1985(2) are revoked.

(3) Notwithstanding the revocation in paragraph (2), those Regulations shall continue to have effect as provided in those Regulations in any case in which a person first satisfies the conditions of entitlement to a payment under the Act before 11th April 1988.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires:—

- (a) “the Act” means the Pneumoconiosis etc. (Workers' Compensation) Act 1979;
- (b) “the appropriate percentage” means, in the case of any disease, the percentage specified in section 57(1) of the Social Security Act 1975(3) or, if Regulations have been made under section 77 of that Act specifying a different percentage in relation to that disease, the percentage specified in the Regulations;

(1) 1979 c. 41; sections 1 and 4 of the Act were amended by section 24 of the Social Security Act 1985 (c. 53) and section 2 was amended by section 39 of and Schedule 3 to the Social Security Act 1986 (c. 50).
(2) S.I. 1985/2035.
(3) 1975 c. 14; sections 57 and 77 were amended by section 39 of and Schedule 3 to the Social Security Act 1986 (c. 50).

Changes to legislation: There are currently no known outstanding effects for the The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988. (See end of Document for details)

- (c) “the appropriate period” means, in the case of any disease, the period specified in section 57(4) of the 1975 Act or, if Regulations have been made under section 77 of that Act specifying a different period in relation to that disease, the period specified in the Regulations;
- (d) “claim” means a claim made in accordance with the Pneumoconiosis etc. (Workers' Compensation) (Determination of Claims) Regulations 1985(4);
- (e) “determination” as respects a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), a Silicosis Medical Board or a Medical Appeal Tribunal means a determination in connection with a claim for disablement benefit;
- [^{F1}(f) “disease” means a disease to which the Act applies (as specified in section 1(3) of the Act or in an order made under that section);]
- ^{F2}(g)
- (h) “percentage assessment” means percentage disability assessed in respect of a disease by a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), or Medical Appeal Tribunal, as the case may be, for the purpose of determining entitlement to disablement benefit under section 76 of the Social Security Act 1975 or under any corresponding provision of the former Industrial Injuries Acts(5);
- ^{F3}(i)
- (j) “Secretary of State” means the Secretary of State for Employment.

(2) Any reference in these Regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these Regulations and any reference to the Schedule shall be construed as a reference to the Schedule to these Regulations.

Textual Amendments

F1 Reg. 2(1)(f) substituted (23.2.2024) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Specified Diseases and Prescribed Occupations\) \(Amendment\) Regulations 2024 \(S.I. 2024/199\)](#), regs. 1(1), **3(a)**

F2 Reg. 2(1)(g) omitted (1.4.2013) by virtue of [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2013 \(S.I. 2013/690\)](#), regs. 1(1), **2(2)**

F3 Reg. 2(1)(i) omitted (23.2.2024) by virtue of [The Pneumoconiosis etc. \(Workers' Compensation\) \(Specified Diseases and Prescribed Occupations\) \(Amendment\) Regulations 2024 \(S.I. 2024/199\)](#), regs. 1(1), **3(b)**

Payments to persons disabled by a disease

3.—(1) The amount of any payment made to any person disabled by a disease who has made a claim for, and in respect of whom there is entitlement to a payment under the Act, shall be determined in accordance with Table 1 of the Schedule.

(2) For the purpose of a determination as respects ^{F4}... Table 1 of the Schedule the age of the person concerned and the percentage assessment shall be related to the first determination that he was suffering from the disease in the following manner—

- (a) in any case where the said determination was a determination of a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), the age of the person concerned shall be the age of that person at his last birthday preceding the first day of the month in which that determination was made, and the percentage assessment shall be

(4) S.I. 1985/1645.
(5) 1946 c. 62, 1965 c. 52.

that which is applicable either at the time or retrospectively for the period immediately following the date of the determination by that Board;

- (b) in any case where the said determination was a determination of a Medical Appeal Tribunal, the age of that person shall be his age at his last birthday preceding the first day of the month in which his case was last considered by a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), (being at a time prior to the aforesaid determination of a Medical Appeal Tribunal) and the percentage assessment shall be that which is applicable for the period immediately following the date of that last consideration by a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be).

^{F5}(3)

(4) In any case where, at the time of the first determination of a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), or a Medical Appeal Tribunal that the disabled person was suffering from the disease, the aforesaid Board or Tribunal, as the case may be, diagnosed that pneumoconiosis was accompanied by tuberculosis, the provisions of this regulation shall apply subject to the provisions of regulation 6.

[^{F6}(5) Where—

- (a) a payment is made to a person under section 46 of the Child Maintenance and Other Payments Act 2008 (the mesothelioma payment) in respect of diffuse mesothelioma,
- (b) subsequently it is determined that the same person is entitled to a payment under section 1(1) of the Act in respect of the same diffuse mesothelioma,

the amount payable under paragraph (1) shall be reduced by the amount of the mesothelioma payment.]

Textual Amendments	
F4	Words in reg. 3(2) omitted (1.4.2013) by virtue of The Pneumoconiosis etc. (Workers Compensation) (Payment of Claims) (Amendment) Regulations 2013 (S.I. 2013/690) , regs. 1(1), 2(3)
F5	Reg. 3(3) omitted (1.4.2013) by virtue of The Pneumoconiosis etc. (Workers Compensation) (Payment of Claims) (Amendment) Regulations 2013 (S.I. 2013/690) , regs. 1(1), 2(4)
F6	Reg. 3(5) inserted (1.10.2008) by The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008 (S.I. 2008/1963) , regs. 1(2), 6

Payments to dependants of persons disabled by a disease

4.—(1) The amount of any payment made to a dependant of a person to whom disablement benefit in respect of a disease was payable immediately before he died, or would have been payable but for his disablement amounting to less than the appropriate percentage, being the dependant entitled to a payment under the Act, shall be determined by ascertaining the amount which would have been payable to the deceased in accordance with regulation 3 had he still been alive and had duly made a claim for payment under the Act, deducting from that amount the sum which would have been payable to the deceased if his age at his last birthday preceding his death were substituted for the age used in ascertaining the said amount in accordance with the said regulation 3.

(2) Where the Secretary of State is satisfied that the deceased died as a result of the disease, there shall be added to the amount calculated in accordance with paragraph (1) of this regulation a further amount determined in accordance with Table 2 of the Schedule and the age of the deceased for this purpose shall be his age at his last birthday preceding his death. In the case of a disease other than diffuse mesothelioma, the percentage disablement ^{F7}... shall be the same as that used in determining the amount payable under the provisions of regulation 3.

(3) For the purpose of determining whether a payment should be made under the provisions of paragraph (2) of this regulation, it shall be sufficient evidence that the deceased died as a result of the disease if death benefit is payable or was paid as a lump sum by reason of the deceased's death as a result of the disease.

(4) It shall not be open to the Secretary of State to be satisfied that the deceased died as a result of the disease if there is clear evidence that a claim for death benefit has been disallowed on the ground that the deceased did not die as a result of the disease.

(5) Where no claim for death benefit has been made, it shall not be open to the Secretary of State to be satisfied that the deceased died as a result of the disease if there is clear evidence available that in the opinion of two doctors of the pneumoconiosis medical panel or Medical Boarding Centre (Respiratory Diseases), as the case may be, the deceased did not die as a result of the disease.

(a) (6) (a) A dependant of a person to whom disablement benefit in respect of a disease was not payable immediately before he died, being the dependant entitled to a payment under the Act, shall be paid an amount determined in accordance with Table 2 of the Schedule [^{F8}in cases where]:—

(i) death benefit is payable to or in respect of the said dependant [^{F9}by reason of the deceased's death as a result of the disease], or

(ii) disablement benefit would have been payable to the deceased immediately before he died but for his not having claimed benefit, or but for his having died before he had suffered from the disease for the appropriate period.

(b) The relevant percentage assessment [^{F10}for the purposes of Part A of Table 2] shall be that determined by a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), or a Silicosis Medical Board in respect of the period immediately prior to the deceased's death or if no such determination was made the said relevant percentage assessment ^{F11}... shall be taken as 10 per cent. ^{F12}... and the age of the deceased, for this purpose, shall be taken as his age at his last birthday preceding his death.

(7) As respects any claim made by the dependant of a deceased person where that person has died as a result of diffuse mesothelioma, the provisions of this regulation shall apply subject to the provisions of regulation 5.

Textual Amendments

- F7** Words in reg. 4(2) omitted (1.4.2013) by virtue of [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2013 \(S.I. 2013/690\)](#), regs. 1(1), **2(5)**
- F8** Words in reg. 4(6)(a) substituted (1.4.1989) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 1989 \(S.I. 1989/552\)](#), regs. 1, **3(2)(a)**
- F9** Words in reg. 4(6)(a)(i) inserted (1.4.1989) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 1989 \(S.I. 1989/552\)](#), regs. 1, **3(2)(b)**
- F10** Words in reg. 4(6)(b) substituted (1.4.2013) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2013 \(S.I. 2013/690\)](#), regs. 1(1), **2(6)(a)**
- F11** Words in reg. 4(6)(b) omitted (1.4.2013) by virtue of [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2013 \(S.I. 2013/690\)](#), regs. 1(1), **2(6)(b)**
- F12** Words in reg. 4(6)(b) omitted (1.4.2013) by virtue of [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2013 \(S.I. 2013/690\)](#), regs. 1(1), **2(6)(c)**

Payment where death results from diffuse mesothelioma

5.—(1) In any case where the Secretary of State is satisfied, as respects a claim by a dependant of a deceased person who died on or after 22nd August 1966 (the said dependant being the dependant who is entitled to a payment under the Act), that the said deceased person died as a result of diffuse mesothelioma the amount of the payment to that dependant shall be:—

- (a) the amount payable in accordance with regulation 4 in respect of diffuse mesothelioma if—
 - (i) disablement benefit was payable to the deceased immediately before he died solely in respect of diffuse mesothelioma, or
 - [^{F13}(ii) where disablement benefit in respect of a disease was not payable to the deceased immediately before he died death benefit is payable to or in respect of the said dependant by reason of the deceased's death as a result of the disease, or]
 - (iii) disablement benefit would have been payable to the deceased immediately before he died but for his not having claimed the benefit or but for his having died before he had suffered from the disease for the appropriate period;
- (b) if disablement benefit was payable to the deceased immediately before he died solely in respect of pneumoconiosis, either—
 - (i) the total amount payable in accordance with regulation 4 in a case where the deceased's death resulted from pneumoconiosis or, if greater—
 - (ii) the amount payable in accordance with regulation 4(6) in respect of the deceased's death as a result of diffuse mesothelioma;
- (c) if disablement benefit was payable to the deceased immediately before he died in respect of both pneumoconiosis and diffuse mesothelioma or would have been payable to him but for the circumstances specified in (a)(iii) above, either the amount payable in accordance with paragraph (a) of this regulation or that payable in accordance with paragraph (b)(i), whichever amount is the greater.

Provided that in any case the amount payable to a dependant under this regulation shall be at least [^{F14}£4,024] more than the amount which would have been payable to him if he had been entitled to a payment calculated in accordance with regulation 4(6).

(2) In the case of any amount payable in accordance with this regulation to the dependant of a deceased person the Secretary of State shall deduct from any such amount a sum equal to any payment made under the provisions of the Act to the said deceased person prior to death, save that any amount so payable after any such deduction shall not, in any event, be less than the minimum payment prescribed in regulation 8.

Textual Amendments

- F13** Reg. 5(1)(a)(ii) substituted (1.4.1989) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 1989 \(S.I. 1989/552\)](#), regs. 1, **3(3)**
- F14** Sum in [Reg. 5\(1\)](#) substituted (1.4.2024) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2024 \(S.I. 2024/240\)](#), regs. 1(1), **2(2)** (with reg. 1(2))

Payment where pneumoconiosis is accompanied by tuberculosis

6.—(1) In any case where, at the time of the first determination of a Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), or Medical Appeal Tribunal that the disabled person was suffering from the disease, the aforesaid Board or Tribunal, as the case may be, diagnosed that pneumoconiosis was accompanied by tuberculosis, the amount payable to any such disabled person under the provisions of the Act shall be determined by adding together—

- (a) the sum of [^{F15}£8,324] if the percentage assessment applicable for the period immediately following the date relevant for the purposes of regulation 3(2) was one hundred per cent. or if less than one hundred per cent. that percentage of [^{F15}£8,324] in respect of the year beginning on that date (that is to say the date relevant for the purpose of regulation 3(2)), and in respect of each successive year beginning on the anniversary of that date on the first day of which the said disabled person was, or appears to the Secretary of State to have been, suffering from pneumoconiosis accompanied by active tuberculosis, and
- (b) a lump sum determined in accordance with ^{F16}... Table 1 of the Schedule, taking, for this purpose, the age of the disabled person as his age at his last birthday prior to the end of the last year to which paragraph (1)(a) of this regulation applies, and taking also for this purpose the percentage assessment as that applicable for the period immediately following the end of the period during which the said disabled person was suffering from pneumoconiosis accompanied by active tuberculosis.

(2) The amount payable to a dependant of any disabled person who, had he been alive, would have been entitled to a payment determined in accordance with paragraph (1) of this regulation, being the dependant entitled to a payment under the Act, shall be determined in accordance with regulation 4, save that the amount which would have been payable to the deceased in accordance with paragraph (1) of this regulation shall be substituted for the amount which would have been payable to him in accordance with regulation 3 with the percentage disablement taken for the purpose of determining the sum to be deducted under regulation 4(1) from the aforesaid amount being the percentage disablement used for the purpose of determining the lump sum under paragraph (1)(b) of this regulation.

(3) In any case to which the provisions of this regulation apply and where it appears to the Secretary of State that tuberculosis either remains active at the time a claim is made under the provisions of the Act, or remained active until the time when the disabled person died, the amount of the payment shall be determined as if at the time of its first determination that the disabled person was suffering from the disease the Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), or Medical Appeal Tribunal, as the case may be, had not diagnosed that pneumoconiosis was accompanied by tuberculosis.

(4) No payment made in accordance with this regulation shall exceed the amount which would have been payable if at the time of its first determination that the disabled person was suffering from the disease the Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), or Medical Appeal Tribunal, as the case may be, had not diagnosed that pneumoconiosis was accompanied by tuberculosis.

Textual Amendments

- F15** Sum in Reg. 6(1)(a) substituted (1.4.2024) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2024* (S.I. 2024/240), regs. 1(1), **2(3)** (with reg. 1(2))
- F16** Words in reg. 6(1)(b) omitted (1.4.2013) by virtue of *The Pneumoconiosis etc. (Workers Compensation) (Payment of Claims) (Amendment) Regulations 2013* (S.I. 2013/690), regs. 1(1), **2(9)**

Power of Secretary of State to determine amount of payment

7. In the case of a claim by any person who appears to the Secretary of State to be entitled to a payment under the Act but in respect of whose claim the Secretary of State is unable to determine affirmatively or accurately, to his satisfaction, the amount which should properly be paid to that person in accordance with these Regulations (whether because the date relevant for the purposes of regulation 3 is unknown or uncertain or for some other reason), payment shall nevertheless be

made to that person of whatever amount, in any particular case, appears to the Secretary of State to be just and equitable:

Provided that in the case of any such payment—

- (a) where the date relevant for the purposes of regulation 3 is unknown or uncertain, the date to be taken as the relevant date shall be the latest date which, on the evidence available, could have been the relevant date;
- (b) where the relevant percentage disablement is unknown or uncertain this shall be taken as the lowest percentage on the evidence available which could have been the relevant percentage disablement;

^{F17}(c)

Textual Amendments

F17 reg. 7(1)(c) omitted (1.4.2013) by virtue of [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2013 \(S.I. 2013/690\)](#), regs. 1(1), **2(10)**

Minimum amount payable to dependant

8. In any case where entitlement to payment under the Act has been established by the dependant of any person who immediately before he died was disabled by a disease and the amount of any payment to the said dependant under the foregoing provisions of these Regulations is less than the sum of [^{F18}£4,024] the amount actually payable to that dependant shall, in no such case, be less than that sum.

Textual Amendments

F18 Sum in [Reg. 8](#) substituted (1.4.2024) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2024 \(S.I. 2024/240\)](#), regs. 1(1), **2(4)** (with reg. 1(2))

Signed by order of the Secretary of State.

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

Changes to legislation: There are currently no known outstanding effects for the *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988*. (See end of Document for details)

[F19]SCHEDULE

Regulations 3, 4 and 6

Textual Amendments

F19 Sch. substituted (1.4.2015) (with application in accordance with reg. 1(2) of the amending S.I.) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2015 \(S.I. 2015/503\)](#), regs. 1(1), **2(5)**

TABLE 1

1. This table is for the determination of payments to disabled persons under regulation 3 or 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, in the case of a disabled person to whom regulation 6 applies, the first period specified in regulation 6(1)(b).

3.—(1) The age of the disabled person is their age determined in accordance with regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies, regulation 6(1)(b).

(2) 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 they still been alive, is the age of the deceased on their last birthday before their death.

4. The table prescribes payments to disabled persons to whom disablement benefits are payable 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.

[F20] Age of disabled or under person	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
		-20%	-30%	-40%	-50%	-60%	-70%	-80%	-90%	-100%
	£	£	£	£	£	£	£	£	£	£
37 or under	46,569	83,166	97,575	100,350	103,120	105,337	107,556	109,774	111,989	114,210
38	45,238	79,833	94,636	98,024	100,899	103,120	105,337	107,556	109,774	111,989
39	43,907	76,507	91,699	95,692	98,688	100,610	103,120	105,337	107,556	109,774
40	42,581	73,177	88,761	93,360	96,461	98,684	100,899	103,120	105,337	107,558
41	41,248	69,856	85,827	91,026	94,252	96,461	98,684	100,899	103,120	105,337
42	39,909	66,534	82,882	88,711	92,034	94,252	96,461	98,684	100,899	103,120
43	37,923	62,645	79,946	86,933	90,484	93,145	95,359	97,575	99,794	102,015
44	35,922	58,766	77,002	85,162	88,929	92,034	94,252	96,461	98,684	100,899
45	33,931	54,886	74,067	83,384	87,379	90,919	93,145	95,359	97,575	99,794
46	31,935	51,010	71,133	81,613	85,827	89,819	92,034	94,252	96,461	98,684

Changes to legislation: There are currently no known outstanding effects for the The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988. (See end of Document for details)

<i>f²⁰</i> Age of disabled or under person	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
	-20%	-30%	-40%	-50%	-60%	-70%	-80%	-90%	-100%	
	£	£	£	£	£	£	£	£	£	£
47	29,941	47,125	68,190	79,833	84,274	88,711	90,919	93,145	95,359	97,575
48	28,220	45,573	65,868	76,289	81,613	85,598	87,822	90,039	92,250	94,476
49	26,501	44,021	63,538	72,740	78,953	82,494	84,713	86,933	89,152	91,373
50	24,782	42,469	61,252	69,193	76,289	79,389	81,613	83,827	86,041	88,262
51	23,064	40,916	58,877	65,641	73,623	76,289	78,526	80,719	82,942	85,162
52	21,344	39,362	56,550	62,093	70,960	73,177	75,406	77,619	79,833	82,048
53	19,735	36,596	52,999	58,990	68,302	70,960	73,177	75,406	77,619	79,833
54	18,128	33,822	49,450	55,893	65,641	68,751	70,960	73,177	75,406	77,619
55	16,526	31,051	45,910	52,779	62,979	66,534	68,751	70,960	73,177	75,406
56	14,912	28,274	42,358	49,676	60,321	64,310	66,534	68,751	70,960	73,177
57	13,308	25,500	38,811	46,569	57,669	62,095	64,310	66,534	68,751	70,960
58	12,250	23,176	34,656	41,797	51,891	55,997	58,380	60,712	62,980	65,197
59	11,198	20,845	30,491	37,037	46,125	49,895	52,445	54,886	57,215	59,428
60	10,150	18,515	26,335	32,266	40,365	43,799	46,509	49,068	51,453	53,670
61	9,091	16,186	22,181	27,499	34,594	37,700	40,580	43,247	45,685	47,902
62	8,038	13,860	18,018	22,728	28,830	31,601	34,656	37,427	39,909	42,137
63	7,486	12,529	16,186	20,322	25,645	28,381	31,267	33,931	36,368	38,588
64	6,943	11,198	14,360	17,905	22,451	25,172	27,890	30,438	32,817	35,035
65	6,377	9,871	12,529	15,500	19,270	21,954	24,506	26,947	29,275	31,493
66	5,825	8,540	10,700	13,084	16,080	18,738	21,123	23,448	25,725	27,943
67	5,270	7,208	8,867	10,673	12,891	15,528	17,745	19,957	22,181	24,395
68	5,125	6,979	8,565	10,234	12,450	14,912	17,049	19,350	21,481	23,672
69	4,991	6,765	8,265	9,785	12,007	14,305	16,360	18,738	20,795	22,947
70	4,851	6,547	7,956	9,343	11,562	13,689	15,666	18,128	20,096	22,234
71	4,714	6,318	7,651	8,896	11,115	13,084	14,973	17,520	19,409	21,513
72	4,575	6,098	7,346	8,456	10,673	12,477	14,273	16,909	18,708	20,795
73	4,458	5,990	7,236	8,290	10,504	12,199	14,000	16,469	18,159	20,181
74	4,352	5,876	7,123	8,125	10,343	11,918	13,724	16,026	17,602	19,556
75	4,245	5,771	7,016	7,956	10,171	11,643	13,444	15,579	17,049	18,957

Changes to legislation: There are currently no known outstanding effects for the *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988*. (See end of Document for details)

Age of person	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
disabled or under person	-20%	-30%	-40%	-50%	-60%	-70%	-80%	-90%	-100%	
£	£	£	£	£	£	£	£	£	£	£
76	4,130	5,652	6,901	7,789	10,004	11,369	13,170	15,136	16,488	18,356
77 or over	4,024	5,543	6,795	7,621	9,840	11,087	12,891	14,699	15,940	17,745]

Textual Amendments

F20 Sch. Table 1 substituted (1.4.2024) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2024 \(S.I. 2024/240\)](#), regs. 1(1), **2(5)(a)** (with reg. 1(2))

Textual Amendments

F20 Sch. Table 1 substituted (1.4.2024) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2024 \(S.I. 2024/240\)](#), regs. 1(1), **2(5)(a)** (with reg. 1(2))

TABLE 2

1. This table is for the determination of payments to dependants of deceased sufferers under regulation 4(2) or (6).

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

3.—(1) Part A of the table prescribes payments to dependants of disabled persons who died as a result of a disease other than diffuse mesothelioma.

(2) Part B of the table prescribes payments to dependants of disabled persons who died as a result of diffuse mesothelioma.

4. Part A of the table prescribes payments to—

- (a) dependants to whom industrial death benefit under section 108 of the Social Security Contributions and Benefits Act 1992 is payable;
- (b) dependants of a person to whom disablement benefit under that section or under any corresponding provision of the former Industrial Injuries Acts was payable immediately before that person died; and
- (c) dependants of a person to whom disablement benefit would have been payable immediately before that person died but for the occurrence of one of the circumstances listed in regulation 5(1)(a)(iii), or but for the person's disablement amounting to less than the appropriate percentage.

Changes to legislation: There are currently no known outstanding effects for the The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988. (See end of Document for details)

[^{F21}Part A

Age of disabled person on their last birthday before their death	Percentage assessment for the relevant period				
	10% or under £	11%-20% £	21%-30% £	31%-49% £	50% or over £
37 or under	29,496	50,292	56,388	58,053	59,436
38	28,831	48,404	54,722	56,388	58,159
39	28,169	46,519	53,060	54,721	56,884
40	27,498	44,629	51,395	53,060	55,609
41	26,833	42,747	49,733	51,395	54,334
42	26,174	40,869	48,067	49,733	53,060
43	24,973	38,428	46,570	48,234	51,839
44	23,784	35,979	45,070	46,739	50,608
45	22,593	33,543	43,574	45,241	49,396
46	21,400	31,101	41,950	43,744	48,177
47	20,208	28,663	40,589	42,252	46,960
48	19,297	27,996	39,479	41,086	45,464
49	18,375	27,329	38,367	39,921	43,963
50	17,464	26,663	37,262	38,749	42,468
51	16,551	26,000	36,152	37,593	40,976
52	15,636	25,338	35,042	36,427	39,479
53	15,216	23,784	32,938	34,817	38,253
54	14,802	22,230	30,826	33,210	37,038
55	14,388	20,677	28,719	31,605	35,818
56	13,973	19,126	26,611	29,999	34,590
57	13,308	17,578	24,506	28,389	33,374
58	12,250	16,463	22,099	25,564	29,999
59	11,198	15,353	19,687	22,730	26,611
60	10,150	14,253	17,269	19,904	23,233
61	9,091	13,139	14,861	17,077	19,850
62	8,038	12,036	12,445	14,253	16,463
63	7,486	11,949	12,284	13,717	15,497
64	6,943	11,198	12,110	13,195	14,538

Changes to legislation: There are currently no known outstanding effects for the The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988. (See end of Document for details)

<i>Age of disabled person on their last birthday before their death</i>	<i>Percentage assessment for the relevant period</i>				
	<i>10% or under £</i>	<i>11%-20% £</i>	<i>21%-30% £</i>	<i>31%-49% £</i>	<i>50% or over £</i>
65	6,377	9,871	11,949	12,666	13,554
66	5,825	8,540	10,700	12,142	12,586
67 or over	4,024	5,543	6,795	7,621	9,840]

[^{F21}Part B

<i>Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
37 or under	59,436
38	58,159
39	56,884
40	55,609
41	54,334
42	53,060
43	51,839
44	50,608
45	49,396
46	48,177
47	46,960
48	45,464
49	43,963
50	42,468
51	40,976
52	39,479
53	38,253
54	37,038
55	35,818
56	34,590
57	33,374
58	29,999
59	26,611

Changes to legislation: There are currently no known outstanding effects for the *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988*. (See end of Document for details)

<i>Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
60	23,233
61	19,850
62	16,463
63	15,497
64	14,538
65	13,554
66	12,586
67 or over	9,840]]

Textual Amendments

F21 Sch. Table 2 substituted (1.4.2024) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2024* (S.I. 2024/240), regs. 1(1), **2(5)(b)** (with reg. 1(2))

Textual Amendments

F21 Sch. Table 2 substituted (1.4.2024) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2024* (S.I. 2024/240), regs. 1(1), **2(5)(b)** (with reg. 1(2))

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 11th April 1988, prescribe the amount of payments to be made under the *Pneumoconiosis etc. (Workers' Compensation) Act 1979* (“the Act”), as amended by the *Social Security Act 1985* and the *Social Security Act 1986*, to persons disabled by a disease to which the Act applies (namely pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening) or to dependants of persons who immediately before they died were disabled by such a disease. All such persons should satisfy the conditions of entitlement prescribed in section 2 of the Act.

The Regulations re-enact the *Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1985* (“the 1985 Regulations”) which are revoked. In addition to minor and drafting amendments they make the following changes of substance:—

- (a) The amount of payments laid down by the 1985 Regulations is increased by 8.5% rounded up or down to the nearest £1 as appropriate.

Changes to legislation: There are currently no known outstanding effects for the *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988*. (See end of Document for details)

- (b) Regulations 4 and 5 are amended to take account of the changes made to the conditions of entitlement in section 2 of the 1979 Act by the Social Security Act 1986.
- (c) Amendments are made consequential on the changes of title of the Pneumoconiosis Medical Board, the Pneumoconiosis Medical Panel and Insurance Officer.

Changes to legislation:

There are currently no known outstanding effects for the The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988.