
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).

Status: Point in time view as at 01/04/2017.

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;
- (f) “disease” means a disease to which the Act applies, namely pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung and bilateral diffuse pleural thickening;
- ^{F1}(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);
- (i) “primary carcinoma of the lung” means primary carcinoma of the lung where there is accompanying evidence of one or both of the following:—
 - (i) asbestosis
 - (ii) bilateral diffuse pleural thickening;
- (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)(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)

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 ^{F2}... 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).

^{F3}(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.

[^{F4}(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	
F2	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)
F3	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)
F4	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 ^{F5}... shall be the same as that used in determining the amount payable under the provisions of regulation 3.

Status: Point in time view as at 01/04/2017.

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)

(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 [^{F6}in cases where]:—

(i) death benefit is payable to or in respect of the said dependant [^{F7}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 [^{F8}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 ^{F9}... shall be taken as 10 per cent. ^{F10}... 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

- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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
 - [^{F11}(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 [^{F12}£3,051] 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

- F11** 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)**
- F12** Sum in reg. 5(1) substituted (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(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

Status: Point in time view as at 01/04/2017.

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)

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 [^{F13}£6,375], 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 [^{F13}£6,375], 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 ^{F14}... 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

- F13** Word in reg. 6(1)(a) substituted (1.4.2017) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2017 \(S.I. 2017/442\)](#), regs. 1(1), **2(3)**
- F14** 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;

^{F15}(c)

Textual Amendments
F15 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 [^{F16}£3,082] the amount actually payable to that dependant shall, in no such case, be less than that sum.

Textual Amendments
F16 Word in reg. 8 substituted (1.4.2017) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2017 \(S.I. 2017/442\)](#), regs. 1(1), **2(4)**

Signed by order of the Secretary of State.

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

Status: Point in time view as at 01/04/2017.

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)

[^{F17}SCHEDULE

Regulations 3, 4 and 6

Textual Amendments

F17 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.

Age of disabled person	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
37 and under	£35,666	£36,654	£47,732	£58,857	£70,978	£83,067	£95,182	£107,354	£119,577	£131,847
38	£34,648	£35,611	£46,748	£57,875	£69,077	£80,328	£91,628	£102,977	£114,377	£125,822
39	£33,628	£34,596	£45,713	£56,815	£67,975	£79,182	£90,437	£101,747	£113,112	£124,525
40	£32,612	£33,566	£44,667	£55,753	£66,875	£77,995	£89,162	£100,377	£111,642	£122,958
41	£31,592	£32,535	£43,669	£54,739	£65,812	£76,875	£87,977	£99,122	£110,312	£121,547
42	£30,566	£31,503	£42,667	£53,730	£64,772	£75,812	£86,875	£97,977	£109,122	£120,312
43	£29,045	£29,981	£41,066	£52,066	£63,071	£74,073	£85,074	£96,076	£107,078	£118,078
44	£27,513	£28,448	£40,058	£51,065	£62,070	£73,072	£84,073	£95,075	£106,077	£117,078
45	£25,988	£26,916	£39,066	£50,073	£61,076	£72,077	£83,078	£94,079	£105,081	£116,082

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)

46 24,4589,0674,4792,5065,7338,79170,4872,18873,87975,582
47 22,9326,0922,2261,1464,5437,9439,63471,33973,03474,732
48 21,6148,9040,4478,4292,5065,5587,26168,95970,65272,358
49 20,2973,71548,6625,71060,4693,1826,8826,58168,28169,981
50 18,98132,52746,91252,9948,4290,8042,50664,20265,8987,599
51 17,6641,33745,09250,2746,3878,4290,1421,82163,52465,224
52 16,3480,14743,31147,5564,3496,0467,75159,44761,1462,840
53 15,1128,02840,5945,1802,3124,3496,0467,75159,44761,144
54 13,8842,9047,87442,8070,2742,6554,3496,0467,75159,447
55 12,6523,78135,16240,42248,2340,9572,6554,3496,0467,751
56 11,42121,6532,44138,04746,19949,2540,9572,6554,3496,046
57 10,19119,5309,7235,6644,16847,55749,2540,9572,6554,349
58 9,383 17,7506,5432,01239,7442,88844,71346,49948,23549,934
59 8,576 15,9643,3528,3665,3278,21440,16842,03743,82045,516
60 7,774 14,1800,1624,7120,9163,5465,6207,5809,40741,106
61 6,962 12,3981,6,98721,0606,4908,8741,0803,12134,9896,687
62 6,156 10,6161,3,80117,4082,08124,2036,5428,6640,5662,272
63 5,732 9,596 12,3981,5,56519,64221,73723,9425,9887,8529,552
64 5,317 8,576 10,99713,71417,19519,2701,3603,3125,1346,833
65 4,884 7,558 9,596 11,87114,75816,81518,7680,6382,4224,120
66 4,461 6,541 8,194 10,01912,31614,35016,17817,95919,7021,401
67 4,036 5,520 6,791 8,174 9,874 11,89313,59015,2841,6,98718,684
68 3,925 5,345 6,560 7,837 9,535 11,42113,05714,8201,6,45118,131
69 3,822 5,181 6,330 7,496 9,197 10,95612,52914,3501,5,9261,7,576
70 3,715 5,014 6,092 7,156 8,855 10,48511,99813,8841,5,39117,029
71 3,611 4,838 5,860 6,813 8,513 10,01911,46813,4181,4,8641,6,477
72 3,504 4,671 5,626 6,477 8,174 9,557 10,93212,9501,4,3281,5,926
73 3,416 4,588 5,543 6,349 8,045 9,343 10,72212,6131,3,9081,5,456
74 3,334 4,501 5,456 6,222 7,922 9,127 10,51212,2751,3,4821,4,978
75 3,251 4,420 5,373 6,092 7,789 8,917 10,29611,9321,3,0571,4,519
76 3,163 4,328 5,285 5,966 7,663 8,708 10,08711,5931,2,6281,4,058
77 3,082 4,245 5,204 5,837 7,537 8,491 9,874 11,2581,2,2091,3,590]
and
over

Status: Point in time view as at 01/04/2017.

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)

Textual Amendments
F18 Table 1 in Sch. substituted (1.4.2017) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2017](#) (S.I. 2017/442), **reg. 2(5)(a)**

Textual Amendments
F18 Table 1 in Sch. substituted (1.4.2017) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2017](#) (S.I. 2017/442), **reg. 2(5)(a)**

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.

[^{F19}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 and under	22,591	38,517	43,186	44,463	45,522
38	22,082	37,072	41,911	43,186	44,543
39	21,574	35,628	40,637	41,910	43,566
40	21,059	34,182	39,363	40,637	42,590

Status: Point in time view as at 01/04/2017.**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)

41	20,551	32,740	38,089	39,363	41,614
42	20,046	31,301	36,815	38,089	40,637
43	19,126	29,430	35,667	36,942	39,703
44	18,216	27,556	34,518	35,797	38,760
45	17,304	25,689	33,374	34,649	37,832
46	16,389	23,819	32,129	33,502	36,898
47	15,477	21,951	31,086	32,360	35,966
48	14,780	21,442	30,238	31,467	34,819
49	14,074	20,932	29,384	30,575	33,670
50	13,375	20,421	28,538	29,678	32,526
51	12,677	19,914	27,689	28,792	31,383
52	11,976	19,406	26,839	27,899	30,238
53	11,654	18,216	25,227	26,667	29,298
54	11,337	17,026	23,609	25,436	28,367
55	11,020	15,837	21,996	24,206	27,433
56	10,702	14,648	20,382	22,976	26,492
57	10,191	13,463	18,768	21,742	25,561
58	9,383	12,609	16,925	19,580	22,976
59	8,576	11,758	15,078	17,410	20,382
60	7,774	10,916	13,226	15,245	17,794
61	6,962	10,063	11,383	13,080	15,202
62	6,156	9,218	9,531	10,916	12,609
63	5,732	9,152	9,409	10,507	11,869
64	5,317	8,576	9,276	10,106	11,134
65	4,884	7,558	9,152	9,701	10,381
66	4,461	6,541	8,194	9,299	9,640
67 and over	3,082	4,245	5,204	5,837	7,537]

[F19]Part B

<i>Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
37 and under	45,522
38	44,543
39	43,566
40	42,590

Status: Point in time view as at 01/04/2017.

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)

41	41,614
42	40,637
43	39,703
44	38,760
45	37,832
46	36,898
47	35,966
48	34,819
49	33,670
50	32,526
51	31,383
52	30,238
53	29,298
54	28,367
55	27,433
56	26,492
57	25,561
58	22,976
59	20,382
60	17,794
61	15,202
62	12,609
63	11,869
64	11,134
65	10,381
66	9,640
67 and over	7,537]]

Textual Amendments
F19 Table 2 in Sch. substituted (1.4.2017) by The Pneumoconiosis etc. (Workers Compensation) (Payment of Claims) (Amendment) Regulations 2017 (S.I. 2017/442), **reg. 2(5)(b)**

Textual Amendments
F19 Table 2 in Sch. substituted (1.4.2017) by The Pneumoconiosis etc. (Workers Compensation) (Payment of Claims) (Amendment) Regulations 2017 (S.I. 2017/442), **reg. 2(5)(b)**

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.
- (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.

Status:

Point in time view as at 01/04/2017.

Changes to legislation:

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