
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Status: Point in time view as at 01/04/2020.

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 01/04/2020.

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}£3,305] 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 (1.4.2020) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2020 \(S.I. 2020/242\)](#), 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—

Status: Point in time view as at 01/04/2020.

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)

- (a) the sum of [^{F13}£6,838], 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}£6,838], 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** Sum in reg. 6(1)(a) substituted (1.4.2020) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2020 \(S.I. 2020/242\)](#), regs. 1(1), **2(3)** (with reg. 1(2))
- 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}£3,305] the amount actually payable to that dependant shall, in no such case, be less than that sum.

Textual Amendments

F16 Sum in reg. 8 substituted (1.4.2020) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2020 \(S.I. 2020/242\)](#), 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

Status: Point in time view as at 01/04/2020.

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.

[^{F18} 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	38,258	68,323	80,161	82,441	84,716	86,538	88,360	90,182	92,003	93,827
38	37,164	65,585	77,747	80,529	82,892	84,716	86,538	88,360	90,182	92,003
39	36,071	62,853	75,333	78,614	81,075	82,654	84,716	86,538	88,360	90,182
40	34,981	60,117	72,919	76,698	79,246	81,072	82,892	84,716	86,538	88,362
41	33,887	57,389	70,509	74,780	77,432	79,246	81,072	82,892	84,716	86,538
42	32,787	54,660	68,091	72,879	75,608	77,432	79,246	81,072	82,892	84,716
43	31,155	51,465	65,679	71,418	74,335	76,521	78,340	80,161	81,984	83,808
44	29,511	48,279	63,260	69,962	73,058	75,608	77,432	79,246	81,072	82,892
45	27,876	45,091	60,848	68,502	71,785	74,693	76,521	78,340	80,161	81,984
46	26,236	41,905	58,437	67,047	70,509	73,789	75,608	77,432	79,246	81,072

Status: Point in time view as at 01/04/2020.

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)

F18 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	24,598	38,714	56,020	65,585	69,234	72,879	74,693	76,521	78,340	80,161
48	23,184	37,440	54,112	62,674	67,047	70,321	72,148	73,969	75,786	77,615
49	21,772	36,164	52,198	59,757	64,862	67,772	69,595	71,418	73,241	75,065
50	20,359	34,890	50,320	56,844	62,674	65,221	67,047	68,866	70,686	72,510
51	18,948	33,614	48,369	53,926	60,484	62,674	64,511	66,312	68,139	69,962
52	17,535	32,337	46,458	51,012	58,296	60,117	61,948	63,766	65,585	67,405
53	16,213	30,065	43,540	48,462	56,112	58,296	60,117	61,948	63,766	65,585
54	14,893	27,785	40,625	45,917	53,926	56,481	58,296	60,117	61,948	63,766
55	13,576	25,508	37,716	43,359	51,738	54,660	56,481	58,296	60,117	61,948
56	12,251	23,228	34,798	40,811	49,555	52,833	54,660	56,481	58,296	60,117
57	10,932	20,949	31,885	38,258	47,377	51,013	52,833	54,660	56,481	58,296
58	10,064	19,040	28,471	34,337	42,631	46,004	47,961	49,877	51,739	53,561
59	9,199	17,124	25,050	30,427	37,893	40,990	43,086	45,091	47,004	48,822
60	8,338	15,210	21,635	26,507	33,161	35,982	38,209	40,310	42,270	44,092
61	7,468	13,298	18,222	22,591	28,421	30,972	33,337	35,528	37,531	39,353
62	6,603	11,386	14,803	18,672	23,685	25,961	28,471	30,747	32,787	34,617
63	6,149	10,293	13,298	16,696	21,069	23,316	25,688	27,876	29,877	31,700
64	5,703	9,199	11,796	14,710	18,444	20,680	22,912	25,006	26,960	28,782
65	5,240	8,108	10,293	12,733	15,831	18,036	20,132	22,137	24,051	25,872
66	4,785	7,016	8,790	10,748	13,210	15,393	17,353	19,264	21,134	22,956
67	4,329	5,921	7,285	8,768	10,591	12,757	14,578	16,395	18,222	20,042
68	4,210	5,733	7,037	8,407	10,228	12,251	14,006	15,897	17,647	19,448
69	4,100	5,557	6,789	8,040	9,865	11,752	13,440	15,393	17,084	18,852
70	3,985	5,378	6,535	7,676	9,499	11,246	12,870	14,893	16,509	18,266
71	3,873	5,190	6,286	7,307	9,131	10,748	12,301	14,394	15,944	17,673
72	3,759	5,010	6,035	6,947	8,768	10,251	11,726	13,891	15,369	17,084
73	3,663	4,921	5,945	6,810	8,629	10,022	11,501	13,529	14,918	16,579
74	3,576	4,828	5,853	6,675	8,498	9,791	11,275	13,166	14,461	16,066
75	3,487	4,741	5,763	6,535	8,356	9,565	11,045	12,799	14,006	15,574

Status: Point in time view as at 01/04/2020.

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)

F18 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%	
	£	£	£	£	£	£	£	£	£	£
76	3,393	4,643	5,670	6,399	8,219	9,340	10,820	12,436	13,545	15,080
77 or over	3,305	4,553	5,582	6,261	8,084	9,108	10,591	12,076	13,096	14,578]

Textual Amendments

F18 Sch. Table 1 substituted (1.4.2020) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2020 \(S.I. 2020/242\)](#), regs. 1(1), **2(5)(a)** (with reg. 1(2))

Textual Amendments

F18 Sch. Table 1 substituted (1.4.2020) by [The Pneumoconiosis etc. \(Workers Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2020 \(S.I. 2020/242\)](#), 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.

Status: Point in time view as at 01/04/2020.**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}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	24,232	41,316	46,324	47,693	48,829
38	23,686	39,765	44,955	46,324	47,779
39	23,141	38,217	43,590	44,954	46,731
40	22,590	36,665	42,223	43,590	45,685
41	22,044	35,118	40,857	42,223	44,637
42	21,502	33,575	39,489	40,857	43,590
43	20,516	31,569	38,259	39,625	42,587
44	19,539	29,558	37,026	38,398	41,576
45	18,561	27,556	35,798	37,166	40,580
46	17,580	25,550	34,463	35,936	39,579
47	16,602	23,547	33,344	34,711	38,579
48	15,853	22,999	32,434	33,753	37,349
49	15,096	22,452	31,519	32,796	36,116
50	14,347	21,905	30,611	31,834	34,889
51	13,597	21,360	29,700	30,884	33,663
52	12,846	20,816	28,788	29,926	32,434
53	12,501	19,539	27,060	28,604	31,426
54	12,160	18,263	25,324	27,284	30,428
55	11,821	16,987	23,594	25,964	29,426
56	11,480	15,712	21,862	24,645	28,417
57	10,932	14,441	20,132	23,321	27,418
58	10,064	13,525	18,154	21,002	24,645
59	9,199	12,613	16,173	18,674	21,862
60	8,338	11,709	14,187	16,352	19,087
61	7,468	10,794	12,209	14,030	16,307
62	6,603	9,888	10,224	11,709	13,525
63	6,149	9,817	10,093	11,270	12,731
64	5,703	9,199	9,949	10,840	11,943

Status: Point in time view as at 01/04/2020.

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	5,240	8,108	9,817	10,406	11,135
66	4,785	7,016	8,790	9,975	10,340
67 or over	3,305	4,553	5,582	6,261	8,084]

[^{F19}Part B

<i>Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
37 or under	48,829
38	47,779
39	46,731
40	45,685
41	44,637
42	43,590
43	42,587
44	41,576
45	40,580
46	39,579
47	38,579
48	37,349
49	36,116
50	34,889
51	33,663
52	32,434
53	31,426
54	30,428
55	29,426
56	28,417
57	27,418
58	24,645
59	21,862

Status: Point in time view as at 01/04/2020.**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	19,087
61	16,307
62	13,525
63	12,731
64	11,943
65	11,135
66	10,340
67 or over	8,084]]

Textual Amendments

F19 Sch. Table 2 substituted (1.4.2020) by *The Pneumoconiosis etc. (Workers Compensation) (Payment of Claims) (Amendment) Regulations 2020 (S.I. 2020/242)*, regs. 1(1), **2(5)(b)** (with reg. 1(2))

Textual Amendments

F19 Sch. Table 2 substituted (1.4.2020) by *The Pneumoconiosis etc. (Workers Compensation) (Payment of Claims) (Amendment) Regulations 2020 (S.I. 2020/242)*, 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, bysinnosis, 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.

Status: Point in time view as at 01/04/2020.

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.

Status:

Point in time view as at 01/04/2020.

Changes to legislation:

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