
Status: Point in time view as at 01/04/2021.

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)

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).

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- (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.

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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}£3,322] 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 (1.4.2021) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2021 \(S.I. 2021/271\)](#), 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—

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- (a) the sum of [^{F13}£6,872,] 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}£6,872,] 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 (1.4.2021) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2021 (S.I. 2021/271)*, 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}£3,322] 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 (1.4.2021) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2021 \(S.I. 2021/271\)](#), 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

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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	38,449	68,665	80,562	82,853	85,140	86,971	88,802	90,633	92,463	94,296
38	37,350	65,913	78,136	80,932	83,306	85,140	86,971	88,802	90,633	92,463
39	36,251	63,167	75,710	79,007	81,480	83,067	85,140	86,971	88,802	90,633
40	35,156	60,418	73,284	77,081	79,642	81,477	83,306	85,140	86,971	88,804
41	34,056	57,676	70,862	75,154	77,819	79,642	81,477	83,306	85,140	86,971
42	32,951	54,933	68,431	73,243	75,986	77,819	79,642	81,477	83,306	85,140
43	31,311	51,722	66,007	71,775	74,707	76,904	78,732	80,562	82,394	84,227
44	29,659	48,520	63,576	70,312	73,423	75,986	77,819	79,642	81,477	83,306
45	28,015	45,316	61,152	68,845	72,144	75,066	76,904	78,732	80,562	82,394
46	26,367	42,115	58,729	67,382	70,862	74,158	75,986	77,819	79,642	81,477

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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	24,721	38,908	56,300	65,913	69,580	73,243	75,066	76,904	78,732	80,562
48	23,300	37,627	54,383	62,987	67,382	70,673	72,509	74,339	76,165	78,003
49	21,881	36,345	52,459	60,056	65,186	68,111	69,943	71,775	73,607	75,440
50	20,461	35,064	50,572	57,128	62,987	65,547	67,382	69,210	71,039	72,873
51	19,043	33,782	48,611	54,196	60,786	62,987	64,834	66,644	68,480	70,312
52	17,623	32,499	46,690	51,267	58,587	60,418	62,258	64,085	65,913	67,742
53	16,294	30,215	43,758	48,704	56,393	58,587	60,418	62,258	64,085	65,913
54	14,967	27,924	40,828	46,147	54,196	56,763	58,587	60,418	62,258	64,085
55	13,644	25,636	37,905	43,576	51,997	54,933	56,763	58,587	60,418	62,258
56	12,312	23,344	34,972	41,015	49,803	53,097	54,933	56,763	58,587	60,418
57	10,987	21,054	32,044	38,449	47,614	51,268	53,097	54,933	56,763	58,587
58	10,114	19,135	28,613	34,509	42,844	46,234	48,201	50,126	51,998	53,829
59	9,245	17,210	25,175	30,579	38,082	41,195	43,301	45,316	47,239	49,066
60	8,380	15,286	21,743	26,640	33,327	36,162	38,400	40,512	42,481	44,312
61	7,505	13,364	18,313	22,704	28,563	31,127	33,504	35,706	37,719	39,550
62	6,636	11,443	14,877	18,765	23,803	26,091	28,613	30,901	32,951	34,790
63	6,180	10,344	13,364	16,779	21,174	23,433	25,816	28,015	30,026	31,859
64	5,732	9,245	11,855	14,784	18,536	20,783	23,027	25,131	27,095	28,926
65	5,266	8,149	10,344	12,797	15,910	18,126	20,233	22,248	24,171	26,001
66	4,809	7,051	8,834	10,802	13,276	15,470	17,440	19,360	21,240	23,071
67	4,351	5,951	7,321	8,812	10,644	12,821	14,651	16,477	18,313	20,142
68	4,231	5,762	7,072	8,449	10,279	12,312	14,076	15,976	17,735	19,545
69	4,121	5,585	6,823	8,080	9,914	11,811	13,507	15,470	17,169	18,946
70	4,005	5,405	6,568	7,714	9,546	11,302	12,934	14,967	16,592	18,357
71	3,892	5,216	6,317	7,344	9,177	10,802	12,363	14,466	16,024	17,761
72	3,778	5,035	6,065	6,982	8,812	10,302	11,785	13,960	15,446	17,169
73	3,681	4,946	5,975	6,844	8,672	10,072	11,559	13,597	14,993	16,662
74	3,594	4,852	5,882	6,708	8,540	9,840	11,331	13,232	14,533	16,146
75	3,504	4,765	5,792	6,568	8,398	9,613	11,100	12,863	14,076	15,652

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F ¹⁸ Age of disabled or under person	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
	£	£	£	£	£	£	£	£	£	£
76	3,410	4,666	5,698	6,431	8,260	9,387	10,874	12,498	13,613	15,155
77 or over	3,322	4,576	5,610	6,292	8,124	9,154	10,644	12,136	13,161	14,651]

Textual Amendments

F18 Sch. substituted (1.4.2021) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2021 \(S.I. 2021/271\)](#), regs. 1(1), **2(5)(a)** (with reg. 1(2))

Textual Amendments

F18 Sch. substituted (1.4.2021) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2021 \(S.I. 2021/271\)](#), 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 01/04/2021.**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	24,353	41,523	46,556	47,931	49,073
38	23,804	39,964	45,180	46,556	48,018
39	23,257	38,408	43,808	45,179	46,965
40	22,703	36,848	42,434	43,808	45,913
41	22,154	35,294	41,061	42,434	44,860
42	21,610	33,743	39,686	41,061	43,808
43	20,619	31,727	38,450	39,823	42,800
44	19,637	29,706	37,211	38,590	41,784
45	18,654	27,694	35,977	37,352	40,783
46	17,668	25,678	34,635	36,116	39,777
47	16,685	23,665	33,511	34,885	38,772
48	15,932	23,114	32,596	33,922	37,536
49	15,171	22,564	31,677	32,960	36,297
50	14,419	22,015	30,764	31,993	35,063
51	13,665	21,467	29,849	31,038	33,831
52	12,910	20,920	28,932	30,076	32,596
53	12,564	19,637	27,195	28,747	31,583
54	12,221	18,354	25,451	27,420	30,580
55	11,880	17,072	23,712	26,094	29,573
56	11,537	15,791	21,971	24,768	28,559
57	10,987	14,513	20,233	23,438	27,555
58	10,114	13,593	18,245	21,107	24,768
59	9,245	12,676	16,254	18,767	21,971
60	8,380	11,768	14,258	16,434	19,182
61	7,505	10,848	12,270	14,100	16,389
62	6,636	9,937	10,275	11,768	13,593
63	6,180	9,866	10,143	11,326	12,795
64	5,732	9,245	9,999	10,894	12,003

Status: Point in time view as at 01/04/2021.

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 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 £
65	5,266	8,149	9,866	10,458	11,191
66	4,809	7,051	8,834	10,025	10,392
67 or over	3,322	4,576	5,610	6,292	8,124]

Part B

^{F19} Age of disabled person on their last birthday before their death	Payment £
37 or under	49,073
38	48,018
39	46,965
40	45,913
41	44,860
42	43,808
43	42,800
44	41,784
45	40,783
46	39,777
47	38,772
48	37,536
49	36,297
50	35,063
51	33,831
52	32,596
53	31,583
54	30,580
55	29,573
56	28,559
57	27,555
58	24,768
59	21,971

Status: Point in time view as at 01/04/2021.**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} Age of disabled person on their last birthday before their death	Payment £
60	19,182
61	16,389
62	13,593
63	12,795
64	12,003
65	11,191
66	10,392
67 or over	8,124]]

Textual Amendments

F19 Sch. substituted (1.4.2021) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2021 \(S.I. 2021/271\)](#), regs. 1(1), **2(5)(b)** (with reg. 1(2))

Textual Amendments

F19 Sch. substituted (1.4.2021) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2021 \(S.I. 2021/271\)](#), 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.

Status: Point in time view as at 01/04/2021.

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 01/04/2021.

Changes to legislation:

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