
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Status: Point in time view as at 01/04/2022.

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 01/04/2022.

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}£3,425] 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 (1.4.2022) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2022 \(S.I. 2022/254\)](#), 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 01/04/2022.

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}£7,085,] 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}£7,085,] 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 (1.4.2022) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2022 (S.I. 2022/254)*, 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}£3,425] 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 (1.4.2022) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2022 \(S.I. 2022/254\)](#), 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 01/04/2022.

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	39,641	70,794	83,059	85,421	87,779	89,667	91,555	93,443	95,329	97,219
38	38,508	67,956	80,558	83,441	85,888	87,779	89,667	91,555	93,443	95,329
39	37,375	65,125	78,057	81,456	84,006	85,642	87,779	89,667	91,555	93,443
40	36,246	62,291	75,556	79,471	82,111	84,003	85,888	87,779	89,667	91,557
41	35,112	59,464	73,059	77,484	80,231	82,111	84,003	85,888	87,779	89,667
42	33,972	56,636	70,552	75,514	78,342	80,231	82,111	84,003	85,888	87,779
43	32,282	53,325	68,053	74,000	77,023	79,288	81,173	83,059	84,948	86,838
44	30,578	50,024	65,547	72,492	75,699	78,342	80,231	82,111	84,003	85,888
45	28,883	46,721	63,048	70,979	74,380	77,393	79,288	81,173	83,059	84,948
46	27,184	43,421	60,550	69,471	73,059	76,457	78,342	80,231	82,111	84,003

Status: Point in time view as at 01/04/2022.

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	25,487	40,114	58,045	67,956	71,737	75,514	77,393	79,288	81,173	83,059
48	24,022	38,793	56,069	64,940	69,471	72,864	74,757	76,644	78,526	80,421
49	22,559	37,472	54,085	61,918	67,207	70,222	72,111	74,000	75,889	77,779
50	21,095	36,151	52,140	58,899	64,940	67,579	69,471	71,356	73,241	75,132
51	19,633	34,829	50,118	55,876	62,670	64,940	66,844	68,710	70,603	72,492
52	18,169	33,506	48,137	52,856	60,403	62,291	64,188	66,072	67,956	69,842
53	16,799	31,152	45,114	50,214	58,141	60,403	62,291	64,188	66,072	67,956
54	15,431	28,790	42,094	47,578	55,876	58,523	60,403	62,291	64,188	66,072
55	14,067	26,431	39,080	44,927	53,609	56,636	58,523	60,403	62,291	64,188
56	12,694	24,068	36,056	42,286	51,347	54,743	56,636	58,523	60,403	62,291
57	11,328	21,707	33,037	39,641	49,090	52,857	54,743	56,636	58,523	60,403
58	10,428	19,728	29,500	35,579	44,172	47,667	49,695	51,680	53,610	55,498
59	9,532	17,744	25,955	31,527	39,263	42,472	44,643	46,721	48,703	50,587
60	8,640	15,760	22,417	27,466	34,360	37,283	39,590	41,768	43,798	45,686
61	7,738	13,778	18,881	23,408	29,448	32,092	34,543	36,813	38,888	40,776
62	6,842	11,798	15,338	19,347	24,541	26,900	29,500	31,859	33,972	35,868
63	6,372	10,665	13,778	17,299	21,830	24,159	26,616	28,883	30,957	32,847
64	5,910	9,532	12,223	15,242	19,111	21,427	23,741	25,910	27,935	29,823
65	5,429	8,402	10,665	13,194	16,403	18,688	20,860	22,938	24,920	26,807
66	4,958	7,270	9,108	11,137	13,688	15,950	17,981	19,960	21,898	23,786
67	4,486	6,135	7,548	9,085	10,974	13,218	15,105	16,988	18,881	20,766
68	4,362	5,941	7,291	8,711	10,598	12,694	14,512	16,471	18,285	20,151
69	4,249	5,758	7,035	8,330	10,221	12,177	13,926	15,950	17,701	19,533
70	4,129	5,573	6,772	7,953	9,842	11,652	13,335	15,431	17,106	18,926
71	4,013	5,378	6,513	7,572	9,461	11,137	12,746	14,914	16,521	18,312
72	3,895	5,191	6,253	7,198	9,085	10,621	12,150	14,393	15,925	17,701
73	3,795	5,099	6,160	7,056	8,941	10,384	11,917	14,019	15,458	17,179
74	3,705	5,002	6,064	6,916	8,805	10,145	11,682	13,642	14,984	16,647
75	3,613	4,913	5,972	6,772	8,658	9,911	11,444	13,262	14,512	16,137

Status: Point in time view as at 01/04/2022.

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	3,516	4,811	5,875	6,630	8,516	9,678	11,211	12,885	14,035	15,625
77 or over	3,425	4,718	5,784	6,487	8,376	9,438	10,974	12,512	13,569	15,105]

Textual Amendments

F18 Sch. Table substituted (1.4.2022) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2022* (S.I. 2022/254), regs. 1(1), **2(5)(a)** (with reg. 1(2))

Textual Amendments

F18 Sch. Table substituted (1.4.2022) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2022* (S.I. 2022/254), 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 01/04/2022.**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	25,108	42,810	47,999	49,417	50,594
38	24,542	41,203	46,581	47,999	49,507
39	23,978	39,599	45,166	46,580	48,421
40	23,407	37,990	43,749	45,166	47,336
41	22,841	36,388	42,334	43,749	46,251
42	22,280	34,789	40,916	42,334	45,166
43	21,258	32,711	39,642	41,058	44,127
44	20,246	30,627	38,365	39,786	43,079
45	19,232	28,553	37,092	38,510	42,047
46	18,216	26,474	35,709	37,236	41,010
47	17,202	24,399	34,550	35,966	39,974
48	16,426	23,831	33,606	34,974	38,700
49	15,641	23,263	32,659	33,982	37,422
50	14,866	22,697	31,718	32,985	36,150
51	14,089	22,132	30,774	32,000	34,880
52	13,310	21,569	29,829	31,008	33,606
53	12,953	20,246	28,038	29,638	32,562
54	12,600	18,923	26,240	28,270	31,528
55	12,248	17,601	24,447	26,903	30,490
56	11,895	16,281	22,652	25,536	29,444
57	11,328	14,963	20,860	24,165	28,409
58	10,428	14,014	18,811	21,761	25,536
59	9,532	13,069	16,758	19,349	22,652
60	8,640	12,133	14,700	16,943	19,777
61	7,738	11,184	12,650	14,537	16,897
62	6,842	10,245	10,594	12,133	14,014
63	6,372	10,172	10,457	11,677	13,192
64	5,910	9,532	10,309	11,232	12,375

Status: Point in time view as at 01/04/2022.**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	5,429	8,402	10,172	10,782	11,538
66	4,958	7,270	9,108	10,336	10,714
67 or over	3,425	4,718	5,784	6,487	8,376]

[^{F19}Part B

<i>Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
37 or under	50,594
38	49,507
39	48,421
40	47,336
41	46,251
42	45,166
43	44,127
44	43,079
45	42,047
46	41,010
47	39,974
48	38,700
49	37,422
50	36,150
51	34,880
52	33,606
53	32,562
54	31,528
55	30,490
56	29,444
57	28,409
58	25,536
59	22,652

Status: Point in time view as at 01/04/2022.**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	19,777
61	16,897
62	14,014
63	13,192
64	12,375
65	11,538
66	10,714
67 or over	8,376]]

Textual Amendments

F19 Sch. Table substituted (1.4.2022) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2022 (S.I. 2022/254)*, regs. 1(1), **2(5)(b)** (with reg. 1(2))

Textual Amendments

F19 Sch. Table substituted (1.4.2022) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2022 (S.I. 2022/254)*, 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 01/04/2022.

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 01/04/2022.

Changes to legislation:

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