
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Status: Point in time view as at 01/04/2023.

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 01/04/2023.

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}£3,771] 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 (1.4.2023) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2023](#) (S.I. 2023/372), 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 01/04/2023.

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}£7,801] 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}£7,801] 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 (1.4.2023) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2023 (S.I. 2023/372)*, 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}£3,771] 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 (1.4.2023) by [The Pneumoconiosis etc. \(Workers' Compensation\) \(Payment of Claims\) \(Amendment\) Regulations 2023 \(S.I. 2023/372\)](#), 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 01/04/2023.

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	43,645	77,944	91,448	94,049	96,645	98,723	100,802	102,881	104,957	107,038
38	42,397	74,820	88,694	91,869	94,563	96,645	98,723	100,802	102,881	104,957
39	41,150	71,703	85,941	89,683	92,491	94,292	96,645	98,723	100,802	102,881
40	39,907	68,582	83,187	87,498	90,404	92,487	94,563	96,645	98,723	100,804
41	38,658	65,470	80,438	85,310	88,334	90,404	92,487	94,563	96,645	98,723
42	37,403	62,356	77,678	83,141	86,255	88,334	90,404	92,487	94,563	96,645
43	35,542	58,711	74,926	81,474	84,802	87,296	89,371	91,448	93,528	95,609
44	33,666	55,076	72,167	79,814	83,345	86,255	88,334	90,404	92,487	94,563
45	31,800	51,440	69,416	78,148	81,892	85,210	87,296	89,371	91,448	93,528
46	29,930	47,807	66,666	76,488	80,438	84,179	86,255	88,334	90,404	92,487

Status: Point in time view as at 01/04/2023.**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 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	28,061	44,166	63,908	74,820	78,982	83,141	85,210	87,296	89,371	91,448
48	26,448	42,711	61,732	71,499	76,488	80,223	82,307	84,385	86,457	88,544
49	24,837	41,257	59,548	68,172	73,995	77,314	79,394	81,474	83,554	85,635
50	23,226	39,802	57,406	64,848	71,499	74,404	76,488	78,563	80,638	82,720
51	21,616	38,347	55,180	61,519	69,000	71,499	73,595	75,650	77,734	79,814
52	20,004	36,890	52,999	58,194	66,504	68,582	70,671	72,745	74,820	76,896
53	18,496	34,298	49,671	55,286	64,013	66,504	68,582	70,671	72,745	74,820
54	16,990	31,698	46,345	52,383	61,519	64,434	66,504	68,582	70,671	72,745
55	15,488	29,101	43,027	49,465	59,024	62,356	64,434	66,504	68,582	70,671
56	13,976	26,499	39,698	46,557	56,533	60,272	62,356	64,434	66,504	68,582
57	12,472	23,899	36,374	43,645	54,048	58,196	60,272	62,356	64,434	66,504
58	11,481	21,721	32,480	39,172	48,633	52,481	54,714	56,900	59,025	61,103
59	10,495	19,536	28,576	34,711	43,229	46,762	49,152	51,440	53,622	55,696
60	9,513	17,352	24,681	30,240	37,830	41,049	43,589	45,987	48,222	50,300
61	8,520	15,170	20,788	25,772	32,422	35,333	38,032	40,531	42,816	44,894
62	7,533	12,990	16,887	21,301	27,020	29,617	32,480	35,077	37,403	39,491
63	7,016	11,742	15,170	19,046	24,035	26,599	29,304	31,800	34,084	36,165
64	6,507	10,495	13,458	16,781	21,041	23,591	26,139	28,527	30,756	32,835
65	5,977	9,251	11,742	14,527	18,060	20,575	22,967	25,255	27,437	29,515
66	5,459	8,004	10,028	12,262	15,070	17,561	19,797	21,976	24,110	26,188
67	4,939	6,755	8,310	10,003	12,082	14,553	16,631	18,704	20,788	22,863
68	4,803	6,541	8,027	9,591	11,668	13,976	15,978	18,135	20,132	22,186
69	4,678	6,340	7,746	9,171	11,253	13,407	15,333	17,561	19,489	21,506
70	4,546	6,136	7,456	8,756	10,836	12,829	14,682	16,990	18,834	20,838
71	4,418	5,921	7,171	8,337	10,417	12,262	14,033	16,420	18,190	20,162
72	4,288	5,715	6,885	7,925	10,003	11,694	13,377	15,847	17,533	19,489
73	4,178	5,614	6,782	7,769	9,844	11,433	13,121	15,435	17,019	18,914
74	4,079	5,507	6,676	7,615	9,694	11,170	12,862	15,020	16,497	18,328
75	3,978	5,409	6,575	7,456	9,532	10,912	12,600	14,601	15,978	17,767

Status: Point in time view as at 01/04/2023.

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	3,871	5,297	6,468	7,300	9,376	10,655	12,343	14,186	15,453	17,203
77 or over	3,771	5,195	6,368	7,142	9,222	10,391	12,082	13,776	14,939	16,631]

Textual Amendments

F18 Sch. Table 1 substituted (1.4.2023) by The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2023 (S.I. 2023/372), regs. 1(1), **2(5)(a)** (with reg. 1(2))

Textual Amendments

F18 Sch. Table 1 substituted (1.4.2023) by The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2023 (S.I. 2023/372), 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 01/04/2023.**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	27,644	47,134	52,847	54,408	55,704
38	27,021	45,365	51,286	52,847	54,507
39	26,400	43,598	49,728	51,285	53,312
40	25,771	41,827	48,168	49,728	52,117
41	25,148	40,063	46,610	48,168	50,922
42	24,530	38,303	45,049	46,610	49,728
43	23,405	36,015	43,646	45,205	48,584
44	22,291	33,720	42,240	43,804	47,430
45	21,174	31,437	40,838	42,400	46,294
46	20,056	29,148	39,316	40,997	45,152
47	18,939	26,863	38,040	39,599	44,011
48	18,085	26,238	37,000	38,506	42,609
49	17,221	25,613	35,958	37,414	41,202
50	16,367	24,989	34,922	36,316	39,801
51	15,512	24,367	33,882	35,232	38,403
52	14,654	23,747	32,842	34,140	37,000
53	14,261	22,291	30,870	32,631	35,851
54	13,873	20,834	28,890	31,125	34,712
55	13,485	19,379	26,916	29,620	33,569
56	13,096	17,925	24,940	28,115	32,418
57	12,472	16,474	22,967	26,606	31,278
58	11,481	15,429	20,711	23,959	28,115
59	10,495	14,389	18,451	21,303	24,940
60	9,513	13,358	16,185	18,654	21,774
61	8,520	12,314	13,928	16,005	18,604
62	7,533	11,280	11,664	13,358	15,429
63	7,016	11,199	11,513	12,856	14,524
64	6,507	10,495	11,350	12,366	13,625

Status: Point in time view as at 01/04/2023.**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	5,977	9,251	11,199	11,871	12,703
66	5,459	8,004	10,028	11,380	11,796
67 or over	3,771	5,195	6,368	7,142	9,222]

Part B

<i>[^{F19}Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
37 or under	55,704
38	54,507
39	53,312
40	52,117
41	50,922
42	49,728
43	48,584
44	47,430
45	46,294
46	45,152
47	44,011
48	42,609
49	41,202
50	39,801
51	38,403
52	37,000
53	35,851
54	34,712
55	33,569
56	32,418
57	31,278
58	28,115
59	24,940

Status: Point in time view as at 01/04/2023.**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	21,774
61	18,604
62	15,429
63	14,524
64	13,625
65	12,703
66	11,796
67 or over	9,222]]

Textual Amendments

F19 Sch. Table 2 substituted (1.4.2023) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2023* (S.I. 2023/372), regs. 1(1), **2(5)(b)** (with reg. 1(2))

Textual Amendments

F19 Sch. Table 2 substituted (1.4.2023) by *The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2023* (S.I. 2023/372), 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 01/04/2023.

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 01/04/2023.

Changes to legislation:

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