

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(a) 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(b) 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(c) 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;
- (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;

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(a) 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).

(b) S.I. 1985/2035.

(c) 1975 c.14; sections 57 and 77 were amended by section 39 of and Schedule 3 to the Social Security Act 1986 (c.50).

- (d) "claim" means a claim made in accordance with the Pneumoconiosis etc. (Workers' Compensation) (Determination of Claims) Regulations 1985(a);
- (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;
- (g) "extent of incapacity" means extent of incapacity, either "total" or "partial", assessed by a Silicosis Medical Board for the purposes of determining entitlement to an allowance under a scheme made, or having effect as if made, under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975(b) or under any corresponding provision of the former Old Cases Acts(c);
- (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(d);
- (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.

#### **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 Part A of 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 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).

(3) For the purpose of a determination as respects Part B of Table 1 of the Schedule the age of the person concerned shall be the age of that person at his last birthday

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(a) S.I. 1985/1645.  
 (b) 1975 c.16.  
 (c) 1951 c.4, 1967 c.34.  
 (d) 1946 c.62, 1965 c.52.

preceding the first day of the month of the first determination of a Silicosis Medical Board that he was suffering from the disease, or in the case of diffuse mesothelioma, 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 the Administrative Board (established for the purposes of the Industrial Injuries and Diseases (Old Cases) Act 1975 or any of the former Old Cases Acts) or an insurance officer, or an adjudication officer, as the case may be, first awarded disablement benefit in respect of the disease: and the extent of incapacity shall be that which is applicable either at the time or retrospectively for the period immediately following the date of the determination or the award of disablement benefit, as the case may be.

(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.

#### **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 or extent of incapacity, as the case may be, shall be the same as that used in determining the amount payable under the provisions of regulation 3.

(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.

(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 if:-

- (i) death benefit is payable to or in respect of the said dependant, 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 or extent of incapacity, as the case may be, for the purposes of Parts A and B of the aforesaid Table, 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 or extent of incapacity shall be taken as 10 per cent. or "partial" respectively: 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.

#### **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
  - (ii) death benefit is payable to or in respect of the said dependant where disablement benefit in respect of a disease was not payable to the deceased immediately before he died, 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 £1,263 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.

#### **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—

- (a) the sum of £2,613, 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 £2,613, 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 Part A of 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.

#### **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;
- (c) where the relevant extent of incapacity is unknown or uncertain this shall be taken to be "partial".

#### **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 £1,263 the amount actually payable to that dependant shall, in no such case, be less than that sum.

Signed by order of the Secretary of State.

30th March 1988

*Patrick Nicholls*  
Parliamentary Under Secretary of State,  
Department of Employment

## SCHEDULE

Regulations 3, 4, 5 and 6

### TABLE 1

(1) Table 1 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 3(3) or, in the case of a disabled person to whom regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that regulation.

(3) The age to be taken for the purpose of determining the amount payable to a disabled person is his age on the date specified in regulation 3(2) or 3(3) or, in the case of a disabled person to whom regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis) his age on the date specified in paragraph (1) of that regulation. With a view to 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 he still been alive is the age of the deceased at his last birthday preceding his death.

## PART A

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE DISABLEMENT BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY ACT 1975 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS, OR WOULD BE PAYABLE BUT FOR THE DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE.

Age of disabled person	Percentage assessment for the relevant period									
	10% or less	11-20%	21-30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
37 and under	14,630	26,126	30,653	31,525	32,396	33,091	33,789	34,486	35,182	35,879
38	14,212	25,081	29,731	30,794	31,698	32,396	33,091	33,789	34,486	35,182
39	13,794	24,035	28,808	30,061	31,003	31,698	32,396	33,091	33,789	34,486
40	13,377	22,990	27,885	29,330	30,305	31,003	31,698	32,396	33,091	33,789
41	12,958	21,945	26,961	28,597	29,610	30,305	31,003	31,698	32,396	33,091
42	12,539	20,900	26,039	27,867	28,912	29,610	30,305	31,003	31,698	32,396
43	11,913	19,681	25,114	27,311	28,425	29,260	29,957	30,653	31,350	32,048
44	11,286	18,461	24,192	26,752	27,937	28,912	29,610	30,305	31,003	31,698
45	10,659	17,243	23,269	26,195	27,449	28,564	29,260	29,957	30,653	31,350
46	10,032	16,023	22,346	25,637	26,961	28,215	28,912	29,610	30,305	31,003
47	9,406	14,805	21,422	25,081	26,474	27,867	28,564	29,260	29,957	30,653
48	8,864	14,315	20,692	23,965	25,637	26,892	27,588	28,285	28,981	29,679
49	8,325	13,829	19,960	22,850	24,802	25,916	26,613	27,311	28,007	28,704
50	7,786	13,341	19,228	21,737	23,965	24,941	25,637	26,334	27,031	27,727
51	7,246	12,854	18,496	20,622	23,130	23,965	24,662	25,359	26,056	26,752
52	6,705	12,366	17,766	19,507	22,293	22,990	23,688	24,383	25,081	25,776
53	6,200	11,496	16,650	18,532	21,457	22,293	22,990	23,688	24,383	25,081
54	5,695	10,624	15,535	17,557	20,622	21,597	22,293	22,990	23,688	24,383
55	5,191	9,753	14,422	16,581	19,785	20,900	21,597	22,293	22,990	23,688
56	4,685	8,883	13,306	15,606	18,951	20,204	20,900	21,597	22,293	22,990
57	4,179	8,012	12,192	14,630	18,114	19,507	20,204	20,900	21,597	22,293
58	3,850	7,281	10,887	13,132	16,301	17,591	18,340	19,072	19,785	20,482
59	3,518	6,548	9,578	11,636	14,490	15,675	16,476	17,243	17,974	18,670
60	3,188	5,817	8,273	10,136	12,680	13,760	14,612	15,415	16,163	16,860
61	2,856	5,085	6,967	8,639	10,868	11,844	12,749	13,585	14,352	15,048
62	2,526	4,354	5,660	7,140	9,058	9,928	10,887	11,757	12,539	13,237
63	2,351	3,936	5,085	6,384	8,056	8,917	9,824	10,659	11,425	12,122
64	2,179	3,518	4,510	5,626	7,055	7,907	8,761	9,562	10,311	11,007
65	2,004	3,101	3,936	4,868	6,052	6,897	7,698	8,465	9,196	9,893
66	1,829	2,683	3,361	4,110	5,052	5,887	6,636	7,367	8,082	8,778
67	1,656	2,263	2,786	3,353	4,050	4,877	5,574	6,270	6,967	7,663
68	1,611	2,194	2,691	3,213	3,910	4,685	5,356	6,078	6,749	7,437
69	1,568	2,124	2,595	3,075	3,771	4,494	5,139	5,887	6,533	7,210
70	1,523	2,055	2,499	2,935	3,631	4,302	4,920	5,695	6,314	6,985
71	1,481	1,986	2,404	2,795	3,492	4,110	4,702	5,504	6,097	6,758
72	1,438	1,916	2,308	2,657	3,353	3,919	4,484	5,312	5,877	6,533
73	1,402	1,882	2,273	2,604	3,301	3,831	4,398	5,173	5,704	6,340
74	1,367	1,846	2,238	2,552	3,250	3,744	4,311	5,033	5,530	6,149
75	1,333	1,812	2,204	2,499	3,195	3,658	4,224	4,894	5,356	5,956
76	1,298	1,776	2,168	2,447	3,143	3,572	4,137	4,756	5,181	5,766
77 and over	1,263	1,741	2,134	2,395	3,091	3,484	4,050	4,617	5,007	5,574



PART B

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE AN ALLOWANCE UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SECTION 5 OF THE INDUSTRIAL INJURIES AND DISEASES (OLD CASES) ACT 1975 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACTS.

<i>Age of disabled person</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial</i>	<i>Total</i>
	£	£
37 and under	26,126	35,879
38	25,081	35,182
39	24,035	34,486
40	22,990	33,789
41	21,945	33,091
42	20,900	32,396
43	19,681	32,048
44	18,461	31,698
45	17,243	31,350
46	16,023	31,003
47	14,805	30,653
48	14,315	29,679
49	13,829	28,704
50	13,341	27,727
51	12,854	26,752
52	12,366	25,776
53	11,496	25,081
54	10,624	24,383
55	9,753	23,688
56	8,883	22,990
57	8,012	22,293
58	7,281	20,482
59	6,548	18,670
60	5,817	16,860
61	5,085	15,048
62	4,354	13,237
63	3,936	12,122
64	3,518	11,007
65	3,101	9,893
66	2,683	8,778
67	2,263	7,663
68	2,194	7,437
69	2,124	7,210
70	2,055	6,985
71	1,986	6,758
72	1,916	6,533
73	1,882	6,340
74	1,846	6,149
75	1,812	5,956
76	1,776	5,766
77 and over	1,741	5,574

TABLE 2

(1) Table 2 is for the determination of additional payments to dependants of deceased sufferers who died as a result of the disease under regulation 4(2) or regulation 4(6).

(2) The relevant period is the period specified in regulation 3(2) or 3(3) or, in the case of a disabled person to whom regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that regulation.

PART A

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY ACT 1975 IS PAYABLE, OR TO DEPENDANTS OF PERSONS TO WHOM DISABLEMENT BENEFIT UNDER THAT SECTION OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS WAS PAYABLE, OR TO DEPENDANTS OF A PERSON TO WHOM DISABLEMENT BENEFIT WOULD HAVE BEEN PAYABLE IMMEDIATELY BEFORE HE DIED BUT FOR THE OCCURRENCE OF ONE OF THE CIRCUMSTANCES LISTED IN REGULATION 5(1)(a)(iii) OR BUT FOR HIS DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

<i>Age of disabled person at his last birthday preceding death</i>	<i>Percentage assessment for the relevant period</i>				
	10% or less	11%–20%	21%–30%	40%	50% and over
	£	£	£	£	£
37 and under	6,880	13,412	15,327	15,850	16,286
38	6,671	12,819	14,805	15,327	15,883
39	6,462	12,227	14,282	14,805	15,484
40	6,252	11,636	13,760	14,282	15,083
41	6,043	11,043	13,237	13,760	14,682
42	5,835	10,451	12,714	13,237	14,282
43	5,460	9,684	12,243	12,766	13,899
44	5,085	8,917	11,773	12,296	13,512
45	4,711	8,152	11,304	11,825	13,132
46	4,336	7,385	10,833	11,355	12,749
47	3,962	6,617	10,364	10,887	12,366
48	3,675	6,409	10,016	10,520	11,896
49	3,387	6,200	9,666	10,155	11,425
50	3,101	5,991	9,319	9,788	10,955
51	2,812	5,782	8,971	9,423	10,484
52	2,526	5,574	8,621	9,058	10,016
53	2,395	5,085	7,960	8,552	9,632
54	2,263	4,598	7,297	8,046	9,249
55	2,134	4,110	6,636	7,542	8,864
56	2,004	3,623	5,974	7,037	8,481
57	1,872	3,136	5,312	6,533	8,098
58	1,750	2,786	4,555	5,644	7,037
59	1,628	2,438	3,798	4,756	5,974
60	1,507	2,091	3,039	3,867	4,912
61	1,386	1,741	2,282	2,979	3,850
62	1,263	1,393	1,523	2,091	2,786
63	1,263	1,367	1,472	1,924	2,482
64	1,263	1,341	1,419	1,759	2,179
65	1,263	1,315	1,367	1,594	1,872
66	1,263	1,290	1,315	1,428	1,568
67 and over	1,263	1,263	1,263	1,263	1,263

PART B

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SECTION 5 OF THE INDUSTRIAL INJURIES AND DISEASES (OLD CASES) ACT 1975 HAS BEEN PAID, OR TO DEPENDANTS OF PERSONS TO WHOM AN ALLOWANCE UNDER SUCH A SCHEME OR UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACTS WAS PAYABLE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

<i>Age of disabled person at his last birthday preceding death</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial</i>	<i>Total</i>
	£	£
37 and under	13,412	16,286
38	12,819	15,883
39	12,227	15,484
40	11,636	15,083
41	11,043	14,682
42	10,451	14,282
43	9,634	13,899
44	8,917	13,512
45	8,152	13,132
46	7,385	12,749
47	6,617	12,366
48	6,409	11,896
49	6,200	11,425
50	5,991	10,955
51	5,782	10,484
52	5,574	10,016
53	5,085	9,632
54	4,598	9,249
55	4,110	8,864
56	3,623	8,481
57	3,136	8,098
58	2,786	7,037
59	2,438	5,974
60	2,091	4,912
61	1,741	3,850
62	1,393	2,786
63	1,367	2,482
64	1,341	2,179
65	1,315	1,872
66	1,290	1,568
67 and over	1,263	1,263

## PART C

## PAYMENTS TO DEPENDANTS OF PERSONS WHO DIED AS A RESULT OF DIFFUSE MESOTHELIOMA.

<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment</i>
	£
37 and under	16,286
38	15,883
39	15,484
40	15,083
41	14,682
42	14,282
43	13,899
44	13,512
45	13,132
46	12,749
47	12,366
48	11,896
49	11,425
50	10,955
51	10,484
52	10,016
53	9,632
54	9,249
55	8,864
56	8,481
57	8,098
58	7,037
59	5,974
60	4,912
61	3,850
62	2,786
63	2,482
64	2,179
65	1,872
66	1,568
67 and over	1,263

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 11th April 1988, prescribe the amount of payments to be made under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 ("the Act"), as amended by the Social Security Act 1985 and the Social Security Act 1986, to persons disabled by a disease to which the Act applies (namely pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening) or to dependants of persons who immediately before they died were disabled by such a disease. All such persons should satisfy the conditions of entitlement prescribed in section 2 of the Act.

The Regulations re-enact the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1985 ("the 1985 Regulations") which are revoked. In addition to minor and drafting amendments they make the following changes of substance:-

- (a) The amount of payments laid down by the 1985 Regulations is increased by 8.5% rounded up or down to the nearest £1 as appropriate.
- (b) Regulations 4 and 5 are amended to take account of the changes made to the conditions of entitlement in section 2 of the 1979 Act by the Social Security Act 1986.
- (c) Amendments are made consequential on the changes of title of the Pneumoconiosis Medical Board, the Pneumoconiosis Medical Panel and Insurance Officer.



