
STATUTORY INSTRUMENTS

1988 No. 668

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988

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 [^{F1}£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 [^{F1}£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 ^{F2}... 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

Status: Point in time view as at 01/04/2023. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988, Section 6. (See end of Document for details)

be), or Medical Appeal Tribunal, as the case may be, had not diagnosed that pneumoconiosis was accompanied by tuberculosis.

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Textual Amendments

- F1** 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))
- F2** 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)**

Status:

Point in time view as at 01/04/2023. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988, Section 6.