
STATUTORY INSTRUMENTS

1989 No. 552

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 1989**

Made - - - - *22nd March 1989*
Coming into force - - *1st April 1989*

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) ("the Act") 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 and commencement

1. These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1989 and shall come into force on 1st April 1989.

Interpretation

2. In these Regulations the "principal Regulations" means the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988(2).

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 4(6)(a)—

- (a) for the word "if" there shall be substituted the words "in cases where";
- (b) after the word "dependant" in sub-paragraph (i) there shall be inserted the words "by reason of the deceased's death as a result of the disease".

(3) The following sub-paragraph shall be substituted for sub-paragraph (ii) of regulation 5(1)(a):—

(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.1988/668.

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“(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”

- (a) (4) (a) the Schedule to these Regulations shall be substituted for the Schedule to those Regulations, and
- (b) the amount of £1,364 shall be substituted for the amount of £1,263 in regulations 5(1) and 8 of those Regulations, and the amount of £2,822 shall be substituted for the amount of £2,613 in regulation 6(1) of those Regulations,

in any case in which a person first satisfies the conditions of entitlement to a payment under the Act on or after the date upon which these Regulations come into force.

Signed by order of the Secretary of State.

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

22nd March 1989

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	15,801	28,216	33,106	34,047	34,988	35,739	36,492	37,244	37,997	38,749
38	15,349	27,087	32,110	33,258	34,234	34,988	35,739	36,492	37,244	37,997
39	14,897	25,958	31,112	32,466	33,483	34,234	34,988	35,739	36,492	37,244
40	14,447	24,829	30,115	31,676	32,730	33,483	34,234	34,988	35,739	36,492
41	13,995	23,701	29,118	30,885	31,978	32,730	33,483	34,234	34,988	35,739
42	13,542	22,572	28,122	30,097	31,225	31,978	32,730	33,483	34,234	34,988
43	12,866	21,255	27,124	29,495	30,699	31,601	32,353	33,106	33,858	34,611
44	12,189	19,938	26,128	28,892	30,172	31,225	31,978	32,730	33,483	34,234
45	11,512	18,622	25,130	28,291	29,645	30,849	31,601	32,353	33,106	33,858
46	10,834	17,305	24,133	27,688	29,118	30,473	31,225	31,978	32,730	33,483
47	10,158	15,989	23,136	27,087	28,592	30,097	30,849	31,601	32,353	33,106

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Age of disabled person	Percentage assessment for the relevant period									
	10% or less	11–20%	21–30%	40%	50%	60%	70%	80%	90%	100%
48	9,574	15,461	22,347	25,883	27,688	29,043	29,795	30,548	31,300	32,053
49	8,991	14,936	21,556	24,678	26,786	27,990	28,742	29,495	30,248	31,000
50	8,409	14,408	20,767	23,476	25,883	26,936	27,688	28,441	29,193	29,945
51	7,825	13,882	19,976	22,271	24,980	25,883	26,635	27,387	28,141	28,892
52	7,242	13,355	19,187	21,068	24,077	24,829	25,583	26,334	27,087	27,838
53	6,696	12,415	17,982	20,014	23,174	24,077	24,829	25,583	26,334	27,087
54	6,151	11,474	16,778	18,962	22,271	23,325	24,077	24,829	25,583	26,334
55	5,606	10,533	15,576	17,907	21,368	22,572	23,325	24,077	24,829	25,583
56	5,060	9,594	14,371	16,854	20,467	21,820	22,572	23,325	24,077	24,829
57	4,514	8,653	13,168	15,801	19,563	21,068	21,820	22,572	23,325	24,077
58	4,158	7,864	11,758	14,182	17,605	18,998	19,807	20,598	21,368	22,120
59	3,799	7,072	10,345	12,566	15,649	16,929	17,794	18,622	19,412	20,163
60	3,443	6,282	8,935	10,947	13,695	14,861	15,781	16,648	17,456	18,209
61	3,084	5,492	7,524	9,330	11,738	12,791	13,769	14,672	15,501	16,252
62	2,728	4,702	6,113	7,712	9,782	10,722	11,758	12,698	13,542	14,296
63	2,539	4,251	5,492	6,895	8,701	9,630	10,609	11,512	12,339	13,091
64	2,353	3,799	4,871	6,076	7,619	8,540	9,462	10,327	11,136	11,888
65	2,164	3,349	4,251	5,258	6,536	7,449	8,314	9,142	9,932	10,684
66	1,976	2,898	3,630	4,439	5,456	6,358	7,167	7,957	8,729	9,480
67	1,788	2,444	3,009	3,621	4,374	5,267	6,020	6,772	7,524	8,276
68	1,740	2,369	2,906	3,470	4,223	5,060	5,784	6,564	7,289	8,032
69	1,693	2,294	2,803	3,321	4,073	4,854	5,550	6,358	7,055	7,787
70	1,645	2,219	2,699	3,170	3,922	4,646	5,314	6,151	6,819	7,544
71	1,600	2,144	2,597	3,019	3,771	4,439	5,079	5,945	6,584	7,299
72	1,553	2,069	2,492	2,870	3,621	4,233	4,843	5,737	6,348	7,055
73	1,514	2,033	2,455	2,812	3,565	4,138	4,749	5,587	6,160	6,847
74	1,476	1,993	2,417	2,756	3,510	4,044	4,656	5,436	5,973	6,641
75	1,440	1,957	2,380	2,699	3,451	3,950	4,562	5,286	5,784	6,432
76	1,401	1,918	2,341	2,642	3,395	3,858	4,468	5,136	5,595	6,227

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Age of disabled person	Percentage assessment for the relevant period									
	10% or less	11–20%	21–30%	40%	50%	60%	70%	80%	90%	100%
77 and over	1,364	1,881	2,305	2,586	3,338	3,763	4,374	4,986	5,408	6,020

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.

Age of disabled person	Extent of incapacity for the relevant period	
	Partial	Total
	£	£
37 and under	28,216	38,749
38	27,087	37,997
39	25,958	37,244
40	24,829	36,492
41	23,701	35,739
42	22,572	34,988
43	21,255	34,611
44	19,938	34,234
45	18,622	33,858
46	17,305	33,483
47	15,989	33,106
48	15,461	32,053
49	14,936	31,000
50	14,408	29,945
51	13,882	28,892
52	13,355	27,838
53	12,415	27,087
54	11,474	26,334
55	10,533	25,583
56	9,594	24,829

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Age of disabled person	Extent of incapacity for the relevant period	
	Partial	Total
57	8,653	24,077
58	7,864	22,120
59	7,072	20,163
60	6,282	18,209
61	5,492	16,252
62	4,702	14,296
63	4,251	13,091
64	3,799	11,888
65	3,349	10,684
66	2,898	9,480
67	2,444	8,276
68	2,369	8,032
69	2,294	7,787
70	2,219	7,544
71	2,144	7,299
72	2,069	7,055
73	2,033	6,847
74	1,993	6,641
75	1,957	6,432
76	1,918	6,227
77 and over	1,881	6,020

TABLE 2

(1) Table 2 is for the determination of 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(I)(a)(iii) OR BUT FOR HIS DISABLEMENT AMOUNTING TO LESS THAN THE

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APPROPRIATE PERCENTAGE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

Age of disabled person at his last birthday preceding death	Percentage assessment for the relevant period				
	10% or less	11%–20%	21%–30%	40%	50% and over
	£	£	£	£	£
37 and under	7,430	14,485	16,553	17,118	17,589
38	7,204	13,845	15,989	16,553	17,154
39	6,979	13,205	15,424	15,989	16,723
40	6,752	12,566	14,861	15,424	16,289
41	6,527	11,927	14,296	14,861	15,857
42	6,302	11,287	13,731	14,296	15,424
43	5,896	10,458	13,223	13,787	15,011
44	5,492	9,630	12,715	13,280	14,592
45	5,088	8,804	12,208	12,771	14,182
46	4,683	7,975	11,699	12,263	13,769
47	4,279	7,147	11,193	11,758	13,355
48	3,969	6,922	10,817	11,362	12,848
49	3,658	6,696	10,440	10,967	12,339
50	3,349	6,471	10,065	10,571	11,832
51	3,037	6,245	9,688	10,177	11,323
52	2,728	6,020	9,311	9,782	10,817
53	2,586	5,492	8,596	9,236	10,402
54	2,444	4,966	7,880	8,690	9,988
55	2,305	4,439	7,167	8,145	9,574
56	2,164	3,913	6,452	7,600	9,160
57	2,021	3,387	5,737	7,055	8,746
58	1,890	3,009	4,919	6,096	7,600
59	1,758	2,633	4,101	5,136	6,452
60	1,628	2,258	3,282	4,176	5,305
61	1,496	1,881	2,464	3,218	4,158
62	1,364	1,505	1,645	2,258	3,009

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Age of disabled person at his last birthday preceding death	Percentage assessment for the relevant period				
	10% or less	11%–20%	21%–30%	40%	50% and over
63	1,364	1,476	1,590	2,078	2,681
64	1,364	1,448	1,533	1,899	2,353
65	1,364	1,420	1,476	1,721	2,021
66	1,364	1,393	1,420	1,542	1,693
67 and over	1,364	1,364	1,364	1,364	1,364

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.

Age of disabled person at his last birthday preceding death	Extent of incapacity for the relevant period	
	Partial	Total
	£	£
37 and under	14,485	17,589
38	13,845	17,154
39	13,205	16,723
40	12,566	16,289
41	11,927	15,857
42	11,287	15,424
43	10,458	15,011
44	9,630	14,592
45	8,804	14,182
46	7,975	13,769
47	7,147	13,355
48	6,922	12,848
49	6,696	12,339

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Age of disabled person at his last birthday preceding death	Extent of incapacity for the relevant period	
	Partial	Total
50	6,471	11,832
51	6,245	11,323
52	6,020	10,817
53	5,492	10,402
54	4,966	9,988
55	4,439	9,574
56	3,913	9,160
57	3,387	8,746
58	3,009	7,600
59	2,633	6,452
60	2,258	5,305
61	1,881	4,158
62	1,505	3,009
63	1,476	2,681
64	1,448	2,353
65	1,420	2,021
66	1,393	1,693
67 and over	1,364	1,364

PART C

payments to dependants of persons who died as a result of diffuse mesothelioma.

Age of disabled person at his last birthday preceding death	Payment
	£
37 and under	17,589
38	17,154
39	16,723
40	16,289
41	15,857
42	15,424
43	15,011
44	14,592
45	14,182

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Age of disabled person at his last birthday preceding death	Payment
46	13,769
47	13,355
48	12,848
49	12,339
50	11,832
51	11,323
52	10,817
53	10,402
54	9,988
55	9,574
56	9,160
57	8,746
58	7,600
59	6,452
60	5,305
61	4,158
62	3,009
63	2,681
64	2,353
65	2,021
66	1,693
67 and over	1,364

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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thickening) or to dependants of persons who immediately before they died were disabled by such a disease.

These Regulations amend the 1988 Regulations by increasing the amount of those payments in any case in which a person first becomes entitled to a payment on or after the date when these Regulations come into force. The increase in each case is 8% rounded up or down to the nearest £1 as appropriate. The Regulations also make minor drafting amendments to the 1988 Regulations.