
STATUTORY INSTRUMENTS

1993 No. 1158

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 1993**

Made - - - - *26th April 1993*
Coming into force - - *1st May 1993*

The Secretary of State in exercise of the powers conferred on her by sections 1 and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(1) (“the Act”) and of all other powers enabling her in that behalf hereby makes the following Regulations, of which a draft has been approved by resolution of each House of Parliament:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1993 and shall come into force on 1st May 1993.

(2) These Regulations apply in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Act on or after the date on which they come into force.

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.

- (a) (2) (a) the Schedule to these Regulations shall be substituted for the Schedule to those Regulations, and
- (b) the amount of £1,728 shall be substituted for the amount of £1,686 in regulations 5(1) and 8 of those Regulations, and the amount of £3,575 shall be substituted for the amount of £3,488 in regulation 6(1) of those 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. 1988/668, as amended by S.I. 1989/552, 1990/825, 1991/899, 1992/403.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by order of the Secretary of State.

26th April 1993

Patrick McLoughlin
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	20,018	35,749	41,944	43,136	44,327	45,280	46,235	47,187	48,141	49,093
38	19,446	34,318	40,681	42,137	43,373	44,327	45,280	46,235	47,187	48,141
39	18,874	32,887	39,418	41,133	42,422	43,373	44,327	45,280	46,235	47,187
40	18,303	31,457	38,156	40,132	41,466	42,422	43,373	44,327	45,280	46,235
41	17,731	30,028	36,892	39,130	40,515	41,466	42,422	43,373	44,327	45,280
42	17,157	28,599	35,629	38,132	39,561	40,515	41,466	42,422	43,373	44,327
43	16,301	26,930	34,365	37,369	38,895	40,038	40,990	41,944	42,897	43,852
44	15,443	25,261	33,102	36,606	38,226	39,561	40,515	41,466	42,422	43,373
45	14,586	23,593	31,840	35,843	37,560	39,084	40,038	40,990	41,944	42,897

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<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	10% or less	11–20%	21–30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
46	13,727	21,926	30,577	35,081	36,892	38,608	39,561	40,515	41,466	42,422
47	12,870	20,257	29,313	34,318	36,225	38,132	39,084	40,038	40,990	41,944
48	12,130	19,588	28,313	32,792	35,081	36,795	37,750	38,703	39,655	40,611
49	11,391	18,923	27,311	31,267	33,938	35,461	36,415	37,369	38,323	39,276
50	10,654	18,255	26,330	29,743	32,792	34,126	35,081	36,033	36,986	37,940
51	9,915	17,588	25,308	28,217	31,649	32,792	33,755	34,698	35,653	36,606
52	9,175	16,921	24,309	26,692	30,504	31,457	32,413	33,364	34,318	35,270
53	8,483	15,730	22,783	25,357	29,360	30,504	31,457	32,413	33,364	34,318
54	7,793	14,538	21,257	24,024	28,217	29,552	30,504	31,457	32,413	33,364
55	7,102	13,346	19,734	22,688	27,072	28,599	29,552	30,504	31,457	32,413
56	6,410	12,154	18,207	21,354	25,930	27,645	28,599	29,552	30,504	31,457
57	5,720	10,962	16,683	20,018	24,789	26,692	27,645	28,599	29,552	30,504
58	5,267	9,963	14,896	17,968	22,305	24,070	25,095	26,097	27,072	28,026
59	4,813	8,960	13,107	15,921	19,827	21,448	22,544	23,593	24,595	25,546
60	4,362	7,959	11,320	13,869	17,351	18,828	19,994	21,092	22,117	23,070
61	3,908	6,958	9,533	11,820	14,872	16,206	17,443	18,589	19,638	20,590
62	3,456	5,958	7,746	9,770	12,394	13,584	14,896	16,087	17,157	18,112
63	3,216	5,386	6,958	8,736	11,023	12,201	13,441	14,586	15,633	16,587
64	2,982	4,813	6,172	7,698	9,652	10,820	11,988	13,084	14,108	15,061
65	2,742	4,242	5,386	6,663	8,282	9,437	10,533	11,583	12,584	13,537
66	2,503	3,672	4,600	5,623	6,913	8,055	9,080	10,080	11,059	12,011
67	2,265	3,098	3,812	4,587	5,541	6,674	7,626	8,580	9,533	10,486
68	2,204	3,001	3,682	4,396	5,352	6,410	7,328	8,317	9,234	10,176
69	2,145	2,907	3,552	4,207	5,161	6,150	7,032	8,055	8,939	9,865
70	2,085	2,813	3,419	4,016	4,969	5,886	6,733	7,793	8,639	9,558
71	2,026	2,716	3,290	3,824	4,778	5,623	6,435	7,532	8,342	9,249
72	1,967	2,622	3,158	3,636	4,587	5,363	6,136	7,269	8,042	8,939
73	1,918	2,576	3,111	3,564	4,516	5,243	6,018	7,079	7,805	8,675
74	1,871	2,525	3,063	3,491	4,446	5,123	5,899	6,887	7,568	8,407
75	1,825	2,479	3,016	3,419	4,372	5,005	5,780	6,697	7,328	8,150

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<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	10% or less £	11–20% £	21–30% £	40% £	50% £	60% £	70% £	80% £	90% £	100% £
76	1,776	2,430	2,966	3,349	4,301	4,887	5,661	6,507	7,089	7,889
77 and over	1,728	2,383	2,920	3,276	4,230	4,766	5,541	6,318	6,851	7,626

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	35,749	49,093
38	34,318	48,141
39	32,887	47,187
40	31,457	46,235
41	30,028	45,280
42	28,599	44,327
43	26,930	43,852
44	25,261	43,373
45	23,593	42,897
46	21,926	42,422
47	20,257	41,944
48	19,588	40,611
49	18,923	39,276
50	18,255	37,940
51	17,588	36,606
52	16,921	35,270
53	15,730	34,318

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<i>Age of disabled person</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial</i> £	<i>Total</i> £
54	14,538	33,364
55	13,346	32,413
56	12,154	31,457
57	10,962	30,504
58	9,963	28,026
59	8,960	25,546
60	7,959	23,070
61	6,958	20,590
62	5,958	18,112
63	5,386	16,587
64	4,813	15,061
65	4,242	13,537
66	3,672	12,011
67	3,098	10,486
68	3,001	10,176
69	2,907	9,865
70	2,813	9,558
71	2,716	9,249
72	2,622	8,939
73	2,576	8,675
74	2,525	8,407
75	2,479	8,150
76	2,430	7,889
77 and over	2,383	7,626

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(1)(a)(iii) OR BUT FOR THIS DISPLACEMENT 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	9,414	18,352	20,972	21,688	22,284
38	9,128	17,541	20,257	20,972	21,734
39	8,843	16,730	19,543	20,257	21,187
40	8,554	15,921	18,828	19,543	20,638
41	8,269	15,111	18,112	18,828	20,090
42	7,985	14,302	17,396	18,112	19,543
43	7,470	13,251	16,753	17,469	19,019
44	6,958	12,201	16,109	16,825	18,488
45	6,447	11,154	15,467	16,182	17,968
46	5,933	10,103	14,768	15,537	17,443
47	5,422	9,055	14,181	14,896	16,921
48	5,029	8,769	13,705	14,395	16,277
49	4,635	8,483	13,226	13,895	15,633
50	4,242	8,198	12,751	13,393	14,990
51	3,849	7,912	12,274	12,893	14,347
52	3,456	7,626	11,797	12,394	13,705
53	3,276	6,958	10,892	11,702	13,178

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<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
	£	£	£	£	£
54	3,098	6,291	9,985	11,011	12,655
55	2,920	5,623	9,080	10,320	12,130
56	2,742	4,957	8,174	9,629	11,605
57	2,561	4,291	7,269	8,939	11,081
58	2,394	3,812	6,233	7,723	9,629
59	2,226	3,336	5,196	6,507	8,174
60	2,062	2,861	4,158	5,291	6,721
61	1,896	2,383	3,122	4,076	5,267
62	1,728	1,907	2,085	2,861	3,812
63	1,728	1,871	2,015	2,632	3,397
64	1,728	1,835	1,941	2,407	2,982
65	1,728	1,800	1,871	2,180	2,561
66	1,728	1,765	1,800	1,954	2,145
67 and over	1,728	1,728	1,728	1,728	1,728

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	18,352	22,284

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<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>
38	17,541	21,734
39	16,730	21,187
40	15,921	20,638
41	15,111	20,090
42	14,302	19,543
43	13,251	19,019
44	12,201	18,488
45	11,154	17,968
46	10,103	17,443
47	9,055	16,921
48	8,769	16,277
49	8,483	15,633
50	8,198	14,990
51	7,912	14,347
52	7,626	13,705
53	6,958	13,178
54	6,291	12,655
55	5,623	12,130
56	4,957	11,605
57	4,291	11,081
58	3,812	9,629
59	3,336	8,174
60	2,861	6,721
61	2,383	5,267
62	1,907	3,812
63	1,871	3,397
64	1,835	2,982
65	1,800	2,561
66	1,765	2,145
67 and over	1,728	1,728

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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	22,284
38	21,734
39	21,187
40	20,638
41	20,090
42	19,543
43	19,019
44	18,488
45	17,968
46	17,443
47	16,921
48	16,277
49	15,633
50	14,990
51	14,347
52	13,705
53	13,178
54	12,655
55	12,130
56	11,605
57	11,081
58	9,629
59	8,174
60	6,721
61	5,267
62	3,812
63	3,397
64	2,982
65	2,561

Age of disabled person at his last birthday preceding death	Payment
	£
66	2,145
67 and over	1,728

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (the 1988 Regulations), as amended by the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1989, the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1990, the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1991 and the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1992 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, or to dependants of persons who immediately before they died were disabled by such a disease. The diseases to which the Act applies are pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening.

These Regulations further amend the 1988 Regulations by increasing the amount of 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 2P per cent. rounded up or down to the nearest £1 as appropriate.