
STATUTORY INSTRUMENTS

2005 No. 414

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 2005**

Made - - - - *1st March 2005*
Coming into force - - *1st April 2005*

The Secretary of State, in exercise of the powers conferred on him by sections 1(1), (2) and (4) 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 and application

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2005 and shall come into force on 1st April 2005.

(2) These Regulations shall apply in relation to any case in which a person first fulfils the conditions of entitlement to a payment under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 on or after the day on which they come into force.

Amendment of Regulations

2. In the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988⁽²⁾—

- (a) for the Schedule to those Regulations there shall be substituted the Schedule set out in the Schedule to these Regulations;
- (b) in regulations 5(1) and 8 (minimum amounts payable to dependant), for the amount £2,180 there shall be substituted the amount £2,248;
- (c) in regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount £4,509 (in both places) there shall be substituted the amount £4,649.

⁽¹⁾ 1979 c. 41: section 1 of the Act was amended by section 24 of the Social Security Act 1985 (c. 53).

⁽²⁾ S.I.1988/668, as amended by S.I. 1989/552, 1990/825, 1991/899, 1992/403, 1993/1158, 1995/1514, 1996/1979, 1997/1691, 1998/1840, 2000/1118, 2001/3525 and 2004/726.

Status: This is the original version (as it was originally made).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 authority of the Secretary of State for Work and Pensions.

1st March 2005

Jane Kennedy
Minister of State,
Department for Work and Pensions

Status: This is the original version (as it was originally made).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

SCHEDULE

Regulation 2(a)

“SCHEDULE

Regulations 3, 4, 5 and 6

TABLE 1

(1) This table is for the determination of payments to disabled persons under regulation 3 (or, as the case may be, 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) or, in the case of a disabled person to whom regulation 6 applies, the first period specified in regulation 6(1)(b).

(3) The age of the disabled person is his age determined in accordance with regulation 3(2) or (3) or, in the case of a disabled person to whom regulation 6 applies, regulation 6(1)(b). 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 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 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

| Age of disabled person | Percentage assessment for the relevant period | | | | | | | | | |
|---------------------------------|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| | 10% - or less £ | 11%-20% £ | 21%-30% £ | 31%-40% £ | 41%-50% £ | 51%-60% £ | 61%-70% £ | 71%-80% £ | 81%-90% £ | 91%-100% £ |
| 37 and under | 26018 | 46463 | 54515 | 56064 | 57612 | 58851 | 60091 | 61329 | 62568 | 63808 |
| 38 | 25274 | 44602 | 52872 | 54765 | 56371 | 57612 | 58851 | 60091 | 61329 | 62568 |
| 39 | 24530 | 42743 | 51231 | 53461 | 55135 | 56371 | 57612 | 58851 | 60091 | 61329 |
| 40 | 23788 | 40884 | 49590 | 52159 | 53893 | 55135 | 56371 | 57612 | 58851 | 60091 |
| 41 | 23044 | 39027 | 47949 | 50857 | 52657 | 53893 | 55135 | 56371 | 57612 | 58851 |
| 42 | 22297 | 37170 | 46306 | 49561 | 51417 | 52657 | 53893 | 55135 | 56371 | 57612 |
| 43 | 21187 | 35000 | 44665 | 48567 | 50552 | 52038 | 53275 | 54515 | 55754 | 56994 |
| 44 | 20070 | 32832 | 43022 | 47577 | 49683 | 51417 | 52657 | 53893 | 55135 | 56371 |
| 45 | 18958 | 30664 | 41381 | 46585 | 48818 | 50796 | 52038 | 53275 | 54515 | 55754 |

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

| Age of disabled person | Percentage assessment for the relevant period | | | | | | | | | |
|------------------------|---|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| | 10% - or less | 11%-20% | 21%-30% | 31%-40% | 41%-50% | 51%-60% | 61%-70% | 71%-80% | 81%-90% | 91%-100% |
| | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| 46 | 17841 | 28497 | 39741 | 45595 | 47949 | 50179 | 51417 | 52657 | 53893 | 55135 |
| 47 | 16728 | 26328 | 38098 | 44602 | 47082 | 49561 | 50796 | 52038 | 53275 | 54515 |
| 48 | 15765 | 25460 | 36799 | 42621 | 45595 | 47821 | 49064 | 50302 | 51539 | 52781 |
| 49 | 14806 | 24595 | 35497 | 40638 | 44110 | 46089 | 47328 | 48567 | 49809 | 51048 |
| 50 | 13845 | 23726 | 34221 | 38656 | 42621 | 44354 | 45595 | 46833 | 48070 | 49310 |
| 51 | 12886 | 22859 | 32893 | 36673 | 41134 | 42621 | 43872 | 45096 | 46338 | 47577 |
| 52 | 11926 | 21992 | 31594 | 34691 | 39646 | 40884 | 42127 | 43364 | 44602 | 45840 |
| 53 | 11026 | 20445 | 29610 | 32957 | 38159 | 39646 | 40884 | 42127 | 43364 | 44602 |
| 54 | 10128 | 18896 | 27628 | 31225 | 36673 | 38410 | 39646 | 40884 | 42127 | 43364 |
| 55 | 9231 | 17346 | 25649 | 29487 | 35185 | 37170 | 38410 | 39646 | 40884 | 42127 |
| 56 | 8332 | 15796 | 23665 | 27753 | 33701 | 35929 | 37170 | 38410 | 39646 | 40884 |
| 57 | 7434 | 14247 | 21682 | 26018 | 32218 | 34692 | 35929 | 37170 | 38410 | 39646 |
| 58 | 6846 | 12948 | 19361 | 23352 | 28991 | 31285 | 32616 | 33919 | 35185 | 36426 |
| 59 | 6256 | 11645 | 17035 | 20691 | 25769 | 27876 | 29301 | 30664 | 31965 | 33202 |
| 60 | 5671 | 10344 | 14712 | 18026 | 22552 | 24470 | 25985 | 27413 | 28745 | 29985 |
| 61 | 5079 | 9044 | 12391 | 15362 | 19328 | 21063 | 22672 | 24160 | 25523 | 26762 |
| 62 | 4491 | 7744 | 10067 | 12699 | 16108 | 17656 | 19361 | 20908 | 22297 | 23540 |
| 63 | 4181 | 6999 | 9044 | 11354 | 14328 | 15857 | 17470 | 18958 | 20318 | 21557 |
| 64 | 3878 | 6256 | 8021 | 10004 | 12544 | 14063 | 15582 | 17005 | 18335 | 19574 |
| 65 | 3563 | 5513 | 6999 | 8660 | 10765 | 12265 | 13690 | 15055 | 16356 | 17594 |
| 66 | 3254 | 4772 | 5978 | 7308 | 8984 | 10469 | 11802 | 13101 | 14373 | 15611 |
| 67 | 2944 | 4026 | 4954 | 5962 | 7203 | 8675 | 9912 | 11151 | 12391 | 13629 |
| 68 | 2863 | 3900 | 4785 | 5715 | 6956 | 8332 | 9524 | 10810 | 12001 | 13226 |
| 69 | 2788 | 3779 | 4617 | 5468 | 6708 | 7992 | 9140 | 10469 | 11617 | 12822 |
| 70 | 2710 | 3656 | 4444 | 5219 | 6459 | 7649 | 8751 | 10128 | 11228 | 12421 |
| 71 | 2634 | 3529 | 4275 | 4969 | 6210 | 7308 | 8365 | 9789 | 10842 | 12020 |
| 72 | 2556 | 3408 | 4104 | 4725 | 5962 | 6971 | 7975 | 9447 | 10451 | 11617 |
| 73 | 2493 | 3348 | 4043 | 4631 | 5869 | 6815 | 7821 | 9201 | 10144 | 11275 |
| 74 | 2432 | 3283 | 3981 | 4538 | 5779 | 6658 | 7668 | 8953 | 9836 | 10927 |
| 75 | 2371 | 3223 | 3920 | 4444 | 5682 | 6505 | 7511 | 8703 | 9524 | 10591 |

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

| <i>Age of disabled person</i> | <i>Percentage assessment for the relevant period</i> | | | | | | | | | |
|-------------------------------|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| | <i>10%</i> | <i>11%-20%</i> | <i>21%-30%</i> | <i>31%-40%</i> | <i>41%-50%</i> | <i>51%-60%</i> | <i>61%-70%</i> | <i>71%-80%</i> | <i>81%-90%</i> | <i>91%-100%</i> |
| | <i>- or less</i> | | | | | | | | | |
| | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> |
| 76 | 2308 | 3157 | 3855 | 4353 | 5590 | 6352 | 7358 | 8457 | 9213 | 10254 |
| 77 and over | 2248 | 3096 | 3795 | 4258 | 5497 | 6195 | 7203 | 8212 | 8906 | 9912 |

PART B

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE AN ALLOWANCE UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SCHEDULE 8, PARAGRAPH 4 TO THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACT

| <i>Age of disabled person</i> | <i>Extent of incapacity for the relevant period</i> | |
|-------------------------------|---|--------------|
| | <i>Partial</i> | <i>Total</i> |
| | <i>£</i> | <i>£</i> |
| 37 and under | 46463 | 63808 |
| 38 | 44602 | 62568 |
| 39 | 42743 | 61329 |
| 40 | 40884 | 60091 |
| 41 | 39027 | 58851 |
| 42 | 37170 | 57612 |
| 43 | 35000 | 56994 |
| 44 | 32832 | 56371 |
| 45 | 30664 | 55754 |
| 46 | 28497 | 55135 |
| 47 | 26328 | 54515 |
| 48 | 25460 | 52781 |
| 49 | 24595 | 51048 |
| 50 | 23726 | 49310 |
| 51 | 22859 | 47577 |
| 52 | 21992 | 45840 |
| 53 | 20445 | 44602 |

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

| <i>Age of disabled person</i> | <i>Extent of incapacity for the relevant period</i> | |
|-------------------------------|---|-------------------|
| | <i>Partial</i> £ | <i>Total</i> £ |
| 54 | 18896 | 43364 |
| 55 | 17346 | 42127 |
| 56 | 15796 | 40884 |
| 57 | 14247 | 39646 |
| 58 | 12948 | 36426 |
| 59 | 11645 | 33202 |
| 60 | 10344 | 29985 |
| 61 | 9044 | 26762 |
| 62 | 7744 | 23540 |
| 63 | 6999 | 21557 |
| 64 | 6256 | 19574 |
| 65 | 5513 | 17594 |
| 66 | 4772 | 15611 |
| 67 | 4026 | 13629 |
| 68 | 3900 | 13226 |
| 69 | 3779 | 12822 |
| 70 | 3656 | 12421 |
| 71 | 3529 | 12020 |
| 72 | 3408 | 11617 |
| 73 | 3348 | 11275 |
| 74 | 3283 | 10927 |
| 75 | 3223 | 10591 |
| 76 | 3157 | 10254 |
| 77 and over | 3096 | 9912 |

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 (3) or, in the case of a disabled person to whom regulation 6 applies, the first period specified in regulation 6(1)(b).

PART A

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER SECTION 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND

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

BENEFITS ACT 1992 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> | | | | |
|--|--|----------------|----------------|----------------|---------------------|
| | <i>10% or less</i> | <i>11%-20%</i> | <i>21%-30%</i> | <i>31%-49%</i> | <i>50% and over</i> |
| | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> |
| 37 and under | 12235 | 23853 | 27256 | 28189 | 28962 |
| 38 | 11864 | 22799 | 26329 | 27256 | 28248 |
| 39 | 11494 | 21745 | 25400 | 26328 | 27536 |
| 40 | 11117 | 20691 | 24470 | 25400 | 26824 |
| 41 | 10747 | 19640 | 23540 | 24470 | 26112 |
| 42 | 10379 | 18589 | 22611 | 23540 | 25400 |
| 43 | 9708 | 17223 | 21775 | 22704 | 24719 |
| 44 | 9044 | 15857 | 20935 | 21869 | 24030 |
| 45 | 8379 | 14495 | 20102 | 21032 | 23352 |
| 46 | 7712 | 13130 | 19194 | 20193 | 22672 |
| 47 | 7046 | 11768 | 18432 | 19361 | 21992 |
| 48 | 6537 | 11397 | 17813 | 18710 | 21155 |
| 49 | 6023 | 11026 | 17190 | 18059 | 20318 |
| 50 | 5513 | 10653 | 16573 | 17406 | 19482 |
| 51 | 5003 | 10282 | 15953 | 16758 | 18648 |
| 52 | 4491 | 9912 | 15334 | 16108 | 17813 |
| 53 | 4258 | 9044 | 14158 | 15208 | 17127 |
| 54 | 4026 | 8176 | 12978 | 14310 | 16448 |
| 55 | 3795 | 7308 | 11802 | 13413 | 15765 |
| 56 | 3563 | 6442 | 10624 | 12516 | 15081 |

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

| <i>Age of disabled person at his last birthday preceding death</i> | <i>Percentage assessment for the relevant period</i> | | | | |
|--|--|----------------|----------------|----------------|---------------------|
| | <i>10% or less</i> | <i>11%-20%</i> | <i>21%-30%</i> | <i>31%-49%</i> | <i>50% and over</i> |
| | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> | <i>£</i> |
| 57 | 3328 | 5577 | 9447 | 11617 | 14402 |
| 58 | 3113 | 4954 | 8102 | 10038 | 12516 |
| 59 | 2893 | 4335 | 6754 | 8457 | 10624 |
| 60 | 2680 | 3718 | 5405 | 6877 | 8736 |
| 61 | 2464 | 3096 | 4059 | 5297 | 6846 |
| 62 | 2248 | 2480 | 2710 | 3718 | 4954 |
| 63 | 2248 | 2432 | 2619 | 3421 | 4415 |
| 64 | 2248 | 2384 | 2523 | 3128 | 3878 |
| 65 | 2248 | 2340 | 2432 | 2833 | 3328 |
| 66 | 2248 | 2294 | 2340 | 2540 | 2788 |
| 67 and over | 2248 | 2248 | 2248 | 2248 | 2248 |

PART B

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SCHEDULE 8, PARAGRAPH 4, TO THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 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 | 23853 | 28962 |
| 38 | 22799 | 28248 |
| 39 | 21745 | 27536 |
| 40 | 20691 | 26824 |

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

| <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> |
| 41 | 19640 | 26112 |
| 42 | 18589 | 25400 |
| 43 | 17223 | 24719 |
| 44 | 15857 | 24030 |
| 45 | 14495 | 23352 |
| 46 | 13130 | 22672 |
| 47 | 11768 | 21992 |
| 48 | 11397 | 21155 |
| 49 | 11026 | 20318 |
| 50 | 10653 | 19482 |
| 51 | 10282 | 18648 |
| 52 | 9912 | 17813 |
| 53 | 9044 | 17127 |
| 54 | 8176 | 16448 |
| 55 | 7308 | 15765 |
| 56 | 6442 | 15081 |
| 57 | 5577 | 14402 |
| 58 | 4954 | 12516 |
| 59 | 4335 | 10624 |
| 60 | 3718 | 8736 |
| 61 | 3096 | 6846 |
| 62 | 2480 | 4954 |
| 63 | 2432 | 4415 |
| 64 | 2384 | 3878 |
| 65 | 2340 | 3328 |
| 66 | 2294 | 2788 |
| 67 and over | 2248 | 2248 |

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

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> |
|--|----------------|
| | <i>£</i> |
| 37 and under | 28962 |
| 38 | 28248 |
| 39 | 27536 |
| 40 | 26824 |
| 41 | 26112 |
| 42 | 25400 |
| 43 | 24719 |
| 44 | 24030 |
| 45 | 23352 |
| 46 | 22672 |
| 47 | 21992 |
| 48 | 21155 |
| 49 | 20318 |
| 50 | 19482 |
| 51 | 18648 |
| 52 | 17813 |
| 53 | 17127 |
| 54 | 16448 |
| 55 | 15765 |
| 56 | 15081 |
| 57 | 14402 |
| 58 | 12516 |
| 59 | 10624 |
| 60 | 8736 |
| 61 | 6846 |
| 62 | 4954 |
| 63 | 4415 |
| 64 | 3878 |
| 65 | 3328 |

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

| <i>Age of disabled person at his last birthday preceding death</i> | <i>Payment</i> |
|--|----------------|
| | £ |
| 66 | 2788 |
| 67 and over | 2248” |

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (“the Act”) lump sum payments may be made to certain persons disabled by a disease to which the Act applies, or to dependants of persons who were so disabled immediately before they died.

These Regulations further amend the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 so as to increase the amounts payable under the Act. The increase in each case is 3.1 per cent, rounded up or down to the nearest £1 as appropriate.

The diseases to which the Act applies are pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or diffuse pleural thickening) and diffuse pleural thickening.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.