Draft Regulations laid before Parliament under section 7(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2008

Made - - - -	*2008*
Coming into force - -	*1st April 2008*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1(1), (2) and (4) and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(**a**).

In accordance with section 7(3) of that Act, a draft of this instrument was laid before Parliament and 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 2008 and shall come into force on the 1st April 2008.

(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(**b**)—

(a) for the Schedule to those Regulations substitute 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 "£2,392" substitute the amount "£2,485";

(c) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount "£4,947" (in both places) substitute the amount "£5,140".

Signed by authority of the Secretary of State for Work and Pensions.

Parliamentary Under-Secretary of State,
Department for Work and Pensions

2008

(**a**) 1979 c.41: section 1 of the Act was amended by section 24 of the Social Security Act 1985 (c.53)., and section 7(3) of the Act was amended by section 58 of the Welfare Reform Act 2007 (c.5).

(**b**) 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, 2004/726, 2005/414, 2006/829, and 2007/716.

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.—(1) 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).

(2) 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.

4. Part A of the table prescribes payments to disabled persons to whom Disablement Benefit is payable under section 108 of the Social Security Contributions and Benefits Act 1992(**a**), or under any corresponding provision of the former Industrial Injuries Acts(**b**), or would be payable but for the disablement amounting to less than the appropriate percentage.

5. Part B of the table prescribes payments to disabled persons to whom an allowance is payable under a scheme made or having effect as if made under paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992, or under any corresponding provision of the former Old Cases Acts(**c**).

PART A

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	28762	51363	60264	61977	63689	65058	66428	67797	69167	70538
38	27940	49306	58448	60540	62316	63689	65058	66428	67797	69167
39	27117	47251	56634	59099	60950	62316	63689	65058	66428	67797
40	26297	45195	54820	57660	59577	60950	62316	63689	65058	66428
41	25474	43143	53006	56220	58211	59577	60950	62316	63689	65058
42	24648	41090	51189	54789	56840	58211	59577	60950	62316	63689
43	23421	38691	49375	53689	55884	57526	58894	60264	61635	63005
44	22187	36294	47559	52595	54923	56840	58211	59577	60950	62316
45	20958	33898	45745	51498	53967	56154	57526	58894	60264	61635
46	19722	31502	43932	50404	53006	55471	56840	58211	59577	60950
47	18492	29104	42116	49306	52048	54789	56154	57526	58894	60264
48	17428	28145	40680	47117	50404	52864	54239	55607	56975	58348

(**a**) 1992 c.4.
(**b**) “the former Industrial Injuries Acts” is defined in section 2(3) of the Pneumoconiosis etc. (Workers’ Compensation) Act 1979.
(**c**) “the former Old Cases Acts” is defined in section 2(3) of the Pneumoconiosis etc. (Workers’ Compensation) Act 1979.

49	16367	27189	39241	44924	48762	50949	52320	53689	55062	56432
50	15306	26229	37830	42733	47117	49032	50404	51772	53140	54510
51	14245	25270	36362	40541	45472	47117	48499	49852	51225	52595
52	13184	24312	34926	38349	43827	45195	46570	47937	49306	50674
53	12189	22601	32733	36433	42183	43827	45195	46570	47937	49306
54	11196	20889	30541	34519	40541	42461	43827	45195	46570	47937
55	10205	19176	28354	32597	38895	41090	42461	43827	45195	46470
56	9211	17462	26161	30680	37255	39718	41090	42461	43827	45195
57	8218	15749	23969	28762	35616	38351	39718	41090	42461	43827
58	7568	14313	21403	25815	32049	34584	36056	37496	38896	40267
59	6916	12873	18832	22874	28486	30816	32391	33898	35336	36704
60	6269	11435	16263	19927	24931	27050	28725	30305	31777	33147
61	5615	9998	13698	16982	21366	23284	25063	26709	28215	29584
62	4964	8560	11129	14038	17806	19518	21403	23114	24648	26023
63	4621	7737	9998	12551	15840	17529	19313	20958	22461	23831
64	4287	6916	8867	11059	13866	15547	17226	18799	20269	21639
65	3939	6095	7737	9573	11901	13559	15134	16643	18081	19450
66	3597	5275	6608	8079	9932	11573	13047	14483	15888	17258
67	3254	4451	5477	6590	7963	9590	10957	12327	13698	15067
68	3165	4311	5290	6318	7690	9211	10528	11951	13267	14621
69	3082	4178	5104	6045	7415	8835	10104	11573	12842	14174
70	2995	4042	4912	5770	7140	8455	9674	11196	12412	13731
71	2912	3901	4725	5493	6865	8079	9247	10821	11986	13288
72	2826	3767	4537	5223	6590	7706	8816	10443	11554	12842
73	2755	3701	4470	5119	6488	7534	8646	10172	11214	12464
74	2689	3629	4401	5016	6389	7360	8477	9898	10873	12079
75	2621	3363	4334	4912	6281	7191	8303	9621	10528	11708
76	2552	3490	4262	4812	6180	7022	8134	9349	10184	11335
77 and over	2485	3422	4195	4707	6077	6848	7963	9078	9846	10957

PART B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	£
37 and under	51363	70538
38	49306	69167
39	47251	67797
40	45195	66428
41	43143	65058
42	41090	63689
43	38691	63005
44	36294	62316
45	33898	61635
46	31502	60950
47	29104	60264
48	28145	58348
49	27189	56432
50	26229	54510
51	25270	52595
52	24312	50674
53	22601	49306
54	20889	47937
55	19176	46570
56	17462	45195
57	15749	43827

58	14313	40267
59	12873	36704
60	11435	33147
61	9998	29584
62	8560	26023
63	7737	23831
64	6916	21639
65	6095	19450
66	5275	17258
67	4451	15067
68	4311	14621
69	4178	14174
70	4042	13731
71	3901	13288
72	3767	12842
73	3701	12464
74	3629	12079
75	3563	11708
76	3490	11335
77 and over	3422	10957

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).

3.—(1) Parts A and B of the table prescribe payments to dependants of disabled persons who died as a result of a disease other than diffuse mesothelioma.

(2) Part C of the table prescribes payments to dependants of disabled persons who died as a result of diffuse mesothelioma.

4. Part A of the table prescribes payments to—

(a) dependants to whom death benefit under section 108 of the Social Security Contributions and Benefits Act 1992 is payable;

(b) dependants of a person to whom disablement benefit under that section or under any corresponding provision of the former Industrial Injuries Acts was payable immediately before he died;

(c) 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.

5. Part B of the table prescribes payments to—

(a) dependants to whom death benefit has been paid under a scheme made or having effect as if made under paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992;

(b) dependants of persons to whom an allowance was payable 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.

PART A

Age of disabled person at his last birthday preceding death	*Percentage assessment for the relevant period*				
	10% or less £	*11%-20%* £	*21%-30%* £	*31%-49%* £	*50% and over* £
37 and under	13526	26369	30131	31162	32017
38	13115	25203	29106	30131	31227
39	12706	24038	28079	29104	30441
40	12289	22874	27050	28079	29653
41	11881	21711	26023	27050	28865
42	11474	20549	24995	26023	28079
43	10732	19040	24072	25098	27326
44	9998	17529	23143	24175	26564
45	9263	16023	22222	23250	25815
46	8525	14515	21218	22323	25063
47	7789	13009	20376	21403	24312
48	7226	12599	19692	20683	23386
49	6658	12189	19003	19963	22461
50	6095	11776	18321	19241	21536
51	5531	11367	17636	18525	20615
52	4964	10957	16951	17806	19692
53	4707	9998	15651	16812	18934
54	4451	9038	14347	15819	18183
55	4195	8079	13047	14828	17428
56	3939	7121	11745	13836	16672
57	3679	6165	10443	12842	15921
58	3441	5477	8956	11097	13836
59	3198	4792	7466	9349	11745
60	2962	4110	5975	7602	9658
61	2724	3422	4487	5856	7568
62	2485	2742	2995	4110	5477
63	2485	2689	2896	3782	4880
64	2485	2636	2789	3458	4287
65	2485	2587	2689	3132	3679
66	2485	2536	2587	2807	3082
67 and over	2485	2485	2485	2485	2485

PART B

Age of disabled person at his last birthday preceding death	*Extent of incapacity for the relevant period*	
	Partial £	*Total* £
37 and under	26369	32017
38	25203	31227
39	24038	30441
40	22874	29653
41	21711	28865
42	20549	28079
43	19040	27326
44	17529	26564
45	16023	25815

46	14515	25063
47	13009	24312
48	12599	23386
49	12189	22461
50	11776	21536
51	11367	20615
52	10957	19692
53	9998	18934
54	9038	18183
55	8079	17428
56	7121	16672
57	6165	15921
58	5477	13836
59	4792	11745
60	4110	9658
61	3422	7568
62	2742	5477
63	2689	4880
64	2636	4287
65	2587	3679
66	2536	3082
67 and over	2485	2485

PART C

Age of disabled person at his last birthday preceding death	*Payment* £
37 and under	32017
38	31227
39	30441
40	29653
41	28865
42	28079
43	27326
44	26564
45	25815
46	25063
47	24312
48	23386
49	22461
50	21536
51	20615
52	19692
53	18934
54	18183
55	17428
56	16672
57	15921
58	13836
59	11745
60	9658
61	7568
62	5477
63	4880

64	4287
65	3679
66	3082
67 and over	2485”

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 before they died.

These Regulations amend the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (SI 1988/668) so as to increase the amounts payable under the Act. The increase in each case is 3.9 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 impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities and voluntary bodies.

£3.00

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