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

2010 No.0000

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2010

Made - - - -	*2010*
Coming into force - -	*1st April 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1(1), (2) and (4) and 7(2) 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 2010 and shall come into force on 1st April 2010.

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

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

(a) in regulations 5(1) and 8 (minimum amounts payable to dependant), for "£2,609" substitute "£2,649";

(b) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for "£5,397" (in both places) substitute "£5,478"; and

(c) for the Schedule to those Regulations substitute the Schedule set out in the Schedule to these Regulations.

(**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, the relevant amending regulations are S.I. 1989/552, 2008/650, 2008/1963 and 2009/747.

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

Address
Date

SCHEDULE

Regulation 2(c)

"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 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 benefits are 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**).

(**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.

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	30,653	54,740	64,226	66,052	67,876	69,336	70,795	72,255	73,714	75,176
38	29,777	52,548	62,291	64,521	66,413	67,876	69,336	70,795	72,255	73,714
39	28,900	50,358	60,358	62,985	64,958	66,222	67,876	69,336	70,795	72,255
40	28,026	48,167	58,424	61,451	63,494	64,957	66,413	67,876	69,336	70,796
41	27,149	45,981	56,491	59,916	62,039	63,494	64,957	66,413	67,876	69,336
42	26,269	43,792	54,555	58,391	60,577	62,039	63,494	64,957	66,413	67,876
43	24,961	41,235	52,622	57,220	59,558	61,309	62,766	64,226	65,687	67,147
44	23,645	38,681	50,686	56,053	58,534	60,577	62,039	63,494	64,957	66,413
45	22,336	36,127	48,752	54,884	57,515	59,845	61,309	62,766	64,226	65,687
46	21,019	33,574	46,821	53,718	56,491	59,119	60,577	62,039	63,494	64,957
47	19,708	31,018	44,885	52,548	55,470	58,391	59,845	61,309	62,766	64,226
48	18,575	29,996	43,355	50,214	53,718	56,341	57,805	59,264	60,720	62,185
49	17,444	28,976	41,821	47,878	51,968	54,299	55,760	57,220	58,682	60,143
50	16,312	27,953	40,317	45,543	50,214	52,255	53,718	55,176	56,634	58,095
51	15,181	26,931	38,753	43,207	48,461	50,214	51,688	53,130	54,593	56,053
52	14,051	25,910	37,222	40,871	46,708	48,167	49,632	51,089	52,548	54,006
53	12,990	24,087	34,885	38,828	44,957	46,708	48,167	49,632	51,089	52,548
54	11,932	22,263	32,549	36,789	43,207	45,253	46,708	48,167	49,632	51,089
55	10,876	20,437	30,219	34,739	41,453	43,792	45,253	46,708	48,167	49,632
56	9,816	18,611	27,881	32,697	39,705	42,330	43,792	45,253	46,708	48,167
57	8,758	16,785	25,545	30,653	37,958	40,872	42,330	43,792	45,253	46,708

58	8,065	15,254	22,811	27,513	34,156	36,858	38,427	39,962	41,454	42,915
59	7,370	13,720	20,070	24,377	30,360	32,841	34,520	36,127	37,660	39,117
60	6,682	12,187	17,333	21,237	26,570	28,829	30,613	32,297	33,866	35,327
61	5,983	10,655	14,599	18,099	22,771	24,815	26,711	28,465	30,070	31,530
62	5,291	9,123	11,860	14,961	18,977	20,800	22,811	24,633	26,269	27,734
63	4,926	8,246	10,655	13,377	16,881	18,681	20,583	22,336	23,938	25,397
64	4,569	7,370	9,450	11,786	14,778	16,569	18,358	20,035	21,601	23,061
65	4,198	6,496	8,246	10,203	12,683	14,451	16,129	17,737	19,270	20,729
66	3,834	5,622	7,042	8,610	10,584	12,334	13,904	15,435	16,933	18,393
67	3,468	4,744	5,836	7,024	8,486	10,220	11,678	13,137	14,599	16,057
68	3,373	4,594	5,637	6,734	8,195	9,816	11,221	12,736	14,139	15,582
69	3,285	4,453	5,439	6,442	7,903	9,415	10,768	12,334	13,686	15,106
70	3,192	4,308	5,235	6,149	7,609	9,011	10,310	11,932	13,227	14,634
71	3,104	4,158	5,036	5,855	7,316	8,610	9,855	11,532	12,774	14,161
72	3,012	4,015	4,835	5,566	7,024	8,213	9,396	11,129	12,313	13,686
73	2,936	3,944	4,763	5,456	6,914	8,029	9,214	10,840	11,952	13,283
74	2,865	3,868	4,690	5,346	6,809	7,844	9,035	10,548	11,588	12,873
75	2,793	3,797	4,618	5,235	6,694	7,663	8,849	10,254	11,221	12,478
76	2,719	3,720	4,542	5,128	6,586	7,484	8,669	9,963	10,853	12,081
77 and over	2,649	3,648	4,471	5,016	6,477	7,298	8,486	9,675	10,493	11,678

Part B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial £	*Total* £
37 and under	54,740	75,176
38	52,548	73,714
39	50,358	72,255
40	48,167	70,796
41	45,981	69,336
42	43,792	67,876
43	41,235	67,147
44	38,681	66,413
45	36,127	65,687
46	33,574	64,957
47	31,018	64,226
48	29,996	62,185
49	28,976	60,143
50	27,953	58,095
51	26,931	56,053
52	25,910	54,006
53	24,087	52,548
54	22,263	51,089
55	20,437	49,632
56	18,611	48,167
57	16,785	46,708
58	15,254	42,915
59	13,720	39,117
60	12,187	35,327
61	10,655	31,530
62	9,123	27,734
63	8,246	25,397
64	7,370	23,061
65	6,496	20,729
66	5,622	18,393
67	4,744	16,057
68	4,594	15,582
69	4,453	15,106
70	4,308	14,634
71	4,158	14,161
72	4,015	13,686
73	3,944	13,283
74	3,868	12,873
75	3,797	12,478
76	3,720	12,081
77 and over	3,648	11,678

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(**a**) 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 that person died; and

(c) dependants of a person to whom disablement benefit would have been payable immediately before that person died but for the occurrence of one of the circumstances listed in regulation 5(1)(a)(iii), or but for the person's 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; and

(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.

(**a**) 1992 c.4.

Part A

Age of disabled person at their 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	19,415	33,102	37,113	38,211	39,122
38	18,978	31,860	36,019	37,113	38,281
39	18,541	30,619	34,925	36,018	37,442
40	18,098	29,377	33,829	34,925	36,603
41	17,662	28,138	32,734	33,829	35,764
42	17,228	26,901	31,639	32,734	34,925
43	16,437	25,292	30,654	31,748	34,122
44	15,655	23,681	29,665	30,765	33,310
45	14,872	22,077	28,683	29,778	32,513
46	14,085	20,470	27,613	28,791	31,711
47	13,302	18,865	26,716	27,811	30,910
48	12,702	18,427	25,987	27,044	29,923
49	12,096	17,990	25,252	26,276	28,938
50	11,496	17,550	24,526	25,506	27,952
51	10,894	17,114	23,796	24,744	26,971
52	10,291	16,678	23,066	23,977	25,987
53	10,016	15,655	21,681	22,918	25,178
54	9,744	14,632	20,290	21,859	24,378
55	9,471	13,610	18,904	20,803	23,575
56	9,198	12,589	17,517	19,746	22,768
57	8,758	11,571	16,129	18,686	21,968
58	8,065	10,836	14,545	16,826	19,746
59	7,370	10,106	12,958	14,963	17,517
60	6,682	9,381	11,368	13,102	15,292
61	5,983	8,648	9,783	11,241	13,065
62	5,291	7,922	8,192	9,381	10,836
63	4,926	7,865	8,086	9,031	10,201
64	4,569	7,370	7,972	8,685	9,569
65	4,198	6,496	7,865	8,337	8,921
66	3,834	5,622	7,042	7,992	8,285
67 and over	2,649	3,648	4,471	5,016	7,298

Part B

Age of disabled person at their last birthday preceding death	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	£
37 and under	33,102	39,122
38	31,860	38,281
39	30,619	37,442
40	29,377	36,603
41	28,138	35,764
42	26,901	34,925
43	25,292	34,122
44	23,681	33,310
45	22,077	32,513
46	20,470	31,711
47	18,865	30,910
48	18,427	29,923
49	17,990	28,938
50	17,550	27,952
51	17,114	26,971
52	16,678	25,987
53	15,655	25,178
54	14,632	24,378
55	13,610	23,575
56	12,589	22,768
57	11,571	21,968
58	10,836	19,746
59	10,106	17,517
60	9,381	15,292
61	8,648	13,065
62	7,922	10,836
63	7,865	10,201
64	7,370	9,569
65	6,496	8,921
66	5,622	8,285
67 and over	3,648	7,298

Part C

Age of disabled person at their last birthday preceding death	*Payment* £
37 and under	39,122
38	38,281
39	37,442
40	36,603
41	35,764
42	34,925
43	34,122
44	33,310
45	32,513
46	31,711
47	30,910
48	29,923
49	28,938
50	27,952
51	26,971
52	25,987
53	25,178
54	24,378
55	23,575
56	22,768
57	21,968
58	19,746
59	17,517
60	15,292
61	13,065
62	10,836
63	10,201
64	9,569
65	8,921
66	8,285
67 and over	7,298”

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c.41) ("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 (S.I. 1988/668). Regulation 2(c) of these Regulations substitutes a new Schedule into the Act so as to increase amounts payable under it. The increase in each case is 1.5% rounded up or down to the nearest £1 as appropriate.

Payments under Parts A to C of Table 2 of the substituted Schedule, which prescribe the rates payable to dependants, have been increased by up to a further £5,000 to partially equalise payments to those disabled by the diseases to which the Act applies and payments to their dependants.

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 no impact on the private, public or voluntary sectors is foreseen.

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DRAFT STATUTORY INSTRUMENTS

2010 No.0000

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2010

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