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

2011 No.0000

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2011

Made - - - -	*2011*
Coming into force - -	*1st April 2011*

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 2011 and shall come into force on 1st April 2011.

(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 "£2,649" substitute "£2,731";

(b) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for "£5,478" (in both places) substitute "£5,648"; 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, 2009/747and 2010/1106.

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

Name
Parliamentary Under Secretary of State
Department for Work and Pensions

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	31,603	56,437	66,217	68,100	69,980	71,485	72,990	74,495	75,999	77,506
38	30,700	54,177	64,222	66,521	68,472	69,980	71,485	72,990	74,495	75,999
39	29,796	51,919	62,229	64,938	66,972	68,275	69,980	71,485	72,990	74,495
40	28,895	49,660	60,235	63,356	65,462	66,971	68,472	69,980	71,485	72,991
41	27,991	47,406	58,242	61,773	63,962	65,462	66,971	68,472	69,980	71,485
42	27,083	45,150	56,246	60,201	62,455	63,962	65,462	66,971	68,472	69,980
43	25,735	42,513	54,253	58,994	61,404	63,210	64,712	66,217	67,723	69,229
44	24,378	39,880	52,257	57,791	60,349	62,455	63,962	65,462	66,971	68,472
45	23,028	37,247	50,263	56,585	59,298	61,700	63,210	64,712	66,217	67,723
46	21,671	34,615	48,272	55,383	58,242	60,952	62,455	63,962	65,462	66,971
47	20,319	31,980	46,276	54,177	57,190	60,201	61,700	63,210	64,712	66,217
48	19,151	30,926	44,699	51,771	55,383	58,088	59,597	61,101	62,602	64,113
49	17,985	29,874	43,117	49,362	53,579	55,982	57,489	58,994	60,501	62,007
50	16,818	28,820	41,567	46,955	51,771	53,875	55,383	56,886	58,390	59,896
51	15,652	27,766	39,954	44,546	49,963	51,771	53,290	54,777	56,285	57,791
52	14,486	26,713	38,376	42,138	48,156	49,660	51,171	52,673	54,177	55,680
53	13,393	24,834	35,966	40,032	46,351	48,156	49,660	51,171	52,673	54,177
54	12,302	22,953	33,558	37,929	44,546	46,656	48,156	49,660	51,171	52,673
55	11,213	21,071	31,156	35,816	42,738	45,150	46,656	48,156	49,660	51,171
56	10,120	19,188	28,745	33,711	40,936	43,642	45,150	46,656	48,156	49,660
57	9,029	17,305	26,337	31,603	39,135	42,139	43,642	45,150	46,656	48,156
58	8,315	15,727	23,518	28,365	35,215	38,001	39,618	41,201	42,739	44,245

59	7,598	14,145	20,692	25,133	31,301	33,859	35,590	37,247	38,827	40,330
60	6,889	12,565	17,870	21,895	27,394	29,723	31,562	33,298	34,916	36,422
61	6,168	10,985	15,052	18,660	23,477	25,584	27,539	29,347	31,002	32,507
62	5,455	9,406	12,228	15,425	19,565	21,445	23,518	25,397	27,083	28,594
63	5,079	8,502	10,985	13,792	17,404	19,260	21,221	23,028	24,680	26,184
64	4,711	7,598	9,743	12,151	15,236	17,083	18,927	20,656	22,271	23,776
65	4,328	6,697	8,502	10,519	13,076	14,899	16,629	18,287	19,867	21,372
66	3,953	5,796	7,260	8,877	10,912	12,716	14,335	15,913	17,458	18,963
67	3,576	4,891	6,017	7,242	8,749	10,537	12,040	13,544	15,052	16,555
68	3,478	4,736	5,812	6,943	8,449	10,120	11,569	13,131	14,577	16,065
69	3,387	4,591	5,608	6,642	8,148	9,707	11,102	12,716	14,110	15,574
70	3,291	4,442	5,397	6,340	7,845	9,290	10,630	12,302	13,637	15,088
71	3,200	4,287	5,192	6,037	7,543	8,877	10,161	11,889	13,170	14,600
72	3,105	4,139	4,985	5,739	7,242	8,468	9,687	11,474	12,695	14,110
73	3,027	4,066	4,911	5,625	7,128	8,278	9,500	11,176	12,323	13,695
74	2,954	3,988	4,835	5,512	7,020	8,087	9,315	10,875	11,947	13,272
75	2,880	3,915	4,761	5,397	6,902	7,901	9,123	10,572	11,569	12,865
76	2,803	3,835	4,683	5,287	6,790	7,716	8,938	10,272	11,189	12,456
77 and over	2,731	3,761	4,610	5,171	6,678	7,524	8,749	9,975	10,818	12,040

Part B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial £	*Total* £
37 and under	56,437	77,506
38	54,177	75,999
39	51,919	74,495
40	49,660	72,991
41	47,406	71,485
42	45,150	69,980
43	42,513	69,229
44	39,880	68,472
45	37,247	67,723
46	34,615	66,971
47	31,980	66,217
48	30,926	64,113
49	29,874	62,007
50	28,820	59,896
51	27,766	57,791
52	26,713	55,680
53	24,834	54,177
54	22,953	52,673
55	21,071	51,171
56	19,188	49,660
57	17,305	48,156
58	15,727	44,245
59	14,145	40,330
60	12,565	36,422
61	10,985	32,507
62	9,406	28,594
63	8,502	26,184
64	7,598	23,776
65	6,697	21,372
66	5,796	18,963
67	4,891	16,555
68	4,736	16,065
69	4,591	15,574
70	4,442	15,088
71	4,287	14,600
72	4,139	14,110
73	4,066	13,695
74	3,988	13,272
75	3,915	12,865
76	3,835	12,456
77 and over	3,761	12,040

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	20,017	34,128	38,264	39,396	40,335
38	19,566	32,848	37,136	38,264	39,468
39	19,116	31,568	36,008	37,135	38,603
40	18,659	30,288	34,878	36,008	37,738
41	18,210	29,010	33,749	34,878	36,873
42	17,762	27,735	32,620	33,749	36,008
43	16,947	26,076	31,604	32,732	35,180
44	16,140	24,415	30,585	31,719	34,343
45	15,333	22,761	29,572	30,701	33,521
46	14,522	21,105	28,469	29,684	32,694
47	13,714	19,450	27,544	28,673	31,868
48	13,096	18,998	26,793	27,882	30,851
49	12,471	18,548	26,035	27,091	29,835
50	11,852	18,094	25,286	26,297	28,819
51	11,232	17,645	24,534	25,511	27,807
52	10,610	17,195	23,781	24,720	26,793
53	10,326	16,140	22,353	23,628	25,959
54	10,046	15,086	20,919	22,537	25,134
55	9,765	14,032	19,490	21,448	24,306
56	9,483	12,979	18,060	20,358	23,474
57	9,029	11,930	16,629	19,265	22,649
58	8,315	11,172	14,996	17,348	20,358
59	7,598	10,419	13,360	15,427	18,060
60	6,889	9,672	11,720	13,508	15,766
61	6,168	8,916	10,086	11,589	13,470
62	5,455	8,168	8,446	9,672	11,172
63	5,079	8,109	8,337	9,311	10,517
64	4,711	7,598	8,219	8,954	9,866
65	4,328	6,697	8,109	8,595	9,198
66	3,953	5,796	7,260	8,240	8,542
67 and over	2,731	3,761	4,610	5,171	7,524

Part B

Age of disabled person at their last birthday preceding death	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	£
37 and under	34,128	40,335
38	32,848	39,468
39	31,568	38,603
40	30,288	37,738
41	29,010	36,873
42	27,735	36,008
43	26,076	35,180
44	24,415	34,343
45	22,761	33,521
46	21,105	32,694
47	19,450	31,868
48	18,998	30,851
49	18,548	29,835
50	18,094	28,819
51	17,645	27,807
52	17,195	26,793
53	16,140	25,959
54	15,086	25,134
55	14,032	24,306
56	12,979	23,474
57	11,930	22,649
58	11,172	20,358
59	10,419	18,060
60	9,672	15,766
61	8,916	13,470
62	8,168	11,172
63	8,109	10,517
64	7,598	9,866
65	6,697	9,198
66	5,796	8,542
67 and over	3,761	7,524

Part C

Age of disabled person at their last birthday preceding death	*Payment* £
37 and under	40,335
38	39,468
39	38,603
40	37,738
41	36,873
42	36,008
43	35,180
44	34,343
45	33,521
46	32,694
47	31,868
48	30,851
49	29,835
50	28,819
51	27,807
52	26,793
53	25,959
54	25,134
55	24,306
56	23,474
57	22,649
58	20,358
59	18,060
60	15,766
61	13,470
62	11,172
63	10,517
64	9,866
65	9,198
66	8,542
67 and over	7,524.”

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) ("the Pneumoconiosis Regulations"). Regulation 2(c) of these Regulations substitutes a new Schedule into the Pneumoconiosis Regulations so as to increase amounts payable under it. The increase in each case is 3.1% 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 published for this instrument as it has no impact on the private sector or civil society organisations.

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DRAFT STATUTORY INSTRUMENTS

2011 No.0000

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2011

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