This Draft Statutory Instrument has been printed in substitution for the Statutory Instrument of the same title, published on 23rd. January 2012,and is being issued free of charge to all known recipients of that Draft Statutory Instrument.

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

2012 No. [ ]

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2012

Made - - - -	**** 2012*
Coming into force - -	1st *April 2012*

The Secretary of State for Work and Pensions 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 a 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 2012 and come into force on 1st April 2012.

(2) These Regulations apply only 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 "£2,731" substitute "£2,873";

(b) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for "£5,648" (in both places) substitute "£5,942"; and

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

(**b**) S.I. 1988/668; relevant amending instruments are S.I. 1989/552, 2008/650, 2008/1963, 2009/747, 2010/1106 and 2011/1026.

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

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

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

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	33,246	59,372	69,660	71,641	73,619	75,202	76,785	78,369	79,951	81,536
38	32,296	56,994	67,562	69,980	72,033	73,619	75,202	76,785	78,369	79,951
39	31,345	54,619	65,465	68,315	70,455	71,825	73,619	75,202	76,785	78,369
40	30,398	52,242	63,367	66,651	68,866	70,453	72,033	73,619	75,202	76,787
41	29,447	49,871	61,271	64,985	67,288	68,866	70,453	72,033	73,619	75,202
42	28,491	47,498	59,171	63,331	65,703	67,288	68,866	70,453	72,033	73,619
43	27,073	44,724	57,074	62,062	64,597	66,497	68,077	69,660	71,245	72,829
44	25,646	41,954	54,974	60,796	63,487	65,703	67,288	68,866	70,453	72,033
45	24,225	39,184	52,877	59,527	62,381	64,908	66,497	68,077	69,660	71,245
46	22,798	36,415	50,782	58,263	61,271	64,122	65,703	67,288	68,866	70,453
47	21,376	33,643	48,682	56,994	60,164	63,331	64,908	66,497	68,077	69,660
48	20,147	32,534	47,023	54,463	58,263	61,109	62,696	64,278	65,857	67,447
49	18,920	31,427	45,359	51,929	56,365	58,893	60,478	62,062	63,647	65,231
50	17,693	30,319	43,728	49,397	54,463	56,677	58,263	59,844	61,426	63,011
51	16,466	29,210	42,032	46,862	52,561	54,463	56,061	57,625	59,212	60,796
52	15,239	28,102	40,372	44,329	50,660	52,242	53,832	55,412	56,994	58,575
53	14,089	26,125	37,836	42,114	48,761	50,660	52,242	53,832	55,412	56,994
54	12,942	24,147	35,303	39,901	46,862	49,082	50,660	52,242	53,832	55,412
55	11,796	22,167	32,776	37,678	44,960	47,498	49,082	50,660	52,242	53,832
56	10,646	20,186	30,240	35,464	43,065	45,911	47,498	49,082	50,660	52,242
57	9,499	18,205	27,707	33,246	41,170	44,330	45,911	47,498	49,082	50,660
58	8,747	16,545	24,741	29,840	37,046	39,977	41,678	43,343	44,961	46,546
59	7,993	14,881	21,768	26,440	32,929	35,620	37,441	39,184	40,846	42,427

60	7,247	13,218	18,799	23,034	28,818	31,269	33,203	35,029	36,732	38,316
61	6,489	11,556	15,835	19,630	24,698	26,914	28,971	30,873	32,614	34,197
62	5,739	9,895	12,864	16,227	20,582	22,560	24,741	26,718	28,491	30,081
63	5,343	8,944	11,556	14,509	18,309	20,262	22,324	24,225	25,963	27,546
64	4,956	7,993	10,250	12,783	16,028	17,971	19,911	21,730	23,429	25,012
65	4,553	7,045	8,944	11,066	13,756	15,674	17,494	19,238	20,900	22,483
66	4,159	6,097	7,638	9,339	11,479	13,377	15,080	16,740	18,366	19,949
67	3,762	5,145	6,330	7,619	9,204	11,085	12,666	14,248	15,835	17,416
68	3,659	4,982	6,114	7,304	8,888	10,646	12,171	13,814	15,335	16,900
69	3,563	4,830	5,900	6,987	8,572	10,212	11,679	13,377	14,844	16,384
70	3,462	4,673	5,678	6,670	8,253	9,773	11,183	12,942	14,346	15,873
71	3,366	4,510	5,462	6,351	7,935	9,339	10,689	12,507	13,855	15,359
72	3,266	4,354	5,244	6,037	7,619	8,908	10,191	12,071	13,355	14,844
73	3,184	4,277	5,166	5,918	7,499	8,708	9,994	11,757	12,964	14,407
74	3,108	4,195	5,086	5,799	7,385	8,508	9,799	11,441	12,568	13,962
75	3,030	4,119	5,009	5,678	7,261	8,312	9,597	11,122	12,171	13,534
76	2,949	4,034	4,927	5,562	7,143	8,117	9,403	10,806	11,771	13,104
77 and over	2,873	3,957	4,850	5,440	7,025	7,915	9,204	10,494	11,381	12,666

Part B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial £	*Total* £
37 and under	59,372	81,536
38	56,994	79,951
39	54,619	78,369
40	52,242	76,787
41	49,871	75,202
42	47,498	73,619
43	44,724	72,829
44	41,954	72,033
45	39,184	71,245
46	36,415	70,453
47	33,643	69,660
48	32,534	67,447
49	31,427	65,231
50	30,319	63,011
51	29,210	60,796
52	28,102	58,575
53	26,125	56,994
54	24,147	55,412
55	22,167	53,832
56	20,186	52,242
57	18,205	50,660
58	16,545	46,546
59	14,881	42,427
60	13,218	38,316
61	11,556	34,197
62	9,895	30,081
63	8,944	27,546
64	7,993	25,012
65	7,045	22,483
66	6,097	19,949
67	5,145	17,416
68	4,982	16,900
69	4,830	16,384
70	4,673	15,873
71	4,510	15,359
72	4,354	14,844
73	4,277	14,407
74	4,195	13,962
75	4,119	13,534
76	4,034	13,104
77 and over	3,957	12,666

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	*Percentage assessment for the relevant period*				
	10% or less	*11%-20%*	*21%-30%*	*31%-49%*	*50% and over*
	£	£	£	£	£
37 and under	21,058	35,903	40,254	41,445	42,432
38	20,583	34,556	39,067	40,254	41,520
39	20,110	33,210	37,880	39,066	40,610
40	19,629	31,863	36,692	37,880	39,700
41	19,157	30,519	35,504	36,692	38,790
42	18,686	29,177	34,316	35,504	37,880
43	17,828	27,432	33,247	34,434	37,009
44	16,979	25,685	32,175	33,368	36,129
45	16,130	23,945	31,110	32,297	35,264
46	15,277	22,202	29,949	31,228	34,394
47	14,427	20,461	28,976	30,164	33,525
48	13,777	19,986	28,186	29,332	32,455
49	13,119	19,512	27,389	28,500	31,386
50	12,468	19,035	26,601	27,664	30,318
51	11,816	18,563	25,810	26,838	29,253
52	11,162	18,089	25,018	26,005	28,186
53	10,863	16,979	23,515	24,857	27,309
54	10,568	15,870	22,007	23,709	26,441
55	10,273	14,762	20,503	22,563	25,570
56	9,976	13,654	18,999	21,417	24,695
57	9,499	12,550	17,494	20,267	23,827
58	8,747	11,753	15,776	18,250	21,417
59	7,993	10,961	14,055	16,229	18,999
60	7,247	10,175	12,329	14,210	16,586
61	6,489	9,380	10,610	12,192	14,170
62	5,739	8,593	8,885	10,175	11,753
63	5,343	8,531	8,771	9,795	11,064
64	4,956	7,993	8,646	9,420	10,379
65	4,553	7,045	8,531	9,042	9,676
66	4,159	6,097	7,638	8,668	8,986
67 and over	2,873	3,957	4,850	5,440	7,025

Part B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial £	*Total* £
37 and under	35,903	42,432
38	34,556	41,520
39	33,210	40,610
40	31,863	39,700
41	30,519	38,790
42	29,177	37,880
43	27,432	37,009
44	25,685	36,129
45	23,945	35,264
46	22,202	34,394
47	20,461	33,525
48	19,986	32,455
49	19,512	31,386
50	19,035	30,318
51	18,563	29,253
52	18,089	28,186
53	16,979	27,309
54	15,870	26,441
55	14,762	25,570
56	13,654	24,695
57	12,550	23,827
58	11,753	21,417
59	10,961	18,999
60	10,175	16,586
61	9,380	14,170
62	8,593	11,753
63	8,531	11,064
64	7,993	10,379
65	7,045	9,676
66	6,097	8,986
67 and over	3,957	7,025

Part C

Age of disabled person	*Payment* *£*
37 and under	42,432
38	41,520
39	40,610
40	39,700
41	38,790
42	37,880
43	37,009
44	36,129
45	35,264
46	34,394
47	33,525
48	32,455
49	31,386
50	30,318
51	29,253
52	28,186
53	27,309
54	26,441
55	25,570
56	24,695
57	23,827
58	21,417
59	18,999
60	16,586
61	14,170
62	11,753
63	11,064
64	10,379
65	9,676
66	8,986
67 and over	7,025.”

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 5.2 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 published for this instrument as it has no impact on the private sector or civil society organisations.

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