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

2013 No. [ ]

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2013

Made - - - -	**** 2013*
Coming into force - -	*1st April 2013*

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(1) and (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 2013 and come into force on 1st April 2013.

(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.—(1) The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988(**b**) are amended as follows.

(2) Omit regulation 2(1)(g) (definition of "extent of incapacity").

(3) In regulation 3(2) (payments to persons disabled by a disease), omit "Part A of".

(4) Omit regulation 3(3).

(5) In regulation 4(2) (payments to dependants of persons disabled by a disease), omit "or extent of incapacity, as the case may be,".

(6) In regulation 4(6)(b)—

(**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 and 1963, 2009/747, 2010/1106, 2011/1026 and 2012/923.

(a) for "or extent of incapacity, as the case may be, for the purposes of Parts A and B of the aforesaid Table," substitute "for the purposes of Part A of Table 2";

(b) omit "or extent of incapacity" the second time those words appear;

(c) omit "or "partial" respectively".

(7) In the proviso to regulation 5(1) (minimum amount payable to dependant), for "£2,873" substitute "£2,936".

(8) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for "£5,942" (in both places) substitute "£6,073".

(9) In regulation 6(1)(b), omit "Part A of".

(10) In the proviso to regulation 7 (power of Secretary of State to determine amount of payment), omit paragraph (c).

(11) In regulation 8 (minimum amount payable to dependant), for "£2,873" substitute "£2,936".

(12) 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
Department for Work and Pensions

Date

SCHEDULE 1

Regulation 2(12)

"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, 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 their age determined in accordance with regulation 3(2) 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 they still been alive, is the age of the deceased on their last birthday before their death.

4. 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.

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

(**b**) "the former Industrial Injuries Acts" is defined in section 2(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979.

Age of disabled person	*Percentage assessment for the relevant period*									
	10% or under £	*11%-20%* £	*21%-30%* £	*31%-40%* £	*41%-50%* £	*51%-60%* £	*61%-70%* £	*71%-80%* £	*81%-90%* £	*91%-100%* £
37 and under	33,977	60,678	71,193	73,217	75,239	76,856	78,474	80,093	81,710	83,330
38	33,007	58,248	69,048	71,520	73,618	75,239	76,856	78,474	80,093	81,710
39	32,035	55,821	66,905	69,818	72,005	73,405	75,239	76,856	78,474	80,093
40	31,067	53,391	64,761	68,117	70,381	72,003	73,618	75,239	76,856	78,476
41	30,095	50,968	62,619	66,415	68,768	70,381	72,003	73,618	75,239	76,856
42	29,118	48,543	60,473	64,724	67,148	68,768	70,381	72,003	73,618	75,239
43	27,669	45,708	58,330	63,427	66,018	67,960	69,575	71,193	72,812	74,431
44	26,210	42,877	56,183	62,134	64,884	67,148	68,768	70,381	72,003	73,618
45	24,758	40,046	54,040	60,837	63,753	66,336	67,960	69,575	71,193	72,812
46	23,300	37,216	51,899	59,545	62,619	65,533	67,148	68,768	70,381	72,003
47	21,846	34,383	49,753	58,248	61,488	64,724	66,336	67,960	69,575	71,193
48	20,590	33,250	48,058	55,661	59,545	62,453	64,075	65,692	67,306	68,931
49	19,336	32,118	46,357	53,071	57,605	60,189	61,809	63,427	65,047	66,666
50	18,082	30,986	44,690	50,484	55,661	57,924	59,545	61,161	62,777	64,397
51	16,828	29,853	42,957	47,893	53,717	55,661	57,294	58,893	60,515	62,134
52	15,574	28,720	41,260	45,304	51,775	53,391	55,016	56,631	58,248	59,864
53	14,399	26,700	38,668	43,041	49,834	51,775	53,391	55,016	56,631	58,248
54	13,227	24,678	36,080	40,779	47,893	50,162	51,775	53,391	55,016	56,631
55	12,056	22,655	33,497	38,507	45,949	48,543	50,162	51,775	53,391	55,016
56	10,880	20,630	30,905	36,244	44,012	46,921	48,543	50,162	51,775	53,391
57	9,708	18,606	28,317	33,977	42,076	45,305	46,921	48,543	50,162	51,775
58	8,939	16,909	25,285	30,496	37,861	40,856	42,595	44,297	45,950	47,570
59	8,169	15,208	22,247	27,022	33,653	36,404	38,265	40,046	41,745	43,360
60	7,406	13,509	19,213	23,541	29,452	31,957	33,933	35,800	37,540	39,159
61	6,632	11,810	16,183	20,062	25,241	27,506	29,608	31,552	33,332	34,949
62	5,865	10,113	13,147	16,584	21,035	23,056	25,285	27,306	29,118	30,743

63	5,461	9,141	11,810	14,828	18,712	20,708	22,815	24,758	26,534	28,152
64	5,065	8,169	10,476	13,064	16,381	18,366	20,349	22,208	23,944	25,562
65	4,653	7,200	9,141	11,309	14,059	16,019	17,879	19,661	21,360	22,978
66	4,250	6,231	7,806	9,544	11,732	13,671	15,412	17,108	18,770	20,388
67	3,845	5,258	6,469	7,787	9,406	11,329	12,945	14,561	16,183	17,799
68	3,739	5,092	6,249	7,465	9,084	10,880	12,439	14,118	15,672	17,272
69	3,641	4,936	6,030	7,141	8,761	10,437	11,936	13,671	15,171	16,744
70	3,538	4,776	5,803	6,817	8,435	9,988	11,429	13,227	14,662	16,222
71	3,440	4,609	5,582	6,491	8,110	9,544	10,924	12,782	14,160	15,697
72	3,338	4,450	5,359	6,170	7,787	9,104	10,415	12,337	13,649	15,171
73	3,254	4,371	5,280	6,048	7,664	8,900	10,214	12,016	13,249	14,724
74	3,176	4,287	5,198	5,927	7,547	8,695	10,015	11,693	12,844	14,269
75	3,097	4,210	5,119	5,803	7,421	8,495	9,808	11,367	12,439	13,832
76	3,014	4,123	5,035	5,684	7,300	8,296	9,610	11,044	12,030	13,392
77 and over	2,936	4,044	4,957	5,560	7,180	8,089	9,406	10,725	11,631	12,945

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

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

(2) Part B 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 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.

Part A

Age of disabled person on their last birthday before their death	*Percentage assessment for the relevant period*				
	10% or under	*11%-20%*	*21%-30%*	*31%-49%*	*50% or over*
	£	£	£	£	£
37 and under	21,521	36,693	41,140	42,357	43,366
38	21,036	35,316	39,926	41,140	42,433
39	20,552	33,941	38,713	39,925	41,503
40	20,061	32,564	37,499	38,713	40,573
41	19,578	31,190	36,285	37,499	39,643
42	19,097	29,819	35,071	36,285	38,713
43	18,220	28,036	33,978	35,192	37,823
44	17,353	26,250	32,883	34,102	36,924
45	16,485	24,472	31,794	33,008	36,040
46	15,613	22,690	30,608	31,915	35,151
47	14,744	20,911	29,613	30,828	34,263
48	14,080	20,426	28,806	29,977	33,169
49	13,408	19,941	27,992	29,127	32,076
50	12,742	19,454	27,186	28,273	30,985
51	12,076	18,971	26,378	27,428	29,897
52	11,408	18,487	25,568	26,577	28,806
53	11,102	17,353	24,032	25,404	27,910
54	10,800	16,219	22,491	24,231	27,023
55	10,499	15,087	20,954	23,059	26,133
56	10,195	13,954	19,417	21,888	25,238
57	9,708	12,826	17,879	20,713	24,351
58	8,939	12,012	16,123	18,652	21,888
59	8,169	11,202	14,364	16,586	19,417
60	7,406	10,399	12,600	14,523	16,951
61	6,632	9,586	10,843	12,460	14,482
62	5,865	8,782	9,080	10,399	12,012
63	5,461	8,719	8,964	10,010	11,307
64	5,065	8,169	8,836	9,627	10,607
65	4,653	7,200	8,719	9,241	9,889
66	4,250	6,231	7,806	8,859	9,184
67 and over	2,936	4,044	4,957	5,560	7,180

Part B

Age of disabled person on their last birthday before their death	*Payment* £
37 and under	43,366
38	42,433
39	41,503
40	40,573
41	39,643
42	38,713
43	37,823
44	36,924
45	36,040
46	35,151
47	34,263
48	33,169
49	32,076
50	30,985
51	29,897
52	28,806
53	27,910
54	27,023
55	26,133
56	25,238
57	24,351
58	21,888
59	19,417
60	16,951
61	14,482
62	12,012
63	11,307
64	10,607
65	9,889
66	9,184
67 and over	7,180.”.

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. 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.

These Regulations amend the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (S.I. 1988/668) ("the 1988 Regulations"). The amendments made by regulation 2(7), (8), (11) and (12) have the effect of increasing the amounts payable under the 1988 Regulations. The increase in each case is 2.2 per cent. rounded up or down to the nearest £1 as appropriate.

However the new Schedule to the 1988 Regulations, which is substituted by regulation 2(12), omits tables and amounts which, as a result of repeals made by section 64 of the Welfare Reform Act 2012 (c.5) (injuries arising before 5 July 1948), are no longer required. The remainder of regulation 2 makes further consequential amendments to the 1988 Regulations to remove provisions which link to those omitted tables and amounts.

By virtue of regulation 1(2), the amendments made by these Regulations apply only in relation to any case in which a person first fulfils the conditions of entitlement to a payment under the Act on or after the day on which these Regulations come into force.

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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