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.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2014

Made - - - - ***

Coming into force in accordance with regulation 1(1).

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 2014 and come into force on the day after the day on which they are made.

(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) In the proviso to regulation 5(1) (payment where death results from diffuse mesothelioma), for "£2,936" substitute "£3,015".

(3) In regulation 6(1)(a) (payment where pneumoconiosis accompanied by tuberculosis), for "£6,073" (in both places) substitute "£6,237".

(4) In regulation 8 (minimum amount payable to dependant) for "£2,936" substitute "£3,015".

(5) For the Schedule to those Regulations, substitute—

(**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. S.I. 1989/552 and S.I. 2013/690 are relevant amending instruments.

“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 suffers 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	34,894	62,316	73,115	75,194	77,270	78,931	80,593	82,256	83,916	85,580
38	33,898	59,821	70,912	73,451	75,606	77,270	78,931	80,593	82,256	83,916
39	32,900	57,328	68,711	71,703	73,949	75,387	77,270	78,931	80,593	82,256
40	31,906	54,833	66,510	69,956	72,281	73,947	75,606	77,270	78,931	80,595
41	30,908	52,344	64,310	68,208	70,625	72,281	73,947	75,606	77,270	78,931
42	29,904	49,854	62,106	66,472	68,961	70,625	72,281	73,947	75,606	77,270
43	28,416	46,942	59,905	65,140	67,800	69,795	71,454	73,115	74,778	76,441
44	26,918	44,035	57,700	63,812	66,636	68,961	70,625	72,281	73,947	75,606
45	25,426	41,127	55,499	62,480	65,474	68,127	69,795	71,454	73,115	74,778
46	23,929	38,221	53,300	61,153	64,310	67,302	68,961	70,625	72,281	73,947
47	22,436	35,311	51,096	59,821	63,148	66,472	68,127	69,795	71,454	73,115
48	21,146	34,148	49,356	57,164	61,153	64,139	65,805	67,466	69,123	70,792
49	19,858	32,985	47,609	54,504	59,160	61,814	63,478	65,140	66,803	68,466
50	18,570	31,823	45,897	51,847	57,164	59,488	61,153	62,812	64,472	66,136
51	17,282	30,659	44,117	49,186	55,167	57,164	58,841	60,483	62,149	63,812
52	15,994	29,495	42,374	46,527	53,173	54,833	56,501	58,160	59,821	61,480
53	14,788	27,421	39,712	44,203	51,180	53,173	54,833	56,501	58,160	59,821
54	13,584	25,344	37,054	41,880	49,186	51,516	53,173	54,833	56,501	58,160
55	12,382	23,267	34,401	39,547	47,190	49,854	51,516	53,173	54,833	56,501
56	11,174	21,187	31,739	37,223	45,200	48,188	49,854	51,516	53,173	54,833
57	9,970	19,108	29,082	34,894	43,212	46,528	48,188	49,854	51,516	53,173
58	9,180	17,366	25,968	31,319	38,883	41,959	43,745	45,493	47,191	48,854
59	8,390	15,619	22,848	27,752	34,562	37,387	39,298	41,127	42,872	44,531
60	7,606	13,874	19,732	24,177	30,247	32,820	34,849	36,767	38,554	40,216

61	6,811	12,129	16,620	20,604	25,923	28,249	30,407	32,404	34,232	35,893
62	6,023	10,386	13,502	17,032	21,603	23,679	25,968	28,043	29,904	31,573
63	5,608	9,388	12,129	15,228	19,217	21,267	23,431	25,426	27,250	28,912
64	5,202	8,390	10,759	13,417	16,823	18,862	20,898	22,808	24,590	26,252
65	4,779	7,394	9,388	11,614	14,439	16,452	18,362	20,192	21,937	23,598
66	4,365	6,399	8,017	9,802	12,049	14,040	15,828	17,570	19,277	20,938
67	3,949	5,400	6,644	7,997	9,660	11,635	13,295	14,954	16,620	18,280
68	3,840	5,229	6,418	7,667	9,329	11,174	12,775	14,499	16,095	17,738
69	3,739	5,069	6,193	7,334	8,998	10,719	12,258	14,040	15,581	17,196
70	3,634	4,905	5,960	7,001	8,663	10,258	11,738	13,584	15,058	16,660
71	3,533	4,733	5,733	6,666	8,329	9,802	11,219	13,127	14,542	16,121
72	3,428	4,570	5,504	6,337	7,997	9,350	10,696	12,670	14,018	15,581
73	3,342	4,489	5,423	6,211	7,871	9,140	10,490	12,340	13,607	15,122
74	3,262	4,403	5,338	6,087	7,751	8,930	10,285	12,009	13,191	14,654
75	3,181	4,324	5,257	5,960	7,621	8,724	10,073	11,674	12,775	14,205
76	3,095	4,234	5,171	5,837	7,497	8,520	9,869	11,342	12,355	13,754
77 and over	3,015	4,153	5,091	5,710	7,374	8,307	9,660	11,015	11,945	13,295

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 meothelioma.

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	22,102	37,684	42,251	43,501	44,537
38	21,604	36,270	41,004	42,251	43,579
39	21,107	34,857	39,758	41,003	42,624
40	20,603	33,443	38,511	39,758	41,668
41	20,107	32,032	37,265	38,511	40,713
42	19,613	30,624	36,018	37,265	39,758
43	18,712	28,793	34,895	36,142	38,844
44	17,822	26,959	33,771	35,023	37,921
45	16,930	25,133	32,652	33,899	37,013
46	16,035	23,303	31,434	32,777	36,100
47	15,142	21,476	30,413	31,660	35,188
48	14,460	20,978	29,584	30,786	34,065
49	13,770	20,479	28,748	29,913	32,942
50	13,086	19,979	27,920	29,036	31,822

51	12,402	19,483	27,090	28,169	30,704
52	11,716	18,986	26,258	27,295	29,584
53	11,402	17,822	24,681	26,090	28,664
54	11,092	16,657	23,098	24,885	27,753
55	10,782	15,494	21,520	23,682	26,839
56	10,470	14,331	19,941	22,479	25,919
57	9,970	13,172	18,362	21,272	25,008
58	9,180	12,336	16,558	19,156	22,479
59	8,390	11,504	14,752	17,034	19,941
60	7,606	10,680	12,940	14,915	17,409
61	6,811	9,845	11,136	12,796	14,873
62	6,023	9,019	9,325	10,680	12,336
63	5,608	8,954	9,206	10,280	11,612
64	5,202	8,390	9,075	9,887	10,893
65	4,779	7,394	8,954	9,491	10,156
66	4,365	6,399	8,017	9,098	9,432
67 and over	3,015	4,153	5,091	5,710	7,374

Part B

Age of disabled person on their last birthday before their death	*Payment £*
37 and under	44,537
38	43,579
39	42,624
40	41,668
41	40,713
42	39,758
43	38,844
44	37,921
45	37,013
46	36,100
47	35,188
48	34,065
49	32,942
50	31,822
51	30,704
52	29,584
53	28,664
54	27,753
55	26,839
56	25,919
57	25,008
58	22,479
59	19,941
60	17,409
61	14,873
62	12,336
63	11,612
64	10,893
65	10,156
66	9,432

67 and over	7,374”

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

Minister of State
Date Department of Work and Pensions

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 (SI 1988/668) (“the 1988 Regulations”). The amendments made by regulation 2 have the effect of increasing the amounts payable under the 1988 Regulations. The increase in each case is 2.7 per cent rounded up or down to the nearest £1 as appropriate.

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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