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

2015 No. 0000

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2015

Made - - - -	*****
Coming into force - -	*1st April 2015*

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)(**b**) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979, 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 2015 and come into force on 1st April 2015.

(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 1st April 2015.

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

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

(2) In the proviso to regulation 5(1) (payment where death results from diffuse mesothelioma) for "£3,015" substitute "£3,051".

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for "£6,237" (in both places) substitute "£6,312".

(4) In regulation 8 (minimum amount payable to dependant) for "£3,015" substitute "£3,051".

(**a**) 1979 c. 41. Section 1 was amended by section 24 of the Social Security Act 1985 (c. 53).
(**b**) Section 7(3) was amended by section 58 of the Welfare Reform Act 2007 (c. 5).
(**c**) S.I. 1988/668. S.I. 1989/552 and S.I. 2014/869 are the relevant amending instruments.

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

"SCHEDULE Regulations 3, 4 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(**a**) are payable under section 108 of the Social Security Contributions and Benefits Act 1992(**b**) or under any corresponding provision of the former Industrial Injuries Acts(**c**), or would be payable but for the disablement amounting to less than the appropriate percentage.

(**a**) "disablement benefit" is defined in section 2(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979.
(**b**) 1992 c. 4.
(**c**) "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	35,313	63,064	73,992	76,096	78,197	79,878	81,560	83,243	84,923	86,607
38	34,305	60,539	71,763	74,332	76,513	78,197	79,878	81,560	83,243	84,923
39	33,295	58,016	69,536	72,563	74,836	76,292	78,197	79,878	81,560	83,243
40	32,289	55,491	67,308	70,795	73,148	74,834	76,513	78,197	79,878	81,562
41	31,279	52,972	65,082	69,026	71,473	73,148	74,834	76,513	78,197	79,878
42	30,263	50,452	62,851	67,270	69,789	71,473	73,148	74,834	76,513	78,197
43	28,757	47,505	60,624	65,922	68,614	70,633	72,311	73,992	75,675	77,358
44	27,241	44,563	58,392	64,578	67,436	69,789	71,473	73,148	74,834	76,513
45	25,731	41,621	56,165	63,230	66,260	68,945	70,633	72,311	73,992	75,675
46	24,216	38,680	53,940	61,887	65,082	68,110	69,789	71,473	73,148	74,834
47	22,705	35,735	51,709	60,539	63,906	67,270	68,945	70,633	72,311	73,992
48	21,400	34,558	49,948	57,850	61,887	64,909	66,595	68,276	69,952	71,642
49	20,096	33,381	48,180	55,158	59,870	62,556	64,240	65,922	67,605	69,288
50	18,793	32,205	46,448	52,469	57,850	60,202	61,887	63,566	65,246	66,930
51	17,489	31,027	44,646	49,776	55,829	57,850	59,547	61,209	62,895	64,578
52	16,186	29,849	42,882	47,085	53,811	55,491	57,179	58,858	60,539	62,218
53	14,965	27,750	40,189	44,733	51,794	53,811	55,491	57,179	58,858	60,539
54	13,747	25,648	37,499	42,383	49,776	52,134	53,811	55,491	57,179	58,858
55	12,531	23,546	34,814	40,022	47,756	50,452	52,134	53,811	55,491	57,179
56	11,308	21,441	32,120	37,670	45,742	48,766	50,452	52,134	53,811	55,491
57	10,090	19,337	29,431	35,313	43,731	47,086	48,766	50,452	52,134	53,811
58	9,290	17,574	26,280	31,695	39,350	42,463	44,270	46,039	47,757	49,440
59	8,491	15,806	23,122	28,085	34,977	37,836	39,770	41,621	43,386	45,065
60	7,697	14,040	19,969	24,467	30,610	33,214	35,267	37,208	39,017	40,699

61	6,893	12,275	16,819	20,851	26,234	28,588	30,772	32,793	34,643	36,324
62	6,095	10,511	13,664	17,236	21,862	23,963	26,280	28,380	30,263	31,952
63	5,675	9,501	12,275	15,411	19,448	21,522	23,712	25,731	27,577	29,259
64	5,264	8,491	10,888	13,578	17,025	19,088	21,149	23,082	24,885	26,567
65	4,836	7,483	9,501	11,753	14,612	16,649	18,582	20,434	22,200	23,881
66	4,417	6,476	8,113	9,920	12,194	14,208	16,018	17,781	19,508	21,189
67	3,996	5,465	6,724	8,093	9,776	11,775	13,455	15,133	16,819	18,499
68	3,886	5,292	6,495	7,759	9,441	11,308	12,928	14,673	16,288	17,951
69	3,784	5,130	6,267	7,422	9,106	10,848	12,405	14,208	15,768	17,402
70	3,678	4,964	6,032	7,085	8,767	10,381	11,879	13,747	15,239	16,860
71	3,575	4,790	5,802	6,746	8,429	9,920	11,354	13,285	14,717	16,314
72	3,469	4,625	5,570	6,413	8,093	9,462	10,824	12,822	14,186	15,768
73	3,382	4,543	5,488	6,286	7,965	9,250	10,616	12,488	13,770	15,303
74	3,301	4,456	5,402	6,160	7,844	9,037	10,408	12,153	13,349	14,830
75	3,219	4,376	5,320	6,032	7,712	8,829	10,194	11,814	12,928	14,375
76	3,132	4,285	5,233	5,907	7,587	8,622	9,987	11,478	12,503	13,919
77 and over	3,051	4,203	5,152	5,779	7,462	8,407	9,776	11,147	12,088	13,455

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 industrial 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	22,367	38,136	42,758	44,023	45,071
38	21,863	36,705	41,496	42,758	44,102
39	21,360	35,275	40,235	41,495	43,135
40	20,850	33,844	38,973	40,235	42,168
41	20,348	32,416	37,712	38,973	41,202
42	19,848	30,991	36,450	37,712	40,235
43	18,937	29,139	35,314	36,576	39,310
44	18,036	27,283	34,176	35,443	38,376
45	17,133	25,435	33,044	34,306	37,457
46	16,227	23,583	31,811	33,170	36,533
47	15,324	21,734	30,778	32,040	35,610
48	14,634	21,230	29,939	31,155	34,474
49	13,935	20,725	29,093	30,272	33,337
50	13,243	20,219	28,255	29,384	32,204

51	12,551	19,717	27,415	28,507	31,072
52	11,857	19,214	26,573	27,623	29,939
53	11,539	18,036	24,977	26,403	29,008
54	11,225	16,857	23,375	25,184	28,086
55	10,911	15,680	21,778	23,966	27,161
56	10,596	14,503	20,180	22,749	26,230
57	10,090	13,330	18,582	21,527	25,308
58	9,290	12,484	16,757	19,386	22,749
59	8,491	11,642	14,929	17,238	20,180
60	7,697	10,808	13,095	15,094	17,618
61	6,893	9,963	11,270	12,950	15,051
62	6,095	9,127	9,437	10,808	12,484
63	5,675	9,061	9,316	10,403	11,751
64	5,264	8,491	9,184	10,006	11,024
65	4,836	7,483	9,061	9,605	10,278
66	4,417	6,476	8,113	9,207	9,545
67 and over	3,051	4,203	5,152	5,779	7,462

Part B

Age of disabled person on their last birthday before their death	*Payment £*
37 and under	45,071
38	44,102
39	43,135
40	42,168
41	41,202
42	40,235
43	39,310
44	38,376
45	37,457
46	36,533
47	35,610
48	34,474
49	33,337
50	32,204
51	31,072
52	29,939
53	29,008
54	28,086
55	27,161
56	26,230
57	25,308
58	22,749
59	20,180
60	17,618
61	15,051
62	12,484
63	11,751
64	11,024
65	10,278
66	9,545

67 and over	7,462".

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

Name
Minister of State
Date Department for 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 (S.I. 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 1.2 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 1st April 2015.

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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£6.00

UK2015010711 01/2015 19585

http://www.legislation.gov.uk/id/ukdsi/2015/9780111126721

ISBN 978-0-11-112672-1

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