EXPLANATORY MEMORANDUM TO

THE PNEUMOCONIOSIS ETC. (WORKERS' COMPENSATION) (PAYMENT OF CLAIMS) (AMENDMENT) REGULATIONS 2015

2015 No.

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty**.**

2. **Purpose of the instrument**

The Pneumoconiosis etc. (Workers' Compensation) Act 1979 (the 1979 Act) makes provision for lump sum compensation payments to be made to people suffering from five specified dust related diseases, provided they meet the conditions of entitlement. It also makes provision for payments to their dependants, as defined by the 1979 Act provided that they also meet conditions of entitlement, including that the deceased did not receive any compensation payment under the 1979 Act. The compensation payments are set according to the age of sufferers and the extent of their disability and whether or not they were, or would have been, entitled to Industrial Injuries Disablement Benefit. This instrument increases the amounts of compensation paid to sufferers, or their dependants, under the 1979 Act scheme by 1.2%, Lump sum payments/ the 1979 Act

3. **Matters of special interest to the Joint Committee on Statutory Instruments.**

None.

4. **Legislative Context**

There is no obligation to increase the rates of compensation payments in line with inflation under The Pneumoconiosis etc. (Workers' Compensation) Act 1979. However the Government has reviewed the rates in order to maintain their value in line with inflation. This instrument increases the current rates of payment of the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988, by 1.2%. The amount of compensation payable under provisions in those Regulations has been uprated on an annual basis since 2004.

5. **Territorial Extent and Application**

This instrument applies to Great Britain.

6. **European Convention on Human Rights**

The Minister for Disabled People, Mark Harper MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Pneumoconiosis etc. (Workers Compensation) (Payment of Claims) (Amendment) Regulations 2015 are compatible with the Convention rights."

7. **Policy background**

7.1. The Pneumoconiosis etc. (Workers' Compensation) Act 1979 (the 1979 Act) provides lump sum compensation payments to sufferers of certain dust-related diseases, or their dependants who meet the conditions of entitlement.

7.2. Although there is no statutory obligation to increase payments in line with inflation under the 1979 Act, the Government has decided to increase the amounts paid as set out in the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 by 1.2% - the rate of inflation as measured by the September 2014 Consumer Prices Index, and in line with Industrial Injury Benefits and other social security disability benefits.

7.3. One of the conditions of entitlement is that Industrial Injuries Disablement Benefit was payable or would have been payable if: the percentage of the level of disability had been greater or that the benefit had been claimed.

7.4. One of the conditions of entitlement for a dependant is that no payment under the 1979 Act had been made to the deceased.

- **Consolidation**

7.5. Consolidation is not necessary because this instrument is an annual up-rating and therefore consolidation is not relevant.

8. **Consultation outcome**

There is no duty to consult over these increases and a consultation has not been carried out. These increases are at the rate of inflation as measured by the Consumer Prices Index, and in line with Industrial Injury Benefits and other social security disability benefits (like Carers allowance, Employment and Support Allowance (ESA) non work related components, Housing Benefit ESA Support Component etc.) rates which are increased under the existing statutory provisions.

9. **Guidance**

A guidance bulletin detailing the new rates will be issued to claim processors in the DWP Barrow office with responsibility for processing all claims under The Pneumoconiosis etc. (Workers' Compensation) Act 1979 .

10. **Impact**

10.1. This instrument has no impact on business and civil society organisations.

10.2. The impact on the public sector is negligible.

10.3. An impact assessment has not been prepared for this instrument.

11. **Regulating small business**

This instrument does not apply to small business.

12. **Monitoring & review**

The changes in the payable rates aim to maintain the value of payments in line with the rate of inflation. It is intended that these rates will be reviewed each year.

13. **Contact**

Mandeep Kooner at the Department for Work and Pensions Tel: 0114 294 8431 or mail to mandeep.kooner@dwp.gsi.gov.uk can answer any queries regarding the instrument.