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

2021 No. XXXX

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2021

Made - - - -	***
Coming into force - -	*1st April 2021*

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, 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 2021 and come into force on 1st April 2021.

(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 2021.

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 "£3,305" substitute "£3,322".

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for "£6,838" (in both places) substitute "£6,872".

(4) In regulation 8 (minimum amount payable to dependant) for "£3,305" substitute "£3,322".

(5) In the Schedule—

(**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; relevant amending instruments are S.I. 1989/552, 2015/503, S.I. 2020/242.

(a) in the part headed “TABLE 1”, for the table after the preamble substitute—

"*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 or under	38,449	68,665	80,562	82,853	85,140	86,971	88,802	90,633	92,463	94,296
38	37,350	65,913	78,136	80,932	83,306	85,140	86,971	88,802	90,633	92,463
39	36,251	63,167	75,710	79,007	81,480	83,067	85,140	86,971	88,802	90,633
40	35,156	60,418	73,284	77,081	79,642	81,477	83,306	85,140	86,971	88,804
41	34,056	57,676	70,862	75,154	77,819	79,642	81,477	83,306	85,140	86,971
42	32,951	54,933	68,431	73,243	75,986	77,819	79,642	81,477	83,306	85,140
43	31,311	51,722	66,007	71,775	74,707	76,904	78,732	80,562	82,394	84,227
44	29,659	48,520	63,576	70,312	73,423	75,986	77,819	79,642	81,477	83,306
45	28,015	45,316	61,152	68,845	72,144	75,066	76,904	78,732	80,562	82,394
46	26,367	42,115	58,729	67,382	70,862	74,158	75,986	77,819	79,642	81,477
47	24,721	38,908	56,300	65,913	69,580	73,243	75,066	76,904	78,732	80,562
48	23,300	37,627	54,383	62,987	67,382	70,673	72,509	74,339	76,165	78,003
49	21,881	36,345	52,459	60,056	65,186	68,111	69,943	71,775	73,607	75,440
50	20,461	35,064	50,572	57,128	62,987	65,547	67,382	69,210	71,039	72,873
51	19,043	33,782	48,611	54,196	60,786	62,987	64,834	66,644	68,480	70,312
52	17,623	32,499	46,690	51,267	58,587	60,418	62,258	64,085	65,913	67,742
53	16,294	30,215	43,758	48,704	56,393	58,587	60,418	62,258	64,085	65,913
54	14,967	27,924	40,828	46,147	54,196	56,763	58,587	60,418	62,258	64,085
55	13,644	25,636	37,905	43,576	51,997	54,933	56,763	58,587	60,418	62,258
56	12,312	23,344	34,972	41,015	49,803	53,097	54,933	56,763	58,587	60,418
57	10,987	21,054	32,044	38,449	47,614	51,268	53,097	54,933	56,763	58,587
58	10,114	19,135	28,613	34,509	42,844	46,234	48,201	50,126	51,998	53,829
59	9,245	17,210	25,175	30,579	38,082	41,195	43,301	45,316	47,239	49,066
60	8,380	15,286	21,743	26,640	33,327	36,162	38,400	40,512	42,481	44,312
61	7,505	13,364	18,313	22,704	28,563	31,127	33,504	35,706	37,719	39,550

62	6,636	11,443	14,877	18,765	23,803	26,091	28,613	30,901	32,951	34,790
63	6,180	10,344	13,364	16,779	21,174	23,433	25,816	28,015	30,026	31,859
64	5,732	9,245	11,855	14,784	18,536	20,783	23,027	25,131	27,095	28,926
65	5,266	8,149	10,344	12,797	15,910	18,126	20,233	22,248	24,171	26,001
66	4,809	7,051	8,834	10,802	13,276	15,470	17,440	19,360	21,240	23,071
67	4,351	5,951	7,321	8,812	10,644	12,821	14,651	16,477	18,313	20,142
68	4,231	5,762	7,072	8,449	10,279	12,312	14,076	15,976	17,735	19,545
69	4,121	5,585	6,823	8,080	9,914	11,811	13,507	15,470	17,169	18,946
70	4,005	5,405	6,568	7,714	9,546	11,302	12,934	14,967	16,592	18,357
71	3,892	5,216	6,317	7,344	9,177	10,802	12,363	14,466	16,024	17,761
72	3,778	5,035	6,065	6,982	8,812	10,302	11,785	13,960	15,446	17,169
73	3,681	4,946	5,975	6,844	8,672	10,072	11,559	13,597	14,993	16,662
74	3,594	4,852	5,882	6,708	8,540	9,840	11,331	13,232	14,533	16,146
75	3,504	4,765	5,792	6,568	8,398	9,613	11,100	12,863	14,076	15,652
76	3,410	4,666	5,698	6,431	8,260	9,387	10,874	12,498	13,613	15,155
77 or over	3,322	4,576	5,610	6,292	8,124	9,154	10,644	12,136	13,161	14,651”;

(b) in the part headed "TABLE 2", for the table after the preamble substitute—

"**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 or under	24,353	41,523	46,556	47,931	49,073
38	23,804	39,964	45,180	46,556	48,018
39	23,257	38,408	43,808	45,179	46,965
40	22,703	36,848	42,434	43,808	45,913
41	22,154	35,294	41,061	42,434	44,860
42	21,610	33,743	39,686	41,061	43,808
43	20,619	31,727	38,450	39,823	42,800
44	19,637	29,706	37,211	38,590	41,784
45	18,654	27,694	35,977	37,352	40,783
46	17,668	25,678	34,635	36,116	39,777
47	16,685	23,665	33,511	34,885	38,772
48	15,932	23,114	32,596	33,922	37,536
49	15,171	22,564	31,677	32,960	36,297
50	14,419	22,015	30,764	31,993	35,063
51	13,665	21,467	29,849	31,038	33,831
52	12,910	20,920	28,932	30,076	32,596
53	12,564	19,637	27,195	28,747	31,583
54	12,221	18,354	25,451	27,420	30,580
55	11,880	17,072	23,712	26,094	29,573
56	11,537	15,791	21,971	24,768	28,559
57	10,987	14,513	20,233	23,438	27,555
58	10,114	13,593	18,245	21,107	24,768
59	9,245	12,676	16,254	18,767	21,971
60	8,380	11,768	14,258	16,434	19,182
61	7,505	10,848	12,270	14,100	16,389
62	6,636	9,937	10,275	11,768	13,593
63	6,180	9,866	10,143	11,326	12,795
64	5,732	9,245	9,999	10,894	12,003
65	5,266	8,149	9,866	10,458	11,191
66	4,809	7,051	8,834	10,025	10,392
67 or over	3,322	4,576	5,610	6,292	8,124

Part B

Age of disabled person on their last birthday before their death	*Payment £*
37 or under	49,073
38	48,018
39	46,965
40	45,913
41	44,860

42	43,808
43	42,800
44	41,784
45	40,783
46	39,777
47	38,772
48	37,536
49	36,297
50	35,063
51	33,831
52	32,596
53	31,583
54	30,580
55	29,573
56	28,559
57	27,555
58	24,768
59	21,971
60	19,182
61	16,389
62	13,593
63	12,795
64	12,003
65	11,191
66	10,392
67 or over	8,124".

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 0.5 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 2021.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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