EXPLANATORY MEMORANDUM TO

THE PNEUMOCONIOSIS ETC. (WORKERS' COMPENSATION) (PAYMENT OF CLAIMS) (AMENDMENT) REGULATIONS 2023

2023 No. [XXXX]

1. Introduction

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

2. Purpose of the instrument

2.1 The Pneumoconiosis etc. (Workers' Compensation) Act 1979[1] ("the 1979 Act") makes provision for lump sum compensation payments to be made to people suffering from specified dust-related diseases, or their dependants, provided they meet the conditions of entitlement.

2.2 This instrument increases the amount of compensation paid to disease sufferers, or their dependants under the 1979 Act scheme by 10.1%.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Great Britain.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Great Britain.

4.3 The Department for Communities in Northern Ireland will be making corresponding provisions for Northern Ireland.

5. European Convention on Human Rights

5.1 The Minister for Disabled People, Health and Work, Tom Pursglove 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 2023 are compatible with the Convention rights."

6. Legislative Context

6.1 The 1979 Act does not require that the rates of compensation payments be increased. 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

[1] https://www.legislation.gov.uk/ukpga/1979/41/contents

Pneumoconiosis etc. (Workers' Compensation) (Payments of Claims) Regulations 1988 ("the 1988 Regulations")[2], by 10.1%.

6.2 The rates of payment set out in the 1988 Regulations were last uprated on 1 April 2022.

7. Policy background

What is being done and why?

7.1 The 1979 Act provides lump sum compensation payments to sufferers of certain dust-related diseases. It also makes provision for payments to dependants, as defined by the 1979 Act, where the disease sufferer did not claim a compensation payment under the 1979 Act before their death. "Dependant" has a specific meaning set out in section 3 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979[3].

7.2 The compensation payments are set according to the age of disease sufferers and the extent of their disability and whether or not they were, or would have been, entitled to Industrial Injuries Disablement Benefit.

7.3 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 10.1% - the rate of inflation as measured by the September 2022 Consumer Prices Index. This increase is in line with the uprating of Industrial Injuries benefits and other social security disability benefits (such as Carers' Allowance and Personal Independence Payment) which are increased under other statutory provisions.

8. European Union (Withdrawal) and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Consolidation is not necessary because this instrument is an up-rating instrument.

10. Consultation outcome

10.1 There is no duty to consult over these increases and a consultation has not been carried out.

11. Guidance

11.1 Prior to implementation a guidance bulletin detailing the new rates will be issued to the claim processors responsible for processing claims under the 1979 Act and the new figures will be published on GOV.UK.

12. Impact

12.1 There is no significant impact on business, charities, or voluntary bodies.

12.2 There is no significant impact on the public sector.

[2] https://www.legislation.gov.uk/uksi/1988/668/contents/made

12.3 An Impact Assessment has not been prepared for this instrument because the impact on the public sector is negligible. There will be an estimated £3.430 million increase to the DWP Departmental Expenditure Limit for 23/24.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The changes in the payable rates aim to maintain the value of payments in line with the rate of inflation. The approach to monitoring of this legislation is to review the rates each year.

15. Contact

15.1 Lewis Dixon at the Department for Work and Pensions can answer any queries regarding the instrument - telephone: 0300 092 2647 or email: lewis.dixon@dwp.gov.uk.

15.2 Louise Everett, Deputy Director for ESA, WCA, IIS and DMA Policy & Performance, at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.

15.3 Tom Pursglove MP, Minister for Disabled People, Health and Work, at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.