STATUTORY INSTRUMENTS

2026 No. 1146

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) (No. 2) Regulations 2026

Made - - - -	*30th October 2026*
Coming into force - -	*31st October 2026*

The Secretary of State makes these 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**) ("the 1979 Act").

In accordance with section 7(3) of the 1979 Act(**b**), a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) (No. 2) Regulations 2026 and come into force on 31st October 2026.

(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 31st October 2026.

(3) These Regulations extend to England and Wales and Scotland.

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

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

Amendment to regulation 2

3. In regulation 2(1) (interpretation)—

(a) for sub-paragraph (e) substitute—

> "(e) "determination" means a determination made by the Secretary of State in connection with a claim for disablement benefit;";

(**a**) 1979 c. 41.
(**b**) Section 7(3) was amended by section 58(4) of the Welfare Reform Act 2007 (c. 5).
(**c**) S.I. 1988/668; relevant amending instruments are S.I. 1989/552, 2013/690, 2015/503, 2024/199 and 2026/378.

(b) for sub-paragraph (h) substitute—

"(h) "percentage assessment" means percentage disability assessed in respect of a disease for the purpose of determining entitlement to disablement benefit 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**);";

(c) omit sub-paragraph (j).

Amendment to regulation 3

4. In regulation 3 (payments to persons disabled by a disease)—

(a) in paragraph (1), for "Table 1 of" substitute "the table in";

(b) omit paragraphs (2) and (4).

Amendment to regulation 4

5. In regulation 4 (payments to dependants of persons disabled by a disease)—

(a) in paragraph (1), for the words "by ascertaining the amount" to the end, substitute "in accordance with the table in the Schedule";

(b) omit paragraphs (2) to (5);

(c) in paragraph (6)—

(i) in sub-paragraph (a), in the words before paragraph (i), for "Table 2 of" substitute "the table in";

(ii) in sub-paragraph (b)—

(aa) for "Part A of Table 2" substitute "the table in the Schedule";

(bb) for "Pneumoconiosis Medical Board, (or Special Medical Board, as the case may be), or a Silicosis Medical Board" substitute "medical practitioner appointed to act on behalf of the Secretary of State";

(d) omit paragraph (7).

Omission of regulations 5 and 6

6. Omit—

(a) regulation 5 (payment where death results from diffuse mesothelioma);

(b) regulation 6 (payment where pneumoconiosis is accompanied by tuberculosis).

Amendment to regulation 7

7. In regulation 7 (power of Secretary of State to determine amount of payment)—

(a) in the words before paragraph (a), for "regulation 3" substitute "paragraph 3(1) of the Schedule";

(b) in paragraph (a), for "regulation 3" substitute "paragraph 3(1) of the Schedule".

Insertion of regulation 7A

8. After regulation 7, insert—

(**a**) 1992 c. 4.
(**b**) See section 2(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c. 41).

"Payment to personal representatives

7A.—(1) Where—

(a) a claim is made, and

(b) the person making the claim dies before payment is made,

payment must be made to the person's personal representatives, subject to the condition in paragraph (2) having been met.

(2) The condition is that any document that is by law sufficient evidence of the grant of—

(a) probate of the will of the person,

(b) letters of administration of the estate of the person, or

(c) confirmation as executor of the person,

has been provided to the Secretary of State.".

Omission of regulation 8

9. Omit regulation 8 (minimum amount payable to dependant).

Amendment to the Schedule

10. In the Schedule—

(a) in the shoulder note, for "Regulations 3, 4 and 6", substitute "Regulations 3 and 4";

(b) in the part headed "Table 1"—

(i) in the heading, for "Table 1" substitute "Table";

(ii) in paragraph 1—

(aa) omit "or regulation 6";

(bb) for "regulation 4(1)" substitute "regulation 4";

(iii) omit paragraph 2;

(iv) in paragraph 3—

(aa) for sub-paragraph (1), substitute—

"(1) In the first column of the table, "age of disabled person" means—

(a) in relation to the determination of a payment to a disabled person under regulation 3, the person's age on the date that the claim was received by the Secretary of State;

(b) in relation to the determination of a payment to a dependant of a deceased sufferer under regulation 4, the age of the deceased sufferer at their date of death.

(1A) The applicable payment rate is the rate that is in force on the date specified in sub-paragraph (1)(a) or (b), as appropriate.";

(bb) omit sub-paragraph (2);

(v) omit paragraph 4;

(vi) in the table, in the shared heading to columns 2 to 11, omit "for the relevant period";

(vii) omit the part headed "Table 2".

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

Stephen Timms
Minister of State
30th October 2026 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 1979 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 Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (S.I. 1988/668) ("the 1988 Regulations") prescribe the amount of payments to be made under the 1979 Act, according to the person's age and level of disablement.

These Regulations amend the 1988 Regulations to:

- remove reference to defunct assessment boards;
- align the rates of pay for dependants with the rates for sufferers;
- remove the top-up awards;
- introduce a clear relevant date for the purposes of calculating awards;
- clarify to whom payment is to be made where a person makes a claim in life but dies before it can be paid.

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 31st October 2026.

A full impact assessment has not been produced as these Regulations concern financial assistance from the Department for Work and Pensions which is out of scope of the Better Regulation Framework.

An Explanatory Memorandum is available alongside these Regulations at www.legislation.gov.uk.

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