STATUTORY INSTRUMENTS

1982 No. 1867

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1982

Laid before Parliament in draft

Made - - - 22*nd December* 1982

Coming into Operation 1*st January* 1983

The Secretary of State in exercise of the powers conferred on him by sections 1, 4(1) and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(**a**) ("the Act") and of all other powers enabling him in that behalf hereby makes the following Regulations, of which a draft has been approved by resolution of each House of Parliament.

Citation and Commencement

1. These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1982 and shall come into operation on 1st January 1983.

Interpretation

2. In these Regulations the "principal Regulations" means the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1979(**b**).

Amendment of the Principal Regulations

3. The principal Regulations shall be amended—

(*a*) by the substitution of the Schedule to these Regulations for the Schedule to those Regulations, and

(*b*) by the substitution of the amount of £1,015 for the amount of £725 in Regulations 5(1) and 8 of those Regulations and of the amount of £2,100 for the amount of £1,500 in Regulation 6(1) of those Regulations,

in any case in which a person first becomes entitled to a payment under the Act as a person disabled by a disease to which the Act applies or as a dependant of a person who immediately before he died was disabled by a disease to which the Act applies, as the case may be, on or after the date upon which these Regulations come into operation.

(**a**) 1979 c.41. (**b**) S.I. 1979/1726.

Signed by order of the Secretary of State.

David Waddington,
Joint Parliamentary Under Secretary of State,
Department of Employment.

22nd December 1982.

Regulation 3

SCHEDULE

TABLE 1

(1) Table 1 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 3(3) or, in the case of a disabled person to whom Regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that Regulation.

(3) The age to be taken for the purpose of determining the amount payable to a disabled person is his age on the date specified in Regulation 3(2) or 3(3) or, in the case of a disabled person to whom Regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), his age on the date specified in paragraph (1) of that Regulation. With a view to 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 he still been alive is the age of the deceased at his last birthday preceding his death.

PART A

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE DISABLEMENT BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY ACT 1975 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS.

Age of disabled person	Percentage assessment for the relevant period									
	10% or less	11%–20%	21%–30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
37 and under	11,760	21,000	24,640	25,340	26,040	26,600	27,160	27,720	28,280	28,840
38	11,424	20,160	23,898	24,752	25,480	26,040	26,600	27,160	27,720	28,280
39	11,088	19,320	23,156	24,164	24,920	25,480	26,040	26,600	27,160	27,720
40	10,752	18,480	22,414	23,576	24,360	24,920	25,480	26,040	26,600	27,160
41	10,416	17,640	21,672	22,988	23,800	24,360	24,920	25,480	26,040	26,600
42	10,080	16,800	20,930	22,400	23,240	23,800	24,360	24,920	25,480	26,040
43	9,576	15,820	20,188	21,952	22,848	23,520	24,080	24,640	25,200	25,760
44	9,072	14,840	19,446	21,504	22,456	23,240	23,800	24,360	24,920	25,480
45	8,568	13,860	18,704	21,056	22,064	22,960	23,520	24,080	24,640	25,200
46	8,064	12,880	17,962	20,608	21,672	22,680	23,240	23,800	24,360	24,920
47	7,560	11,900	17,220	20,160	21,280	22,400	22,960	23,520	24,080	24,640
48	7,126	11,508	16,632	19,264	20,608	21,616	22,176	22,736	23,296	23,856
49	6,692	11,116	16,044	18,368	19,936	20,832	21,392	21,952	22,512	23,072
50	6,258	10,724	15,456	17,472	19,264	20,048	20,608	21,168	21,728	22,288
51	5,824	10,332	14,868	16,576	18,592	19,264	19,824	20,384	20,944	21,504
52	5,390	9,940	14,280	15,680	17,920	18,480	19,040	19,600	20,160	20,720
53	4,984	9,240	13,384	14,896	17,248	17,920	18,480	19,040	19,600	20,160
54	4,578	8,540	12,488	14,112	16,576	17,360	17,920	18,480	19,040	19,600
55	4,172	7,840	11,592	13,328	15,904	16,800	17,360	17,920	18,480	19,040
56	3,766	7,140	10,696	12,544	15,232	16,240	16,800	17,360	17,920	18,480
57	3,360	6,440	9,800	11,760	14,560	15,680	16,240	16,800	17,360	17,920
58	3,094	5,852	8,750	10,556	13,104	14,140	14,742	15,330	15,904	16,464
59	2,828	5,264	7,700	9,352	11,648	12,600	13,244	13,860	14,448	15,008
60	2,562	4,676	6,650	8,148	10,192	11,060	11,746	12,390	12,992	13,552
61	2,296	4,088	5,600	6,944	8,736	9,520	10,248	10,920	11,536	12,096
62	2,030	3,500	4,550	5,740	7,280	7,980	8,750	9,450	10,080	10,640
63	1,890	3,164	4,088	5,131	6,475	7,168	7,896	8,568	9,184	9,744
64	1,750	2,828	3,626	4,522	5,670	6,356	7,042	7,686	8,288	8,848
65	1,610	2,492	3,164	3,913	4,865	5,544	6,188	6,804	7,392	7,952
66	1,470	2,156	2,702	3,304	4,060	4,732	5,334	5,922	6,496	7,056
67	1,330	1,820	2,240	2,695	3,255	3,920	4,480	5,040	5,600	6,160
68	1,295	1,764	2,163	2,583	3,143	3,766	4,305	4,886	5,425	5,978
69	1,260	1,708	2,086	2,471	3,031	3,612	4,130	4,732	5,250	5,796
70	1,225	1,652	2,009	2,359	2,919	3,458	3,955	4,578	5,075	5,614
71	1,190	1,596	1,932	2,247	2,807	3,304	3,780	4,424	4,900	5,432
72	1,155	1,540	1,855	2,135	2,695	3,150	3,605	4,270	4,725	5,250
73	1,127	1,512	1,827	2,093	2,653	3,080	3,535	4,158	4,585	5,096
74	1,099	1,484	1,799	2,051	2,611	3,010	3,465	4,046	4,445	4,942
75	1,071	1,456	1,771	2,009	2,569	2,940	3,395	3,934	4,305	4,788
76	1,043	1,428	1,743	1,967	2,527	2,870	3,325	3,822	4,165	4,634
77 and over	1,015	1,400	1,715	1,925	2,485	2,800	3,255	3,710	4,025	4,480

PART B

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE AN ALLOWANCE UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SECTION 5 OF THE INDUSTRIAL INJURIES AND DISEASES (OLD CASES) ACT 1975 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACTS.

Age of disabled person	Extent of incapacity for the relevant period	
	Partial	Total
	£	£
37 and under	21,000	28,840
38	20,160	28,280
39	19,320	27,720
40	18,480	27,160
41	17,640	26,600
42	16,800	26,040
43	15,820	25,760
44	14,840	25,480
45	13,860	25,200
46	12,880	24,920
47	11,900	24,640
48	11,508	23,856
49	11,116	23,072
50	10,724	22,288
51	10,332	21,504
52	9,940	20,720
53	9,240	20,160
54	8,540	19,600
55	7,840	19,040
56	7,140	18,480
57	6,440	17,920
58	5,852	16,464
59	5,264	15,008
60	4,676	13,552
61	4,088	12,096
62	3,500	10,640
63	3,164	9,744
64	2,828	8,848
65	2,492	7,952
66	2,156	7,056
67	1,820	6,160
68	1,764	5,978
69	1,708	5,796
70	1,652	5,614
71	1,596	5,432
72	1,540	5,250
73	1,512	5,096
74	1,484	4,942
75	1,456	4,788
76	1,428	4,634
77 and over	1,400	4,480

TABLE 2

(1) Table 2 is for the determination of additional payments to dependants of deceased sufferers who died as a result of the disease under Regulation 4(2) or Regulation 4(6).

(2) The relevant period is the period specified in Regulation 3(2) or 3(3) or, in the case of a disabled person to whom Regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that Regulation.

PART A

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY ACT 1975 IS PAYABLE, OR TO DEPENDANTS OF PERSONS TO WHOM DISABLEMENT BENEFIT UNDER THAT SECTION OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS WAS PAYABLE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF PNEUMOCONIOSIS OR BYSSINOSIS.

Age of disabled person at his last birthday preceding death	Percentage assessment for the relevant period				
	10% or less	11%–20%	21%–30%	40%	50% and over
	£	£	£	£	£
37 and under	5,530	10,780	12,320	12,740	13,090
38	5,362	10,304	11,900	12,320	12,768
39	5,194	9,828	11,480	11,900	12,446
40	5,026	9,352	11,060	11,480	12,124
41	4,858	8,876	10,640	11,060	11,802
42	4,690	8,400	10,220	10,640	11,480
43	4,389	7,784	9,842	10,262	11,172
44	4,088	7,168	9,464	9,884	10,864
45	3,787	6,552	9,086	9,506	10,556
46	3,486	5,936	8,708	9,128	10,248
47	3,185	5,320	8,330	8,750	9,940
48	2,954	5,152	8,050	8,456	9,562
49	2,723	4,984	7,770	8,162	9,184
50	2,492	4,816	7,490	7,868	8,806
51	2,261	4,648	7,210	7,574	8,428
52	2,030	4,480	6,930	7,280	8,050
53	1,925	4,088	6,398	6,874	7,742
54	1,820	3,696	5,866	6,468	7,434
55	1,715	3,304	5,334	6,062	7,126
56	1,610	2,912	4,802	5,656	6,818
57	1,505	2,520	4,270	5,250	6,510
58	1,407	2,240	3,661	4,536	5,656
59	1,309	1,960	3,052	3,822	4,802
60	1,211	1,680	2,443	3,108	3,948
61	1,113	1,400	1,834	2,394	3,094
62	1,015	1,120	1,225	1,680	2,240
63	1,015	1,099	1,183	1,547	1,995
64	1,015	1,078	1,141	1,414	1,750
65	1,015	1,057	1,099	1,281	1,505
66	1,015	1,036	1,057	1,148	1,260
67 and over	1,015	1,015	1,015	1,015	1,015

PART B

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SECTION 5 OF THE INDUSTRIAL INJURIES AND DISEASES (OLD CASES) ACT 1975 HAS BEEN PAID, OR TO DEPENDANTS OF PERSONS TO WHOM AN ALLOWANCE UNDER SUCH A SCHEME OR UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACTS WAS PAYABLE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF PNEUMOCONIOSIS OR BYSSINOSIS.

Age of disabled person at his last birthday preceding death	Extent of incapacity for the relevant period	
	Partial	Total
	£	£
37 and under	10,780	13,090
38	10,304	12,768
39	9,828	12,446
40	9,352	12,124
41	8,876	11,802
42	8,400	11,480
43	7,784	11,172
44	7,168	10,864
45	6,552	10,556
46	5,936	10,248
47	5,320	9,940
48	5,152	9,562
49	4,984	9,184
50	4,816	8,805
51	4,648	8,428
52	4,480	8,050
53	4,088	7,742
54	3,696	7,434
55	3,304	7,126
56	2,912	6,818
57	2,520	6,510
58	2,240	5,656
59	1,960	4,802
60	1,680	3,948
61	1,400	3,094
62	1,120	2,240
63	1,099	1,995
64	1,078	1,750
65	1,057	1,505
66	1,036	1,260
67 and over	1,015	1,015

PART C

PAYMENTS TO DEPENDANTS OF PERSONS WHO DIED AS A RESULT OF DIFFUSE MESOTHELIOMA.

Age of disabled person at his last birthday preceding death	Payment
	£
37 and under	13,090
38	12,768
39	12,446
40	12,124
41	11,802
42	11,480
43	11,172
44	10,864
45	10,556
46	10,248
47	9,940
48	9,562
49	9,184
50	8,806
51	8,428
52	8,050
53	7,742
54	7,434
55	7,126
56	6,818
57	6,510
58	5,656
59	4,802
60	3,948
61	3,094
62	2,240
63	1,995
64	1,750
65	1,505
66	1,260
67 and over	1,015

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1979 prescribe the amount of payments to be made under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 to persons disabled by a disease to which the Act applies (namely pneumoconiosis, byssinosis and diffuse mesothelioma) or to dependants of persons who immediately before they died were disabled by such a disease. These Regulations amend those Regulations by increasing the amount of those payments in any case in which a person first becomes entitled to a payment on or after the date when these Regulations come into operation. The increase is in each case 40%.

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