STATUTORY INSTRUMENTS

1983 No. 1861

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1983

Laid before Parliament in draft

Made - - - -	14*th December* 1983
Coming into Operation	1*st January* 1984

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, commencement and revocation

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1983 and shall come into operation on 1st January 1984.

(2) Subject to Regulation 4, the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1982 (**b**) ("the 1982 Regulations") are revoked.

Interpretation

2. In these Regulations the "principal Regulations" means the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1979 (**c**) as amended by the 1982 Regulations.

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 £1,066 for the amount of £1,015 in Regulations 5(1) and 8 of those Regulations and of the amount of £2,205 for the amount of £2,100 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. 1982/1867. (**c**) S.I. 1979/1726.

Transitional provision

4. Notwithstanding the revocation of the 1982 Regulations, those Regulations shall continue to have effect as provided by 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 dependent of a person who immediately before he died was disabled by a disease to which the Act applies, as the case may be, before the date upon which these Regulations come into operation.

Signed by order of the Secretary of State.

John Selwyn Gummer,
Minister of State,
Department of Employment.

14th December 1983.

SCHEDULE Regulation 3

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	12,348	22,050	25,872	26,607	27,342	27,930	28,518	29,106	29,694	30,282
38	11,995	21,168	25,093	25,990	26,754	27,342	27,930	28,518	29,106	29,694
39	11,642	20,286	24,314	25,372	26,166	26,754	27,342	27,930	28,518	29,106
40	11,290	19,404	23,535	24,755	25,578	26,166	26,754	27,342	27,930	28,518
41	10,937	18,522	22,756	24,137	24,990	25,578	26,166	26,754	27,342	27,930
42	10,584	17,640	21,977	23,520	24,402	24,990	25,578	26,166	26,754	27,342
43	10,055	16,611	21,197	23,050	23,990	24,696	25,284	25,872	26,460	27,048
44	9,526	15,582	20,418	22,579	23,579	24,402	24,990	25,578	26,166	26,754
45	8,996	14,553	19,639	22,109	23,167	24,108	24,696	25,284	25,872	26,460
46	8,467	13,524	18,860	21,638	22,756	23,814	24,402	24,990	25,578	26,166
47	7,938	12,495	18,081	21,168	22,344	23,520	24,108	24,696	25,284	25,872
48	7,482	12,083	17,464	20,227	21,638	22,697	23,285	23,873	24,461	25,049
49	7,027	11,672	16,846	19,286	20,933	21,874	22,462	23,050	23,638	24,226
50	6,571	11,260	16,229	18,346	20,227	21,050	21,638	22,226	22,814	23,402
51	6,115	10,849	15,611	17,405	19,522	20,227	20,815	21,403	21,991	22,579
52	5,660	10,437	14,994	16,464	18,816	19,404	19,992	20,580	21,168	21,756
53	5,233	9,702	14,053	15,641	18,110	18,816	19,404	19,992	20,580	21,168
54	4,807	8,967	13,112	14,818	17,405	18,228	18,816	19,404	19,992	20,580
55	4,381	8,232	12,172	13,994	16,699	17,640	18,228	18,816	19,404	19,992
56	3,954	7,497	11,231	13,171	15,994	17,052	17,640	18,228	18,816	19,404
57	3,528	6,762	10,290	12,348	15,288	16,464	17,052	17,640	18,228	18,816
58	3,249	6,145	9,188	11,084	13,759	14,847	15,479	16,097	16,699	17,287
59	2,969	5,527	8,085	9,820	12,230	13,230	13,906	14,553	15,170	15,758
60	2,690	4,910	6,983	8,555	10,702	11,613	12,333	13,010	13,642	14,230
61	2,411	4,292	5,880	7,291	9,173	9,996	10,760	11,466	12,113	12,701
62	2,132	3,675	4,778	6,027	7,644	8,379	9,188	9,923	10,584	11,172
63	1,985	3,322	4,292	5,388	6,799	7,526	8,291	8,996	9,643	10,231
64	1,838	2,969	3,807	4,748	5,954	6,674	7,394	8,070	8,702	9,290
65	1,691	2,617	3,322	4,109	5,108	5,821	6,497	7,144	7,762	8,350
66	1,544	2,264	2,837	3,469	4,263	4,969	5,601	6,218	6,821	7,409
67	1,397	1,911	2,352	2,830	3,418	4,116	4,704	5,292	5,880	6,468
68	1,360	1,852	2,271	2,712	3,300	3,954	4,520	5,130	5,696	6,277
69	1,323	1,793	2,190	2,595	3,183	3,793	4,337	4,969	5,513	6,086
70	1,286	1,735	2,109	2,477	3,065	3,631	4,153	4,807	5,329	5,895
71	1,250	1,676	2,029	2,359	2,947	3,469	3,969	4,645	5,145	5,704
72	1,213	1,617	1,948	2,242	2,830	3,308	3,785	4,484	4,961	5,513
73	1,183	1,588	1,918	2,198	2,786	3,234	3,712	4,366	4,814	5,351
74	1,154	1,558	1,889	2,154	2,742	3,161	3,638	4,248	4,667	5,189
75	1,125	1,529	1,860	2,109	2,697	3,087	3,565	4,131	4,520	5,027
76	1,095	1,499	1,830	2,065	2,653	3,014	3,491	4,013	4,373	4,866
77 and over	1,066	1,470	1,801	2,021	2,609	2,940	3,418	3,896	4,226	4,704

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	22,050	30,282
38	21,168	29,694
39	20,286	29,106
40	19,404	28,518
41	18,522	27,930
42	17,640	27,342
43	16,611	27,048
44	15,582	26,754
45	14,553	26,460
46	13,524	26,166
47	12,495	25,872
48	12,083	25,049
49	11,672	24,226
50	11,260	23,402
51	10,849	22,579
52	10,437	21,756
53	9,702	21,168
54	8,967	20,580
55	8,232	19,992
56	7,497	19,404
57	6,762	18,816
58	6,145	17,287
59	5,527	15,758
60	4,910	14,230
61	4,292	12,701
62	3,675	11,172
63	3,322	10,231
64	2,969	9,290
65	2,617	8,350
66	2,264	7,409
67	1,911	6,468
68	1,852	6,277
69	1,793	6,086
70	1,735	5,895
71	1,676	5,704
72	1,617	5,513
73	1,588	5,351
74	1,558	5,189
75	1,529	5,027
76	1,499	4,866
77 and over	1,470	4,704

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 DEPENDENTS 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% to 30%	40%	50% and over
	£	£	£	£	£
37 and under	5,807	11,319	12,936	13,377	13,745
38	5,630	10,819	12,495	12,936	13,406
39	5,454	10,319	12,054	12,495	13,068
40	5,277	9,820	11,613	12,054	12,730
41	5,101	9,320	11,172	11,613	12,392
42	4,925	8,820	10,731	11,172	12,054
43	4,608	8,173	10,334	10,775	11,731
44	4,292	7,526	9,937	10,378	11,407
45	3,976	6,880	9,540	9,981	11,084
46	3,660	6,233	9,143	9,584	10,760
47	3,344	5,586	8,747	9,188	10,437
48	3,102	5,410	8,453	8,879	10,040
49	2,859	5,233	8,159	8,570	9,643
50	2,617	5,057	7,865	8,261	9,246
51	2,374	4,880	7,571	7,953	8,849
52	2,132	4,704	7,277	7,644	8,453
53	2,021	4,292	6,718	7,218	8,129
54	1,911	3,881	6,159	6,791	7,806
55	1,801	3,469	5,601	6,365	7,482
56	1,691	3,058	5,042	5,939	7,159
57	1,580	2,646	4,484	5,513	6,836
58	1,477	2,352	3,844	4,763	5,939
59	1,374	2,058	3,205	4,013	5,042
60	1,272	1,764	2,565	3,263	4,145
61	1,169	1,470	1,926	2,514	3,249
62	1,066	1,176	1,286	1,764	2,352
63	1,066	1,154	1,242	1,624	2,095
64	1,066	1,132	1,198	1,485	1,838
65	1,066	1,110	1,154	1,345	1,580
66	1,066	1,088	1,110	1,205	1,323
67 and over	1,066	1,066	1,066	1,066	1,066

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	11,319	13,745
38	10,819	13,406
39	10,319	13,068
40	9,820	12,730
41	9,320	12,392
42	8,820	12,054
43	8,173	11,731
44	7,526	11,407
45	6,880	11,084
46	6,233	10,760
47	5,586	10,437
48	5,410	10,040
49	5,233	9,643
50	5,057	9,246
51	4,880	8,849
52	4,704	8,453
53	4,292	8,129
54	3,881	7,806
55	3,469	7,482
56	3,058	7,159
57	2,646	6,836
58	2,352	5,939
59	2,058	5,042
60	1,764	4,145
61	1,470	3,249
62	1,176	2,352
63	1,154	2,095
64	1,132	1,838
65	1,110	1,580
66	1,088	1,323
67 and over	1,066	1,066

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	13,745
38	13,406
39	13,068
40	12,730
41	12,392
42	12,054
43	11,731
44	11,407
45	11,084
46	10,760
47	10,437
48	10,040
49	9,643
50	9,246
51	8,849
52	8,453
53	8,129
54	7,806
55	7,482
56	7,159
57	6,836
58	5,939
59	5,042
60	4,145
61	3,249
62	2,352
63	2,095
64	1,838
65	1,580
66	1,323
67 and over	1,066

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1979, as amended by the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1982, 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 5%, rounded up or down to the nearest £1 as appropriate. The 1982 Regulations are revoked.

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