STATUTORY INSTRUMENTS

1984 No. 1972

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1984

Laid before Parliament in draft

Made - - - -	18*th December* 1984
Coming into Operation	1*st January* 1985

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 1984 and shall come into operation on 1st January 1985.

(2) Subject to Regulation 4, the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1983 (**b**) ("the 1983 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 1983 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 £1,109 for the amount of £1,066 in Regulations 5(1) and 8 of those Regulations and of the amount of £2,293 for the amount of £2,205 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. 1983/1861. (**c**) S.I. 1979/1726.

Transitional provision

4. Notwithstanding the revocation of the 1983 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 dependant 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.

Peter Bottomley,
Joint Parliamentary Under Secretary of State,
Department of Employment.

18th December 1984.

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	12,842	22,932	26,907	27,671	28,436	29,047	29,659	30,270	30,882	31,493
38	12,475	22,015	26,097	27,030	27,824	28,436	29,047	29,659	30,270	30,882
39	12,108	21,097	25,287	26,387	27,213	27,824	28,436	29,047	29,659	30,270
40	11,742	20,180	24,476	25,745	26,601	27,213	27,824	28,436	29,047	29,659
41	11,374	19,263	23,666	25,102	25,990	26,601	27,213	27,824	28,436	29,047
42	11,007	18,346	22,856	24,461	25,378	25,990	26,601	27,213	27,824	28,436
43	10,457	17,275	22,045	23,972	24,950	25,684	26,295	26,907	27,518	28,130
44	9,907	16,205	21,235	23,482	24,522	25,378	25,990	26,601	27,213	27,824
45	9,356	15,135	20,425	22,993	24,094	25,072	25,684	26,295	26,907	27,518
46	8,806	14,065	19,614	22,504	23,666	24,767	25,378	25,990	26,601	27,213
47	8,256	12,995	18,804	22,015	23,238	24,461	25,072	25,684	26,295	26,907
48	7,781	12,566	18,163	21,036	22,504	23,605	24,216	24,828	25,439	26,051
49	7,308	12,139	17,520	20,057	21,770	22,749	23,360	23,972	24,584	25,195
50	6,834	11,710	16,878	19,080	21,036	21,892	22,504	23,115	23,727	24,338
51	6,360	11,283	16,235	18,101	20,303	21,036	21,648	22,259	22,871	23,482
52	5,886	10,854	15,594	17,123	19,569	20,180	20,792	21,403	22,015	22,626
53	5,442	10,090	14,615	16,267	18,834	19,569	20,180	20,792	21,403	22,015
54	4,999	9,326	13,636	15,411	18,101	18,957	19,569	20,180	20,792	21,403
55	4,556	8,561	12,659	14,554	17,367	18,346	18,957	19,569	20,180	20,792
56	4,112	7,797	11,680	13,698	16,634	17,734	18,346	18,957	19,569	20,180
57	3,669	7,032	10,702	12,842	15,900	17,123	17,734	18,346	18,957	19,569
58	3,379	6,391	9,556	11,527	14,309	15,441	16,098	16,741	17,367	17,978
59	3,088	5,748	8,408	10,213	12,719	13,759	14,462	15,135	15,777	16,388
60	2,798	5,106	7,262	8,897	11,130	12,078	12,826	13,530	14,188	14,799
61	2,507	4,464	6,115	7,583	9,540	10,396	11,190	11,925	12,598	13,209
62	2,217	3,822	4,969	6,268	7,950	8,714	9,556	10,320	11,007	11,619
63	2,064	3,455	4,464	5,604	7,071	7,827	8,623	9,356	10,029	10,640
64	1,912	3,088	3,959	4,938	6,192	6,941	7,690	8,393	9,050	9,662
65	1,759	2,722	3,455	4,273	5,312	6,054	6,757	7,430	8,072	8,684
66	1,606	2,355	2,950	3,608	4,434	5,168	5,825	6,467	7,094	7,705
67	1,453	1,987	2,446	2,943	3,555	4,281	4,892	5,504	6,115	6,727
68	1,414	1,926	2,362	2,820	3,432	4,112	4,701	5,335	5,924	6,528
69	1,376	1,865	2,278	2,699	3,310	3,945	4,510	5,168	5,734	6,329
70	1,337	1,804	2,193	2,576	3,188	3,776	4,319	4,999	5,542	6,131
71	1,300	1,743	2,110	2,453	3,065	3,608	4,128	4,831	5,351	5,932
72	1,262	1,682	2,026	2,332	2,943	3,440	3,936	4,663	5,159	5,734
73	1,230	1,652	1,995	2,286	2,897	3,363	3,860	4,541	5,007	5,565
74	1,200	1,620	1,965	2,240	2,852	3,287	3,784	4,418	4,854	5,397
75	1,170	1,590	1,934	2,193	2,805	3,210	3,708	4,296	4,701	5,228
76	1,139	1,559	1,903	2,148	2,759	3,135	3,631	4,174	4,548	5,061
77 and over	1,109	1,529	1,873	2,102	2,713	3,058	3,555	4,052	4,395	4,892

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	22,932	31,493
38	22,015	30,882
39	21,097	30,270
40	20,180	29,659
41	19,263	29,047
42	18,346	28,436
43	17,275	28,130
44	16,205	27,824
45	15,135	27,518
46	14,065	27,213
47	12,995	26,907
48	12,566	26,051
49	12,139	25,195
50	11,710	24,338
51	11,283	23,482
52	10,854	22,626
53	10,090	22,015
54	9,326	21,403
55	8,561	20,792
56	7,797	20,180
57	7,032	19,569
58	6,391	17,978
59	5,748	16,388
60	5,106	14,799
61	4,464	13,209
62	3,822	11,619
63	3,455	10,640
64	3,088	9,662
65	2,722	8,684
66	2,355	7,705
67	1,987	6,727
68	1,926	6,528
69	1,865	6,329
70	1,804	6,131
71	1,743	5,932
72	1,682	5,734
73	1,652	5,565
74	1,620	5,397
75	1,590	5,228
76	1,559	5,061
77 and over	1,529	4,892

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% to 30%	40%	50% and over
	£	£	£	£	£
37 and under	6,039	11,772	13,453	13,912	14,295
38	5,855	11,252	12,995	13,453	13,942
39	5,672	10,732	12,536	12,995	13,591
40	5,488	10,213	12,078	12,536	13,239
41	5,305	9,693	11,619	12,078	12,888
42	5,122	9,173	11,160	11,619	12,536
43	4,792	8,500	10,747	11,206	12,200
44	4,464	7,827	10,334	10,793	11,860
45	4,135	7,155	9,922	10,380	11,527
46	3,806	6,482	9,509	9,967	11,190
47	3,478	5,809	9,097	9,556	10,854
48	3,226	5,626	8,791	9,234	10,442
49	2,973	5,442	8,485	8,913	10,029
50	2,722	5,259	8,180	8,591	9,616
51	2,469	5,075	7,874	8,271	9,203
52	2,217	4,892	7,568	7,950	8,791
53	2,102	4,464	6,987	7,507	8,454
54	1,987	4,036	6,405	7,063	8,118
55	1,873	3,608	5,825	6,620	7,781
56	1,759	3,180	5,244	6,177	7,445
57	1,643	2,752	4,663	5,734	7,109
58	1,536	2,446	3,998	4,954	6,177
59	1,429	2,140	3,333	4,174	5,244
60	1,323	1,835	2,668	3,394	4,311
61	1,216	1,529	2,003	2,615	3,379
62	1,109	1,223	1,337	1,835	2,446
63	1,109	1,200	1,292	1,689	2,179
64	1,109	1,177	1,246	1,544	1,912
65	1,109	1,154	1,200	1,399	1,643
66	1,109	1,132	1,154	1,253	1,376
67 and over	1,109	1,109	1,109	1,109	1,109

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	11,772	14,295
38	11,252	13,942
39	10,732	13,591
40	10,213	13,239
41	9,693	12,888
42	9,173	12,536
43	8,500	12,200
44	7,827	11,863
45	7,155	11,527
46	6,482	11,190
47	5,809	10,854
48	5,626	10,442
49	5,442	10,029
50	5,259	9,616
51	5,075	9,203
52	4,892	8,791
53	4,464	8,454
54	4,036	8,118
55	3,608	7,781
56	3,180	7,445
57	2,752	7,109
58	2,446	6,177
59	2,140	5,244
60	1,835	4,311
61	1,529	3,379
62	1,223	2,446
63	1,200	2,179
64	1,177	1,912
65	1,154	1,643
66	1,132	1,376
67 and over	1,109	1,109

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	14,295
38	13,942
39	13,591
40	13,239
41	12,888
42	12,536
43	12,200
44	11,863
45	11,527
46	11,190
47	10,854
48	10,442
49	10,029
50	9,616
51	9,203
52	8,791
53	8,454
54	8,118
55	7,781
56	7,445
57	7,109
58	6,177
59	5,244
60	4,311
61	3,379
62	2,446
63	2,179
64	1,912
65	1,643
66	1,376
67 and over	1,109

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 1983, 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 4%, rounded up or down to the nearest £1 as appropriate. The 1983 Regulations are revoked.

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