EXPLANATORY MEMORANDUM TO

THE PNEUMOCONIOSIS ETC (WORKERS' COMPENSATION) (PAYMENT OF CLAIMS) (AMENDMENT) REGULATIONS 2014

2014 No. 869

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

2. **Purpose of the instrument**

The Pneumoconiosis etc (Workers' Compensation) Act 1979 (the 1979 Act) makes provision for lump sum compensation payments to people suffering from five specified dust related diseases, provided they meet the conditions of entitlement. It also makes provision for payments to their dependants, where the deceased did not receive a payment under the 1979 Act. The compensation payments are set according to the age of sufferers and the extent of their disability and whether or not they were, or would have been, entitled to Industrial Injuries Disablement Benefit. This instrument increases the amounts of compensation paid to sufferers, or their dependants, under the 1979 Act by 2.7%.
http://www.legislation.gov.uk/ukpga/1979/41/data.pdf

3. **Matters of special interest to the Joint Committee on Statutory Instruments.**

None

4. **Legislative Context**

There is no statutory obligation to increase the rates of compensation payments in line with inflation under the 1979 Act. 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 Pneumoconiosis etc (Workers' Compensation) (Payment of Claims) Regulations 1988 (the 1988 Regulations) (as amended) by 2.7%.

5. **Territorial Extent and Application**

This instrument applies to Great Britain.

6. **European Convention on Human Rights**

The Minister for Disabled People, Mike Penning 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 2014 are compatible with the Convention rights.

7. **Policy background**

7.1. The 1979 Act provides lump sum compensation payments to sufferers of certain dust-related diseases, or their dependants.

7.2. Although there is no statutory obligation to increase payments in line with inflation under the 1979 Act, the Government decided to increase the amounts in the Regulations by 2.7% - the rate of inflation as measured by the September 2013 Consumer Prices Index, and in line with Industrial Injury Benefits and other Social Security disability benefits.

7.3. One of the conditions of entitlement is that Industrial Injuries Disablement Benefit was payable or would have been payable if: the percentage of the level of disability had been greater or that the benefit had been claimed.

Consolidation

7.4. Consolidation is not necessary because this instrument is an annual up-rating and therefore consolidation is not relevant

8. **Consultation outcome**

Consultation is not necessary, as these increases are at the rate of inflation as measured by the Consumer Prices Index, and in line with Industrial Injury Benefits and other social security disability benefits rates which are increased under the existing statutory provisions.

9. **Guidance**

A guidance bulletin detailing the new rates will be issued to claim processors in the DWP Barrow office with responsibility for processing all claims under the Pneumoconiosis etc (Workers' Compensation) Act 1979.

10. **Impact**

10.1. This instrument has no impact on business and civil society organisations.

10.2. The impact on the public sector is negligible.

10.3. An impact assessment has not been prepared for this instrument.

11. **Regulating small business**

This instrument does not apply to small business.

12. **Monitoring & review**

The changes in the payable rates aim to maintain the value of payments in line with the rate of inflation. It is intended that these rates will be reviewed each year.

13. **Contact**

Linda Oliver at the Department for Work and Pensions Tel: 0207 449 7215 or mail to linda.oliver@dwp.gsi.gov.uk can answer any queries regarding the instrument.