

Draft Regulations laid before Parliament under section 7(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. XXXX

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 2019**

Made - - - - *****
Coming into force - - *1st April 2019*

The Secretary of State for Work and Pensions makes the following 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(1).

In accordance with section 7(3)(2) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979, a draft of this instrument was laid before, and approved by, a resolution of each House of Parliament.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2019 and come into force on 1st April 2019.

(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 1st April 2019.

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

2.—(1) The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988(3) are amended as follows.

(2) In the proviso to regulation 5(1) (payment where death results from diffuse mesothelioma) for “£3,174” substitute “£3,250”.

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for “£6,566” (in both places) substitute “£6,724”.

(1) 1979 c. 41. Section 1 was amended by section 24 of the Social Security Act 1985 (c. 53).

(2) Section 7(3) was amended by section 58 of the Welfare Reform Act 2007 (c. 5).

(3) S.I. 1988/668, S.I. 1989/552, S.I. 2013/690, S.I. 2015/503 and S.I. 2018/316 are the relevant amending instruments.

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- (4) In regulation 8 (minimum amount payable to dependant) for £3,174” substitute “£3,250”.
- (5) In the Schedule—
- (a) in the part headed “TABLE 1”, for the table after the preamble substitute—

“Age of disabled or under person”	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
£	-20%	-30%	-40%	-50%	-60%	-70%	-80%	-90%	-100%	
£	£	£	£	£	£	£	£	£	£	£
37 and under	37,618	67,181	78,821	81,063	83,300	85,091	86,883	88,675	90,465	92,259
38	36,543	64,489	76,447	79,183	81,506	83,300	85,091	86,883	88,675	90,465
39	35,468	61,802	74,074	77,300	79,720	81,272	83,300	85,091	86,883	88,675
40	34,396	59,112	71,700	75,416	77,921	79,717	81,506	83,300	85,091	86,885
41	33,321	56,430	69,330	73,530	76,138	77,921	79,717	81,506	83,300	85,091
42	32,239	53,746	66,953	71,661	74,344	76,138	77,921	79,717	81,506	83,300
43	30,634	50,605	64,581	70,224	73,092	75,242	77,030	78,821	80,614	82,407
44	29,018	47,472	62,203	68,793	71,837	74,344	76,138	77,921	79,717	81,506
45	27,410	44,337	59,831	67,357	70,585	73,444	75,242	77,030	78,821	80,614
46	25,797	41,205	57,460	65,926	69,330	72,556	74,344	76,138	77,921	79,717
47	24,187	38,067	55,084	64,489	68,077	71,661	73,444	75,242	77,030	78,821
48	22,796	36,814	53,207	61,626	65,926	69,146	70,942	72,733	74,519	76,318
49	21,408	35,559	51,325	58,758	63,778	66,639	68,432	70,224	72,017	73,810
50	20,019	34,307	49,479	55,894	61,626	64,131	65,926	67,715	69,504	71,298
51	18,631	33,052	47,560	53,025	59,473	61,626	63,433	65,204	67,000	68,793
52	17,242	31,796	45,681	50,159	57,322	59,112	60,912	62,700	64,489	66,278
53	15,942	29,562	42,812	47,652	55,174	57,322	59,112	60,912	62,700	64,489
54	14,644	27,321	39,946	45,149	53,025	55,537	57,322	59,112	60,912	62,700
55	13,349	25,082	37,086	42,634	50,873	53,746	55,537	57,322	59,112	60,912
56	12,046	22,840	34,216	40,129	48,727	51,950	53,746	55,537	57,322	59,112
57	10,749	20,599	31,352	37,618	46,585	50,160	51,950	53,746	55,537	57,322
58	9,896	18,722	27,995	33,763	41,918	45,235	47,159	49,043	50,874	52,666
59	9,045	16,838	24,631	29,918	37,260	40,305	42,366	44,337	46,218	48,006
60	8,199	14,956	21,273	26,064	32,607	35,381	37,570	39,636	41,563	43,355
61	7,343	13,076	17,917	22,213	27,946	30,454	32,780	34,934	36,904	38,695

“Age of disabled or person under £	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
	-20%	-30%	-40%	-50%	-60%	-70%	-80%	-90%	-100%	
	£	£	£	£	£	£	£	£	£	£
62	6,493	11,196	14,556	18,360	23,289	25,527	27,995	30,233	32,239	34,038
63	6,046	10,121	13,076	16,417	20,717	22,926	25,259	27,410	29,378	31,170
64	5,608	9,045	11,599	14,464	18,136	20,334	22,529	24,588	26,509	28,301
65	5,152	7,972	10,121	12,520	15,566	17,735	19,795	21,767	23,649	25,440
66	4,705	6,899	8,643	10,568	12,989	15,136	17,063	18,942	20,781	22,572
67	4,257	5,822	7,163	8,621	10,414	12,544	14,334	16,121	17,917	19,707
68	4,140	5,637	6,919	8,266	10,057	12,046	13,772	15,631	17,352	19,123
69	4,031	5,464	6,676	7,906	9,700	11,556	13,215	15,136	16,798	18,537
70	3,918	5,288	6,426	7,548	9,340	11,058	12,655	14,644	16,233	17,961
71	3,808	5,103	6,181	7,185	8,978	10,568	12,095	14,153	15,677	17,378
72	3,696	4,926	5,934	6,831	8,621	10,080	11,530	13,659	15,112	16,798
73	3,602	4,839	5,846	6,696	8,485	9,854	11,309	13,303	14,669	16,302
74	3,516	4,747	5,755	6,563	8,356	9,627	11,087	12,946	14,219	15,797
75	3,429	4,662	5,667	6,426	8,216	9,405	10,860	12,585	13,772	15,314
76	3,336	4,565	5,575	6,292	8,082	9,184	10,639	12,228	13,319	14,828
77 and over	3,250	4,477	5,489	6,156	7,949	8,956	10,414	11,874	12,877	14,334”;

(b) in the part headed “TABLE 2”, for the table after the preamble substitute—

“Part A

Age of disabled person on their last birthday before their death	Percentage assessment for the relevant period				
	10% or under £	11%-20% £	21%-30% £	31%-49% £	50% or over £
37 and under	23,827	40,625	45,550	46,896	48,013
38	23,290	39,100	44,204	45,550	46,980
39	22,754	37,578	42,861	44,203	45,950
40	22,212	36,052	41,517	42,861	44,921
41	21,676	34,531	40,174	41,517	43,891

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<i>Age of disabled person on their last birthday before their death</i>	<i>Percentage assessment for the relevant period</i>				
	<i>10% or under £</i>	<i>11%-20% £</i>	<i>21%-30% £</i>	<i>31%-49% £</i>	<i>50% or over £</i>
42	21,143	33,014	38,829	40,174	42,861
43	20,173	31,041	37,619	38,963	41,875
44	19,212	29,064	36,407	37,756	40,881
45	18,251	27,095	35,200	36,545	39,902
46	17,286	25,123	33,887	35,335	38,917
47	16,324	23,153	32,787	34,131	37,934
48	15,588	22,615	31,892	33,189	36,725
49	14,844	22,077	30,992	32,248	35,512
50	14,107	21,539	30,099	31,302	34,306
51	13,370	21,003	29,204	30,368	33,100
52	12,631	20,468	28,307	29,426	31,892
53	12,292	19,212	26,608	28,126	30,901
54	11,957	17,958	24,901	26,828	29,919
55	11,623	16,703	23,200	25,530	28,934
56	11,288	15,449	21,497	24,233	27,942
57	10,749	14,200	19,795	22,931	26,960
58	9,896	13,299	17,851	20,651	24,233
59	9,045	12,402	15,903	18,362	21,497
60	8,199	11,513	13,950	16,079	18,768
61	7,343	10,614	12,005	13,795	16,034
62	6,493	9,723	10,053	11,513	13,299
63	6,046	9,653	9,924	11,082	12,518
64	5,608	9,045	9,783	10,659	11,743
65	5,152	7,972	9,653	10,232	10,949
66	4,705	6,899	8,643	9,808	10,167
67 and over	3,250	4,477	5,489	6,156	7,949

Part B

<i>Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
37 and under	48,013
38	46,980
39	45,950
40	44,921
41	43,891
42	42,861
43	41,875
44	40,881
45	39,902
46	38,917
47	37,934
48	36,725
49	35,512
50	34,306
51	33,100
52	31,892
53	30,901
54	29,919
55	28,934
56	27,942
57	26,960
58	24,233
59	21,497
60	18,768
61	16,034
62	13,299
63	12,518
64	11,743
65	10,949
66	10,167
67 and over	7,949"

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

Date

Name
Minister of State
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 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 diseases to which the Act applies are pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or diffuse pleural thickening) and diffuse pleural thickening.

These Regulations amend the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (S.I. 1988/668) ("the 1988 Regulations"). The amendments made by regulation 2 have the effect of increasing the amounts payable under the 1988 Regulations. The increase in each case is 2.4 per cent rounded up or down to the nearest £1 as appropriate.

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 1st April 2019.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.