

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

DRAFT STATUTORY INSTRUMENTS

2020 No. XXXX

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 2020**

Made - - - - *****
Coming into force - - *1st April 2020*

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 2020 and come into force on 1st April 2020.

(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 2020.

Amendment of the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) 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 “£3,250” substitute “£3,305”.

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for “£6,724” (in both places) substitute “£6,838”.

(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; relevant amending instruments are S.I. 1989/552, 2015/503, S.I. 2019/412.

(4) In regulation 8 (minimum amount payable to dependant) for £3,250” substitute “£3,305”.

(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 or under | 38,258 | 68,323 | 80,161 | 82,441 | 84,716 | 86,538 | 88,360 | 90,182 | 92,003 | 93,827 |
| 38 | 37,164 | 65,585 | 77,747 | 80,529 | 82,892 | 84,716 | 86,538 | 88,360 | 90,182 | 92,003 |
| 39 | 36,071 | 62,853 | 75,333 | 78,614 | 81,075 | 82,654 | 84,716 | 86,538 | 88,360 | 90,182 |
| 40 | 34,981 | 60,117 | 72,919 | 76,698 | 79,246 | 81,072 | 82,892 | 84,716 | 86,538 | 88,362 |
| 41 | 33,887 | 57,389 | 70,509 | 74,780 | 77,432 | 79,246 | 81,072 | 82,892 | 84,716 | 86,538 |
| 42 | 32,787 | 54,660 | 68,091 | 72,879 | 75,608 | 77,432 | 79,246 | 81,072 | 82,892 | 84,716 |
| 43 | 31,155 | 51,465 | 65,679 | 71,418 | 74,335 | 76,521 | 78,340 | 80,161 | 81,984 | 83,808 |
| 44 | 29,511 | 48,279 | 63,260 | 69,962 | 73,058 | 75,608 | 77,432 | 79,246 | 81,072 | 82,892 |
| 45 | 27,876 | 45,091 | 60,848 | 68,502 | 71,785 | 74,693 | 76,521 | 78,340 | 80,161 | 81,984 |
| 46 | 26,236 | 41,905 | 58,437 | 67,047 | 70,509 | 73,789 | 75,608 | 77,432 | 79,246 | 81,072 |
| 47 | 24,598 | 38,714 | 56,020 | 65,585 | 69,234 | 72,879 | 74,693 | 76,521 | 78,340 | 80,161 |
| 48 | 23,184 | 37,440 | 54,112 | 62,674 | 67,047 | 70,321 | 72,148 | 73,969 | 75,786 | 77,615 |
| 49 | 21,772 | 36,164 | 52,198 | 59,757 | 64,862 | 67,772 | 69,595 | 71,418 | 73,241 | 75,065 |
| 50 | 20,359 | 34,890 | 50,320 | 56,844 | 62,674 | 65,221 | 67,047 | 68,866 | 70,686 | 72,510 |
| 51 | 18,948 | 33,614 | 48,369 | 53,926 | 60,484 | 62,674 | 64,511 | 66,312 | 68,139 | 69,962 |
| 52 | 17,535 | 32,337 | 46,458 | 51,012 | 58,296 | 60,117 | 61,948 | 63,766 | 65,585 | 67,405 |
| 53 | 16,213 | 30,065 | 43,540 | 48,462 | 56,112 | 58,296 | 60,117 | 61,948 | 63,766 | 65,585 |
| 54 | 14,893 | 27,785 | 40,625 | 45,917 | 53,926 | 56,481 | 58,296 | 60,117 | 61,948 | 63,766 |
| 55 | 13,576 | 25,508 | 37,716 | 43,359 | 51,738 | 54,660 | 56,481 | 58,296 | 60,117 | 61,948 |
| 56 | 12,251 | 23,228 | 34,798 | 40,811 | 49,555 | 52,833 | 54,660 | 56,481 | 58,296 | 60,117 |
| 57 | 10,932 | 20,949 | 31,885 | 38,258 | 47,377 | 51,013 | 52,833 | 54,660 | 56,481 | 58,296 |
| 58 | 10,064 | 19,040 | 28,471 | 34,337 | 42,631 | 46,004 | 47,961 | 49,877 | 51,739 | 53,561 |
| 59 | 9,199 | 17,124 | 25,050 | 30,427 | 37,893 | 40,990 | 43,086 | 45,091 | 47,004 | 48,822 |
| 60 | 8,338 | 15,210 | 21,635 | 26,507 | 33,161 | 35,982 | 38,209 | 40,310 | 42,270 | 44,092 |
| 61 | 7,468 | 13,298 | 18,222 | 22,591 | 28,421 | 30,972 | 33,337 | 35,528 | 37,531 | 39,353 |
| 62 | 6,603 | 11,386 | 14,803 | 18,672 | 23,685 | 25,961 | 28,471 | 30,747 | 32,787 | 34,617 |

| “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% | |
| £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| 63 | 6,149 | 10,293 | 13,298 | 16,696 | 21,069 | 23,316 | 25,688 | 27,876 | 29,877 | 31,700 |
| 64 | 5,703 | 9,199 | 11,796 | 14,710 | 18,444 | 20,680 | 22,912 | 25,006 | 26,960 | 28,782 |
| 65 | 5,240 | 8,108 | 10,293 | 12,733 | 15,831 | 18,036 | 20,132 | 22,137 | 24,051 | 25,872 |
| 66 | 4,785 | 7,016 | 8,790 | 10,748 | 13,210 | 15,393 | 17,353 | 19,264 | 21,134 | 22,956 |
| 67 | 4,329 | 5,921 | 7,285 | 8,768 | 10,591 | 12,757 | 14,578 | 16,395 | 18,222 | 20,042 |
| 68 | 4,210 | 5,733 | 7,037 | 8,407 | 10,228 | 12,251 | 14,006 | 15,897 | 17,647 | 19,448 |
| 69 | 4,100 | 5,557 | 6,789 | 8,040 | 9,865 | 11,752 | 13,440 | 15,393 | 17,084 | 18,852 |
| 70 | 3,985 | 5,378 | 6,535 | 7,676 | 9,499 | 11,246 | 12,870 | 14,893 | 16,509 | 18,266 |
| 71 | 3,873 | 5,190 | 6,286 | 7,307 | 9,131 | 10,748 | 12,301 | 14,394 | 15,944 | 17,673 |
| 72 | 3,759 | 5,010 | 6,035 | 6,947 | 8,768 | 10,251 | 11,726 | 13,891 | 15,369 | 17,084 |
| 73 | 3,663 | 4,921 | 5,945 | 6,810 | 8,629 | 10,022 | 11,501 | 13,529 | 14,918 | 16,579 |
| 74 | 3,576 | 4,828 | 5,853 | 6,675 | 8,498 | 9,791 | 11,275 | 13,166 | 14,461 | 16,066 |
| 75 | 3,487 | 4,741 | 5,763 | 6,535 | 8,356 | 9,565 | 11,045 | 12,799 | 14,006 | 15,574 |
| 76 | 3,393 | 4,643 | 5,670 | 6,399 | 8,219 | 9,340 | 10,820 | 12,436 | 13,545 | 15,080 |
| 77 or over | 3,305 | 4,553 | 5,582 | 6,261 | 8,084 | 9,108 | 10,591 | 12,076 | 13,096 | 14,578”; |

(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 or under | 24,232 | 41,316 | 46,324 | 47,693 | 48,829 |
| 38 | 23,686 | 39,765 | 44,955 | 46,324 | 47,779 |
| 39 | 23,141 | 38,217 | 43,590 | 44,954 | 46,731 |
| 40 | 22,590 | 36,665 | 42,223 | 43,590 | 45,685 |
| 41 | 22,044 | 35,118 | 40,857 | 42,223 | 44,637 |
| 42 | 21,502 | 33,575 | 39,489 | 40,857 | 43,590 |

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2020 No. 242

| <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> |
| 43 | 20,516 | 31,569 | 38,259 | 39,625 | 42,587 |
| 44 | 19,539 | 29,558 | 37,026 | 38,398 | 41,576 |
| 45 | 18,561 | 27,556 | 35,798 | 37,166 | 40,580 |
| 46 | 17,580 | 25,550 | 34,463 | 35,936 | 39,579 |
| 47 | 16,602 | 23,547 | 33,344 | 34,711 | 38,579 |
| 48 | 15,853 | 22,999 | 32,434 | 33,753 | 37,349 |
| 49 | 15,096 | 22,452 | 31,519 | 32,796 | 36,116 |
| 50 | 14,347 | 21,905 | 30,611 | 31,834 | 34,889 |
| 51 | 13,597 | 21,360 | 29,700 | 30,884 | 33,663 |
| 52 | 12,846 | 20,816 | 28,788 | 29,926 | 32,434 |
| 53 | 12,501 | 19,539 | 27,060 | 28,604 | 31,426 |
| 54 | 12,160 | 18,263 | 25,324 | 27,284 | 30,428 |
| 55 | 11,821 | 16,987 | 23,594 | 25,964 | 29,426 |
| 56 | 11,480 | 15,712 | 21,862 | 24,645 | 28,417 |
| 57 | 10,932 | 14,441 | 20,132 | 23,321 | 27,418 |
| 58 | 10,064 | 13,525 | 18,154 | 21,002 | 24,645 |
| 59 | 9,199 | 12,613 | 16,173 | 18,674 | 21,862 |
| 60 | 8,338 | 11,709 | 14,187 | 16,352 | 19,087 |
| 61 | 7,468 | 10,794 | 12,209 | 14,030 | 16,307 |
| 62 | 6,603 | 9,888 | 10,224 | 11,709 | 13,525 |
| 63 | 6,149 | 9,817 | 10,093 | 11,270 | 12,731 |
| 64 | 5,703 | 9,199 | 9,949 | 10,840 | 11,943 |
| 65 | 5,240 | 8,108 | 9,817 | 10,406 | 11,135 |
| 66 | 4,785 | 7,016 | 8,790 | 9,975 | 10,340 |
| 67 or over | 3,305 | 4,553 | 5,582 | 6,261 | 8,084 |

Part B

| <i>Age of disabled person on their last birthday before their death</i> | <i>Payment £</i> |
|---|------------------|
| 37 or under | 48,829 |

| <i>Age of disabled person on their last birthday before their death</i> | <i>Payment £</i> |
|---|------------------|
| 38 | 47,779 |
| 39 | 46,731 |
| 40 | 45,685 |
| 41 | 44,637 |
| 42 | 43,590 |
| 43 | 42,587 |
| 44 | 41,576 |
| 45 | 40,580 |
| 46 | 39,579 |
| 47 | 38,579 |
| 48 | 37,349 |
| 49 | 36,116 |
| 50 | 34,889 |
| 51 | 33,663 |
| 52 | 32,434 |
| 53 | 31,426 |
| 54 | 30,428 |
| 55 | 29,426 |
| 56 | 28,417 |
| 57 | 27,418 |
| 58 | 24,645 |
| 59 | 21,862 |
| 60 | 19,087 |
| 61 | 16,307 |
| 62 | 13,525 |
| 63 | 12,731 |
| 64 | 11,943 |
| 65 | 11,135 |
| 66 | 10,340 |
| 67 or over | 8,084”. |

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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 1.7 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 2020.

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.