

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

2022 No. XXXX

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 2022**

Made - - - - *****
Coming into force - - *1st April 2022*

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, application and extent

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2022 and come into force on 1st April 2022.

(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 2022.

(3) These Regulations extend to England and Wales and Scotland.

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 "£3,322" substitute "£3,425".

(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, S.I. 2013/690, 2015/503, S.I. 2021/271.

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for “£6,872” (in both places) substitute “£7,085”.

(4) In regulation 8 (minimum amount payable to dependant) for “£3,322” substitute “£3,425”.

(5) In the Schedule—

(a) in the part headed “TABLE 1”, for the table 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	39,641	70,794	83,059	85,421	87,779	89,667	91,555	93,443	95,329	97,219
38	38,508	67,956	80,558	83,441	85,888	87,779	89,667	91,555	93,443	95,329
39	37,375	65,125	78,057	81,456	84,006	85,642	87,779	89,667	91,555	93,443
40	36,246	62,291	75,556	79,471	82,111	84,003	85,888	87,779	89,667	91,557
41	35,112	59,464	73,059	77,484	80,231	82,111	84,003	85,888	87,779	89,667
42	33,972	56,636	70,552	75,514	78,342	80,231	82,111	84,003	85,888	87,779
43	32,282	53,325	68,053	74,000	77,023	79,288	81,173	83,059	84,948	86,838
44	30,578	50,024	65,547	72,492	75,699	78,342	80,231	82,111	84,003	85,888
45	28,883	46,721	63,048	70,979	74,380	77,393	79,288	81,173	83,059	84,948
46	27,184	43,421	60,550	69,471	73,059	76,457	78,342	80,231	82,111	84,003
47	25,487	40,114	58,045	67,956	71,737	75,514	77,393	79,288	81,173	83,059
48	24,022	38,793	56,069	64,940	69,471	72,864	74,757	76,644	78,526	80,421
49	22,559	37,472	54,085	61,918	67,207	70,222	72,111	74,000	75,889	77,779
50	21,095	36,151	52,140	58,899	64,940	67,579	69,471	71,356	73,241	75,132
51	19,633	34,829	50,118	55,876	62,670	64,940	66,844	68,710	70,603	72,492
52	18,169	33,506	48,137	52,856	60,403	62,291	64,188	66,072	67,956	69,842
53	16,799	31,152	45,114	50,214	58,141	60,403	62,291	64,188	66,072	67,956
54	15,431	28,790	42,094	47,578	55,876	58,523	60,403	62,291	64,188	66,072
55	14,067	26,431	39,080	44,927	53,609	56,636	58,523	60,403	62,291	64,188
56	12,694	24,068	36,056	42,286	51,347	54,743	56,636	58,523	60,403	62,291
57	11,328	21,707	33,037	39,641	49,090	52,857	54,743	56,636	58,523	60,403
58	10,428	19,728	29,500	35,579	44,172	47,667	49,695	51,680	53,610	55,498
59	9,532	17,744	25,955	31,527	39,263	42,472	44,643	46,721	48,703	50,587
60	8,640	15,760	22,417	27,466	34,360	37,283	39,590	41,768	43,798	45,686

"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%	
£	£	£	£	£	£	£	£	£	£	£
61	7,738	13,778	18,881	23,408	29,448	32,092	34,543	36,813	38,888	40,776
62	6,842	11,798	15,338	19,347	24,541	26,900	29,500	31,859	33,972	35,868
63	6,372	10,665	13,778	17,299	21,830	24,159	26,616	28,883	30,957	32,847
64	5,910	9,532	12,223	15,242	19,111	21,427	23,741	25,910	27,935	29,823
65	5,429	8,402	10,665	13,194	16,403	18,688	20,860	22,938	24,920	26,807
66	4,958	7,270	9,108	11,137	13,688	15,950	17,981	19,960	21,898	23,786
67	4,486	6,135	7,548	9,085	10,974	13,218	15,105	16,988	18,881	20,766
68	4,362	5,941	7,291	8,711	10,598	12,694	14,512	16,471	18,285	20,151
69	4,249	5,758	7,035	8,330	10,221	12,177	13,926	15,950	17,701	19,533
70	4,129	5,573	6,772	7,953	9,842	11,652	13,335	15,431	17,106	18,926
71	4,013	5,378	6,513	7,572	9,461	11,137	12,746	14,914	16,521	18,312
72	3,895	5,191	6,253	7,198	9,085	10,621	12,150	14,393	15,925	17,701
73	3,795	5,099	6,160	7,056	8,941	10,384	11,917	14,019	15,458	17,179
74	3,705	5,002	6,064	6,916	8,805	10,145	11,682	13,642	14,984	16,647
75	3,613	4,913	5,972	6,772	8,658	9,911	11,444	13,262	14,512	16,137
76	3,516	4,811	5,875	6,630	8,516	9,678	11,211	12,885	14,035	15,625
77 or over	3,425	4,718	5,784	6,487	8,376	9,438	10,974	12,512	13,569	15,105

(b) in the part headed "TABLE 2", for the table (together with the headings to the table) 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	25,108	42,810	47,999	49,417	50,594
38	24,542	41,203	46,581	47,999	49,507
39	23,978	39,599	45,166	46,580	48,421
40	23,407	37,990	43,749	45,166	47,336

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 2022 No. 254

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 £
41	22,841	36,388	42,334	43,749	46,251
42	22,280	34,789	40,916	42,334	45,166
43	21,258	32,711	39,642	41,058	44,127
44	20,246	30,627	38,365	39,786	43,079
45	19,232	28,553	37,092	38,510	42,047
46	18,216	26,474	35,709	37,236	41,010
47	17,202	24,399	34,550	35,966	39,974
48	16,426	23,831	33,606	34,974	38,700
49	15,641	23,263	32,659	33,982	37,422
50	14,866	22,697	31,718	32,985	36,150
51	14,089	22,132	30,774	32,000	34,880
52	13,310	21,569	29,829	31,008	33,606
53	12,953	20,246	28,038	29,638	32,562
54	12,600	18,923	26,240	28,270	31,528
55	12,248	17,601	24,447	26,903	30,490
56	11,895	16,281	22,652	25,536	29,444
57	11,328	14,963	20,860	24,165	28,409
58	10,428	14,014	18,811	21,761	25,536
59	9,532	13,069	16,758	19,349	22,652
60	8,640	12,133	14,700	16,943	19,777
61	7,738	11,184	12,650	14,537	16,897
62	6,842	10,245	10,594	12,133	14,014
63	6,372	10,172	10,457	11,677	13,192
64	5,910	9,532	10,309	11,232	12,375
65	5,429	8,402	10,172	10,782	11,538
66	4,958	7,270	9,108	10,336	10,714
67 or over	3,425	4,718	5,784	6,487	8,376

Part B

<i>Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
37 or under	50,594
38	49,507
39	48,421
40	47,336
41	46,251
42	45,166
43	44,127
44	43,079
45	42,047
46	41,010
47	39,974
48	38,700
49	37,422
50	36,150
51	34,880
52	33,606
53	32,562
54	31,528
55	30,490
56	29,444
57	28,409
58	25,536
59	22,652
60	19,777
61	16,897
62	14,014
63	13,192
64	12,375
65	11,538
66	10,714
67 or over	8,376''.

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 2022 No. 254

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 3.1 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 2022.

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.