

1979 No. 1726

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1979*Laid before Parliament in draft**Made - - - - 19th December 1979**Coming into Operation 1st January 1980*

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) 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 and commencement

1. These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1979 and shall come into operation on 1st January 1980.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires:—

- (a) "the Act" means the Pneumoconiosis etc. (Workers' Compensation) Act 1979;
- (b) "claim" means a claim made in accordance with the Pneumoconiosis etc. (Workers' Compensation) (Determination of Claims) Regulations 1979(b);
- (c) "determination" as respects a Pneumoconiosis Medical Board, a Silicosis Medical Board or a Medical Appeal Tribunal means a determination in connection with a claim for disablement benefit;
- (d) "disease" means a disease to which the Act applies, namely pneumoconiosis, byssinosis and diffuse mesothelioma;
- (e) "extent of incapacity" means extent of incapacity, either "total" or "partial", assessed by a Silicosis Medical Board for the purposes of determining entitlement to 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(c) or under any corresponding provision of the former Old Cases Acts (d);

(a) 1979 c. 41.

(b) S.I. 1979/727.

(c) 1975 c. 16.

(d) 1951 c. 4; 1967 c. 34.

(f) “percentage assessment” means percentage disability assessed in respect of a disease by a Pneumoconiosis Medical Board or Medical Appeal Tribunal, as the case may be, for the purpose of determining entitlement to disablement benefit under section 76 of the Social Security Act 1975(a) or under any corresponding provision of the former Industrial Injuries Acts (b);

(g) “Secretary of State” means the Secretary of State for Employment.

(2) Any reference in these Regulations to a numbered Regulation shall be construed as a reference to the Regulation bearing that number in these Regulations and any reference to the Schedule shall be construed as a reference to the Schedule to these Regulations.

Payments to persons disabled by a disease

3.—(1) The amount of any payment made to any person disabled by a disease who has made a claim for, and in respect of whom there is entitlement to a payment under the Act, shall be determined in accordance with Table 1 of the Schedule.

(2) For the purpose of a determination as respects Part A of Table 1 of the Schedule the age of the person concerned and the percentage assessment shall be related to the first determination that he was suffering from the disease in the following manner—

(a) in any case where the said determination was a determination of a Pneumoconiosis Medical Board, the age of the person concerned shall be the age of that person at his last birthday preceding the first day of the month in which that determination was made, and the percentage assessment shall be that which is applicable either at the time or retrospectively for the period immediately following the date of the determination by that Board;

(b) in any case where the said determination was a determination of a Medical Appeal Tribunal, the age of that person shall be his age at his last birthday preceding the first day of the month in which his case was last considered by a Pneumoconiosis Medical Board (being at a time prior to the aforesaid determination of a Medical Appeal Tribunal) and the percentage assessment shall be that which is applicable for the period immediately following the date of that last consideration by a Pneumoconiosis Medical Board.

(3) For the purpose of a determination as respects Part B of Table 1 of the Schedule the age of the person concerned shall be the age of that person at his last birthday preceding the first day of the month of the first determination of a Silicosis Medical Board that he was suffering from the disease, or in the case of diffuse mesothelioma, the age of the person concerned shall be the age of that person at his last birthday preceding the first day of the month in which the Administrative Board (established for the purposes of the Industrial Injuries and Diseases (Old Cases) Act 1975 or any of the former Old Cases Acts) or an insurance officer, as the case may be, first awarded disablement benefit in respect of the disease: and the extent of incapacity shall be that which is applicable either at the time or retrospectively for the period immediately following the date of the determination or the award of disablement benefit, as the case may be.

(4) In any case where, at the time of the first determination of a Pneumoconiosis Medical Board or a Medical Appeal Tribunal that the disabled person was suffering from the disease, the aforesaid Board or Tribunal, as the case may

(a) 1975 c. 14.

(b) 1946 c. 62; 1965 c. 52.

be, diagnosed that pneumoconiosis was accompanied by tuberculosis, the provisions of this Regulation shall apply subject to the provisions of Regulation 6.

Payments to dependants of persons disabled by a disease

4.—(1) The amount of any payment made to a dependant of a person to whom disablement benefit in respect of a disease was payable immediately before he died, being the dependant entitled to a payment under the Act, shall be determined by ascertaining the amount which would have been payable to the deceased in accordance with Regulation 3 had he still been alive and had duly made a claim for payment under the Act, deducting from that amount the sum which would have been payable to the deceased if his age at his last birthday preceding his death were substituted for the age used in ascertaining the said amount in accordance with the said Regulation 3.

(2) Where the Secretary of State is satisfied that the deceased died as a result of the disease, there shall be added to the amount calculated in accordance with paragraph (1) of this Regulation a further amount determined in accordance with Table 2 of the Schedule and the age of the deceased for this purpose shall be his age at his last birthday preceding his death. In the case of pneumoconiosis and byssinosis only, the percentage disablement or extent of incapacity, as the case may be, shall be the same as that used in determining the amount payable under the provisions of Regulation 3.

(3) For the purpose of determining whether a payment should be made under the provisions of paragraph (2) of this Regulation, it shall be sufficient evidence that the deceased died as a result of the disease if death benefit is payable or was paid as a lump sum by reason of the deceased's death as a result of the disease.

(4) It shall not be open to the Secretary of State to be satisfied that the deceased died as a result of the disease if there is clear evidence that a claim for death benefit has been disallowed on the ground that the deceased did not die as a result of the disease.

(5) Where no claim for death benefit has been made, it shall not be open to the Secretary of State to be satisfied that the deceased died as a result of the disease if there is clear evidence available that in the opinion of two doctors of the pneumoconiosis medical panel the deceased did not die as a result of the disease.

(6) A dependant of a person to whom disablement benefit in respect of a disease was not payable immediately before he died, being the dependant entitled to a payment under the Act, shall be paid an amount determined in accordance with Table 2 of the Schedule and the relevant percentage assessment or extent of incapacity, as the case may be, for the purposes of Parts A and B of the aforesaid Table, shall be that determined by a Pneumoconiosis Medical Board or a Silicosis Medical Board in respect of the period immediately prior to the deceased's death or if no such determination was made the said relevant percentage assessment or extent of incapacity shall be taken as 10 per cent. or "partial" respectively: and the age of the deceased, for this purpose, shall be taken as his age at his last birthday preceding his death.

(7) As respects any claim made by the dependant of a deceased person where that person has died as a result of diffuse mesothelioma, the provisions of this Regulation shall apply subject to the provisions of Regulation 5.

Payment where death results from diffuse mesothelioma

5.—(1) In any case where the Secretary of State is satisfied, as respects a claim by a dependant of a deceased person who died on or after 22nd August 1966, (the said dependant being the dependant who is entitled to a payment under the Act) that the said deceased person died as a result of diffuse mesothelioma the amount of the payment to that dependant shall be:—

- (a) the amount payable in accordance with Regulation 4 in respect of diffuse mesothelioma if—
 - (i) disablement benefit was payable to the deceased immediately before he died solely in respect of diffuse mesothelioma, or
 - (ii) death benefit is payable to or in respect of the said dependant where disablement benefit in respect of a disease was not payable to the deceased immediately before he died;
- (b) if disablement benefit was payable to the deceased immediately before he died solely in respect of pneumoconiosis, either—
 - (i) the total amount payable in accordance with Regulation 4 in a case where the deceased's death resulted from pneumoconiosis or, if greater—
 - (ii) the amount payable in accordance with Regulation 4(6) in respect of the deceased's death as a result of diffuse mesothelioma;
- (c) if death benefit is payable to or on behalf of the said dependant and disablement benefit was payable to the deceased immediately before he died in respect of both pneumoconiosis and diffuse mesothelioma, either the amount payable in accordance with paragraph (a) of this Regulation or that payable in accordance with paragraph (b)(i), whichever amount is the greater.

Provided that in any case where disablement benefit was payable to the disabled person immediately before he died, the total payment to that dependant shall not be less than £725 more than the amount which would have been due had disablement benefit not been so payable to the disabled person.

(2) In the case of any amount payable in accordance with this Regulation to the dependant of a deceased person the Secretary of State shall deduct from any such amount a sum equal to any payment made under the provisions of the Act to the said deceased person prior to death, save that any amount so payable after any such deduction shall not, in any event, be less than the minimum payment prescribed in Regulation 8.

Payment where pneumoconiosis is accompanied by tuberculosis

6.—(1) In any case where, at the time of the first determination of a Pneumoconiosis Medical Board or Medical Appeal Tribunal that the disabled person was suffering from the disease, the aforesaid Board or Tribunal, as the case may be, diagnosed that pneumoconiosis was accompanied by tuberculosis, the amount payable to any such disabled person under the provisions of the Act shall be determined by adding together—

- (a) the sum of £1,500, if the percentage assessment applicable for the period immediately following the date relevant for the purposes of Regulation 3(2) was one hundred per cent. or if less than one hundred per cent. that percentage of £1,500, in respect of the year beginning on that date (that is to say the date relevant for the purpose of Regulation 3(2)), and in respect of each successive year beginning on the anniversary of that date on the first day of which the said disabled person was, or appears to the Secretary of State to have been, suffering from pneumoconiosis accompanied by active tuberculosis, and

- (b) a lump sum determined in accordance with Part A of Table 1 of the Schedule, taking, for this purpose, the age of the disabled person as his age at his last birthday prior to the end of the last year to which paragraph (1)(a) of this Regulation applies, and taking also for this purpose the percentage assessment as that applicable for the period immediately following the end of the period during which the said disabled person was suffering from pneumoconiosis accompanied by active tuberculosis.
- (2) The amount payable to a dependant of any disabled person who, had he been alive, would have been entitled to a payment determined in accordance with paragraph (1) of this Regulation, being the dependant entitled to a payment under the Act, shall be determined in accordance with Regulation 4, save that the amount which would have been payable to the deceased in accordance with paragraph (1) of this Regulation shall be substituted for the amount which would have been payable to him in accordance with Regulation 3 with the percentage disablement taken for the purpose of determining the sum to be deducted under Regulation 4(1) from the aforesaid amount being the percentage disablement used for the purpose of determining the lump sum under paragraph (1)(b) of this Regulation.
- (3) In any case to which the provisions of this Regulation apply and where it appears to the Secretary of State that tuberculosis either remains active at the time a claim is made under the provisions of the Act, or remained active until the time when the disabled person died, the amount of the payment shall be determined as if at the time of its first determination that the disabled person was suffering from the disease the Pneumoconiosis Medical Board or Medical Appeal Tribunal, as the case may be, had not diagnosed that pneumoconiosis was accompanied by tuberculosis.
- (4) No payment made in accordance with this Regulation shall exceed the amount which would have been payable if at the time of its first determination that the disabled person was suffering from the disease the Pneumoconiosis Medical Board or Medical Appeal Tribunal, as the case may be, had not diagnosed that pneumoconiosis was accompanied by tuberculosis.

Power of Secretary of State to determine amount of payment

7. In the case of a claim by any person who appears to the Secretary of State to be entitled to a payment under the Act but in respect of whose claim the Secretary of State is unable to determine affirmatively or accurately, to his satisfaction, the amount which should properly be paid to that person in accordance with these Regulations (whether because the date relevant for the purposes of Regulation 3 is unknown or uncertain or for some other reason), payment shall nevertheless be made to that person of whatever amount, in any particular case, appears to the Secretary of State to be just and equitable:

Provided that in the case of any such payment—

- (a) where the date relevant for the purposes of Regulation 3 is unknown or uncertain, the date to be taken as the relevant date shall be the latest date which, on the evidence available, could have been the relevant date;
- (b) where the relevant percentage disablement is unknown or uncertain this shall be taken as the lowest percentage on the evidence available which could have been the relevant percentage disablement;
- (c) where the relevant extent of incapacity is unknown or uncertain this shall be taken to be “partial”.

Minimum amount payable to dependant

8. In any case where entitlement to payment under the Act has been established by the dependant of any person who immediately before he died was disabled by a disease and the amount of any payment to the said dependant under the foregoing provisions of these Regulations is less than the sum of £725 the amount actually payable to that dependant shall, in no such case, be less than that sum.

Signed by order of the Secretary of State.

19th December 1979.

Patrick Mayhew,
Joint Parliamentary Under Secretary of State,
Department of Employment.

SCHEDULE

Regulations 3, 4, 5 and 6

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	8,400	15,000	17,600	18,100	18,600	19,000	19,400	19,800	20,200	20,600
38	8,160	14,400	17,070	17,680	18,200	18,600	19,000	19,400	19,800	20,200
39	7,920	13,800	16,540	17,260	17,800	18,200	18,600	19,000	19,400	19,800
40	7,680	13,200	16,010	16,840	17,400	17,800	18,200	18,600	19,000	19,400
41	7,440	12,600	15,480	16,420	17,000	17,400	17,800	18,200	18,600	19,000
42	7,200	12,000	14,950	16,000	16,600	17,000	17,400	17,800	18,200	18,600
43	6,840	11,300	14,420	15,680	16,320	16,800	17,200	17,600	18,000	18,400
44	6,480	10,600	13,890	15,360	16,040	16,600	17,000	17,400	17,800	18,200
45	6,120	9,900	13,360	15,040	15,760	16,400	16,800	17,200	17,600	18,000
46	5,760	9,200	12,830	14,720	15,480	16,200	16,600	17,000	17,400	17,800
47	5,400	8,500	12,300	14,400	15,200	16,000	16,400	16,800	17,200	17,600
48	5,090	8,220	11,880	13,760	14,720	15,440	15,840	16,240	16,640	17,040
49	4,780	7,940	11,460	13,120	14,240	14,880	15,280	15,680	16,080	16,480
50	4,470	7,660	11,040	12,480	13,760	14,320	14,720	15,120	15,520	15,920
51	4,160	7,380	10,620	11,840	13,280	13,760	14,160	14,560	14,960	15,360
52	3,850	7,100	10,200	11,200	12,800	13,200	13,600	14,000	14,400	14,800
53	3,560	6,600	9,560	10,640	12,320	12,800	13,200	13,600	14,000	14,400
54	3,270	6,100	8,920	10,080	11,840	12,400	12,800	13,200	13,600	14,000
55	2,980	5,600	8,280	9,520	11,360	12,000	12,400	12,800	13,200	13,600
56	2,690	5,100	7,640	8,960	10,880	11,600	12,000	12,400	12,800	13,200
57	2,400	4,600	7,000	8,400	10,400	11,200	11,600	12,000	12,400	12,800
58	2,210	4,180	6,250	7,540	9,360	10,100	10,530	10,950	11,360	11,760
59	2,020	3,760	5,500	6,680	8,320	9,000	9,460	9,900	10,320	10,720
60	1,830	3,340	4,750	5,820	7,280	7,900	8,390	8,850	9,280	9,680
61	1,640	2,920	4,000	4,960	6,240	6,800	7,320	7,800	8,240	8,640
62	1,450	2,500	3,250	4,100	5,200	5,700	6,250	6,750	7,200	7,600
63	1,350	2,260	2,920	3,665	4,625	5,120	5,640	6,120	6,560	6,960
64	1,250	2,020	2,590	3,230	4,050	4,540	5,030	5,490	5,920	6,320
65	1,150	1,780	2,260	2,795	3,475	3,960	4,420	4,860	5,280	5,680
66	1,050	1,540	1,930	2,360	2,900	3,380	3,810	4,230	4,640	5,040
67	950	1,300	1,600	1,925	2,325	2,800	3,200	3,600	4,000	4,400
68	925	1,260	1,545	1,845	2,245	2,690	3,075	3,490	3,875	4,270
69	900	1,220	1,490	1,765	2,165	2,580	2,950	3,380	3,750	4,140
70	875	1,180	1,435	1,685	2,085	2,470	2,825	3,270	3,625	4,010
71	850	1,140	1,380	1,605	2,005	2,360	2,700	3,160	3,500	3,880
72	825	1,100	1,325	1,525	1,925	2,250	2,575	3,050	3,375	3,750
73	805	1,080	1,305	1,495	1,895	2,200	2,525	2,970	3,275	3,640
74	785	1,060	1,285	1,465	1,865	2,150	2,475	2,890	3,175	3,530
75	765	1,040	1,265	1,435	1,835	2,100	2,425	2,810	3,075	3,420
76	745	1,020	1,245	1,405	1,805	2,050	2,375	2,730	2,975	3,310
77 and over	725	1,000	1,225	1,375	1,775	2,000	2,325	2,650	2,875	3,200

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

<i>Age of disabled person</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial</i>	<i>Total</i>
	£	£
37 and under	15,000	20,600
38	14,400	20,200
39	13,800	19,800
40	13,200	19,400
41	12,600	19,000
42	12,000	18,600
43	11,300	18,400
44	10,600	18,200
45	9,900	18,000
46	9,200	17,800
47	8,500	17,600
48	8,220	17,040
49	7,940	16,480
50	7,660	15,920
51	7,380	15,360
52	7,100	14,800
53	6,600	14,400
54	6,100	14,000
55	5,600	13,600
56	5,100	13,200
57	4,600	12,800
58	4,180	11,760
59	3,760	10,720
60	3,340	9,680
61	2,920	8,640
62	2,500	7,600
63	2,260	6,960
64	2,020	6,320
65	1,780	5,680
66	1,540	5,040
67	1,300	4,400
68	1,260	4,270
69	1,220	4,140
70	1,180	4,010
71	1,140	3,880
72	1,100	3,750
73	1,080	3,640
74	1,060	3,530
75	1,040	3,420
76	1,020	3,310
77 and over	1,000	3,200

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%-30%	40%	50% and over
	£	£	£	£	£
37 and under	3,950	7,700	8,800	9,100	9,350
38	3,830	7,360	8,500	8,800	9,120
39	3,710	7,020	8,200	8,500	8,890
40	3,590	6,680	7,900	8,200	8,660
41	3,470	6,340	7,600	7,900	8,430
42	3,350	6,000	7,300	7,600	8,200
43	3,135	5,560	7,030	7,330	7,980
44	2,920	5,120	6,760	7,060	7,760
45	2,705	4,680	6,490	6,790	7,540
46	2,490	4,240	6,220	6,520	7,320
47	2,275	3,800	5,950	6,250	7,100
48	2,110	3,680	5,750	6,040	6,830
49	1,945	3,560	5,550	5,830	6,560
50	1,780	3,440	5,350	5,620	6,290
51	1,615	3,320	5,150	5,410	6,020
52	1,450	3,200	4,950	5,200	5,750
53	1,375	2,920	4,570	4,910	5,530
54	1,300	2,640	4,190	4,620	5,310
55	1,225	2,360	3,810	4,330	5,090
56	1,150	2,080	3,430	4,040	4,870
57	1,075	1,800	3,050	3,750	4,650
58	1,005	1,600	2,615	3,240	4,040
59	935	1,400	2,180	2,730	3,430
60	865	1,200	1,745	2,220	2,820
61	795	1,000	1,310	1,710	2,210
62	725	800	875	1,200	1,600
63	725	785	845	1,105	1,425
64	725	770	815	1,010	1,250
65	725	755	785	915	1,075
66	725	740	755	820	900
67 and over	725	725	725	725	725

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

<i>Age of disabled person at his last birthday preceding death</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial</i>	<i>Total</i>
	<i>£</i>	<i>£</i>
37 and under	7,700	9,350
38	7,360	9,120
39	7,020	8,890
40	6,680	8,660
41	6,340	8,430
42	6,000	8,200
43	5,560	7,980
44	5,120	7,760
45	4,680	7,540
46	4,240	7,320
47	3,800	7,100
48	3,680	6,830
49	3,560	6,560
50	3,440	6,290
51	3,320	6,020
52	3,200	5,750
53	2,920	5,530
54	2,640	5,310
55	2,360	5,090
56	2,080	4,870
57	1,800	4,650
58	1,600	4,040
59	1,400	3,430
60	1,200	2,820
61	1,000	2,210
62	800	1,600
63	785	1,425
64	770	1,250
65	755	1,075
66	740	900
67 and over	725	725

PART C

PAYMENTS TO DEPENDANTS OF PERSONS WHO DIED AS A RESULT OF
DIFFUSE MESOTHELIOMA

<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment</i>
	£
37 and under	9,350
38	9,120
39	8,890
40	8,660
41	8,430
42	8,200
43	7,980
44	7,760
45	7,540
46	7,320
47	7,100
48	6,830
49	6,560
50	6,290
51	6,020
52	5,750
53	5,530
54	5,310
55	5,090
56	4,870
57	4,650
58	4,040
59	3,430
60	2,820
61	2,210
62	1,600
63	1,425
64	1,250
65	1,075
66	900
67 and over	725

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply throughout Great Britain, prescribe the amount or level 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. All such persons should satisfy the conditions for entitlement prescribed in section 2 of the Act. The amount or level of payments in accordance with these Regulations varies as respects different circumstances and cases.

The principal provisions of the Regulations cover—

- (a) determination of the amount of payments to disabled persons (Regulation 3);
- (b) determination of the amount of payments to dependants of deceased disabled persons (Regulation 4);
- (c) particular provisions as respects payments to dependants of disabled persons who died as a result of diffuse mesothelioma (Regulation 5);
- (d) particular provisions as respects payments to disabled persons and dependants in circumstances where a disabled person who suffered from pneumoconiosis also had tuberculosis when the disease was first diagnosed (Regulation 6);
- (e) discretion of the Secretary of State to make a payment which is just and equitable in circumstances where not all the facts necessary to determine the correct amount payable are available (Regulation 7);
- (f) payment to a dependant who is entitled to payment under the Act so as to ensure that he obtains no less than a specific minimum amount (Regulation 8).

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