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STATUTORY INSTRUMENTS

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1985 No. 2035

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1985**

*Laid before Parliament in draft*

Made - - - - 19th December 1985  
Coming into Operation 1st January 1986

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, commencement, revocation and transitional provision*

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1985 and shall come into operation on 1st January 1986.

(2) Subject to paragraph (3), the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1979(b) and the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1984(c) are revoked.

(3) Notwithstanding the revocation in paragraph (2), those Regulations shall continue to have effect as provided in those Regulations in any case in which a person first becomes entitled to a payment under the Act before 1st January 1986.

*Interpretation*

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

- (a) "the Act" means the Pneumoconiosis etc. (Workers' Compensation) Act 1979 as amended by section 24 of the Social Security Act 1985;
- (b) "claim" means a claim made in accordance with the Pneumoconiosis etc. (Workers' Compensation) (Determination of Claims) Regulations 1985(d);
- (c) "determination" as respects a Pneumoconiosis Medical Board, a

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(a) 1979 c.41; sections 1 and 4 of the Act were amended by section 24 of the Social Security Act 1985 (c.53).  
(b) S.I. 1979/1726.  
(c) S.I. 1984/1972.  
(d) S.I. 1985/1645.

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, diffuse mesothelioma, primary carcinoma of the lung and bilateral diffuse pleural thickening;
- (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(a) or under any corresponding provision of the former Old Cases Acts (b);
- (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(c) or under any corresponding provision of the former Industrial Injuries Acts(d);
- (g) “primary carcinoma of the lung” means primary carcinoma of the lung where there is accompanying evidence of one or both of the following:—
  - (i) asbestosis
  - (ii) bilateral diffuse pleural thickening;
- (h) “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

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(a) 1975 c.16.  
(b) 1951 c.4, 1967 c.34.  
(c) 1975 c.14.  
(d) 1946 c.62, 1965 c.52.

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 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 a disease other than diffuse mesothelioma, 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 £1,164 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 £2,408, 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 £2,408, 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 £1,164 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.

*Peter Bottomley,*  
Parliamentary Under Secretary of State,  
Department of Employment.

19th December 1985.

SCHEDULE  
TABLE 1

Regulations 3, 4, 5 and 6.

- (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	13,484	24,079	28,252	29,055	29,858	30,499	31,142	31,784	32,426	33,068
38	13,099	23,116	27,402	28,382	29,215	29,858	30,499	31,142	31,784	32,426
39	12,713	22,152	26,551	27,706	28,574	29,215	29,858	30,499	31,142	31,784
40	12,329	21,189	25,700	27,032	27,931	28,574	29,215	29,858	30,499	31,142
41	11,943	20,226	24,849	26,357	27,290	27,931	28,574	29,215	29,858	30,499
42	11,557	19,263	23,999	25,684	26,647	27,290	27,931	28,574	29,215	29,858
43	10,980	18,139	23,147	25,171	26,198	26,968	27,610	28,252	28,894	29,537
44	10,402	17,015	22,297	24,656	25,748	26,647	27,290	27,931	28,574	29,215
45	9,824	15,892	21,446	24,143	25,299	26,326	26,968	27,610	28,252	28,894
46	9,246	14,768	20,595	23,629	24,849	26,005	26,647	27,290	27,931	28,574
47	8,669	13,645	19,744	23,116	24,400	25,684	26,326	26,968	27,610	28,252
48	8,170	13,194	19,071	22,088	23,629	24,785	25,427	26,069	26,711	27,354
49	7,673	12,746	18,396	21,060	22,859	23,886	24,528	25,171	25,813	26,455
50	7,176	12,296	17,722	20,034	22,088	22,987	23,629	24,271	24,913	25,555
51	6,678	11,847	17,047	19,006	21,318	22,088	22,730	23,372	24,015	24,656
52	6,180	11,397	16,374	17,979	20,547	21,189	21,832	22,473	23,116	23,757
53	5,714	10,595	15,346	17,080	19,776	20,547	21,189	21,832	22,473	23,116
54	5,249	9,792	14,318	16,182	19,006	19,905	20,547	21,189	21,832	22,473
55	4,784	8,989	13,292	15,282	18,235	19,263	19,905	20,547	21,189	21,832
56	4,318	8,187	12,264	14,383	17,466	18,621	19,263	19,905	20,547	21,189
57	3,852	7,384	11,237	13,484	16,695	17,979	18,621	19,263	19,905	20,547
58	3,548	6,711	10,034	12,103	15,024	16,213	16,903	17,578	18,235	18,877
59	3,242	6,035	8,828	10,724	13,355	14,447	15,185	15,892	16,566	17,207
60	2,938	5,361	7,625	9,342	11,687	12,682	13,467	14,207	14,897	15,539
61	2,632	4,687	6,421	7,962	10,017	10,916	11,750	12,521	13,228	13,869
62	2,328	4,013	5,217	6,581	8,348	9,150	10,034	10,836	11,557	12,200
63	2,167	3,628	4,687	5,884	7,425	8,218	9,054	9,824	10,530	11,172
64	2,008	3,242	4,157	5,185	6,502	7,288	8,075	8,813	9,503	10,145
65	1,847	2,858	3,628	4,487	5,578	6,357	7,095	7,802	8,476	9,118
66	1,686	2,473	3,098	3,788	4,656	5,426	6,116	6,790	7,449	8,090
67	1,526	2,086	2,568	3,090	3,733	4,495	5,137	5,779	6,421	7,063
68	1,485	2,022	2,480	2,961	3,604	4,318	4,936	5,602	6,220	6,854
69	1,445	1,958	2,392	2,834	3,476	4,142	4,736	5,426	6,021	6,645
70	1,404	1,894	2,303	2,705	3,347	3,965	4,535	5,249	5,819	6,438
71	1,365	1,830	2,216	2,576	3,218	3,788	4,334	5,073	5,619	6,229
72	1,325	1,766	2,127	2,449	3,090	3,612	4,133	4,896	5,417	6,021
73	1,292	1,735	2,095	2,400	3,042	3,531	4,053	4,768	5,257	5,843
74	1,260	1,701	2,063	2,352	2,995	3,451	3,973	4,639	5,097	5,667
75	1,229	1,670	2,031	2,303	2,945	3,371	3,893	4,511	4,936	5,489
76	1,196	1,637	1,998	2,255	2,897	3,292	3,813	4,383	4,775	5,314
77 and over	1,164	1,605	1,967	2,207	2,849	3,211	3,733	4,255	4,615	5,137



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.

Age of disabled person	Extent of incapacity for the relevant period	
	Partial	Total
	£	£
37 and under	24,079	33,068
38	23,116	32,426
39	22,152	31,784
40	21,189	31,142
41	20,226	30,499
42	19,263	29,858
43	18,139	29,537
44	17,015	29,215
45	15,892	28,894
46	14,768	28,574
47	13,645	28,252
48	13,194	27,354
49	12,746	26,455
50	12,296	25,555
51	11,847	24,656
52	11,397	23,757
53	10,595	23,116
54	9,792	22,473
55	8,989	21,832
56	8,187	21,189
57	7,384	20,547
58	6,711	18,877
59	6,035	17,207
60	5,361	15,539
61	4,687	13,869
62	4,013	12,200
63	3,628	11,172
64	3,242	10,145
65	2,858	9,118
66	2,473	8,090
67	2,086	7,063
68	2,022	6,854
69	1,958	6,645
70	1,894	6,438
71	1,830	6,229
72	1,766	6,021
73	1,735	5,843
74	1,701	5,667
75	1,670	5,489
76	1,637	5,314
77 and over	1,605	5,137

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 A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

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	6,341	12,361	14,126	14,608	15,010
38	6,148	11,815	13,645	14,126	14,639
39	5,956	11,269	13,163	13,645	14,271
40	5,762	10,724	12,682	13,163	13,901
41	5,570	10,178	12,200	12,682	13,532
42	5,378	9,632	11,718	12,200	13,163
43	5,032	8,925	11,284	11,766	12,810
44	4,687	8,218	10,851	11,333	12,453
45	4,342	7,513	10,418	10,899	12,103
46	3,996	6,806	9,984	10,465	11,750
47	3,652	6,099	9,552	10,034	11,397
48	3,387	5,907	9,231	9,696	10,964
49	3,122	5,714	8,909	9,359	10,530
50	2,858	5,522	8,589	9,021	10,097
51	2,592	5,329	8,268	8,685	9,663
52	2,328	5,137	7,946	8,348	9,231
53	2,207	4,687	7,336	7,882	8,877
54	2,086	4,238	6,725	7,416	8,524
55	1,967	3,788	6,116	6,951	8,170
56	1,847	3,339	5,506	6,486	7,817
57	1,725	2,890	4,896	6,021	7,464
58	1,613	2,568	4,198	5,202	6,486
59	1,500	2,247	3,500	4,383	5,506
60	1,389	1,927	2,801	3,564	4,527
61	1,277	1,605	2,103	2,746	3,548
62	1,164	1,284	1,404	1,927	2,568
63	1,164	1,260	1,357	1,773	2,288
64	1,164	1,236	1,308	1,621	2,008
65	1,164	1,212	1,260	1,469	1,725
66	1,164	1,189	1,212	1,316	1,445
67 and over	1,164	1,164	1,164	1,164	1,164

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 A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

Age of disabled person at his last birthday preceding death	Extent of incapacity for the relevant period	
	Partial	Total
	£	£
37 and under	12,361	15,010
38	11,815	14,639
39	11,269	14,271
40	10,724	13,901
41	10,178	13,532
42	9,632	13,163
43	8,925	12,810
44	8,218	12,453
45	7,513	12,103
46	6,806	11,750
47	6,099	11,397
48	5,907	10,964
49	5,714	10,530
50	5,522	10,097
51	5,329	9,663
52	5,137	9,231
53	4,687	8,877
54	4,238	8,524
55	3,788	8,170
56	3,339	7,817
57	2,890	7,464
58	2,568	6,486
59	2,247	5,506
60	1,927	4,527
61	1,605	3,548
62	1,284	2,568
63	1,260	2,288
64	1,236	2,008
65	1,212	1,725
66	1,189	1,445
67 and over	1,164	1,164

PART C

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

Age of disabled person at his last birthday preceding death	Payment
	£
37 and under	15,010
38	14,639
39	14,271
40	13,901
41	13,532
42	13,163
43	12,810
44	12,453
45	12,103
46	11,750
47	11,397
48	10,964
49	10,530
50	10,097
51	9,663
52	9,231
53	8,877
54	8,524
55	8,170
56	7,817
57	7,464
58	6,486
59	5,506
60	4,527
61	3,548
62	2,568
63	2,288
64	2,008
65	1,725
66	1,445
67 and over	1,164

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, which come into operation on 1st January 1986, prescribe the amount of payments to be made under the Pneumoconiosis etc. (Workers' Compensation) Act 1979, as amended by the Social Security Act 1985, to persons disabled by a disease to which the Act applies (namely pneumoconiosis, bysinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening) or to dependants of persons who immediately before they died were disabled by such a disease. All such persons should satisfy the conditions of entitlement prescribed in section 2 of the Act. The amount 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).

The Regulations replace the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1979, as amended by the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1984. They take account of the additional diseases specified by the Pneumoconiosis etc. (Workers' Compensation) (Specified Diseases) Order 1985 (S.I. 1985/2034) and increase the amount of payments as laid down in the 1979 Regulations, as amended, by 5% rounded up or down to the nearest £1 as appropriate.

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STATUTORY INSTRUMENTS

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**1985 No. 2035**

**SOCIAL SECURITY**

**The Pneumoconiosis etc. (Workers' Compensation) (Payment of  
Claims) Regulations 1985**

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