

1990 No. 825

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 1990**

Made - - - - - *30th March 1990*

Coming into force - - - - - *1st April 1990*

The Secretary of State in exercise of the powers conferred on him by sections 1 and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(a) ("the Act") 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) (Amendment) Regulations 1990 and shall come into force on 1st April 1990 in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Act on or after that date.

Interpretation

2. In these Regulations the "principal Regulations" means the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988(b).

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following provisions of this Regulation.

- (2)(a) the Schedule to these Regulations shall be substituted for the Schedule to those Regulations, and
- (b) the amount of £1,473 shall be substituted for the amount of £1,364 in Regulations 5(1) and 8 of those Regulations, and the amount of £3,048 shall be substituted for the amount of £2,822 in regulation 6(1) of those Regulations,

Signed by order of the Secretary of State.

30th March 1990

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

(a) 1979 c.41; sections 1 and 4 of the Act were amended by section 24 of the Social Security Act 1985 (c.53) and section 2 was amended by section 39 of and Schedule 3 to the Social Security Act 1986 (c.50).
(b) S.I. 1988/668, as amended by S.I. 1989/552.

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, OR WOULD BE PAYABLE BUT FOR THE DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE.

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	£ 17,065	£ 30,473	£ 35,754	£ 36,770	£ 37,787	£ 38,598	£ 39,412	£ 40,224	£ 41,037	£ 41,849
38	16,577	29,254	34,678	35,919	36,973	37,787	38,598	39,412	40,224	41,037
39	16,089	28,034	33,601	35,063	36,162	36,973	37,787	38,598	39,412	40,224
40	15,603	26,816	32,524	34,210	35,348	36,162	36,973	37,787	38,598	39,412
41	15,114	25,597	31,448	33,356	34,537	35,348	36,162	36,973	37,787	38,598
42	14,626	24,378	30,372	32,504	33,723	34,537	35,348	36,162	36,973	37,787
43	13,896	22,956	29,294	31,855	33,155	34,129	34,942	35,754	36,567	37,380
44	13,164	21,533	28,218	31,203	32,585	33,723	34,537	35,348	36,162	36,973
45	12,433	20,112	27,141	30,554	32,017	33,317	34,129	34,942	35,754	36,567
46	11,701	18,690	26,064	29,904	31,448	32,910	33,723	34,537	35,348	36,162
47	10,971	17,268	24,987	29,254	30,879	32,504	33,317	34,129	34,942	35,754
48	10,339	16,698	24,135	27,953	29,904	31,367	32,179	32,991	33,804	34,618
49	9,711	16,131	23,281	26,652	28,929	30,229	31,041	31,855	32,667	33,480
50	9,082	15,561	22,428	25,354	27,953	29,091	29,904	30,716	31,528	32,341
51	8,451	14,993	21,574	24,053	26,979	27,953	28,766	29,578	30,392	31,203
52	7,821	14,423	20,722	22,753	26,003	26,816	27,629	28,441	29,254	30,066
53	7,231	13,408	19,421	21,615	25,027	26,003	26,816	27,629	28,441	29,254
54	6,643	12,392	18,120	20,479	24,053	25,191	26,003	26,816	27,629	28,441
55	6,054	11,376	16,822	19,340	23,077	24,378	25,191	26,003	26,816	27,629
56	5,465	10,361	15,521	18,202	22,104	23,566	24,378	25,191	26,003	26,816
57	4,875	9,345	14,221	17,065	21,128	22,753	23,566	24,378	25,191	26,003
58	4,490	8,493	12,698	15,317	19,014	20,518	21,391	22,246	23,077	23,890
59	4,103	7,638	11,172	13,572	16,901	18,283	19,217	20,112	20,965	21,776
60	3,718	6,785	9,650	11,823	14,790	16,050	17,043	17,980	18,853	19,665
61	3,331	5,932	8,126	10,076	12,677	13,815	14,870	15,846	16,741	17,552
62	2,946	5,079	6,602	8,329	10,565	11,580	12,698	13,713	14,626	15,440
63	2,742	4,591	5,932	7,446	9,397	10,400	11,458	12,433	13,326	14,139
64	2,541	4,103	5,261	6,562	8,229	9,223	10,219	11,153	12,026	12,839
65	2,337	3,617	4,591	5,678	7,059	8,045	8,979	9,874	10,727	11,539
66	2,134	3,130	3,921	4,794	5,892	6,867	7,740	8,593	9,427	10,238
67	1,931	2,640	3,250	3,911	4,724	5,689	6,501	7,314	8,126	8,939
68	1,879	2,559	3,139	3,747	4,561	5,465	6,247	7,090	7,872	8,674
69	1,829	2,478	3,027	3,587	4,399	5,242	5,994	6,867	7,620	8,410
70	1,777	2,397	2,915	3,423	4,236	5,018	5,739	6,643	7,364	8,148
71	1,727	2,316	2,804	3,260	4,073	4,794	5,485	6,420	7,111	7,883
72	1,677	2,235	2,692	3,099	3,911	4,571	5,230	6,196	6,855	7,620
73	1,635	2,196	2,651	3,037	3,850	4,469	5,129	6,034	6,653	7,395
74	1,595	2,153	2,611	2,977	3,790	4,367	5,028	5,871	6,450	7,172
75	1,555	2,113	2,570	2,915	3,727	4,266	4,927	5,709	6,247	6,947
76	1,514	2,072	2,529	2,854	3,666	4,166	4,826	5,547	6,043	6,725
77 and over	1,473	2,031	2,489	2,793	3,606	4,064	4,724	5,385	5,840	6,501

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	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial</i>	<i>Total</i>
	£	£
37 and under	30,473	41,849
38	29,254	41,037
39	28,034	40,224
40	26,816	39,412
41	25,597	38,598
42	24,378	37,787
43	22,956	37,380
44	21,533	36,973
45	20,112	36,567
46	18,690	36,162
47	17,268	35,754
48	16,698	34,618
49	16,131	33,480
50	15,561	32,341
51	14,993	31,203
52	14,423	30,066
53	13,408	29,254
54	12,392	28,441
55	11,376	27,629
56	10,361	26,816
57	9,345	26,003
58	8,493	23,890
59	7,638	21,776
60	6,785	19,665
61	5,932	17,552
62	5,079	15,440
63	4,591	14,139
64	4,103	12,839
65	3,617	11,539
66	3,130	10,238
67	2,640	8,939
68	2,559	8,674
69	2,478	8,410
70	2,397	8,148
71	2,316	7,883
72	2,235	7,620
73	2,196	7,395
74	2,153	7,172
75	2,113	6,947
76	2072	6725
77 and over	2031	6501

TABLE 2

(1) Table 2 is for the determination of 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, OR TO DEPENDANTS OF A PERSON TO WHOM DISABLEMENT BENEFIT WOULD HAVE BEEN PAYABLE IMMEDIATELY BEFORE HE DIED BUT FOR THE OCCURRENCE OF ONE OF THE CIRCUMSTANCES LISTED IN REGULATION 5(I)(a)(III) OR BUT FOR THIS DISPLACEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

<i>Age of disabled person at his last birthday preceding death</i>	<i>Percentage assessment for the relevant period</i>				
	10% or less	11%–20%	21%–30%	40%	50% and over
	£	£	£	£	£
37 and under	8,025	15,643	17,877	18,487	18,996
38	7,781	14,952	17,268	17,877	18,526
39	7,538	14,261	16,658	17,268	18,061
40	7,292	13,572	16,050	16,658	17,592
41	7,049	12,881	15,440	16,050	17,125
42	6,806	12,190	14,830	15,440	16,658
43	6,368	11,295	14,280	14,890	16,212
44	5,932	10,400	13,732	14,342	15,760
45	5,495	9,508	13,184	13,793	15,317
46	5,057	8,613	12,635	13,244	14,870
47	4,622	7,719	12,088	12,698	14,423
48	4,286	7,476	11,682	12,271	13,875
49	3,951	7,231	11,275	11,844	13,326
50	3,617	6,988	10,870	11,416	12,778
51	3,280	6,744	10,464	10,991	12,229
52	2,946	6,501	10,056	10,565	11,682
53	2,793	5,932	9,284	9,975	11,234
54	2,640	5,363	8,511	9,385	10,787
55	2,489	4,794	7,740	8,797	10,339
56	2,337	4,226	6,968	8,208	9,893
57	2,183	3,657	6,196	7,620	9,446
58	2,041	3,250	5,313	6,583	8,208
59	1,898	2,844	4,429	5,547	6,968
60	1,758	2,439	3,545	4,510	5,729
61	1,616	2,031	2,661	3,475	4,490
62	1,473	1,625	1,777	2,439	3,250
63	1,473	1,595	1,717	2,244	2,896
64	1,473	1,564	1,655	2,051	2,541
65	1,473	1,534	1,595	1,859	2,183
66	1,473	1,505	1,534	1,665	1,829
67 and over	1,473	1,473	1,473	1,473	1,473

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.

<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>
	£	£
37 and under	15,643	18,996
38	14,952	18,526
39	14,261	18,061
40	13,572	17,592
41	12,881	17,125
42	12,190	16,658
43	11,295	16,212
44	10,400	15,760
45	9,508	15,317
46	8,613	14,870
47	7,719	14,423
48	7,476	13,875
49	7,231	13,326
50	6,988	12,778
51	6,744	12,229
52	6,501	11,682
53	5,932	11,234
54	5,363	10,787
55	4,794	10,339
56	4,226	9,893
57	3,657	9,446
58	3,250	8,208
59	2,844	6,968
60	2,439	5,729
61	2,031	4,490
62	1,625	3,250
63	1,595	2,896
64	1,564	2,541
65	1,534	2,183
66	1,505	1,829
67 and over	1,473	1,473

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	18,996
38	18,526
39	18,061
40	17,592
41	17,125
42	16,658
43	16,212
44	15,760
45	15,317
46	14,870
47	14,423
48	13,875
49	13,326
50	12,778
51	12,229
52	11,682
53	11,234
54	10,787
55	10,339
56	9,893
57	9,446
58	8,208
59	6,968
60	5,729
61	4,490
62	3,250
63	2,896
64	2,541
65	2,183
66	1,829
67 and over	1,473

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (the 1988 Regulations), as amended by the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1989, prescribe the amount of payments to be made under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 ("the Act"), as amended by the Social Security Act 1985 and the Social Security Act 1986, to persons disabled by a disease to which the Act applies, or to dependants of persons who immediately before they died were disabled by such a disease. The diseases to which the Act applies are pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening.

These Regulations further amend the 1988 Regulations by increasing the amount of payments in any case in which a person first becomes entitled to a payment on or after the date when these Regulations come into force. The increase in each case is 8% rounded up or down to the nearest £1 as appropriate.

£1.70 net

ISBN 0 11 003825 8

Printed in the United Kingdom for HMSO

833 WO778 C13 4/90 452/3 4235 46378 901187