
STATUTORY INSTRUMENTS

1992 No. 403

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 1992**

Made - - - - 27th February 1992

Coming into force - - 1st April 1992

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(1) (“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, commencement and application

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1992 and shall come into force on 1st April 1992.

(2) These Regulations apply in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Act on or after the date on which they come into force.

Interpretation

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

Amendment of the principal Regulations

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

- (a) (2) (a) the Schedule to these Regulations shall be substituted for the Schedule to those Regulations, and
- (b) the amount of £1,686 shall be substituted for the amount of £1,606 in Regulations 5(1) and 8 of those Regulations, and the amount of £3,488 shall be substituted for the amount of £3,322 in regulation 6(1) of those Regulations.

(1) 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).

(2) S.I. 1988/668, as amended by S.I. 1989/552, 1990/825, 1991/899.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by order of the Secretary of State.

27th February 1992

Eric Forth
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,
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	19,530	34,877	40,921	42,084	43,246	44,176	45,107	46,036	46,967	47,896
38	18,972	33,481	39,689	41,109	42,315	43,246	44,176	45,107	46,036	46,967
39	18,414	32,085	38,457	40,130	41,387	42,315	43,246	44,176	45,107	46,036
40	17,857	30,690	37,225	39,153	40,455	41,387	42,315	43,246	44,176	45,107
41	17,299	29,296	35,992	38,176	39,527	40,455	41,387	42,315	43,246	44,176
42	16,739	27,901	34,760	37,202	38,596	39,527	40,455	41,387	42,315	43,246
43	15,903	26,273	33,527	36,458	37,946	39,061	39,990	40,921	41,851	42,782
44	15,066	24,645	32,295	35,713	37,294	38,596	39,527	40,455	41,387	42,315
45	14,230	23,018	31,063	34,969	36,644	38,131	39,061	39,990	40,921	41,851
46	13,392	21,391	29,831	34,225	35,992	37,666	38,596	39,527	40,455	41,387
47	12,556	19,763	28,598	33,481	35,341	37,202	38,131	39,061	39,990	40,921

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<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	10 % or less	11—20%	21—30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
48	11,834	19,110	27,622	31,992	34,225	35,898	36,829	37,759	38,688	39,620
49	11,113	18,461	26,645	30,504	33,110	34,596	35,527	36,458	37,388	38,318
50	10,394	17,810	25,668	29,018	31,992	33,294	34,225	35,154	36,084	37,015
51	9,673	17,159	24,691	27,529	30,877	31,992	32,923	33,852	34,783	35,713
52	8,951	16,508	23,716	26,041	29,760	30,690	31,622	32,550	33,481	34,410
53	8,276	15,346	22,227	24,739	28,644	29,760	30,690	31,622	32,550	33,481
54	7,603	14,183	20,739	23,438	27,529	28,831	29,760	30,690	31,622	32,550
55	6,929	13,020	19,253	22,135	26,412	27,901	28,831	29,760	30,690	31,622
56	6,254	11,858	17,763	20,833	25,298	26,971	27,901	28,831	29,760	30,690
57	5,580	10,695	16,276	19,530	24,182	26,041	26,971	27,901	28,831	29,760
58	5,139	9,720	14,533	17,530	21,761	23,483	24,483	25,460	26,412	27,342
59	4,696	8,741	12,787	15,533	19,343	20,925	21,994	23,018	23,995	24,923
60	4,256	7,765	11,044	13,531	16,928	18,369	19,506	20,578	21,578	22,507
61	3,813	6,788	9,300	11,532	14,509	15,811	17,018	18,136	19,159	20,088
62	3,372	5,813	7,557	9,532	12,092	13,253	14,533	15,695	16,739	17,670
63	3,138	5,255	6,788	8,523	10,754	11,903	13,113	14,230	15,252	16,182
64	2,909	4,696	6,021	7,510	9,417	10,556	11,696	12,765	13,764	14,694
65	2,675	4,139	5,255	6,500	8,080	9,207	10,276	11,300	12,277	13,207
66	2,442	3,582	4,488	5,486	6,744	7,859	8,859	9,834	10,789	11,718
67	2,210	3,022	3,719	4,475	5,406	6,511	7,440	8,371	9,300	10,230
68	2,150	2,928	3,592	4,289	5,221	6,254	7,149	8,114	9,009	9,928
69	2,093	2,836	3,465	4,104	5,035	6,000	6,860	7,859	8,721	9,624
70	2,034	2,744	3,336	3,918	4,848	5,742	6,569	7,603	8,428	9,325
71	1,977	2,650	3,210	3,731	4,661	5,486	6,278	7,348	8,139	9,023
72	1,919	2,558	3,081	3,547	4,475	5,232	5,986	7,092	7,846	8,721
73	1,871	2,513	3,035	3,477	4,406	5,115	5,871	6,906	7,615	8,463
74	1,825	2,463	2,988	3,406	4,338	4,998	5,755	6,719	7,383	8,208
75	1,780	2,419	2,942	3,336	4,265	4,883	5,639	6,534	7,149	7,951
76	1,733	2,371	2,894	3,267	4,196	4,768	5,523	6,348	6,916	7,697
77 and over	1,686	2,325	2,849	3,196	4,127	4,650	5,406	6,164	6,684	7,440

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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	34,877	47,896
38	33,481	46,967
39	32,085	46,036
40	30,690	45,107
41	29,296	44,176
42	27,901	43,246
43	26,273	42,782
44	24,645	42,315
45	23,018	41,851
46	21,391	41,387
47	19,763	40,921
48	19,110	39,620
49	18,461	38,318
50	17,810	37,015
51	17,159	35,713
52	16,508	34,410
53	15,346	33,481
54	14,183	32,550
55	13,020	31,622
56	11,858	30,690
57	10,695	29,760
58	9,720	27,342
59	8,741	24,923
60	7,765	22,507
61	6,788	20,088
62	5,813	17,670
63	5,255	16,182

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<i>Age of disabled person</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial</i>	<i>Total</i>
64	4,696	14,694
65	4,139	13,207
66	3,582	11,718
67	3,022	10,230
68	2,928	9,928
69	2,836	9,624
70	2,744	9,325
71	2,650	9,023
72	2,558	8,721
73	2,513	8,463
74	2,463	8,208
75	2,419	7,951
76	2,371	7,697
77 and over	2,325	7,440

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(1)(a)(iii) OR BUT FOR THIS DISPLACEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE,

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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	9,184	17,904	20,460	21,159	21,740
38	8,905	17,113	19,763	20,460	21,204
39	8,627	16,322	19,066	19,763	20,670
40	8,345	15,533	18,369	19,066	20,135
41	8,067	14,742	17,670	18,369	19,600
42	7,790	13,953	16,972	17,670	19,066
43	7,288	12,928	16,344	17,043	18,555
44	6,788	11,903	15,716	16,415	18,037
45	6,290	10,882	15,090	15,787	17,530
46	5,788	9,857	14,408	15,158	17,018
47	5,290	8,834	13,835	14,533	16,508
48	4,906	8,555	13,371	14,044	15,880
49	4,522	8,276	12,903	13,556	15,252
50	4,139	7,998	12,440	13,066	14,624
51	3,755	7,719	11,975	12,579	13,997
52	3,372	7,440	11,509	12,092	13,371
53	3,196	6,788	10,626	11,417	12,857
54	3,022	6,138	9,741	10,742	12,346
55	2,849	5,486	8,859	10,068	11,834
56	2,675	4,836	7,975	9,394	11,322
57	2,499	4,186	7,092	8,721	10,811
58	2,336	3,719	6,081	7,535	9,394
59	2,172	3,255	5,069	6,348	7,975
60	2,012	2,791	4,057	5,162	6,557
61	1,850	2,325	3,046	3,977	5,139
62	1,686	1,860	2,034	2,791	3,719
63	1,686	1,825	1,966	2,568	3,314

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<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
64	1,686	1,790	1,894	2,348	2,909
65	1,686	1,756	1,825	2,127	2,499
66	1,686	1,722	1,756	1,906	2,093
67 and over	1,686	1,686	1,686	1,686	1,686

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	17,904	21,740
38	17,113	21,204
39	16,322	20,670
40	15,533	20,135
41	14,742	19,600
42	13,953	19,066
43	12,928	18,555
44	11,903	18,037
45	10,882	17,530
46	9,857	17,018
47	8,834	16,508
48	8,555	15,880
49	8,276	15,252

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<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>
50	7,998	14,624
51	7,719	13,997
52	7,440	13,371
53	6,788	12,857
54	6,138	12,346
55	5,486	11,834
56	4,836	11,322
57	4,186	10,811
58	3,719	9,394
59	3,255	7,975
60	2,791	6,557
61	2,325	5,139
62	1,860	3,719
63	1,825	3,314
64	1,790	2,909
65	1,756	2,499
66	1,722	2,093
67 and over	1,686	1,686

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	21,740
38	21,204
39	20,670
40	20,135
41	19,600
42	19,066
43	18,555
44	18,037

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<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment</i>
45	17,530
46	17,018
47	16,508
48	15,880
49	15,252
50	14,624
51	13,997
52	13,371
53	12,857
54	12,346
55	11,834
56	11,322
57	10,811
58	9,394
59	7,975
60	6,557
61	5,139
62	3,719
63	3,314
64	2,909
65	2,499
66	2,093
67 and over	1,686

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, the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1990 and the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1991, prescribe the amount of

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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 5 per cent. rounded up or down to the nearest £1 as appropriate.