
STATUTORY INSTRUMENTS

1995 No. 1514

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 1995**

Made - - - - *12th June 1995*
Coming into force - - *1st July 1995*

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 1995 and shall come into force on 1st July 1995.

(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 £1,766 shall be substituted for the amount of £1,728 in regulations 5(1) and 8 of those Regulations, and the amount of £3,654 shall be substituted for the amount of £3,575 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, 1991/988, 1992/403, 1993/1158.

Status: This is the original version (as it was originally made).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.

12th June 1995

Ann Widdecombe,
Minister 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) is age on the date specified in paragraph (1) of that regulation. With a view to determining the amount payable to a dependent 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 108 of the social security contributions and benefits act 1992 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	20,458	36,535	42,867	44,085	45,302	46,276	47,252	48,255	49,200	50,173
38	19,874	35,073	41,576	43,064	44,327	45,302	46,276	47,252	48,255	49,200
39	19,289	33,611	40,285	42,038	43,355	44,327	45,302	46,276	47,252	48,225
40	18,706	32,149	38,995	41,015	42,378	43,355	44,327	45,302	46,276	47,252
41	18,121	30,689	37,704	39,991	41,406	42,378	43,355	44,327	45,302	46,276
42	17,534	29,228	36,413	38,971	40,431	41,406	42,378	43,355	44,327	45,302
43	16,660	27,522	35,121	38,191	39,751	40,919	41,892	42,867	43,841	44,817
44	15,783	25,817	33,830	37,411	39,067	40,431	41,406	42,378	43,355	44,327
45	14,907	24,112	32,540	36,632	38,386	39,944	40,919	41,892	42,867	43,841
46	14,029	22,408	31,250	35,853	37,704	39,457	40,431	41,406	42,378	43,355
47	13,153	20,703	29,958	35,073	37,022	38,971	39,944	40,919	41,892	42,867
48	12,397	20,019	28,936	33,513	35,853	37,604	38,581	39,554	40,527	41,504
49	11,642	19,339	27,912	31,955	34,685	36,241	37,216	38,191	39,166	40,140

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Age of disabled person	Percentage assessment for the relevant period									
	10% or less	11-20%	21-30%	40%	50%	60%	70%	80%	90%	100%
£	£	£	£	£	£	£	£	£	£	£
50	10,888	18,657	26,909	30,397	33,513	34,877	35,853	36,826	37,800	38,775
51	10,133	17,975	25,865	28,838	32,345	33,513	34,498	35,461	36,437	37,411
52	9,377	17,293	24,844	27,279	31,175	32,149	33,126	34,098	35,073	36,046
53	8,670	16,076	23,284	25,915	30,006	31,175	32,149	33,126	34,098	35,073
54	7,964	14,858	21,725	24,553	28,838	30,202	31,175	32,149	33,126	34,098
55	7,258	13,640	20,168	23,187	27,668	29,228	30,202	31,175	32,149	33,126
56	6,551	12,421	18,608	21,824	26,500	28,253	29,228	30,202	31,175	32,149
57	5,846	11,203	17,050	20,458	25,334	27,279	28,253	29,228	30,202	31,175
58	5,383	10,182	15,224	18,363	22,796	24,600	25,647	26,671	27,668	28,643
59	4,919	9,157	13,395	16,271	20,263	21,920	23,040	24,112	25,136	26,108
60	4,458	8,134	11,569	14,174	17,733	19,242	20,434	21,556	22,604	23,578
61	3,994	7,111	9,743	12,080	15,199	16,563	17,827	18,998	20,070	21,043
62	3,532	6,089	7,916	9,985	12,667	13,883	15,224	16,441	17,534	18,510
63	3,287	5,504	7,111	8,928	11,266	12,469	13,737	14,907	15,977	16,952
64	3,048	4,919	6,308	7,867	9,864	11,058	12,252	13,372	14,418	15,392
65	2,802	4,335	5,504	6,810	8,464	9,645	10,765	11,838	12,861	13,835
66	2,558	3,753	4,701	5,747	7,065	8,232	9,280	10,302	11,302	12,275
67	2,315	3,166	3,896	4,688	5,663	6,821	7,794	8,769	9,743	10,717
68	2,252	3,067	3,763	4,493	5,470	6,551	7,489	8,500	9,437	10,400
69	2,192	2,971	3,630	4,300	5,275	6,285	7,187	8,232	9,136	10,082
70	2,131	2,875	3,494	4,104	5,078	6,015	6,881	7,964	8,829	9,768
71	2,071	2,776	3,362	3,908	4,883	5,747	6,577	7,698	8,526	9,452
72	2,010	2,680	3,227	3,716	4,688	5,481	6,271	7,429	8,219	9,136
73	1,960	2,633	3,179	3,642	4,615	5,358	6,150	7,235	7,977	8,866
74	1,192	2,581	3,130	3,568	4,544	5,236	6,029	7,039	7,734	8,592
75	1,865	2,534	3,082	3,494	4,468	5,115	5,907	6,844	7,489	8,329
76	1,815	2,483	3,031	3,423	4,396	4,995	5,786	6,650	7,245	8,063
77 and over	1,766	2,435	2,984	3,348	4,323	4,871	5,663	6,457	7,002	7,794

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PART B

payments to disabled persons to whom is payable an allowance under a scheme made or having effect as is made under schedule 8, paragraph 4 to the social security contributions and benefits act 1992 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	36,535	50,173
38	35,073	49,200
39	33,611	48,225
40	32,149	47,252
41	30,689	46,276
42	29,228	45,302
43	27,522	44,817
44	25,817	44,327
45	24,112	43,841
46	22,408	43,355
47	20,703	42,867
48	20,019	41,504
49	19,339	40,140
50	18,657	38,775
51	17,975	37,411
52	17,293	36,046
53	16,076	35,073
54	14,858	34,098
55	13,640	33,126
56	12,421	32,149
57	11,203	31,175
58	10,182	28,643
59	9,157	26,108
60	8,134	23,578
61	7,111	21,043
62	6,089	18,510
63	5,504	16,952
64	4,919	15,392
65	4,335	13,835

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Age of disabled person	Extent of incapacity for the relevant period	
	Partial £	Total £
66	3,753	12,275
67	3,166	10,717
68	3,067	10,400
69	2,971	10,082
70	2,875	9,768
71	2,776	9,452
72	2,680	9,136
73	2,633	8,866
74	2,581	8,592
75	2,534	8,329
76	2,483	8,063
77 and over	2,435	7,794

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 108 of the social security contributions and benefits act 1992 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) of but for this disablement amounting to less than the appropriate percentage 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	9,621	18,756	21,433	22,165	22,774

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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
£	£	£	£	£	
38	9,329	17,927	20,703	21,433	22,212
39	9,038	17,098	19,973	20,703	21,653
40	8,742	16,271	19,242	19,973	21,092
41	8,451	15,443	18,510	19,242	20,532
42	8,161	14,617	17,779	18,510	19,973
43	7,634	13,543	17,122	17,853	19,437
44	7,111	12,469	16,463	17,195	18,895
45	6,589	11,399	15,807	16,538	18,363
46	6,064	10,325	15,093	15,879	17,827
47	5,541	9,254	14,493	15,224	17,293
48	5,140	8,962	14,007	14,712	16,635
49	4,737	8,670	13,517	14,201	15,977
50	4,335	8,378	13,032	13,688	15,320
51	3,934	8,086	12,544	13,177	14,663
52	3,532	7,794	12,057	12,667	14,007
53	3,348	7,111	11,132	11,959	13,468
54	3,166	6,429	10,205	11,253	12,933
55	2,984	5,747	9,280	10,547	12,397
56	2,802	5,066	8,354	9,841	11,860
57	2,617	4,385	7,429	9,136	11,325
58	2,447	3,896	6,370	7,893	9,841
59	2,275	3,409	5,310	6,650	8,354
60	2,107	2,924	4,249	5,407	6,869
61	1,938	2,435	3,191	4,166	5,383
62	1,766	1,949	2,131	2,924	3,896
63	1,766	1,912	2,059	2,690	3,472
64	1,766	1,875	1,984	2,460	3,048
65	1,766	1,840	1,912	2,228	2,617
66	1,766	1,804	1,840	1,997	2,192

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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
£	£	£	£	£	
67 and over	1,766	1,766	1,766	1,766	1,766

PART B

payments to dependants to whom death benefit under a scheme made or having effect as if made under schedule 8, paragraph 4 to the social security contributions and benefit act 1992 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	18,756	22,774
38	17,927	22,212
39	17,098	21,653
40	16,271	21,092
41	15,443	20,532
42	14,617	19,973
43	13,543	19,437
44	12,469	18,895
45	11,399	18,363
46	10,325	17,827
47	9,254	17,293
48	8,962	16,635
49	8,670	15,977
50	8,378	15,320
51	8,086	14,663
52	7,794	14,007
53	7,111	13,468
54	6,439	12,933

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Age of disabled person at his last birthday preceding death	Extent of incapacity for the relevant period	
	Partial £	Total
55	5,747	12,397
56	5,066	11,860
57	4,385	11,325
58	3,896	9,841
59	3,409	8,354
60	2,924	6,869
61	2,435	5,383
62	1,949	3,896
63	1,912	3,472
64	1,875	3,048
65	1,840	2,617
66	1,804	2,192
67 and over	1,766	1,766

PART C

payment 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	22,774
38	22,212
39	21,653
40	21,092
41	20,532
42	19,973
43	19,437
44	18,895
45	18,363
46	17,827
47	17,293
48	16,635
49	15,977
50	15,320

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Age of disabled person at his last birthday preceding death	Payment £
51	14,663
52	14,007
53	13,468
54	12,933
55	12,397
56	11,860
57	11,325
58	9,841
59	8,354
60	6,869
61	5,383
62	3,896
63	3,472
64	3,048
65	2,617
66	2,192
67 and over	1,766

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, the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1991, the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1992 and the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1993 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 applied, 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 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 2.2 per cent. rounded up or down to the nearest £1 as appropriate.