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STATUTORY INSTRUMENTS

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**1996 No. 1979**

**SOCIAL SECURITY**

**The Pneumoconiosis etc. (Workers' Compensation)  
(Payment of Claims) Amendment Regulations 1996**

*Made* - - - - *26th July 1996*  
*Coming into force* - - *1st August 1996*

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<sup>(1)</sup> 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) Regulations 1996 and shall come into force on 1st August 1996.

(2) These Regulations shall apply in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 on or after the date on which they come into force.

**Amendment of the principal Regulations**

2. In the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Amendment Regulations 1988<sup>(2)</sup>—

- (a) for the Schedule to those Regulations there shall be substituted the Schedule to these Regulations;
- (b) in regulations 5(1) and 8 (minimum amounts payable to dependant), for the amount of £1,766 there shall be substituted the amount of £1,803;
- (c) in regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount of £3,654 there shall be substituted the amount of £3,731.

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(1) 1979 c. 41; section 1 of the Act was amended by section 24 of the Social Security Act 1985 (c. 53).  
(2) S.I.1988/668, as amended by S.I. 1989/552, 1990/825, 1991/899, 1992/403, 1993/1158, 1995/1514.

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Signed by authority of the Secretary of State.

Department of the Environment  
26th July 1996

*Paul Beresford*  
Parliamentary Under Secretart of State,

## SCHEDULE

Regulation 2

## “SCHEDULE

Regulations 3, 4, 5 and 6

## TABLE 1

(1) This table is for the determination of payments to disabled persons under regulation 3 (or, as the case may be, 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, the person 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, his age on the date specified in paragraph (1) of that regulation. In 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 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	20,888	37,302	43,767	45,011	46,253	47,248	48,244	49,238	50,233	51,227
38	20,291	35,810	42,449	43,968	45,258	46,253	47,248	48,244	49,238	50,233
39	19,694	34,317	41,131	42,921	44,265	45,258	46,253	47,248	48,244	49,238
40	19,099	32,824	39,814	41,876	43,268	44,265	45,258	46,253	47,248	48,244
41	18,502	31,333	38,496	40,831	42,276	43,268	44,265	45,258	46,253	47,248
42	17,902	29,842	37,178	39,789	41,280	42,276	43,268	44,265	45,258	46,253
43	17,010	28,100	35,859	38,993	40,586	41,778	42,772	43,767	44,762	45,758
44	16,114	26,359	34,540	38,197	39,887	41,280	42,276	43,268	44,265	45,258
45	15,220	24,618	33,223	37,401	39,192	40,783	41,778	42,772	43,767	44,762
46	14,324	22,879	31,906	36,606	38,496	40,286	41,280	42,276	43,268	44,265
47	13,429	21,138	30,587	35,810	37,799	39,789	40,783	41,778	42,772	43,767

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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%
	£	£	£	£	£	£	£	£	£	£
48	12,657	20,439	29,544	34,217	36,606	38,394	39,391	40,385	41,378	42,376
49	11,886	19,745	28,498	32,626	35,413	37,002	37,998	38,993	39,988	40,983
50	11,117	19,049	27,474	31,035	34,217	35,609	36,606	37,599	38,594	39,589
51	10,346	18,352	26,408	29,444	33,024	34,217	35,222	36,206	37,202	38,197
52	9,574	17,656	25,366	27,852	31,830	32,824	33,822	34,814	35,810	36,803
53	8,852	16,414	23,773	26,459	30,636	31,830	32,824	33,822	34,814	35,810
54	8,131	15,170	22,181	25,069	29,444	30,836	31,830	32,824	33,822	34,814
55	7,410	13,926	20,592	23,674	28,249	29,842	30,836	31,830	32,824	33,822
56	6,689	12,682	18,999	22,282	27,057	28,846	29,842	30,836	31,830	32,824
57	5,969	11,438	17,408	20,888	25,866	27,852	28,846	29,842	30,836	31,830
58	5,496	10,396	15,544	18,749	23,275	25,117	26,186	27,231	28,249	29,245
59	5,022	9,349	13,676	16,613	20,689	22,380	23,524	24,618	25,664	26,656
60	4,552	8,305	11,812	14,472	18,105	19,646	20,863	22,009	23,079	24,073
61	4,078	7,260	9,948	12,334	15,518	16,911	18,201	19,397	20,491	21,485
62	3,606	6,217	8,082	10,195	12,933	14,175	15,544	16,786	17,902	18,899
63	3,356	5,620	7,260	9,115	11,503	12,731	14,025	15,220	16,313	17,308
64	3,112	5,022	6,440	8,032	10,071	11,290	12,509	13,653	14,721	15,715
65	2,861	4,426	5,620	6,953	8,642	9,848	10,991	12,087	13,131	14,126
66	2,612	3,832	4,800	5,868	7,213	8,405	9,475	10,518	11,539	12,533
67	2,364	3,232	3,978	4,786	5,782	6,964	7,958	8,953	9,948	10,942
68	2,299	3,131	3,842	4,587	5,585	6,689	7,646	8,679	9,635	10,618
69	2,238	3,033	3,706	4,390	5,386	6,417	7,338	8,405	9,328	10,294
70	2,176	2,935	3,567	4,190	5,185	6,141	7,026	8,131	9,014	9,973
71	2,114	2,834	3,433	3,990	4,986	5,868	6,715	7,860	8,705	9,650
72	2,052	2,736	3,295	3,794	4,786	5,596	6,403	7,585	8,392	9,328
73	2,001	2,688	3,246	3,718	4,712	5,471	6,279	7,387	8,145	9,052
74	1,952	2,635	3,196	3,643	4,639	5,346	6,156	7,187	7,896	8,772
75	1,904	2,587	3,147	3,567	4,562	5,222	6,031	6,988	7,646	8,504
76	1,853	2,535	3,095	3,495	4,488	5,100	5,908	6,790	7,397	8,232

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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%
	£	£	£	£	£	£	£	£	£	£
77 and over	1,803	2,486	3,047	3,418	4,414	4,973	5,782	6,593	7,149	7,958

#### PART B

payments to disabled persons to whom is payable an allowance under a scheme made or having effect as if 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	
	<i>Partial</i>	<i>Total</i>
	£	£
37 and under		51,227
38		50,233
39		49,238
40		48,244
41		47,248
42		46,253
43		45,758
44		45,258
45		44,762
46		44,265
47		43,767
48		42,376
49		40,983
50		39,589
51		38,197
52		36,803
53		35,810
54		34,814
55		33,822
56		32,824

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Age of disabled person	Extent of incapacity for the relevant period	
<i>Partial</i>	<i>Total</i>	
£	£	
57	11,438	31,830
58	10,396	29,245
59	9,349	26,656
60	8,305	24,073
61	7,260	21,485
62	6,217	18,899
63	5,620	17,308
64	5,022	15,715
65	4,426	14,126
66	3,832	12,533
67	3,232	10,942
68	3,131	10,618
69	3,033	10,294
70	2,935	9,973
71	2,834	9,650
72	2,736	9,328
73	2,688	9,052
74	2,635	8,772
75	2,587	8,504
76	2,535	8,232
77 and over	2,486	7,958

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) or but for

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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	9,823	19,150	21,883	22,630	23,252
38	9,525	18,303	21,138	21,883	22,678
39	9,228	17,457	20,392	21,138	22,108
40	8,926	16,613	19,646	20,392	21,535
41	8,628	15,767	18,899	19,646	20,963
42	8,332	14,924	18,152	18,899	20,392
43	7,794	13,827	17,482	18,228	19,845
44	7,260	12,731	16,809	17,556	19,292
45	6,727	11,638	16,139	16,885	18,749
46	6,191	10,542	15,410	16,212	18,201
47	5,657	9,448	14,797	15,544	17,656
48	5,248	9,150	14,301	15,021	16,984
49	4,836	8,852	13,801	14,499	16,313
50	4,426	8,554	13,306	13,975	15,642
51	4,017	8,256	12,807	13,454	14,971
52	3,606	7,958	12,310	12,933	14,301
53	3,418	7,260	11,366	12,210	13,751
54	3,232	6,564	10,419	11,489	13,205
55	3,047	5,868	9,475	10,768	12,657
56	2,861	5,172	8,529	10,048	12,109
57	2,672	4,477	7,585	9,328	11,563
58	2,498	3,978	6,504	8,059	10,048
59	2,323	3,481	5,422	6,790	8,529
60	2,151	2,985	4,338	5,521	7,013
61	1,979	2,486	3,258	4,253	5,496
62	1,803	1,990	2,176	2,985	3,978
63	1,803	1,952	2,102	2,746	3,545

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Age of disabled person at his last birthday preceding death	Percentage assessment for the relevant period				
	<i>10% or less</i>	<i>11%–20%</i>	<i>21%–30%</i>	<i>40%</i>	<i>50% and over</i>
	£	£	£	£	£
64	1,803	1,914	2,026	2,512	3,112
65	1,803	1,879	1,952	2,275	2,672
66	1,803	1,842	1,879	2,039	2,238
67 and over	1,803	1,803	1,803	1,803	1,803

#### 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 benefits 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	
	<i>Partial</i>	<i>Total</i>
£	£	£
37 or under	19,150	23,252
38	18,303	22,678
39	17,457	22,108
40	16,613	21,535
41	15,767	20,963
42	14,924	20,392
43	13,827	19,845
44	12,731	19,292
45	11,638	18,749
46	10,542	18,201
47	9,448	17,656
48	9,150	16,984
49	8,852	16,313
50	8,554	15,642
51	8,256	14,971



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Age of disabled person at his last birthday preceding death	Extent of incapacity for the relevant period	
	<i>Partial</i> £	<i>Total</i> £
52	7,958	14,301
53	7,260	13,751
54	6,564	13,205
55	5,868	12,657
56	5,172	12,109
57	4,477	11,563
58	3,978	10,048
59	3,481	8,529
60	2,985	7,013
61	2,486	5,496
62	1,990	3,978
63	1,952	3,545
64	1,914	3,112
65	1,879	2,672
66	1,842	2,238
67 and over	1,803	1,803

## 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	23,252
38	22,678
39	22,108
40	21,535
41	20,963
42	20,392
43	19,845
44	19,292
45	18,749
46	18,201
47	17,656

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<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment</i>
	<i>£</i>
48	16,984
49	16,313
50	15,642
51	14,971
52	14,301
53	13,751
54	13,205
55	12,657
56	12,109
57	11,563
58	10,048
59	8,529
60	7,013
61	5,496
62	3,978
63	3,545
64	3,112
65	2,672
66	2,238
67 and over	1,803”

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (“the Act”) lump sum payments may be made to certain persons disabled by a disease to which the Act applies, or to dependants of persons who were so disabled immediately before they died.

These Regulations amend the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988, as amended, so as to increase the amount payable under the Act. The increase in each case is 2.1 per cent, rounded up or down to the nearest £1 as appropriate.

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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.