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STATUTORY INSTRUMENTS

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**2009 No. 747**

**SOCIAL SECURITY**

**The Pneumoconiosis etc. (Workers' Compensation)  
(Payment of Claims) (Amendment) Regulations 2009**

*Made* - - - - - *18th March 2009*  
*Coming into force* - - - - - *1st April 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1(1), (2) and (4) and 7(2) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979<sup>(1)</sup>. In accordance with section 7(3) of that Act, a draft of this instrument was laid before Parliament and 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 2009 and shall come into force on 1st April 2009.

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

**Amendment of Regulations**

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

- (a) in regulations 5(1) and 8 (minimum amounts payable to dependant), for “£2,485” substitute “£2,609”;
- (b) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for “£5,140” (in both places) substitute “£5,397”; and
- (c) for the Schedule to those Regulations substitute the Schedule set out in the Schedule to these Regulations.

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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) and section 7(3) of the Act was amended by section 58 of the Welfare Reform Act 2007 (c.5).  
(2) S.I. 1988/668, amended by S.I. 1989/552, 2008/650 and 2008/1963.

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Signed by authority of the Secretary of State for Work and Pensions

18th March 2009

*William D.McKenzie.*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

## SCHEDULE

Regulation 2(c)

## “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 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) or, in the case of a disabled person to whom regulation 6 applies, the first period specified in regulation 6(1)(b).

3.—(1) The age of the disabled person is his age determined in accordance with regulation 3(2) or (3) or, in the case of a disabled person to whom regulation 6 applies, regulation 6(1)(b).

(2) 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.

4. Part A of the table prescribes payments to disabled persons to whom disablement benefit is payable under section 108 of the Social Security Contributions and Benefits Act 1992(3), or under any corresponding provision of the former Industrial Injuries Acts(4), or would be payable but for the disablement amounting to less than the appropriate percentage.

5. Part B of the table prescribes payments to disabled persons to whom an allowance is payable under a scheme made or having effect as if made under paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992, or under any corresponding provision of the former Old Cases Acts(5).

**PART A**

Age of disabled person or less	Percentage assessment for the relevant period									
	10%	11%-20%	21%-30%	31%-40%	41%-50%	51%-60%	61%-70%	71%-80%	81%-90%	91%-100%
£	£	£	£	£	£	£	£	£	£	£
37										
and under	30200	53931	63277	65076	66873	68311	69749	71187	72625	74065
38	29337	51771	61370	63567	65432	66873	68311	69749	71187	72625
39	28473	49614	59466	62054	63998	65243	66873	68311	69749	71187
40	27612	47455	57561	60543	62556	63997	65432	66873	68311	69750
41	26748	45301	55656	59031	61122	62556	63997	65432	66873	68311
42	25881	43145	53749	57528	59682	61122	62556	63997	65432	66873
43	24592	40626	51844	56374	58678	60403	61838	63277	64716	66155

(3) 1992 c.4.

(4) “the former Industrial Injuries Acts” is defined in section 2(3) of the Pneumoconiosis etc. (Workers’ Compensation) Act 1979.

(5) “the former Old Cases Acts” is defined in section 2(3) of the Pneumoconiosis etc. (Workers’ Compensation) Act 1979.

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Age of disabled or person	Percentage assessment for the relevant period									
	10%	11%-20%	21%-30%	31%-40%	41%-50%	51%-60%	61%-70%	71%-80%	81%-90%	91%-100%
	£	£	£	£	£	£	£	£	£	£
44	23296	38109	49937	55225	57669	59682	61122	62556	63997	65432
45	22006	35593	48032	54073	56665	58961	60403	61838	63277	64716
46	20708	33078	46129	52924	55656	58245	59682	61122	62556	63997
47	19417	30560	44222	51771	54650	57528	58961	60403	61838	63277
48	18300	29553	42714	49472	52924	55508	56951	58388	59823	61266
49	17186	28548	41203	47170	51200	53497	54936	56374	57815	59254
50	16071	27540	39721	44870	49472	51483	52924	54361	55797	57236
51	14957	26533	38180	42568	47745	49472	50924	52345	53786	55225
52	13843	25527	36672	40267	46018	47455	48899	50334	51771	53208
53	12798	23731	34369	38254	44293	46018	47455	48899	50334	51771
54	11756	21934	32068	36245	42568	44584	46018	47455	48899	50334
55	10715	20135	29772	34226	40840	43145	44584	46018	47455	48899
56	9671	18336	27469	32214	39118	41704	43145	44584	46018	47455
57	8629	16537	25167	30200	37397	40268	41704	43145	44584	46018
58	7946	15029	22474	27106	33651	36313	37859	39371	40841	42281
59	7261	13517	19773	24017	29911	32356	34010	35593	37103	38539
60	6583	12007	17077	20923	26177	28403	30161	31820	33366	34805
61	5895	10498	14383	17832	22434	24448	26316	28044	29626	31064
62	5213	8988	11685	14740	18697	20493	22474	24269	25881	27324
63	4853	8124	10498	13179	16632	18405	20279	22006	23584	25022
64	4501	7261	9310	11612	14560	16324	18087	19739	21282	22720
65	4136	6400	8124	10052	12496	14237	15891	17475	18985	20423
66	3777	5539	6938	8483	10428	12152	13699	15207	16683	18121
67	3417	4674	5750	6920	8361	10069	11505	12943	14383	15820
68	3323	4526	5554	6634	8074	9671	11055	12548	13930	15352
69	3236	4387	5359	6347	7786	9276	10609	12152	13484	14883
70	3145	4244	5158	6058	7497	8878	10158	11756	13032	14418
71	3058	4097	4962	5768	7208	8483	9709	11362	12585	13952
72	2967	3956	4764	5484	6920	8092	9257	10965	12131	13484
73	2893	3886	4693	5375	6812	7910	9078	10680	11775	13087
74	2823	3811	4621	5267	6708	7728	8901	10392	11417	12683

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Age of disabled person	Percentage assessment for the relevant period									
	10% or less	11%-20%	21%-30%	31%-40%	41%-50%	51%-60%	61%-70%	71%-80%	81%-90%	91%-100%
	£	£	£	£	£	£	£	£	£	£
75	2752	3741	4550	5158	6595	7550	8718	10102	11055	12294
76	2679	3665	4475	5052	6489	7373	8541	9816	10693	11902
77										
and over	2610	3594	4405	4942	6381	7190	8361	9532	10338	11505

### PART B

Age of disabled person	Extent of incapacity for the relevant period	
	Partial	Total
	£	£
37 and under	53931	74065
38	51771	72625
39	49614	71187
40	47455	69750
41	45301	68311
42	43145	66873
43	40626	66155
44	38109	65432
45	35593	64716
46	33078	63997
47	30560	63277
48	29553	61266
49	28548	59254
50	27540	57236
51	26533	55225
52	25527	53208
53	23731	51771
54	21934	50334
55	20135	48899
56	18336	47455
57	16537	46018
58	15029	42281
59	13517	38539

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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> £
60	12007	34805
61	10498	31064
62	8988	27324
63	8124	25022
64	7261	22720
65	6400	20423
66	5539	18121
67	4674	15820
68	4526	15352
69	4387	14883
70	4244	14418
71	4097	13952
72	3956	13484
73	3886	13087
74	3811	12683
75	3741	12294
76	3665	11902
77 and over	3594	11505

**TABLE 2**

1. This table is for the determination of payments to dependants of deceased sufferers under regulation 4(2) or (6).

2. The relevant period is the period specified in regulation 3(2) or (3) or, in the case of a disabled person to whom regulation 6 applies, the first period specified in regulation 6(1)(b).

3.—(1) Parts A and B of the table prescribe payments to dependants of disabled persons who died as a result of a disease other than diffuse mesothelioma.

(2) Part C of the table prescribes payments to dependants of disabled persons who died as a result of diffuse mesothelioma.

4. Part A of the table prescribes payments to—

- (a) dependants to whom death benefit under section 108 of the Social Security Contributions and Benefits Act 1992(6) is payable;
- (b) dependants of a person to whom disablement benefit under that section or under any corresponding provision of the former Industrial Injuries Acts was payable immediately before he died;

(6) 1992 c.4.

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(c) 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 his disablement amounting to less than the appropriate percentage.

5. Part B of the table prescribes payments to—

- (a) dependants to whom death benefit has been paid under a scheme made or having effect as if made under paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992;
- (b) dependants of persons to whom an allowance was payable 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.

#### PART A

<i>Age of disabled person at his last birthday preceding death</i>	<i>Percentage assessment for the relevant period</i>				
	<i>10% or less</i>	<i>11%-20%</i>	<i>21%-30%</i>	<i>31%-49%</i>	<i>50% and over</i>
	£	£	£	£	£
37 and under	14202	27687	31638	32720	33618
38	13771	26463	30561	31638	32789
39	13341	25240	29483	30560	31963
40	12904	24017	28403	29483	31136
41	12475	22796	27324	28403	30309
42	12047	21577	26245	27324	29483
43	11268	19992	25275	26353	28692
44	10498	18405	24300	25384	27892
45	9726	16825	23333	24412	27106
46	8951	15241	22279	23439	26316
47	8179	13660	21395	22474	25527
48	7588	13229	20677	21718	24555
49	6991	12798	19953	20962	23584
50	6400	12365	19237	20203	22613
51	5807	11935	18518	19452	21646
52	5213	11505	17799	18697	20677
53	4942	10498	16434	17653	19880
54	4674	9490	15064	16610	19092
55	4405	8483	13699	15569	18300
56	4136	7477	12332	14528	17505
57	3863	6474	10965	13484	16717

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<i>Age of disabled person at his last birthday preceding death</i>	<i>Percentage assessment for the relevant period</i>				
	<i>10% or less</i>	<i>11%-20%</i>	<i>21%-30%</i>	<i>31%-49%</i>	<i>50% and over</i>
	£	£	£	£	£
58	3613	5750	9404	11651	14528
59	3358	5031	7840	9816	12332
60	3110	4316	6274	7982	10140
61	2860	3594	4712	6149	7946
62	2610	2879	3145	4316	5750
63	2610	2823	3040	3971	5124
64	2610	2768	2928	3631	4501
65	2610	2716	2823	3288	3863
66	2610	2663	2716	2948	3236
67 and over	2610	2610	2610	2610	2610

#### **PART B**

<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	27687	33618
38	26463	32789
39	25240	31963
40	24017	31136
41	22796	30309
42	21577	29483
43	19992	28692
44	18405	27892
45	16825	27106
46	15241	26316
47	13660	25527
48	13229	24555
49	12798	23584
50	12365	22613
51	11935	21646
52	11505	20677
53	10498	19880



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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> £
54	9490	19092
55	8483	18300
56	7477	17505
57	6474	16717
58	5750	14528
59	5031	12332
60	4316	10140
61	3594	7946
62	2879	5750
63	2823	5124
64	2768	4501
65	2716	3863
66	2663	3236
67 and over	2610	2610

### PART C

<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment</i> £
37 and under	33618
38	32789
39	31963
40	31136
41	30309
42	29483
43	28692
44	27892
45	27106
46	26316
47	25527
48	24555
49	23584
50	22613
51	21646

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<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment £</i>
52	20677
53	19880
54	19092
55	18300
56	17505
57	16717
58	14528
59	12332
60	10140
61	7946
62	5750
63	5124
64	4501
65	3863
66	3236
67 and over	2610”

### EXPLANATORY NOTE

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

Under the Pneumoconiosis etc. (Workers’ Compensation) Act 1979 (c.41) (“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 before they died.

These Regulations amend the Pneumoconiosis etc. (Workers’ Compensation) (Payment of Claims) Regulations 1988 (SI 1988/668) so as to increase amounts payable under the Act. The increase in each case is 5 per cent rounded up or down to the nearest £1 as appropriate.

The diseases to which the Act applies are pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or diffuse pleural thickening) and diffuse pleural thickening.

A full impact assessment has not been produced for this instrument as no impact on the private, public or voluntary sectors is foreseen.