

Draft Regulations laid before Parliament under section 7(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 2007**

Made - - - - 2007
Coming into force - - 1st April 2007

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1(1), (2) and (4) and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979⁽¹⁾.

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 2007 and shall come into force on the 1st April 2007.

(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⁽²⁾—

- (a) for the Schedule to those Regulations substitute the Schedule set out in the Schedule to these Regulations;
- (b) in regulations 5(1) and 8 (minimum amounts payable to dependant), for the amount “£2,309” substitute the amount “£2,392”;

⁽¹⁾ 1979 c.41. Section 1 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, 1996/1979, 1997/1691, 1998/1840, 2000/1118, 2001/3525, 2004/726, 2005/414 and 2006/829.

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- (c) in regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount “£4,775” (in both places) substitute the amount “£4,947”.

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

Date

Minister of State,
Department for Work and Pensions

SCHEDULE

Regulation 2(a)

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

3. 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). 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

<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	10%	11%	21%-	31%-	41%-	51%-	61%-	71%-	81%-	91%-
		-								
	<i>or less</i>	20%	30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
37 and under	27682	49435	58002	59651	61298	62616	63935	65252	66571	67890
38	26891	47455	56254	58268	59977	61298	62616	63935	65252	66571
39	26099	45477	54508	56881	58662	59977	61298	62616	63935	65252
40	25310	43499	52762	55496	57341	58662	59977	61298	62616	63935
41	24518	41524	51016	54110	56026	57341	58662	59977	61298	62616
42	23723	39548	49268	52732	54706	56026	57341	58662	59977	61298
43	22542	37239	47522	51674	53786	55367	56683	58002	59321	60640

(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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<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	<i>10% or less £</i>	<i>11% - 20% £</i>	<i>21%- 30% £</i>	<i>31%- 40% £</i>	<i>41%- 50% £</i>	<i>51%- 60% £</i>	<i>61%- 70% £</i>	<i>71%- 80% £</i>	<i>81%- 90% £</i>	<i>91%- 100% £</i>
44	21354	34932	45774	50621	52861	54706	56026	57341	58662	59977
45	20171	32626	44028	49565	51941	54046	55367	56683	58002	59321
46	18982	30320	42283	48512	51016	53389	54706	56026	57341	58662
47	17798	28012	40535	47455	50094	52732	54046	55367	56683	58002
48	16774	27089	39153	45348	48512	50880	52203	53520	54836	56158
49	15753	26168	37768	43238	46932	49037	50356	51674	52995	54314
50	14731	25244	36410	41129	45348	47191	48512	49829	51145	52464
51	13710	24321	34997	39019	43765	45348	46679	47981	49302	50621
52	12689	23399	33615	36910	42182	43499	44822	46138	47455	48772
53	11731	21753	31504	35065	40600	42182	43499	44822	46138	47455
54	10776	20105	29395	33223	39019	40867	42182	43499	44822	46138
55	9822	18456	27290	31373	37436	39548	40867	42182	43499	44822
56	8865	16807	25179	29528	35857	38227	39548	40867	42182	43499
57	7910	15158	23069	27682	34279	36911	38227	39548	40867	42182
58	7284	13776	20600	24846	30846	33286	34703	36089	37436	38756
59	6656	12390	18125	22015	27417	29659	31175	32626	34010	35326
60	6034	11006	15653	19179	23995	26035	27647	29167	30584	31903
61	5404	9623	13184	16345	20564	22410	24122	25706	27156	28474
62	4778	8239	10711	13511	17138	18785	20600	22246	23723	25046
63	4448	7447	9623	12080	15245	16871	18588	20171	21618	22936
64	4126	6656	8534	10644	13346	14963	16579	18093	19508	20826
65	3791	5866	7447	9214	11454	13050	14566	16018	17402	18720
66	3462	5077	6360	7776	9559	11139	12557	13939	15292	16610
67	3132	4284	5271	6343	7664	9230	10546	11864	13184	14501
68	3046	4149	5091	6081	7401	8865	10133	11502	12769	14072
69	2966	4021	4912	5818	7137	8503	9725	11139	12360	13642
70	2883	3890	4728	5553	6872	8138	9311	10776	11946	13216
71	2803	3755	4548	5287	6607	7776	8900	10415	11536	12789
72	2720	3626	4367	5027	6343	7417	8485	10051	11120	12360
73	2652	3562	4302	4927	6244	7251	8321	9790	10793	11996

<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	10% or less £	11% - 20% £	21%- 30% £	31%- 40% £	41%- 50% £	51%- 60% £	61%- 70% £	71%- 80% £	81%- 90% £	91%- 100% £
74	2588	3493	4236	4828	6149	7084	8159	9526	10465	11626
75	2523	3429	4171	4728	6045	6921	7991	9260	10133	11269
76	2456	3359	4102	4631	5948	6758	7829	8998	9802	10910
77 and over	2392	3294	4038	4530	5849	6591	7664	8737	9476	10546

PART B

<i>Age of disabled person</i>	<i>Extent of incapacity for the relevant period</i>	
	<i>Partial</i> £	<i>Total</i> £
37 and under	49435	67890
38	47455	66571
39	45477	65252
40	43499	63935
41	41524	62616
42	39548	61298
43	37239	60640
44	34932	59977
45	32626	59321
46	30320	58662
47	28012	58002
48	27089	56158
49	26168	54314
50	25244	52464
51	24321	50621
52	23399	48772
53	21753	47455
54	20105	46138
55	18456	44822
56	16807	43499
57	15158	42182

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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>
	£	£
58	13776	38756
59	12390	35326
60	11006	31903
61	9623	28474
62	8239	25046
63	7447	22936
64	6656	20826
65	5866	18720
66	5077	16610
67	4284	14501
68	4149	14072
69	4021	13642
70	3890	13216
71	3755	12789
72	3626	12360
73	3562	11996
74	3493	11626
75	3429	11269
76	3359	10910
77 and over	3294	10546

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 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;
 - (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	13018	25379	29000	29992	30815
38	12623	24257	28013	29000	30055
39	12229	23136	27025	28012	29298
40	11828	22015	26035	27025	28540
41	11435	20896	25046	26035	27782
42	11043	19778	24057	25046	27025
43	10329	18325	23168	24156	26300
44	9623	16871	22274	23268	25567
45	8915	15422	21388	22377	24846
46	8205	13970	20422	21485	24122
47	7497	12521	19611	20600	23399
48	6955	12126	18953	19907	22508
49	6408	11731	18290	19214	21618
50	5866	11334	17633	18519	20728
51	5323	10940	16974	17830	19841
52	4778	10546	16315	17138	18953
53	4530	9623	15064	16181	18223
54	4284	8699	13808	15225	17500

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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>
	£	£	£	£	£
55	4038	7776	12557	14271	16774
56	3791	6854	11304	13317	16046
57	3541	5934	10051	12360	15323
58	3312	5271	8620	10680	13317
59	3078	4612	7186	8998	11304
60	2851	3956	5751	7317	9295
61	2622	3294	4319	5636	7284
62	2392	2639	2883	3956	5271
63	2392	2588	2787	3640	4697
64	2392	2537	2684	3328	4126
65	2392	2490	2588	3014	3541
66	2392	2441	2490	2702	2966
67 and over	2392	2392	2392	2392	2392

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	25379	30815
38	24257	30055
39	23136	29298
40	22015	28540
41	20896	27782
42	19778	27025
43	18325	26300
44	16871	25567
45	15422	24846
46	13970	24122
47	12521	23399
48	12126	22508
49	11731	21618

<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	11334	20728
51	10940	19841
52	10546	18953
53	9623	18223
54	8699	17500
55	7776	16774
56	6854	16046
57	5934	15323
58	5271	13317
59	4612	11304
60	3956	9295
61	3294	7284
62	2639	5271
63	2588	4697
64	2537	4126
65	2490	3541
66	2441	2966
67 and over	2392	2392

PART C

<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment £</i>
37 and under	30815
38	30055
39	29298
40	28540
41	27782
42	27025
43	26300
44	25567
45	24846

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<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment £</i>
46	24122
47	23399
48	22508
49	21618
50	20728
51	19841
52	18953
53	18223
54	17500
55	16774
56	16046
57	15323
58	13317
59	11304
60	9295
61	7284
62	5271
63	4697
64	4126
65	3541
66	2966
67 and over	2392

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 before they died.

These Regulations amend the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (S.I. 1988/668) so as to increase the amounts payable under the Act. The increase in each case is 3.6 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 regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities and voluntary bodies.