

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

2023 No. XXXX

SOCIAL SECURITY

**The Pneumoconiosis etc. (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations 2023**

Made - - - - *****
Coming into force - - *1st April 2023*

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

In accordance with section 7(3)(2) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979, a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2023 and come into force on 1st April 2023.

(2) These Regulations apply only 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 1st April 2023.

(3) These Regulations extend to England and Wales and Scotland.

Amendment of the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988

2.—(1) The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988(3) are amended as follows.

(2) In the proviso to regulation 5(1) (payment where death results from diffuse mesothelioma) for "£3,425" substitute "£3,771".

(1) 1979 c. 41. Section 1 was amended by section 24 of the Social Security Act 1985 (c. 53).

(2) Section 7(3) was amended by section 58 of the Welfare Reform Act 2007 (c. 5).

(3) S.I. 1988/668; relevant amending instruments are S.I. 1989/552, S.I. 2013/690, S.I. 2015/503 and S.I. 2022/254.

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for “£7,085” (in both places) substitute “£7,801”.

(4) In regulation 8 (minimum amount payable to dependant) for “£3,425” substitute “£3,771”.

(5) In the Schedule—

(a) in the part headed “TABLE 1”, for the table substitute—

“Age of disabled person or under £	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
	-20%	-30%	-40%	-50%	-60%	-70%	-80%	-90%	-100%	
£	£	£	£	£	£	£	£	£	£	£
37 or under	43,645	77,944	91,448	94,049	96,645	98,723	100,802	102,881	104,957	107,038
38	42,397	74,820	88,694	91,869	94,563	96,645	98,723	100,802	102,881	104,957
39	41,150	71,703	85,941	89,683	92,491	94,292	96,645	98,723	100,802	102,881
40	39,907	68,582	83,187	87,498	90,404	92,487	94,563	96,645	98,723	100,804
41	38,658	65,470	80,438	85,310	88,334	90,404	92,487	94,563	96,645	98,723
42	37,403	62,356	77,678	83,141	86,255	88,334	90,404	92,487	94,563	96,645
43	35,542	58,711	74,926	81,474	84,802	87,296	89,371	91,448	93,528	95,609
44	33,666	55,076	72,167	79,814	83,345	86,255	88,334	90,404	92,487	94,563
45	31,800	51,440	69,416	78,148	81,892	85,210	87,296	89,371	91,448	93,528
46	29,930	47,807	66,666	76,488	80,438	84,179	86,255	88,334	90,404	92,487
47	28,061	44,166	63,908	74,820	78,982	83,141	85,210	87,296	89,371	91,448
48	26,448	42,711	61,732	71,499	76,488	80,223	82,307	84,385	86,457	88,544
49	24,837	41,257	59,548	68,172	73,995	77,314	79,394	81,474	83,554	85,635
50	23,226	39,802	57,406	64,848	71,499	74,404	76,488	78,563	80,638	82,720
51	21,616	38,347	55,180	61,519	69,000	71,499	73,595	75,650	77,734	79,814
52	20,004	36,890	52,999	58,194	66,504	68,582	70,671	72,745	74,820	76,896
53	18,496	34,298	49,671	55,286	64,013	66,504	68,582	70,671	72,745	74,820
54	16,990	31,698	46,345	52,383	61,519	64,434	66,504	68,582	70,671	72,745
55	15,488	29,101	43,027	49,465	59,024	62,356	64,434	66,504	68,582	70,671
56	13,976	26,499	39,698	46,557	56,533	60,272	62,356	64,434	66,504	68,582
57	12,472	23,899	36,374	43,645	54,048	58,196	60,272	62,356	64,434	66,504
58	11,481	21,721	32,480	39,172	48,633	52,481	54,714	56,900	59,025	61,103
59	10,495	19,536	28,576	34,711	43,229	46,762	49,152	51,440	53,622	55,696
60	9,513	17,352	24,681	30,240	37,830	41,049	43,589	45,987	48,222	50,300

"Age of disabled person or under £"	Percentage assessment for the relevant period									
	10%	11%	21%	31%	41%	51%	61%	71%	81%	91%
	-20%	-30%	-40%	-50%	-60%	-70%	-80%	-90%	-100%	
	£	£	£	£	£	£	£	£	£	£
61	8,520	15,170	20,788	25,772	32,422	35,333	38,032	40,531	42,816	44,894
62	7,533	12,990	16,887	21,301	27,020	29,617	32,480	35,077	37,403	39,491
63	7,016	11,742	15,170	19,046	24,035	26,599	29,304	31,800	34,084	36,165
64	6,507	10,495	13,458	16,781	21,041	23,591	26,139	28,527	30,756	32,835
65	5,977	9,251	11,742	14,527	18,060	20,575	22,967	25,255	27,437	29,515
66	5,459	8,004	10,028	12,262	15,070	17,561	19,797	21,976	24,110	26,188
67	4,939	6,755	8,310	10,003	12,082	14,553	16,631	18,704	20,788	22,863
68	4,803	6,541	8,027	9,591	11,668	13,976	15,978	18,135	20,132	22,186
69	4,678	6,340	7,746	9,171	11,253	13,407	15,333	17,561	19,489	21,506
70	4,546	6,136	7,456	8,756	10,836	12,829	14,682	16,990	18,834	20,838
71	4,418	5,921	7,171	8,337	10,417	12,262	14,033	16,420	18,190	20,162
72	4,288	5,715	6,885	7,925	10,003	11,694	13,377	15,847	17,533	19,489
73	4,178	5,614	6,782	7,769	9,844	11,433	13,121	15,435	17,019	18,914
74	4,079	5,507	6,676	7,615	9,694	11,170	12,862	15,020	16,497	18,328
75	3,978	5,409	6,575	7,456	9,532	10,912	12,600	14,601	15,978	17,767
76	3,871	5,297	6,468	7,300	9,376	10,655	12,343	14,186	15,453	17,203
77 or over	3,771	5,195	6,368	7,142	9,222	10,391	12,082	13,776	14,939	16,631

(b) in the part headed "TABLE 2", for the table (together with the headings to the table) substitute—

"Part A

Age of disabled person on their last birthday before their death	Percentage assessment for the relevant period				
	10% or under £	11%-20% £	21%-30% £	31%-49% £	50% or over £
37 or under	27,644	47,134	52,847	54,408	55,704
38	27,021	45,365	51,286	52,847	54,507
39	26,400	43,598	49,728	51,285	53,312
40	25,771	41,827	48,168	49,728	52,117

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2023 No. 372

Age of disabled person on their last birthday before their death	Percentage assessment for the relevant period				
	10% or under £	11%-20% £	21%-30% £	31%-49% £	50% or over £
41	25,148	40,063	46,610	48,168	50,922
42	24,530	38,303	45,049	46,610	49,728
43	23,405	36,015	43,646	45,205	48,584
44	22,291	33,720	42,240	43,804	47,430
45	21,174	31,437	40,838	42,400	46,294
46	20,056	29,148	39,316	40,997	45,152
47	18,939	26,863	38,040	39,599	44,011
48	18,085	26,238	37,000	38,506	42,609
49	17,221	25,613	35,958	37,414	41,202
50	16,367	24,989	34,922	36,316	39,801
51	15,512	24,367	33,882	35,232	38,403
52	14,654	23,747	32,842	34,140	37,000
53	14,261	22,291	30,870	32,631	35,851
54	13,873	20,834	28,890	31,125	34,712
55	13,485	19,379	26,916	29,620	33,569
56	13,096	17,925	24,940	28,115	32,418
57	12,472	16,474	22,967	26,606	31,278
58	11,481	15,429	20,711	23,959	28,115
59	10,495	14,389	18,451	21,303	24,940
60	9,513	13,358	16,185	18,654	21,774
61	8,520	12,314	13,928	16,005	18,604
62	7,533	11,280	11,664	13,358	15,429
63	7,016	11,199	11,513	12,856	14,524
64	6,507	10,495	11,350	12,366	13,625
65	5,977	9,251	11,199	11,871	12,703
66	5,459	8,004	10,028	11,380	11,796
67 or over	3,771	5,195	6,368	7,142	9,222

Part B

<i>Age of disabled person on their last birthday before their death</i>	<i>Payment £</i>
37 or under	55,704
38	54,507
39	53,312
40	52,117
41	50,922
42	49,728
43	48,584
44	47,430
45	46,294
46	45,152
47	44,011
48	42,609
49	41,202
50	39,801
51	38,403
52	37,000
53	35,851
54	34,712
55	33,569
56	32,418
57	31,278
58	28,115
59	24,940
60	21,774
61	18,604
62	15,429
63	14,524
64	13,625
65	12,703
66	11,796
67 or over	9,222

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The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2023 No. 372

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

Date

Name
Minister of State
Department for Work and Pensions

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. 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.

These Regulations amend the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (S.I. 1988/668) ("the 1988 Regulations"). The amendments made by regulation 2 have the effect of increasing the amounts payable under the 1988 Regulations. The increase in each case is 10.1 per cent rounded up or down to the nearest £1 as appropriate.

By virtue of regulation 1(2), the amendments made by these Regulations apply only in relation to any case in which a person first fulfils the conditions of entitlement to a payment under the Act on or after 1st April 2023.

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