STATUTORY INSTRUMENTS

2001 No. 3525

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2001

Made - - - - -	*30th October 2001*
Coming into force - -	*1st December 2001*

The Secretary of State, in exercise of the powers conferred on him by sections 1(1), (2) and (4) and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(**a**) 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 2001 and shall come into force on 1st December 2001.

(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 the Regulations

2. In the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988(**b**)—

(a) for the Schedule to those Regulations there shall be substituted 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 £1,992 there shall be substituted the amount £2,068;

(c) in regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount £4,121 (in both places) there shall be substituted the amount £4,278.

Signed by authority of the Secretary of State

Alan Whitehead
Parliamentary Under Secretary of State
30th October 2001 Department for Transport, Local Government and the Regions

(**a**) 1979 c. 41: section 1 of the Act was amended by section 24 of the Social Security Act 1985 (c. 53).
(**b**) 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 and 2000/1118.

[DTLR 2200]

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(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(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.

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%* £	*31%–40%* £	*41%–50%* £	*51%–60%* £	*61%–70%* £	*71%–80%* £	*81%–90%* £	*91%–100%* £
37 and under	23943	42757	50167	51592	53017	54157	55298	56437	57578	58718
38	23258	41045	48655	50397	51875	53017	54157	55298	56437	57578
39	22573	39334	47145	49197	50737	51875	53017	54157	55298	56437
40	21891	37623	45635	47999	49595	50737	51875	53017	54157	55298
41	21206	35915	44124	46801	48457	49595	50737	51875	53017	54157
42	20519	34205	42613	45608	47316	48457	49595	50737	51875	53017
43	19497	32209	41102	44694	46520	47887	49026	50167	51307	52448
44	18470	30213	39590	43782	45720	47316	48457	49595	50737	51875
45	17446	28218	38081	42869	44924	46745	47887	49026	50167	51307
46	16418	26224	36571	41958	44124	46176	47316	48457	49595	50737
47	15394	24228	35059	41045	43326	45608	46745	47887	49026	50167
48	14508	23429	33864	39221	41958	44007	45151	46290	47428	48571
49	13625	22633	32666	37397	40592	42413	43553	44694	45836	46976
50	12741	21834	31491	35573	39221	40816	41958	43098	44236	45377
51	11859	21036	30269	33748	37853	39221	40373	41499	42642	43782
52	10974	20238	29074	31924	36484	37623	38767	39905	41045	42184
53	10146	18814	27249	30328	35116	36484	37623	38767	39905	41045
54	9320	17389	25424	28734	33748	35346	36484	37623	38767	39905
55	8494	15962	23603	27135	32379	34205	35346	36484	37623	38767
56	7667	14536	21777	25540	31013	33064	34205	35346	36484	37623
57	6841	13111	19953	23943	29648	31925	33064	34205	35346	36484
58	6300	11916	17817	21490	26678	28789	30014	31213	32379	33521
59	5757	10716	15676	19041	23713	25653	26964	28218	29416	30554
60	5218	9519	13539	16588	20753	22518	23913	25227	26453	27593
61	4674	8323	11402	14137	17787	19383	20863	22233	23488	24627
62	4133	7126	9264	11686	14824	16248	17817	19240	20519	21662
63	3847	6441	8323	10449	13185	14592	16077	17446	18697	19838
64	3568	5757	7381	9206	11544	12941	14339	15649	16873	18012
65	3279	5073	6441	7970	9906	11287	12598	13854	15051	16191
66	2994	4392	5501	6725	8268	9634	10861	12056	13227	14366
67	2709	3705	4559	5487	6628	7983	9121	10262	11402	12542
68	2635	3589	4403	5259	6401	7667	8765	9948	11044	12171
69	2565	3477	4249	5032	6173	7355	8411	9634	10691	11799
70	2494	3364	4089	4803	5944	7039	8053	9320	10332	11431
71	2424	3248	3934	4573	5714	6725	7697	9009	9977	11062

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%* £
72	2352	3137	3777	4348	5487	6415	7339	8694	9618	10691
73	2294	3081	3720	4262	5401	6271	7197	8467	9335	10376
74	2238	3021	3663	4176	5318	6127	7056	8239	9051	10055
75	2182	2966	3607	4089	5229	5986	6912	8009	8765	9747
76	2124	2905	3547	4006	5144	5845	6771	7783	8478	9436
77 and over	2068	2849	3492	3918	5059	5701	6628	7557	8195	9121

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*	
	Partial £	*Total* £
37 and under	42757	58718
38	41045	57578
39	39334	56437
40	37623	55298
41	35915	54157
42	34205	53017
43	32209	52448
44	30213	51875
45	28218	51307
46	26224	50737
47	24228	50167
48	23429	48571
49	22633	46976
50	21834	45377
51	21036	43782
52	20238	42184
53	18814	41045
54	17389	39905
55	15962	38767
56	14536	37623
57	13111	36484
58	11916	33521
59	10716	30554
60	9519	27593
61	8323	24627
62	7126	21662
63	6441	19838
64	5757	18012
65	5073	16191
66	4392	14366
67	3705	12542
68	3589	12171
69	3477	11799
70	3364	11431
71	3248	11062
72	3137	10691
73	3081	10376
74	3021	10055
75	2966	9747
76	2905	9436
77 and over	2849	9121

TABLE 2

(1) This table is for the determination of payments to dependants of deceased sufferers under regulation 4(2) or 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, the first period specified in regulation 6(1)(b).

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 HIS 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%*	*31%-49%*	*50% and over*
	£	£	£	£	£
37 and under	11259	21951	25082	25940	26652
38	10917	20980	24229	25082	25995
39	10577	20010	23374	24228	25340
40	10231	19041	22518	23374	24684
41	9890	18073	21662	22518	24029
42	9551	17106	20807	21662	23374
43	8934	15849	20038	20893	22748
44	8323	14592	19266	20124	22113
45	7711	13339	18499	19355	21490
46	7097	12083	17663	18583	20863
47	6484	10829	16962	17817	20238
48	6015	10488	16392	17217	19468
49	5543	10146	15819	16619	18697
50	5073	9084	15251	16018	17928
51	4604	9462	14680	15421	17160
52	4133	9121	14111	14824	16392
53	3918	8323	13028	13995	15761
54	3705	7524	11943	13169	15136
55	3492	6725	10861	12343	14508
56	3279	5928	9777	11518	13879
57	3063	5132	8694	10691	13253
58	2864	4559	7455	9237	11518
59	2662	3990	6215	7783	9777
60	2466	3421	4973	6328	8039
61	2268	2849	3735	4875	6300
62	2068	2282	2494	3421	4559
63	2068	2238	2410	3148	4063
64	2068	2194	2322	2879	3568
65	2068	2154	2238	2607	3063
66	2068	2111	2154	2338	2565
67 and over	2068	2068	2068	2068	2068

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*	
	Partial £	*Total* £
37 and under	21951	26652
38	20980	25995
39	20010	25340
40	19041	24684
41	18073	24029
42	17106	23374
43	15849	22748
44	14592	22113
45	13339	21490
46	12083	20863
47	10829	20238
48	10488	19468
49	10146	18697
50	9804	17928
51	9462	17160
52	9121	16392
53	8323	15761
54	7524	15136
55	6725	14508
56	5928	13879
57	5132	13253
58	4559	11518
59	3990	9777
60	3421	8039
61	2849	6300
62	2282	4559
63	2238	4063
64	2194	3568
65	2154	3063
66	2111	2565
67 and over	2068	2068

PART C

PAYMENTS 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	26652
38	25995
39	25340
40	24684
41	24029
42	23374
43	22748
44	22113
45	21490
46	20863
47	20238
48	19468
49	18697
50	17928
51	17160
52	16392
53	15761
54	15136
55	14508
56	13879
57	13253
58	11518
59	9777
60	8039
61	6300
62	4559
63	4063
64	3568
65	3063
66	2565
67 and over	2068

”

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 3.8 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.

STATUTORY INSTRUMENTS

2001 No. 3525

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2001

ISBN 0-11-038731-7

9 780110 387314

£2.00

© Crown copyright 2001

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1890 11/2001 671594 19585