Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2012 ISBN 978-0-11-152062-8*

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

2012 No. 0000

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2012

Made - - - -	*2012*
Coming into force - -	*1st April 2012*

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(2) 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 a 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 2012 and come into force on 1st April 2012.

(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 the day on which they come into force.

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

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

(a) in regulations 5(1) and 8 (minimum amounts payable to dependant), for "£2,731" substitute "£2,873";

(b) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for "£5,648" (in both places) substitute "£5,942"; and

(**1**) 1979 c.41; section 1 was amended by section 24 of the Social Security Act 1985 (c.53) and section 7(3) was amended by section 58 of the Welfare Reform Act 2007 (c.5).

(**2**) S.I. 1988/668; relevant amending instruments are S.I. 1989/552, 2008/650, 2008/1963, 2009/747, 2010/1106 and 2011/1026.

(c) for the Schedule to those Regulations substitute the Schedule set out in the Schedule to these Regulations.

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

Name
Parliamentary Under-Secretary of State,
Department for Work and Pensions

Date

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 benefits are 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	*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	33,246	59,372	69,660	71,641	73,619	75,202	76,785	78,369	79,951	81,536
38	32,296	56,994	67,562	69,980	72,033	73,619	75,202	76,785	78,369	79,951
39	31,345	54,619	65,465	68,315	70,455	71,825	73,619	75,202	76,785	78,369
40	30,398	52,242	63,367	66,651	68,866	70,453	72,033	73,619	75,202	76,787
41	29,447	49,871	61,271	64,985	67,288	68,866	70,453	72,033	73,619	75,202
42	28,491	47,498	59,171	63,331	65,703	67,288	68,866	70,453	72,033	73,619
43	27,073	44,724	57,074	62,062	64,597	66,497	68,077	69,660	71,245	72,829

(**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.

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%*
	£	£	£	£	£	£	£	£	£	£
44	25,646	41,954	54,974	60,796	63,487	65,703	67,288	68,866	70,453	72,033
45	24,225	39,184	52,877	59,527	62,381	64,908	66,497	68,077	69,660	71,245
46	22,798	36,415	50,782	58,263	61,271	64,122	65,703	67,288	68,866	70,453
47	21,376	33,643	48,682	56,994	60,164	63,331	64,908	66,497	68,077	69,660
48	20,147	32,534	47,023	54,463	58,263	61,109	62,696	64,278	65,857	67,447
49	18,920	31,427	45,359	51,929	56,365	58,893	60,478	62,062	63,647	65,231
50	17,693	30,319	43,728	49,397	54,463	56,677	58,263	59,844	61,426	63,011
51	16,466	29,210	42,032	46,862	52,561	54,463	56,061	57,625	59,212	60,796
52	15,239	28,102	40,372	44,329	50,660	52,242	53,832	55,412	56,994	58,575
53	14,089	26,125	37,836	42,114	48,761	50,660	52,242	53,832	55,412	56,994
54	12,942	24,147	35,303	39,901	46,862	49,082	50,660	52,242	53,832	55,412
55	11,796	22,167	32,776	37,678	44,960	47,498	49,082	50,660	52,242	53,832
56	10,646	20,186	30,240	35,464	43,065	45,911	47,498	49,082	50,660	52,242
57	9,499	18,205	27,707	33,246	41,170	44,330	45,911	47,498	49,082	50,660
58	8,747	16,545	24,741	29,840	37,046	39,977	41,678	43,343	44,961	46,546
59	7,993	14,881	21,768	26,440	32,929	35,620	37,441	39,184	40,846	42,427
60	7,247	13,218	18,799	23,034	28,818	31,269	33,203	35,029	36,732	38,316
61	6,489	11,556	15,835	19,630	24,698	26,914	28,971	30,873	32,614	34,197
62	5,739	9,895	12,864	16,227	20,582	22,560	24,741	26,718	28,491	30,081
63	5,343	8,944	11,556	14,509	18,309	20,262	22,324	24,225	25,963	27,546
64	4,956	7,993	10,250	12,783	16,028	17,971	19,911	21,730	23,429	25,012
65	4,553	7,045	8,944	11,066	13,756	15,674	17,494	19,238	20,900	22,483
66	4,159	6,097	7,638	9,339	11,479	13,377	15,080	16,740	18,366	19,949
67	3,762	5,145	6,330	7,619	9,204	11,085	12,666	14,248	15,835	17,416
68	3,659	4,982	6,114	7,304	8,888	10,646	12,171	13,814	15,335	16,900
69	3,563	4,830	5,900	6,987	8,572	10,212	11,679	13,377	14,844	16,384
70	3,462	4,673	5,678	6,670	8,253	9,773	11,183	12,942	14,346	15,873
71	3,366	4,510	5,462	6,351	7,935	9,339	10,689	12,507	13,855	15,359
72	3,266	4,354	5,244	6,037	7,619	8,908	10,191	12,071	13,355	14,844
73	3,184	4,277	5,166	5,918	7,499	8,708	9,994	11,757	12,964	14,407

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%*
	£	£	£	£	£	£	£	£	£	£
74	3,108	4,195	5,086	5,799	7,385	8,508	9,799	11,441	12,568	13,962
75	3,030	4,119	5,009	5,678	7,261	8,312	9,597	11,122	12,171	13,534
76	2,949	4,034	4,927	5,562	7,143	8,117	9,403	10,806	11,771	13,104
77 and over	2,873	3,957	4,850	5,440	7,025	7,915	9,204	10,494	11,381	12,666

Part B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	£
37 and under	59,372	81,536
38	56,994	79,951
39	54,619	78,369
40	52,242	76,787
41	49,871	75,202
42	47,498	73,619
43	44,724	72,829
44	41,954	72,033
45	39,184	71,245
46	36,415	70,453
47	33,643	69,660
48	32,534	67,447
49	31,427	65,231
50	30,319	63,011
51	29,210	60,796
52	28,102	58,575
53	26,125	56,994
54	24,147	55,412
55	22,167	53,832
56	20,186	52,242
57	18,205	50,660