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

2011 No.0000

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2011

Made - - - -	*2011*
Coming into force - -	*1st April 2011*

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(**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 2011 and shall come into force on 1st April 2011.

(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 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 "£2,649" substitute "£2,731";

(b) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for "£5,478" (in both places) substitute "£5,648"; and

(**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, the relevant amending regulations are S.I. 1989/552, 2008/650, 2008/1963, 2009/747and 2010/1106.

(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
Date 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 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	31,603	56,437	66,217	68,100	69,980	71,485	72,990	74,495	75,999	77,506
38	30,700	54,177	64,222	66,521	68,472	69,980	71,485	72,990	74,495	75,999
39	29,796	51,919	62,229	64,938	66,972	68,275	69,980	71,485	72,990	74,495
40	28,895	49,660	60,235	63,356	65,462	66,971	68,472	69,980	71,485	72,991
41	27,991	47,406	58,242	61,773	63,962	65,462	66,971	68,472	69,980	71,485
42	27,083	45,150	56,246	60,201	62,455	63,962	65,462	66,971	68,472	69,980

(**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%*
	£	£	£	£	£	£	£	£	£	£
43	25,735	42,513	54,253	58,994	61,404	63,210	64,712	66,217	67,723	69,229
44	24,378	39,880	52,257	57,791	60,349	62,455	63,962	65,462	66,971	68,472
45	23,028	37,247	50,263	56,585	59,298	61,700	63,210	64,712	66,217	67,723
46	21,671	34,615	48,272	55,383	58,242	60,952	62,455	63,962	65,462	66,971
47	20,319	31,980	46,276	54,177	57,190	60,201	61,700	63,210	64,712	66,217
48	19,151	30,926	44,699	51,771	55,383	58,088	59,597	61,101	62,602	64,113
49	17,985	29,874	43,117	49,362	53,579	55,982	57,489	58,994	60,501	62,007
50	16,818	28,820	41,567	46,955	51,771	53,875	55,383	56,886	58,390	59,896
51	15,652	27,766	39,954	44,546	49,963	51,771	53,290	54,777	56,285	57,791
52	14,486	26,713	38,376	42,138	48,156	49,660	51,171	52,673	54,177	55,680
53	13,393	24,834	35,966	40,032	46,351	48,156	49,660	51,171	52,673	54,177
54	12,302	22,953	33,558	37,929	44,546	46,656	48,156	49,660	51,171	52,673
55	11,213	21,071	31,156	35,816	42,738	45,150	46,656	48,156	49,660	51,171
56	10,120	19,188	28,745	33,711	40,936	43,642	45,150	46,656	48,156	49,660
57	9,029	17,305	26,337	31,603	39,135	42,139	43,642	45,150	46,656	48,156
58	8,315	15,727	23,518	28,365	35,215	38,001	39,618	41,201	42,739	44,245
59	7,598	14,145	20,692	25,133	31,301	33,859	35,590	37,247	38,827	40,330
60	6,889	12,565	17,870	21,895	27,394	29,723	31,562	33,298	34,916	36,422
61	6,168	10,985	15,052	18,660	23,477	25,584	27,539	29,347	31,002	32,507
62	5,455	9,406	12,228	15,425	19,565	21,445	23,518	25,397	27,083	28,594
63	5,079	8,502	10,985	13,792	17,404	19,260	21,221	23,028	24,680	26,184
64	4,711	7,598	9,743	12,151	15,236	17,083	18,927	20,656	22,271	23,776
65	4,328	6,697	8,502	10,519	13,076	14,899	16,629	18,287	19,867	21,372
66	3,953	5,796	7,260	8,877	10,912	12,716	14,335	15,913	17,458	18,963
67	3,576	4,891	6,017	7,242	8,749	10,537	12,040	13,544	15,052	16,555
68	3,478	4,736	5,812	6,943	8,449	10,120	11,569	13,131	14,577	16,065
69	3,387	4,591	5,608	6,642	8,148	9,707	11,102	12,716	14,110	15,574
70	3,291	4,442	5,397	6,340	7,845	9,290	10,630	12,302	13,637	15,088
71	3,200	4,287	5,192	6,037	7,543	8,877	10,161	11,889	13,170	14,600
72	3,105	4,139	4,985	5,739	7,242	8,468	9,687	11,474	12,695	14,110
73	3,027	4,066	4,911	5,625	7,128	8,278	9,500	11,176	12,323	13,695

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	2,954	3,988	4,835	5,512	7,020	8,087	9,315	10,875	11,947	13,272
75	2,880	3,915	4,761	5,397	6,902	7,901	9,123	10,572	11,569	12,865
76	2,803	3,835	4,683	5,287	6,790	7,716	8,938	10,272	11,189	12,456
77 and over	2,731	3,761	4,610	5,171	6,678	7,524	8,749	9,975	10,818	12,040

Part B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	£
37 and under	56,437	77,506
38	54,177	75,999
39	51,919	74,495
40	49,660	72,991
41	47,406	71,485
42	45,150	69,980
43	42,513	69,229
44	39,880	68,472
45	37,247	67,723
46	34,615	66,971
47	31,980	66,217
48	30,926	64,113
49	29,874	62,007
50	28,820	59,896
51	27,766	57,791
52	26,713	55,680
53	24,834	54,177
54	22,953	52,673
55	21,071	51,171
56	19,188	49,660