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

2009 No. 0000

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2009

Made - - - -	*2009*
Coming into force - -	*1st April 2009*

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 2009 and shall come into force on 1st April 2009.

(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) in regulations 5(1) and 8 (minimum amounts payable to dependant), for "£2,485" substitute "£2,609";

(b) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for "£5,140" (in both places) substitute "£5,397"; and

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

(**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, amended by S.I. 1989/552, 2008/650 and 2008/1963.

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 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

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	30200	53931	63277	65076	66873	68311	69749	71187	72625	74065
38	29337	51771	61370	63567	65432	66873	68311	69749	71187	72625
39	28473	49614	59466	62054	63998	65243	66873	68311	69749	71187
40	27612	47455	57561	60543	62556	63997	65432	66873	68311	69750
41	26748	45301	55656	59031	61122	62556	63997	65432	66873	68311

(**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%*
	£	£	£	£	£	£	£	£	£	£
42	25881	43145	53749	57528	59682	61122	62556	63997	65432	66873
43	24592	40626	51844	56374	58678	60403	61838	63277	64716	66155
44	23296	38109	49937	55225	57669	59682	61122	62556	63997	65432
45	22006	35593	48032	54073	56665	58961	60403	61838	63277	64716
46	20708	33078	46129	52924	55656	58245	59682	61122	62556	63997
47	19417	30560	44222	51771	54650	57528	58961	60403	61838	63277
48	18300	29553	42714	49472	52924	55508	56951	58388	59823	61266
49	17186	28548	41203	47170	51200	53497	54936	56374	57815	59254
50	16071	27540	39721	44870	49472	51483	52924	54361	55797	57236
51	14957	26533	38180	42568	47745	49472	50924	52345	53786	55225
52	13843	25527	36672	40267	46018	47455	48899	50334	51771	53208
53	12798	23731	34369	38254	44293	46018	47455	48899	50334	51771
54	11756	21934	32068	36245	42568	44584	46018	47455	48899	50334
55	10715	20135	29772	34226	40840	43145	44584	46018	47455	48899
56	9671	18336	27469	32214	39118	41704	43145	44584	46018	47455
57	8629	16537	25167	30200	37397	40268	41704	43145	44584	46018
58	7946	15029	22474	27106	33651	36313	37859	39371	40841	42281
59	7261	13517	19773	24017	29911	32356	34010	35593	37103	38539
60	6583	12007	17077	20923	26177	28403	30161	31820	33366	34805
61	5895	10498	14383	17832	22434	24448	26316	28044	29626	31064
62	5213	8988	11685	14740	18697	20493	22474	24269	25881	27324
63	4853	8124	10498	13179	16632	18405	20279	22006	23584	25022
64	4501	7261	9310	11612	14560	16324	18087	19739	21282	22720
65	4136	6400	8124	10052	12496	14237	15891	17475	18985	20423
66	3777	5539	6938	8483	10428	12152	13699	15207	16683	18121
67	3417	4674	5750	6920	8361	10069	11505	12943	14383	15820
68	3323	4526	5554	6634	8074	9671	11055	12548	13930	15352
69	3236	4387	5359	6347	7786	9276	10609	12152	13484	14883
70	3145	4244	5158	6058	7497	8878	10158	11756	13032	14418
71	3058	4097	4962	5768	7208	8483	9709	11362	12585	13952
72	2967	3956	4764	5484	6920	8092	9257	10965	12131	13484

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%* £
73	2893	3886	4693	5375	6812	7910	9078	10680	11775	13087
74	2823	3811	4621	5267	6708	7728	8901	10392	11417	12683
75	2752	3741	4550	5158	6595	7550	8718	10102	11055	12294
76	2679	3665	4475	5052	6489	7373	8541	9816	10693	11902
77 and over	2610	3594	4405	4942	6381	7190	8361	9532	10338	11505

PART B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial £	*Total* £
37 and under	53931	74065
38	51771	72625
39	49614	71187
40	47455	69750
41	45301	68311
42	43145	66873
43	40626	66155
44	38109	65432
45	35593	64716
46	33078	63997
47	30560	63277
48	29553	61266
49	28548	59254
50	27540	57236
51	26533	55225
52	25527	53208
53	23731	51771
54	21934	50334
55	20135	48899