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 This draft has been replaced by a new draft, The Pneumoconiosis etc.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 2009 ISBN 978-0-11-147281-1*

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

2008 No.

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2008

Made - - - -	*2008*
Coming into force - -	*1st April 2008*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1(1), (2) and (4) and 7 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 2008 and shall come into force on the 1st April 2008.

(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) for the Schedule to those Regulations substitute 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 "£2,392" substitute the amount "£2,485";

(**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, as amended by S.I. 1989/552, 1990/825, 1991/899, 1992/403, 1993/1158, 1995/1514, 1996/1979, 1997/1691, 1998/1840, 2000/1118, 2001/3525, 2004/726, 2005/414, 2006/829, and 2007/716.

(c) in regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount "£4,947" (in both places) substitute the amount "£5,140".

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

Parliamentary Under-Secretary of State,
2008 Department for Work and Pensions

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) 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	28762	51363	60264	61977	63689	65058	66428	67797	69167	70538
38	27940	49306	58448	60540	62316	63689	65058	66428	67797	69167
39	27117	47251	56634	59099	60950	62316	63689	65058	66428	67797
40	26297	45195	54820	57660	59577	60950	62316	63689	65058	66428
41	25474	43143	53006	56220	58211	59577	60950	62316	63689	65058
42	24648	41090	51189	54789	56840	58211	59577	60950	62316	63689
43	23421	38691	49375	53689	55884	57526	58894	60264	61635	63005

(**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.

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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	22187	36294	47559	52595	54923	56840	58211	59577	60950	62316
45	20958	33898	45745	51498	53967	56154	57526	58894	60264	61635
46	19722	31502	43932	50404	53006	55471	56840	58211	59577	60950
47	18492	29104	42116	49306	52048	54789	56154	57526	58894	60264
48	17428	28145	40680	47117	50404	52864	54239	55607	56975	58348
49	16367	27189	39241	44924	48762	50949	52320	53689	55062	56432
50	15306	26229	37830	42733	47117	49032	50404	51772	53140	54510
51	14245	25270	36362	40541	45472	47117	48499	49852	51225	52595
52	13184	24312	34926	38349	43827	45195	46570	47937	49306	50674
53	12189	22601	32733	36433	42183	43827	45195	46570	47937	49306
54	11196	20889	30541	34519	40541	42461	43827	45195	46570	47937
55	10205	19176	28354	32597	38895	41090	42461	43827	45195	46470
56	9211	17462	26161	30680	37255	39718	41090	42461	43827	45195
57	8218	15749	23969	28762	35616	38351	39718	41090	42461	43827
58	7568	14313	21403	25815	32049	34584	36056	37496	38896	40267
59	6916	12873	18832	22874	28486	30816	32391	33898	35336	36704
60	6269	11435	16263	19927	24931	27050	28725	30305	31777	33147
61	5615	9998	13698	16982	21366	23284	25063	26709	28215	29584
62	4964	8560	11129	14038	17806	19518	21403	23114	24648	26023
63	4621	7737	9998	12551	15840	17529	19313	20958	22461	23831
64	4287	6916	8867	11059	13866	15547	17226	18799	20269	21639
65	3939	6095	7737	9573	11901	13559	15134	16643	18081	19450
66	3597	5275	6608	8079	9932	11573	13047	14483	15888	17258
67	3254	4451	5477	6590	7963	9590	10957	12327	13698	15067
68	3165	4311	5290	6318	7690	9211	10528	11951	13267	14621
69	3082	4178	5104	6045	7415	8835	10104	11573	12842	14174
70	2995	4042	4912	5770	7140	8455	9674	11196	12412	13731
71	2912	3901	4725	5493	6865	8079	9247	10821	11986	13288
72	2826	3767	4537	5223	6590	7706	8816	10443	11554	12842
73	2755	3701	4470	5119	6488	7534	8646	10172	11214	12464
74	2689	3629	4401	5016	6389	7360	8477	9898	10873	12079

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%*
	£	*£*	*£*	*£*	*£*	*£*	*£*	*£*	*£*	*£*
75	2621	3363	4334	4912	6281	7191	8303	9621	10528	11708
76	2552	3490	4262	4812	6180	7022	8134	9349	10184	11335
77 and over	2485	3422	4195	4707	6077	6848	7963	9078	9846	10957

PART B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial £	*Total* £
37 and under	51363	70538
38	49306	69167
39	47251	67797
40	45195	66428
41	43143	65058
42	41090	63689
43	38691	63005
44	36294	62316
45	33898	61635
46	31502	60950
47	29104	60264
48	28145	58348
49	27189	56432
50	26229	54510
51	25270	52595
52	24312	50674
53	22601	49306
54	20889	47937
55	19176	46570
56	17462	45195
57	15749	43827
58	14313	40267
59	12873	36704