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

2007 No.

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2007

Made - - - -	*2007*
Coming into force - -	*1st April 2007*

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 2007 and shall come into force on the 1st April 2007.

(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 "£2,309" substitute the amount "£2,392";

(**1**) 1979 c.41. Section 1 was amended by section 24 of the Social Security Act 1985 (c.53).
(**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 and 2006/829.

(c) in regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount "£4,775" (in both places) substitute the amount "£4,947".

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

Minister of State,
Date 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. 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). 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	27682	49435	58002	59651	61298	62616	63935	65252	66571	67890
38	26891	47455	56254	58268	59977	61298	62616	63935	65252	66571
39	26099	45477	54508	56881	58662	59977	61298	62616	63935	65252
40	25310	43499	52762	55496	57341	58662	59977	61298	62616	63935
41	24518	41524	51016	54110	56026	57341	58662	59977	61298	62616
42	23723	39548	49268	52732	54706	56026	57341	58662	59977	61298
43	22542	37239	47522	51674	53786	55367	56683	58002	59321	60640

(**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	21354	34932	45774	50621	52861	54706	56026	57341	58662	59977
45	20171	32626	44028	49565	51941	54046	55367	56683	58002	59321
46	18982	30320	42283	48512	51016	53389	54706	56026	57341	58662
47	17798	28012	40535	47455	50094	52732	54046	55367	56683	58002
48	16774	27089	39153	45348	48512	50880	52203	53520	54836	56158
49	15753	26168	37768	43238	46932	49037	50356	51674	52995	54314
50	14731	25244	36410	41129	45348	47191	48512	49829	51145	52464
51	13710	24321	34997	39019	43765	45348	46679	47981	49302	50621
52	12689	23399	33615	36910	42182	43499	44822	46138	47455	48772
53	11731	21753	31504	35065	40600	42182	43499	44822	46138	47455
54	10776	20105	29395	33223	39019	40867	42182	43499	44822	46138
55	9822	18456	27290	31373	37436	39548	40867	42182	43499	44822
56	8865	16807	25179	29528	35857	38227	39548	40867	42182	43499
57	7910	15158	23069	27682	34279	36911	38227	39548	40867	42182
58	7284	13776	20600	24846	30846	33286	34703	36089	37436	38756
59	6656	12390	18125	22015	27417	29659	31175	32626	34010	35326
60	6034	11006	15653	19179	23995	26035	27647	29167	30584	31903
61	5404	9623	13184	16345	20564	22410	24122	25706	27156	28474
62	4778	8239	10711	13511	17138	18785	20600	22246	23723	25046
63	4448	7447	9623	12080	15245	16871	18588	20171	21618	22936
64	4126	6656	8534	10644	13346	14963	16579	18093	19508	20826
65	3791	5866	7447	9214	11454	13050	14566	16018	17402	18720
66	3462	5077	6360	7776	9559	11139	12557	13939	15292	16610
67	3132	4284	5271	6343	7664	9230	10546	11864	13184	14501
68	3046	4149	5091	6081	7401	8865	10133	11502	12769	14072
69	2966	4021	4912	5818	7137	8503	9725	11139	12360	13642
70	2883	3890	4728	5553	6872	8138	9311	10776	11946	13216
71	2803	3755	4548	5287	6607	7776	8900	10415	11536	12789
72	2720	3626	4367	5027	6343	7417	8485	10051	11120	12360
73	2652	3562	4302	4927	6244	7251	8321	9790	10793	11996

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	2588	3493	4236	4828	6149	7084	8159	9526	10465	11626
75	2523	3429	4171	4728	6045	6921	7991	9260	10133	11269
76	2456	3359	4102	4631	5948	6758	7829	8998	9802	10910
77 and over	2392	3294	4038	4530	5849	6591	7664	8737	9476	10546

PART B

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	£
37 and under	49435	67890
38	47455	66571
39	45477	65252
40	43499	63935
41	41524	62616
42	39548	61298
43	37239	60640
44	34932	59977
45	32626	59321
46	30320	58662
47	28012	58002
48	27089	56158
49	26168	54314
50	25244	52464
51	24321	50621
52	23399	48772
53	21753	47455
54	20105	46138
55	18456	44822
56	16807	43499
57	15158	42182