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 This draft has been replaced by a new draft, The Pneumoconiosis etc.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 2006 ISBN 0-11-073902-7*

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

2005 No.

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2005

Made - - - -	*2005*
Coming into force - -	*1st April 2005*

The Secretary of State, in exercise of the powers conferred on him by sections 1(1), (2) and (4) and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(**1**) and of all other powers enabling him in that behalf, hereby makes the following Regulations, of which a draft has been 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 2005 and shall come into force on 1st April 2005.

(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 there shall be substituted 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 £2,180 there shall be substituted the amount £2,248;

(c) in regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount £4,509 (in both places) there shall be substituted the amount £4,649.

(**1**) 1979 c.41: section 1 of the Act 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 and 2004/726.

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

Minister of State,
2005 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.

PART A

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE DISABLEMENT BENEFIT UNDER SECTION 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS, OR WOULD BE PAYABLE BUT FOR THE DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE

	Percentage assessment for the relevant period									
Age of disabled person	**10% - or less**	**11%-20%**	**21%-30%**	**31%-40%**	**41%-50%**	**51%-60%**	**61%-70%**	**71%-80%**	**81%-90%**	**91%-100%**
	£	**£**	**£**	**£**	**£**	**£**	**£**	**£**	**£**	**£**
37 and under	26018	46463	54515	56064	57612	58851	60091	61329	62568	63808
38	25274	44602	52872	54765	56371	57612	58851	60091	61329	62568
39	24530	42743	51231	53461	55135	56371	57612	58851	60091	61329
40	23788	40884	49590	52159	53893	55135	56371	57612	58851	60091
41	23044	39027	47949	50857	52657	53893	55135	56371	57612	58851
42	22297	37170	46306	49561	51417	52657	53893	55135	56371	57612
43	21187	35000	44665	48567	50552	52038	53275	54515	55754	56994
44	20070	32832	43022	47577	49683	51417	52657	53893	55135	56371
45	18958	30664	41381	46585	48818	50796	52038	53275	54515	55754
46	17841	28497	39741	45595	47949	50179	51417	52657	53893	55135
47	16728	26328	38098	44602	47082	49561	50796	52038	53275	54515
48	15765	25460	36799	42621	45595	47821	49064	50302	51539	52781
49	14806	24595	35497	40638	44110	46089	47328	48567	49809	51048

	Percentage assessment for the relevant period									
Age of disabled person	**10% - or less**	**11%-20%**	**21%-30%**	**31%-40%**	**41%-50%**	**51%-60%**	**61%-70%**	**71%-80%**	**81%-90%**	**91%-100%**
	£	**£**	**£**	**£**	**£**	**£**	**£**	**£**	**£**	**£**
50	13845	23726	34221	38656	42621	44354	45595	46833	48070	49310
51	12886	22859	32893	36673	41134	42621	43872	45096	46338	47577
52	11926	21992	31594	34691	39646	40884	42127	43364	44602	45840
53	11026	20445	29610	32957	38159	39646	40884	42127	43364	44602
54	10128	18896	27628	31225	36673	38410	39646	40884	42127	43364
55	9231	17346	25649	29487	35185	37170	38410	39646	40884	42127
56	8332	15796	23665	27753	33701	35929	37170	38410	39646	40884
57	7434	14247	21682	26018	32218	34692	35929	37170	38410	39646
58	6846	12948	19361	23352	28991	31285	32616	33919	35185	36426
59	6256	11645	17035	20691	25769	27876	29301	30664	31965	33202
60	5671	10344	14712	18026	22552	24470	25985	27413	28745	29985
61	5079	9044	12391	15362	19328	21063	22672	24160	25523	26762
62	4491	7744	10067	12699	16108	17656	19361	20908	22297	23540
63	4181	6999	9044	11354	14328	15857	17470	18958	20318	21557
64	3878	6256	8021	10004	12544	14063	15582	17005	18335	19574
65	3563	5513	6999	8660	10765	12265	13690	15055	16356	17594
66	3254	4772	5978	7308	8984	10469	11802	13101	14373	15611
67	2944	4026	4954	5962	7203	8675	9912	11151	12391	13629
68	2863	3900	4785	5715	6956	8332	9524	10810	12001	13226
69	2788	3779	4617	5468	6708	7992	9140	10469	11617	12822
70	2710	3656	4444	5219	6459	7649	8751	10128	11228	12421
71	2634	3529	4275	4969	6210	7308	8365	9789	10842	12020
72	2556	3408	4104	4725	5962	6971	7975	9447	10451	11617
73	2493	3348	4043	4631	5869	6815	7821	9201	10144	11275
74	2432	3283	3981	4538	5779	6658	7668	8953	9836	10927
75	2371	3223	3920	4444	5682	6505	7511	8703	9524	10591
76	2308	3157	3855	4353	5590	6352	7358	8457	9213	10254
77 and over	2248	3096	3795	4258	5497	6195	7203	8212	8906	9912

PART B

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE AN ALLOWANCE UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SCHEDULE 8, PARAGRAPH 4 TO THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACT

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial	**Total**
	£	**£**
37 and under	46463	63808
38	44602	62568
39	42743	61329
40	40884	60091
41	39027	58851
42	37170	57612
43	35000	56994
44	32832	56371
45	30664	55754
46	28497	55135
47	26328	54515
48	25460	52781
49	24595	51048
50	23726	49310
51	22859	47577
52	21992	45840
53	20445	44602
54	18896	43364
55	17346	42127
56	15796	40884
57	14247	39646
58	12948	36426
59	11645	33202
60	10344	29985
61	9044	26762
62	7744	23540
63	6999	21557
64	6256	19574
65	5513	17594