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

2004 No.

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2004

Made - - - -	*2004*
Coming into force - -	*1st April 2004*

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 2004 and shall come into force on 1st April 2004.

(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 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 £2,068 there shall be substituted the amount £2,180;

(c) in regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for the amount £4,278 (in both places) there shall be substituted the amount £4,509.

(**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 amended by S.I. 1989/552, 1990/825, 1991/899, 1992/403, 1993/1158, 1995/1514, 1996/1979, 1997/1691, 1998/1840, 2000/1118 and 2001/3525.

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

Minister of State,
2004 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(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(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

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	25236	45066	52876	54378	55880	57081	58284	59485	60687	61889
38	24514	43261	51282	53118	54676	55880	57081	58284	59485	60687
39	23792	41458	49691	51854	53477	54676	55880	57081	58284	59485
40	23073	39655	48099	50591	52273	53477	54676	55880	57081	58284
41	22351	37854	46507	49328	51074	52273	53477	54676	55880	57081
42	21627	36052	44914	48071	49871	51074	52273	53477	54676	55880
43	20550	33948	43322	47107	49032	50473	51673	52876	54078	55280
44	19467	31845	41728	46146	48189	49871	51074	52273	53477	54676
45	18388	29742	40137	45184	47350	49269	50473	51673	52876	54078
46	17305	27640	38546	44224	46507	48670	49871	51074	52273	53477
47	16225	25536	36952	43261	45666	48071	49269	50473	51673	52876

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%*
	£	£	£	£	£	£	£	£	£	£
48	15291	24694	35693	41339	44224	46383	47589	48790	49989	51194
49	14361	23855	34430	39416	42784	44703	45905	47107	48311	49513
50	13429	23013	33192	37494	41339	43020	44224	45425	46625	47827
51	12499	22172	31904	35570	39897	41339	42553	43740	44945	46146
52	11567	21331	30644	33648	38454	39655	40860	42060	43261	44462
53	10694	19830	28720	31966	37012	38454	39655	40860	42060	43261
54	9823	18328	26797	30286	35570	37255	38454	39655	40860	42060
55	8953	16824	24878	28600	34127	36052	37255	38454	39655	40860
56	8081	15321	22953	26919	32688	34849	36052	37255	38454	39655
57	7210	13819	21030	25236	31249	33649	34849	36052	37255	38454
58	6640	12559	18779	22650	28119	30344	31635	32899	34127	35331
59	6068	11295	16523	20069	24994	27038	28420	29742	31004	32204
60	5500	10033	14270	17484	21874	23734	25204	26589	27881	29083
61	4926	8772	12018	14900	18747	20430	21990	23434	24756	25957
62	4356	7511	9764	12317	15624	17125	18779	20279	21627	22832
63	4055	6789	8772	11013	13897	15380	16945	18388	19707	20909
64	3761	6068	7780	9703	12167	13640	15113	16494	17784	18985
65	3456	5347	6789	8400	10441	11896	13278	14602	15864	17065
66	3156	4629	5798	7088	8714	10154	11447	12707	13941	15142
67	2855	3905	4805	5783	6986	8414	9614	10816	12018	13219
68	2777	3783	4641	5543	6747	8081	9238	10485	11640	12828
69	2704	3665	4478	5304	6506	7752	8865	10154	11268	12436
70	2629	3546	4310	5062	6265	7419	8488	9823	10890	12048
71	2555	3423	4146	4820	6023	7088	8113	9495	10516	11659
72	2479	3306	3981	4583	5783	6761	7735	9163	10137	11268
73	2418	3247	3921	4492	5693	6610	7586	8924	9839	10936
74	2359	3184	3861	4402	5605	6458	7437	8684	9540	10598
75	2300	3126	3802	4310	5511	6309	7285	8441	9238	10273
76	2239	3062	3739	4222	5422	6161	7137	8203	8936	9946

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%*
	£	*£*	*£*	*£*	*£*	*£*	*£*	*£*	*£*	*£*
77 and over	2180	3003	3681	4130	5332	6009	6986	7965	8638	9614

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 ACTS

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	*£*
37 and under	45066	61889
38	43261	60687
39	41458	59485
40	39655	58284
41	37854	57081
42	36052	55880
43	33948	55280
44	31845	54676
45	29742	54078
46	27640	53477
47	25536	52876
48	24694	51194
49	23855	49513
50	23013	47827
51	22172	46146
52	21331	44462
53	19830	43261
54	18328	42060
55	16824	40860
56	15321	39655