EXPLANATORY MEMORANDUM TO

The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment No. 2) Regulations (Northern Ireland) 2022

2022 No. 229

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 1(3) and 9(2)(a) and (3) of the Mesothelioma, etc., Act (Northern Ireland) 2008 ("the Act") and is subject to the confirmatory resolution procedure.

2. Purpose

2.1. These Regulations revoke and re-enact the provisions of the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2022 (S.R. 2022 No. 137), which would otherwise cease to have effect by virtue of section 10(2) of the Mesothelioma, etc., Act 2008. The Regulations, one of a series of statutory rules relating to the annual up-rating of social security benefits, pensions and lump sum payments, amend the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008 to increase the amounts payable under the Act from 28 September 2022.

3. Background

3.1. The Act enables lump sum compensation payments to be paid to people who have Diffuse Mesothelioma, or to their dependants where the sufferers did not claim in their lifetime. Under the Act payments are made without the need to prove negligent exposure to asbestos, or that the exposure occurred during employment.

3.2. Although there is no statutory obligation to increase the level of payments under the Act, the amounts are usually increased each year in line with the rate of inflation as measured by the Consumer Prices Index (CPI) in the previous September. The September 2021 CPI rate was 3.1 per cent. As payments made under the Act are in respect of people who have been disabled through asbestos-related disease, in some cases through work, they are being up-rated in line with other disability benefits.

4. Consultation

4.1. There is no requirement to consult in relation to these Regulations.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity or good relations. In light of this, the Department considered that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. The Regulations do not require a Regulatory Impact Assessment as they do not impose any costs on business, charities, social enterprises or voluntary bodies.

7. Financial Implications

7.1. The implementation of the proposals for the up-rating of benefits in 2022-2023 is expected to increase the Department's annually managed expenditure by approximately £223 million.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department is satisfied that these Regulations comply with section 24 of the Northern Ireland Act 1998 (Convention rights etc.).

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The corresponding Great Britain Regulations are the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2022, which came into force on 01 April 2022 (S.I. 2022/253).

10.2. Parity of substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998. To enable the new rates that were in place from 01 April 2022 to continue in force, it was necessary to make these subsequent Regulations.

11. Additional Information

11.1. Not applicable.