EXPLANATORY MEMORANDUM

THE MESOTHELIOMA LUMP SUM PAYMENTS (CONDITIONS AND AMOUNTS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2010

S.R. 2010 No. 138

1. Introduction

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

1.2 The Statutory Rule is made under section 1(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, one of a series of statutory rules relating to the annual up-rating of social security benefits and pensions, amend the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008 ("the 2008 scheme") to increase the amounts payable under the Act to bring them into line with the corresponding rates payable under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the 1979 scheme").

3. Consultation

3.1 There is no requirement to consult in relation to these Regulations. These Regulations fulfil the commitment given to equalise the rates with the 1979 scheme as soon as compensation recovery allowed.

4. Equality Impact

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

5. Regulatory Impact

5.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

6. Financial Implications

6.1 No additional administration costs will be incurred. The 2008 scheme payments are funded from amounts received from compensation recovery (where scheme payments are recovered from civil compensation).

7. Section 24 of the Northern Ireland act 1998

7.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

(a) is not incompatible with any of the Convention rights,

(b) is not incompatible with Community law,

(c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and

(d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

8. EU Implications

8.1 Not applicable.

9. Parity or Replicatory Measure

9.1 The corresponding Great Britain Regulations are the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2010 and come into force on 1st April 2010. Parity of timing and 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.