EXPLANATORY MEMORANDUM TO

The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2017

S.R. 2017 No. 68

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities 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 by 1 per cent. in line with the increase in Industrial Injuries Benefit.

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 under the legislation to increase the level of payments, the amounts set out in the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008 are being increased by 1 per cent. - the rate of inflation as measured by the September 2016 Consumer Price Index. This is in line with the up-rating of industrial injuries benefits and other social security benefits such as Carer's Allowance and Personal Independence Payment.

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 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.

6. Regulatory Impact

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

7. Financial Implications

7.1. 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).

8. Section 24 of the Northern Ireland Act 1998

8.1. 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.

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 2017.

10.2. In line with the long-standing policy of parity in social security, the Regulations will come into operation on the same date as the corresponding Great Britain Regulations. 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. It was, therefore necessary to make the Regulations during the period of interregnum.

11. Additional Information

11.1. Not applicable.