EXPLANATORY MEMORANDUM TO

The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2019

S.R. 2019 No. 57

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) 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 2.4 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, it has been decided to increase the amounts set out in the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008 by 2.4 per cent. - the rate of inflation as measured by the September 2018 Consumer Prices Index. As payments made under the 2008 scheme 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 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 2019.

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 interregnum.

11. Additional Information

11.1. Not applicable