EXPLANATORY MEMORANDUM TO

The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2021

S.R. 2021 No. 59

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, 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 01 April 2021.

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 2020 CPI rate was 0.5 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

The implementation of the proposals for the up-rating of benefits in 2021-2022 is expected to increase the Department's annually managed expenditure by approximately £91 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 2021, due to come into force from 01 April 2021.

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.

11. Additional Information

11.1. Not applicable.