STATUTORY RULES OF NORTHERN IRELAND

2026 No. 170

SOCIAL SECURITY

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment No. 2) Regulations (Northern Ireland) 2026

Made - - - - 5th October 2026

Affirmed by resolution of the Assembly on 20th October 2026

Coming into operation in accordance with regulation 1(1)

The Department for Communities makes the following Regulations in exercise of the powers conferred by Articles 3(3), 4(3) and 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(**a**) and now vested in it(**b**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment No. 2) Regulations (Northern Ireland) 2026 and shall come into operation on 31st October 2026 or the day after they are affirmed by resolution of the Assembly if later.

(2) These Regulations apply only in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 on or after the day on which these Regulations come into operation.

Amendment of the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations

2.—(1) The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(**c**) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2 (interpretation)—

(a) for the definition of "determination" substitute ""determination" means a determination made by the Department in connection with a claim for disablement benefit;";

(b) omit the definition of "medical board";

(c) omit the definition of "medical appeal tribunal"; and

(**a**) S.I. 1979/925 (N.I. 9); Articles 3 and 4 were amended by Article 22(a) and (b) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), paragraph 17(2) to (4) of Schedule 3 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and paragraphs 4 and 5 of Schedule 2 to the Mesothelioma Act 2014 (c. 1); Article 3 was amended by section 52(3) of the Welfare Reform Act (Northern Ireland) 2007 (c.2 (N.I.)) and Article 4 was amended by Part 6 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))

(**b**) *See* Article 8(b) of S.R. 1999 No. 481, the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15 (N.I.)), Article 3 of S.R. 2006 No. 192 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(**c**) S.R. 1988 No. 242; relevant amending Regulations are S.R. 2008 No. 352 and S.R. 2026 No. 24

(d) for the definition of "percentage assessment" substitute ""percentage assessment" means percentage disability assessed in respect of a disease for the purpose of determining entitlement to disablement benefit under section 108 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) or under any corresponding provision of the former Industrial Injuries Acts(**b**);".

(3) In regulation 3 (payments to persons disabled by a disease)—

(a) in paragraph (1), for "Table 1 of" substitute "the table in"; and

(b) omit paragraphs (2) and (3).

(4) In regulation 4 (payments to dependants of persons disabled by a disease)—

(a) in paragraph (1), for the words "by ascertaining the amount" to the end, substitute "in accordance with the table in the Schedule";

(b) omit paragraphs (2) to (5);

(c) in paragraph (6)(a), for "Table 2 of" substitute "the table in";

(d) in paragraph (6)(b) for "Part A of that Table shall be that determined by a medical board" substitute "the table in the Schedule shall be that determined by a medical practitioner appointed to act on behalf of the Department"; and

(e) omit paragraph (7).

(5) After regulation 4, insert—

"**Payment to personal representatives**

4A. — (1) Where—

(a) a claim is made, and

(b) the person making the claim dies before payment is made, payment must be made to the person's personal representatives, subject to the condition in paragraph (2) having been met.

(2) The condition is that any document that is by law sufficient evidence of the grant of—

(a) probate of the will of the person,

(b) letters of administration of the estate of the person, or

(c) confirmation as executor of the person,

has been provided to the Department."

(6) Omit regulation 5 (payment where death results from diffuse mesothelioma).

(7) Omit regulation 6 (payment where pneumoconiosis is accompanied by tuberculosis).

(8) Omit regulation 7 (minimum amount payable to dependant).

(9) In the Schedule—

(a) in the shoulder note, for Regulations 3, 4, 5 and 6", substitute "Regulations 3 and 4";

(b) in the heading, for "Table 1", in both places it occurs, substitute "Table";

(c) in paragraph 1—

(i) omit "(or regulation 6)",

(ii) for "regulation 4(1)" substitute "regulation 4";

(d) omit paragraph 2;

(e) for paragraph 3 substitute—

"**3.** (1) In the first column of the table, "age of disabled person" means–

(**a**) 1992 (c.7)

(**b**) see Article 2(2) of the Pneumoconiosis, Etc., (Workers' Compensation) (Northern Ireland) Order 1979 (N.I. 9)

(a) in relation to the determination of a payment to a disabled person under regulation 3, the person's age on the date that the claim was received by the Department; and

(b) in relation to the determination of a payment to a dependant of a deceased sufferer under regulation 4, the age of the deceased sufferer at their date of death.

(1A) The applicable payment rate is the rate that is in force on the date specified in sub-paragraph (1)(a) or (b), as appropriate.";

(f) omit paragraph 4;

(g) in the table, in the shared heading to columns 2 to 11, omit "for the relevant period"; and

(h) omit the part headed "Table 2".

Sealed with the Official Seal of the Department for Communities on 05 October 2026

(L.S.)

David Tarr
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 (S.I. 1979/925 (N.I.9)) ("the 1979 Order") lump sum payments may be made to certain persons disabled by a disease to which the 1979 Order applies, or to dependants of persons who were so disabled before they died.

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 (S.R. 1988 No. 242) (the 1988 Regulations) prescribe the amount of lump sum payments to be made under the Order, according to the person's level of disablement.

These Regulations amend the 1988 Regulations to:

- remove references to defunct assessment boards;

- align the rates of payments for dependants with the rates for sufferers;

- remove the top-up awards;

- introduce a clear relevant date for the purposes of calculating awards;

- clarify to whom payment is to be made where a person makes a claim in life but dies before it can be paid.

By virtue of regulation 1(2), the amendments made by these Regulations apply only in relation to any case in which a person first fulfils the conditions of entitlement to a payment under the Order on or after the day on which these Regulations come into operation.

© Crown copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.40

http://www.legislation.gov.uk/id/nisr/2026/170

ISBN 978-0-33-802710-8

9 780338 027108