2006 No. 87

SOCIAL SECURITY

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2006

Made - - - - - 6th March 2006

Coming into operation 16th April 2006

To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by Articles 2(2)(**a**), 3(3), 4(3), 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(**b**) and now vested in it(**c**):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 16th April 2006.

(2) In these Regulations—

(a) "the Order" means the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979;

(b) "the principal Regulations" means the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(**d**).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (4) in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Order on or after the day on which these Regulations come into operation.

(2) For the Schedule to the principal Regulations there shall be substituted the Schedule set out in the Schedule to these Regulations.

(**a**) *See* the definitions of "Department" and "prescribed". The Department of Manpower Services was renamed the Department of Economic Development: *See* S.I. 1982/846 (N.I. 11) Article 3

(**b**) S.I.1979/925 (N.I. 9); relevant amending legislation is S.I. 1985/1209 (N.I. 16) Article 22, S.I. 1986/1888 (N.I. 18) Article 40 and Schedule 3, paragraph 17 and 1992 c. 9 section 4 and Schedule 2, paragraph 22

(**c**) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 from the Department of Economic Development to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning by the Department for Employment and Learning Act (Northern Ireland) 2001 c.15

(**d**) S.R. 1988 No. 242 as amended by S.R. 1989 No. 240, S.R. 1991 No. 120, S.R. 1992 No. 213, S.R. 1993 No. 325, S.R. 1995 No. 338, S.R. 1996 No. 485, S.R. 1997 No. 409, S.R. 1998 No. 358, S.R. 2000 No. 134, S.R. 2002 No.133, S.R. 2004 No. 124, S.R. 2004 No. 214 and S.R. 2005 No. 59

(3) In regulations 5(2) (payment where death results from diffuse mesothelioma) and 7 (minimum amount payable to dependant), for "£2,248" (in each place where it occurs) there shall be substituted "£2,309".

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for "£4,649" (in each place where it occurs) there shall be substituted "£4,775".

Sealed with the Official Seal of the Department for Employment and Learning on 6th March 2006.

(L.S.) *D. S. S. McAuley*

A senior officer of the Department for Employment and Learning

SCHEDULE Regulation 2(2)

"SCHEDULE Regulations 3, 4 and 6

TABLE 1

(1) Table 1 is for the determination of payments to disabled persons under regulation 3 (or regulation 6), and for the determination of payments to dependants of deceased sufferers under regulation 4(1).

(2) The relevant period is the period specified in regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies (payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that regulation.

(3) The age to be taken for the purpose of determining the amount payable to a disabled person is his age on the date specified in regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies (payment where pneumoconiosis is accompanied by tuberculosis), regulation 6(1). In determining the amount payable to a dependant of a disabled person under regulation 4(1), the age to be taken for the purpose of calculating the sum to be deducted from the amount which would have been payable to the disabled person had he still been alive is the age of the deceased at his last birthday preceding his death.

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE DISABLEMENT BENEFIT UNDER SECTION 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS (NORTHERN IRELAND) ACT 1992 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS, OR WOULD BE PAYABLE BUT FOR THE DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE

Age of disabled person	*Percentage assessment for the relevant period*									
	10% or less	*11%-20%*	*21%-30%*	*31%-40%*	*41%-50%*	*51%-60%*	*61%-70%*	*71%-80%*	*81%-90%*	*91%-100%*
	£	£	£	£	£	£	£	£	£	£
37 and under	26,720	47,718	55,987	57,578	59,168	60,440	61,713	62,985	64,257	65,531
38	25,956	45,806	54,300	56,244	57,893	59,168	60,440	61,713	62,985	64,257
39	25,192	43,897	52,614	54,904	56,624	57,893	59,168	60,440	61,713	62,985
40	24,430	41,988	50,929	53,567	55,348	56,624	57,893	59,168	60,440	61,713
41	23,666	40,081	49,244	52,230	54,079	55,348	56,624	57,893	59,168	60,440
42	22,899	38,174	47,556	50,899	52,805	54,079	55,348	56,624	57,893	59,168
43	21,759	35,945	45,871	49,878	51,917	53,443	54,713	55,987	57,259	58,533
44	20,612	33,718	44,184	48,862	51,024	52,805	54,079	55,348	56,624	57,893
45	19,470	31,492	42,498	47,843	50,136	52,167	53,443	54,713	55,987	57,259
46	18,323	29,266	40,814	46,826	49,244	51,534	52,805	54,079	55,348	56,624
47	17,180	27,039	39,127	45,806	48,353	50,899	52,167	53,443	54,713	55,987
48	16,191	26,147	37,793	43,772	46,826	49,112	50,389	51,660	52,931	54,206
49	15,206	25,259	36,455	41,735	45,301	47,333	48,606	49,878	51,154	52,426
50	14,219	24,367	35,145	39,700	43,772	45,552	46,826	48,097	49,368	50,641
51	13,234	23,476	33,781	37,663	42,245	43,772	45,057	46,314	47,589	48,862
52	12,248	22,586	32,447	35,628	40,716	41,988	43,264	44,535	45,806	47,078
53	11,324	20,997	30,409	33,847	39,189	40,716	41,988	43,264	44,535	45,806
54	10,401	19,406	28,374	32,068	37,663	39,447	40,716	41,988	43,264	44,535
55	9,480	17,814	26,342	30,283	36,135	38,174	39,447	40,716	41,988	43,264
56	8,557	16,222	24,304	28,502	34,611	36,899	38,174	39,447	40,716	41,988
57	7,635	14,632	22,267	26,720	33,088	35,629	36,899	38,174	39,447	40,716
58	7,031	13,298	19,884	23,983	29,774	32,130	33,497	34,835	36,135	37,410
59	6,425	11,959	17,495	21,250	26,465	28,629	30,092	31,492	32,828	34,098
60	5,824	10,623	15,109	18,513	23,161	25,131	26,687	28,153	29,521	30,795
61	5,216	9,288	12,726	15,777	19,850	21,632	23,284	24,812	26,212	27,485
62	4,612	7,953	10,339	13,042	16,543	18,133	19,884	21,473	22,899	24,176

Age of disabled person	*Percentage assessment for the relevant period*									
	10% or less	*11%-20%*	*21%-30%*	*31%-40%*	*41%-50%*	*51%-60%*	*61%-70%*	*71%-80%*	*81%-90%*	*91%-100%*
	£	£	£	£	£	£	£	£	£	£
63	4,294	7,188	9,288	11,661	14,715	16,285	17,942	19,470	20,867	22,139
64	3,983	6,425	8,238	10,274	12,883	14,443	16,003	17,464	18,830	20,102
65	3,659	5,662	7,188	8,894	11,056	12,596	14,060	15,461	16,798	18,069
66	3,342	4,901	6,139	7,505	9,227	10,752	12,121	13,455	14,761	16,032
67	3,023	4,135	5,088	6,123	7,397	8,909	10,180	11,452	12,726	13,997
68	2,940	4,005	4,914	5,869	7,144	8,557	9,781	11,102	12,325	13,583
69	2,863	3,881	4,742	5,616	6,889	8,208	9,387	10,752	11,931	13,168
70	2,783	3,755	4,564	5,360	6,633	7,856	8,987	10,401	11,531	12,756
71	2,705	3,624	4,390	5,103	6,378	7,505	8,591	10,053	11,135	12,345
72	2,625	3,500	4,215	4,853	6,123	7,159	8,190	9,702	10,733	11,931
73	2,560	3,438	4,152	4,756	6,027	6,999	8,032	9,449	10,418	11,579
74	2,498	3,372	4,088	4,661	5,935	6,838	7,875	9,195	10,102	11,222
75	2,435	3,310	4,026	4,564	5,835	6,681	7,714	8,938	9,781	10,877
76	2,370	3,242	3,959	4,471	5,741	6,524	7,557	8,685	9,462	10,531
77 and over	2,309	3,180	3,897	4,373	5,645	6,362	7,397	8,434	9,146	10,180

TABLE 2

(1) Table 2 is for the determination of additional payments under regulation 4(2) to dependants of deceased sufferers who died as a result of the disease and for the determination of payments to dependants under regulation 4(6).

(2) The relevant period is the period specified in regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies (payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that regulation.

PART A

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER SECTION 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS (NORTHERN IRELAND) ACT 1992 IS PAYABLE, OR TO DEPENDANTS OF PERSONS TO WHOM DISABLEMENT BENEFIT UNDER THAT SECTION OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS WAS PAYABLE, OR TO DEPENDANTS OF A PERSON TO WHOM DISABLEMENT BENEFIT WOULD HAVE BEEN PAYABLE IMMEDIATELY BEFORE HE DIED BUT FOR THE OCCURRENCE OF ONE OF THE CIRCUMSTANCES LISTED IN REGULATION 5(1)(a)(iii) OR BUT FOR HIS DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA

Age of disabled person at his last birthday preceding death	*Percentage assessment for the relevant period*				
	10% or less	*11%-20%*	*21%-30%*	*31%-49%*	*50% and over*
	£	£	£	£	£
37 and under	12,565	24,497	27,992	28,950	29,744
38	12,184	23,415	27,040	27,992	29,011
39	11,804	22,332	26,086	27,039	28,279
40	11,417	21,250	25,131	26,086	27,548
41	11,037	20,170	24,176	25,131	26,817

Age of disabled person at his last birthday preceding death	*Percentage assessment for the relevant period*				
	10% or less	*11%-20%*	*21%-30%*	*31%-49%*	*50% and over*
	£	£	£	£	£
42	10,659	19,091	23,221	24,176	26,086
43	9,970	17,688	22,363	23,317	25,386
44	9,288	16,285	21,500	22,459	24,679
45	8,605	14,886	20,645	21,600	23,983
46	7,920	13,485	19,712	20,738	23,284
47	7,236	12,086	18,930	19,884	22,586
48	6,713	11,705	18,294	19,215	21,726
49	6,186	11,324	17,654	18,547	20,867
50	5,662	10,941	17,020	17,876	20,008
51	5,138	10,560	16,384	17,210	19,151
52	4,612	10,180	15,748	16,543	18,294
53	4,373	9,288	14,540	15,619	17,589
54	4,135	8,397	13,328	14,696	16,892
55	3,897	7,505	12,121	13,775	16,191
56	3,659	6,616	10,911	12,854	15,488
57	3,418	5,728	9,702	11,931	14,791
58	3,197	5,088	8,321	10,309	12,854
59	2,971	4,452	6,936	8,685	10,911
60	2,752	3,818	5,551	7,063	8,972
61	2,531	3,180	4,169	5,440	7,031
62	2,309	2,547	2,783	3,818	5,088
63	2,309	2,498	2,690	3,513	4,534
64	2,309	2,448	2,591	3,212	3,983
65	2,309	2,403	2,498	2,909	3,418
66	2,309	2,356	2,403	2,609	2,863
67 and over	2,309	2,309	2,309	2,309	2,309

PART B

PAYMENTS TO DEPENDANTS OF PERSONS WHO DIED AS A RESULT OF DIFFUSE MESOTHELIOMA

Age of disabled person at his last birthday preceding death	*Payment* £
37 and under	29,744
38	29,011
39	28,279
40	27,548
41	26,817
42	26,086
43	25,386
44	24,679
45	23,983
46	23,284
47	22,586
48	21,726
49	20,867
50	20,008
51	19,151
52	18,294
53	17,589

Age of disabled person at his last birthday preceding death	*Payment* £
54	16,892
55	16,191
56	15,488
57	14,791
58	12,854
59	10,911
60	8,972
61	7,031
62	5,088
63	4,534
64	3,983
65	3,418
66	2,863
67 and over	2,309”

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations further amend the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 so as to increase the amount payable as prescribed under the Order. The increase in each case is 2.7 per cent, rounded up or down to the nearest £1 as appropriate.

The diseases to which the Order applies are pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or diffuse pleural thickening) and diffuse pleural thickening.

A regulatory impact assessment has not been produced for this rule as it has no impact on the costs of business.

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