EXPLANATORY MEMORANDUM TO

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2020

S.R. 2020 No. 26

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 Articles 3(3), 4(3) and 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the Order") and is subject to the affirmative 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 Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 to increase the amounts payable under the Order.

3. Background

3.1. The Order provides lump sum compensation payments to sufferers of certain dust-related diseases. It also makes provision for payments to dependants, as defined by the Order, where the sufferer did not receive a compensation payment under the Order before their death.

3.2. Although there is no statutory obligation to increase payments under the Order, the rates 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 2019 CPI rate was 1.7 per cent.. As payments made under this scheme are in respect of people who have been disabled through contracting certain dust-related diseases through work, they are up-rated in line with other disability benefits.

3.3. During the interregnum of the Assembly, when it was not possible to bring forward legislation for the annual increase, it was implemented operationally each year in order to maintain parity with Great Britain.

4. Consultation

4.1. There is no requirement to consult with the Industrial Injuries Advisory Council 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 implementation of the proposals for the up-rating of benefits in 2020-2021 is expected to increase the Department's annually managed expenditure by approximately £171 million.

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 EU 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 1988.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The corresponding Great Britain Regulations are the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2020, due to come into force from 01 April 2020.

10.2. In line with the long-standing policy of parity in social security, the Regulations will, subject to affirmation by resolution of the Assembly, come into operation on the same date as the GB Regulations, or as soon as possible afterwards. 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