EXPLANATORY MEMORANDUM TO

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2021

S.R. 2021 No. 55

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 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, pensions and lump sum payments, amend the Pneumoconiosis, etc., (Workers Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 to increase the amounts payable under the Order from 01 April 2021.

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 the level of payments under the Order, 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 Order 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.

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