EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2015

S.R. 2015 No. 52

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 108(2), 109(2) and 171(1) and (3) to (5) of, and paragraph 2 of Schedule 6 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1 These Regulations make various changes to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 as recommended by the Industrial Injuries Advisory Council. The amendments ensure the scheme reflects current scientific knowledge and aligns the language of older regulations with that of more recent amendments. They amend the exceptional entitlement rules with regard to terminal cancers, make several changes to rules that allow a disease to be presumed to be caused by a particular occupation, amend the prescription of chronic bronchitis and introduce occupational chloracne to the list of prescribed diseases.

3. Background

3.1 Industrial Injuries Disablement Benefit is a non-contributory, non-income related benefit for people who have become disabled as a result of an accident at work or a prescribed disease which was contracted while working in employed earners employment. The rate of benefit payable depends on the level of disability. The benefit is payable even if the person continues or returns to work, but is not payable until the 91st day following the accident or the onset of the prescribed disease.

3.2 The Industrial Injuries Advisory Council is an independent statutory body which advises the Secretary of State for Work and Pensions and the Department for Social Development on matters relating to the Industrial Injuries scheme. In particular, having studied the scientific evidence, the Council advises which diseases should be prescribed or amended the purpose of claims for Industrial Injuries Disablement Benefit.

3.3 These Regulations implement the recommendations of the Council as set out in its reports published during 2013-14. The relevant command papers are: Cm 8846 on Terminal Cancers, Cm 8880 on Presumption Changes, Cm 8906 on Chronic Obstructive Pulmonary Disease and Cm 8670 on Occupational Chloracne.

4. Consultation

4.1 As the Regulations make, in relation to Northern Ireland, only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain they do not have to be submitted to the Industrial Injuries Advisory Council.

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 the legislative proposals and has concluded that the proposals are positive and do not have significant implications for equality of opportunity.

6. Regulatory Impact

6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

7.1 Any costs arising as a result of these Regulations are expected to be minimal.

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 Community 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 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The corresponding Great Britain Regulations are the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015 and come into force on 16th March 2015. 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.