EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2019

S.R. 2019 No. 204

1. Introduction

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

1.2 The Statutory Rule is made under sections 108(1) and (2), 109(2) and (3)(a) and 171(1) and (3) to (5) of 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 changes to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 as recommended by the Industrial Injuries Advisory Council ("IIAC"). The amendments reflect IIAC's recommendation that Dupuytren's contracture, arising from work for ten years or more in aggregate which involves the use of hand-held powered tools, be prescribed as a disease which is presumed to be due to the nature of a person's employed earner's employment. As a result of that recommendation, the amendments made by regulation 2 of these Regulations adds Dupuytren's contracture to the list of diseases for which Industrial Injuries Disablement Benefit is payable.

3. Background

3.1 Industrial Injuries Disablement Benefit ("IIDB") 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 earner's 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 IIAC is an independent statutory body which advises the Secretary of State for Work and Pensions and the Department for Communities on matters relating to IIDB. In particular, having studied the scientific evidence, IIAC advises which diseases should be prescribed or amended for the purpose of claims for IIDB.

3.3 These Regulations implement the recommendations of IIAC, as set out in the Command Paper: Cm 8860 Dupuytren's contracture due to hand – transmitted vibration[1].

3.4 Having considered recent scientific evidence including a detailed review of research literature, consultation with experts in the field and new analyses of data available from experts about Dupuytren's contracture and its effects, IIAC concluded there is sufficient evidence to recommend including the disease in the existing list of industrial diseases which are prescribed for entitlement to IIDB.

3.5 This change ensures the list of prescribed diseases stays up to date in terms of scientific knowledge.

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 IIAC.

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 not expected to be significant.

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

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[1] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308645/dupuytrens-contracture-report.pdf.

(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 2019 and come into force on 9th December 2019. 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. It was, therefore necessary to make the Regulations during the period of interregnum.