

Regulations laid before the Assembly under Article 11(2) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979, and subject to affirmative resolution of the Assembly

STATUTORY RULES OF NORTHERN IRELAND

2012 No. 84

SOCIAL SECURITY

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2012

*Made - - - - 1st March 2012
Coming into operation in accordance with
regulation 1(1)*

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

Citation, commencement and application

1.—(1) These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 1st April 2012 or on the day after they are affirmed by resolution of the Assembly if later.

(2) These Regulations shall apply in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 on or after the day on which these Regulations come into operation.

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

2.—(1) The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(3) are amended in accordance with paragraphs (2) to (4).

(2) In regulations 5(2) and 7 (minimum amounts payable to dependant) for “£2,731” substitute “£2,873”.

(1) [S.I. 1979/925 \(N.I. 9\)](#); Articles 3 and 4 were amended by Article 22(a) and (b) of the Social Security (Northern Ireland) Order 1985 ([S.I. 1985/1209 \(N.I. 16\)](#)) and paragraph 17(2) to (4) of Schedule 3 to the Social Security (Northern Ireland) Order 1986 ([S.I. 1986/1888 \(N.I. 18\)](#)) and Article 3 was amended by section 52(3) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))

(2) See Article 4(b) of [S.R. 1999 No. 481](#), the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15 (N.I.)) and Article 3 of [S.R. 2006 No. 192](#)

(3) [S.R. 1988 No. 242](#); relevant amending Regulations are [S.R. 2008 No. 352](#) and [S.R. 2011 No. 67](#)

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for “£5,648”, in both places where it occurs, substitute “£5,942”.

(4) For the Schedule substitute the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department for Social Development on 1st March 2012

Anne McCleary
A senior officer of the Department for Social
Development

SCHEDULE

Regulation 2(4)

“SCHEDULE

Regulations 3, 4, 5 and 6

TABLE 1

1. This table 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, the first period specified in regulation 6(1)(b).

3. The age of the disabled person is his age determined in accordance with regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies, regulation 6(1)(b). 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.

4. The table prescribes payments to disabled persons to whom disablement benefit is payable under section 108 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(4), 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.

TABLE 1

Age of disabled person	Percentage assessment for the relevant period										
	10%	11% - 20%	21% - 30%	31% - 40%	41% - 50%	51% - 60%	61% - 70%	71% - 80%	81% - 90%	91% - 100%	
	or less	£	£	£	£	£	£	£	£	£	
37 and under		33,246	59,372	69,660	77,641	73,619	75,202	76,785	78,369	79,951	81,536
38		32,296	56,994	67,562	69,980	72,033	73,619	75,202	76,785	78,369	79,951
39		31,345	54,619	65,465	68,315	70,455	71,825	73,619	75,202	76,785	78,369
40		30,398	52,242	63,367	66,651	68,866	70,453	72,033	73,619	75,202	76,787
41		29,447	49,871	61,271	64,985	67,288	68,866	70,453	72,033	73,619	75,202
42		28,491	47,498	59,171	63,331	65,703	67,288	68,866	70,453	72,033	73,619
43		27,073	44,724	57,074	62,062	64,597	66,497	68,077	69,660	71,245	72,829
44		25,646	41,954	54,974	60,796	63,487	65,703	67,288	68,866	70,453	72,033
45		24,225	39,184	52,877	59,527	62,381	64,908	66,497	68,077	69,660	71,245
46		22,798	36,415	50,782	58,263	61,271	64,122	65,703	67,288	68,866	70,453
47		21,376	33,643	48,682	56,994	60,164	63,331	64,908	66,497	68,077	69,660

(4) 1992 c. 7

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<i>Age of disabled person</i>	<i>Percentage assessment for the relevant period</i>									
	<i>10% or less</i>	<i>11% - 20%</i>	<i>21% - 30%</i>	<i>31% - 40%</i>	<i>41% - 50%</i>	<i>51% - 60%</i>	<i>61% - 70%</i>	<i>71% - 80%</i>	<i>81% - 90%</i>	<i>91% - 100%</i>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
48	20,147	32,534	47,023	54,463	58,263	61,109	62,696	64,278	65,857	67,447
49	18,920	31,427	45,359	51,929	56,365	58,893	60,478	62,062	63,647	65,231
50	17,693	30,319	43,728	49,397	54,463	56,677	58,263	59,844	61,426	63,011
51	16,466	29,210	42,032	46,862	52,561	54,463	56,061	57,625	59,212	60,796
52	15,239	28,102	40,372	44,329	50,660	52,242	53,832	55,412	56,994	58,575
53	14,089	26,125	37,836	42,114	48,761	50,660	52,242	53,832	55,412	56,994
54	12,942	24,147	35,303	39,901	46,862	49,082	50,660	52,242	53,832	55,412
55	11,796	22,167	32,776	37,678	44,960	47,498	49,082	50,660	52,242	53,832
56	10,646	20,186	30,240	35,464	43,065	45,911	47,498	49,082	50,660	52,242
57	9,499	18,205	27,707	33,246	41,170	44,330	45,911	47,498	49,082	50,660
58	8,747	16,545	24,741	29,840	37,046	39,977	41,678	43,343	44,961	46,546
59	7,993	14,881	21,768	26,440	32,929	35,620	37,441	39,184	40,846	42,427
60	7,247	13,218	18,799	23,034	28,818	31,269	33,203	35,029	36,732	38,316
61	6,489	11,556	15,835	19,630	24,698	26,914	28,971	30,873	32,614	34,197
62	5,739	9,895	12,864	16,227	20,582	22,560	24,741	26,718	28,491	30,081
63	5,343	8,944	11,556	14,509	18,309	20,262	22,324	24,225	25,963	27,546
64	4,956	7,993	10,250	12,783	16,028	17,971	19,911	21,730	23,429	25,012
65	4,553	7,045	8,944	11,066	13,756	15,674	17,494	19,238	20,900	22,483
66	4,159	6,097	7,638	9,339	11,479	13,377	15,080	16,740	18,366	19,949
67	3,762	5,145	6,330	7,619	9,204	11,085	12,666	14,248	15,835	17,416
68	3,659	4,982	6,114	7,304	8,888	10,646	12,171	13,814	15,335	16,900
69	3,563	4,830	5,900	6,987	8,572	10,212	11,679	13,377	14,844	16,384
70	3,462	4,673	5,678	6,670	8,253	9,773	11,183	12,942	14,346	15,873
71	3,366	4,510	5,462	6,351	7,935	9,339	10,689	12,507	13,855	15,359
72	3,266	4,354	5,244	6,037	7,619	8,908	10,191	12,071	13,355	14,844
73	3,184	4,277	5,166	5,918	7,499	8,708	9,994	11,757	12,964	14,407
74	3,108	4,195	5,086	5,799	7,385	8,508	9,799	11,441	12,568	13,962
75	3,030	4,119	5,009	5,678	7,261	8,312	9,597	11,122	12,171	13,534
76	2,949	4,034	4,927	5,562	7,143	8,117	9,403	10,806	11,771	13,104
77 and over	2,873	3,957	4,850	5,440	7,025	7,915	9,204	10,494	11,381	12,666

TABLE 2

1. This table is for the determination of payments to dependants of deceased sufferers under regulation 4(2) or (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, the first period specified in regulation 6(1)(b).

3.—(1) Part A of the table prescribes payments to dependants of disabled persons who died as a result of a disease other than diffuse mesothelioma where—

- (a) death benefit under section 108 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 is payable;
- (b) disablement benefit under that section or under any corresponding provision of the former Industrial Injuries Acts was payable to the disabled person immediately before he died;
- (c) disablement benefit would have been payable to the disabled person 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.

(2) Part B of the table prescribes payments to dependants of disabled persons who died as a result of diffuse mesothelioma.

PART A

<i>Age of disabled person at his last birthday preceding death</i>	<i>Percentage assessment for the relevant period</i>				
	<i>10% or less</i>	<i>11% - 20%</i>	<i>21% - 30%</i>	<i>31% - 49%</i>	<i>50% and over</i>
	£	£	£	£	£
37 and under	21,058	35,903	40,254	41,445	42,432
38	20,583	34,556	39,067	40,254	41,520
39	20,110	33,210	37,880	39,066	40,610
40	19,629	31,863	36,692	37,880	39,700
41	19,157	30,519	35,504	36,692	38,790
42	18,686	29,177	34,316	35,504	37,880
43	17,828	27,432	33,247	34,434	37,009
44	16,979	25,685	32,175	33,368	36,129
45	16,130	23,945	31,110	32,297	35,264
46	15,277	22,202	29,949	31,228	34,394
47	14,427	20,461	28,976	30,164	33,525
48	13,777	19,986	28,186	29,332	32,455
49	13,119	19,512	27,389	28,500	31,386
50	12,468	19,035	26,601	27,664	30,318
51	11,816	18,563	25,810	26,838	29,253
52	11,162	18,089	25,018	26,005	28,186
53	10,863	16,979	23,515	24,857	27,309

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<i>Age of disabled person at his last birthday preceding death</i>	<i>Percentage assessment for the relevant period</i>				
	<i>10% or less</i>	<i>11% - 20%</i>	<i>21% - 30%</i>	<i>31% - 49%</i>	<i>50% and over</i>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
54	10,568	15,870	22,007	23,709	26,441
55	10,273	14,762	20,503	22,563	25,570
56	9,976	13,654	18,999	21,417	24,695
57	9,499	12,550	17,494	20,267	23,827
58	8,747	11,753	15,776	18,250	21,417
59	7,993	10,961	14,055	16,229	18,999
60	7,247	10,175	12,329	14,210	16,586
61	6,489	9,380	10,610	12,192	14,170
62	5,739	8,593	8,885	10,175	11,753
63	5,343	8,531	8,771	9,795	11,064
64	4,956	7,993	8,646	9,420	10,379
65	4,553	7,045	8,531	9,042	9,676
66	4,159	6,097	7,638	8,668	8,986
67 and over	2,873	3,957	4,850	5,440	7,025

PART B

<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment £</i>
37 and under	42,432
38	41,520
39	40,610
40	39,700
41	38,790
42	37,880
43	37,009
44	36,129
45	35,264
46	34,394
47	33,525
48	32,455
49	31,386
50	30,318
51	29,253

52	28,186
53	27,309
54	26,441
55	25,570
56	24,695
57	23,827
58	21,417
59	18,999
60	16,586
61	14,170
62	11,753
63	11,064
64	10,379
65	9,676
66	8,986
67 and over	7,025”

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 before they died.

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.

These Regulations amend the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 to increase amounts payable under the Order. The increase in each case is 5.2 per cent., rounded up or down to the nearest £1 as appropriate.