

SCHEDULES

SCHEDULE 6

Section 52(5).

SCHEDULE TO BE INSERTED IN THE PNEUMOCONIOSIS, ETC., (WORKERS' COMPENSATION) (NORTHERN IRELAND) ORDER 1979

“THE SCHEDULE

DEFINITION OF “RELEVANT EMPLOYER”

Basic definition

1. Subject to the following provisions, “relevant employer”, in relation to a person disabled by a disease to which this Order applies, means any person—
 - (a) by whom the disabled person was employed in a prescribed occupation at any time during the period during which he was developing the disease, and
 - (b) against whom he might have or might have had a claim for damages in respect of the disablement.

Disregarded employers

2. A person is not a relevant employer in relation to a person disabled by a disease to which this Order applies if the disabled person has had no period of employment with him which is a qualifying period of employment.
3. A person is not a relevant employer in relation to a person disabled by a disease to which this Order applies if the disabled person’s qualifying period of employment with him did not exceed 12 months.
4. A person is not a relevant employer in relation to a person disabled by a disease to which this Order applies if the disabled person’s qualifying period of employment with him—
 - (a) did not exceed 5 years, and
 - (b) represents not more than 25 per cent. of the time during which the disabled person was employed in a prescribed occupation.
5. A person is not a relevant employer in relation to a person disabled by a disease to which this Order applies if the disabled person’s qualifying period of employment with him—

- (a) did not exceed 7 years, and
- (b) represents not more than 20 per cent. of the time during which the disabled person was employed in a prescribed occupation.

6. In paragraphs 3 to 5, references to the disabled person's qualifying period of employment with his employer, where there has been more than one such period, are to the aggregate of those periods.

“Qualifying period of employment”

7.—(1) In this Schedule, “qualifying period of employment”, in relation to a person disabled by a disease to which this Order applies, means any period of employment in a prescribed occupation, except for—

- (a) a period of employment which ended more than 20 years before the qualifying date, and
- (b) in the case of a claim relating to diffuse mesothelioma, a period of employment which began not more than 15 years before the qualifying date.

(2) In sub-paragraph (1), “qualifying date” means—

- (a) the date on which the Department determines a claim for disablement benefit made by or on behalf of the disabled person in respect of the disease, or
- (b) if the disabled person has died without a claim for disablement benefit in respect of the disease having been determined, the date on which he died.

“Prescribed occupation”

8.—(1) In this Schedule, “prescribed occupation”, in relation to a person disabled by a disease to which this Order applies, means an occupation prescribed in relation to the disease by the Department by order.

(2) An order under sub-paragraph (1) shall be subject to negative resolution.

Power to amend Schedule

9. Regulations made by the Department may—

- (a) amend this Schedule for the purpose of adding to the cases in which a person is not a relevant employer in relation to a person disabled by a disease to which this Order applies;
- (b) amend or repeal any provision of this Schedule relating to such cases.”.