

## 1986 No. 207

## SOCIAL SECURITY

**The Pneumoconiosis, etc., (Workers' Compensation)  
(Determination of Claims) Regulations (Northern Ireland) 1986***Made* . . . . . 3rd July 1986*Coming into operation* . . . . . 18th August 1986

The Department of Economic Development(a) in exercise of the powers conferred on it by Articles 3(2), 4(2), 6(2) and 11(1) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(b) and of every other power enabling it in that behalf, hereby makes the following regulations:—

*Citation, commencement and revocation*

1.—(1) These regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Determination of Claims) Regulations (Northern Ireland) 1986 and shall come into operation on 18th August 1986.

(2) The Pneumoconiosis, etc., (Workers' Compensation) (Determination of Claims) Regulations (Northern Ireland) 1979(c) are hereby revoked.

*Interpretation*

2. In these regulations—

“disease” means a disease to which the Order applies, namely pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung and bilateral diffuse pleural thickening;

“the Order” means the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979; and

“primary carcinoma of the lung” means primary carcinoma of the lung where there is accompanying evidence of one or both of the following:—

- (i) asbestosis
- (ii) bilateral diffuse pleural thickening.

*Manner of making claims*

3.—(1) Any claim made under the provisions of the Order, by a person who is disabled by a disease or by the dependant of a person who immediately before he died was disabled by a disease, shall be made in writing, signed by or on behalf of the person making the claim and shall contain the following particulars, that is to say—

- (a) the name and address, national insurance number and date of birth of the person disabled by the disease;
- (b) the name of the disease by which that person is disabled;
- (c) the date on which disablement benefit first became payable in respect of the disease to the person so disabled;
- (d) the names and addresses of every person who employed the person so disabled during the period during which he was developing the disease; and

(a) Formerly the Department of Manpower Services: See S.I. 1982/846 (N.I. 11) Article 3  
(b) S.I. 1979/925 (N.I. 9) as amended by S.I. 1985/1209 (N.I. 16) Article 22  
(c) S.R. 1979 No. 271

(e) the details of any action brought or damages claimed in respect of that disablement.

(2) A claim by a dependant of a person who, immediately before he died, was disabled by a disease shall be made in accordance with paragraph (1) and shall contain the following additional particulars, that is to say—

- (a) the name and address of that dependant;
- (b) the date of birth of that dependant;
- (c) particulars of any death benefit payable to or in respect of that dependant by reason of the deceased's death as a result of the disease; and
- (d) particulars of that dependant's relationship to and dependence upon the deceased.

*Manner of application for reconsideration*

4.—(1) Any application for reconsideration of a determination referred to in Article 6(1) of the Order shall be made in writing to the Department and signed by or on behalf of the person making the claim.

(2) Any person making such an application shall specify the grounds upon which it is requested that the said determination be reconsidered and, where appropriate, shall give details of any material change of circumstances since the determination was made.

*Time for application for reconsideration*

5. An application for reconsideration of a determination referred to in Article 6(1) of the Order shall be made within 12 months of such determination.

*Reconsideration on the motion of the Department*

6. The Department may, within a period of 5 years from the date of determination referred to in Article 6(1) of the Order, of its own motion, institute a reconsideration of that determination by a reinvestigation of the claim.

Sealed with the Official Seal of the Department of Economic Development on 3rd July 1986.

(L.S.)

*D. J. Watkins*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the regulations.)*

These regulations, which come into operation on 18th August 1986 prescribe the manner in which claims for payment must be made for determination by the Department of Economic Development under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the Order").

The regulations also prescribe the manner in which and the period within which application may be made to the Department for a reconsideration of its determination and the manner in which and period within which the Department may of its own motion institute such a reconsideration.

The regulations apply to the diseases to which the Order applies, namely to pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening.

Primary carcinoma of the lung and bilateral diffuse pleural thickening are diseases to which these regulations apply by virtue of the Pneumoconiosis, etc., (Workers' Compensation) (Specified Diseases) Order (Northern Ireland) 1986.

The Pneumoconiosis, etc., (Workers' Compensation) (Determination of Claims) Regulations (Northern Ireland) 1979 are revoked.