

1993 No. 325

SOCIAL SECURITY

**Pneumoconiosis, etc., (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations
(Northern Ireland) 1993**

Made 22nd July 1993

Coming into operation 2nd September 1993

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

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

Citation and commencement

1. These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 2nd September 1993.

Interpretation

2. In these Regulations the "principal Regulations" means the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(c).

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Order on or after the date upon which these Regulations come into operation.

(2) For the Schedule to the principal Regulations there shall be substituted the Schedule.

(3) In regulations 5(2) and 7 of the principal Regulations for "£1,686" there shall be substituted "£1,728".

(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 and S.I. 1986/1888 (N.I. 18), Article 40 and Schedule 3 and 1992 c. 9 Schedule 2
(c) S.R. 1988 No. 242 as amended by S.R. 1989 No. 240, S.R. 1991 No. 120 and S.R. 1992 No. 213

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(4) In regulation 6(1) of the principal Regulations for “£3,488” wherever it occurs there shall be substituted “£3,575”.

Sealed with the Official Seal of the Department of Economic Development on 22nd July 1993.

(L.S.)

D. Gibson

Under Secretary

TABLE 1

(1) Table 1 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 (Payment where pneumoconiosis is accompanied by tuberculosis) the period specified in paragraph (1)(b) of that regulation.

(3) The age to be taken for the purpose of determining the amount payable to a disabled person is his age on the date specified in regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), his age on the date specified in paragraph (1) of that regulation. With a view to 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.

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE DISABLEMENT BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY (NORTHERN IRELAND) ACT 1975 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.

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Age of disabled person	Percentage assessment for the relevant period									
	10% or less	11-20%	21-30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
37 and under	20,018	35,749	41,944	43,136	44,327	45,280	46,235	47,187	48,141	49,093
38	19,446	34,318	40,681	42,137	43,373	44,327	45,280	46,235	47,187	48,141
39	18,874	32,887	39,418	41,133	42,422	43,373	44,327	45,280	46,235	47,187
40	18,303	31,457	38,156	40,132	41,466	42,422	43,373	44,327	45,280	46,235
41	17,731	30,028	36,892	39,130	40,515	41,466	42,422	43,373	44,327	45,280
42	17,157	28,599	35,629	38,132	39,561	40,515	41,466	42,422	43,373	44,327
43	16,301	26,930	34,365	37,369	38,895	40,038	40,990	41,944	42,897	43,852
44	15,443	25,261	33,102	36,606	38,226	39,561	40,515	41,466	42,422	43,373
45	14,586	23,593	31,840	35,843	37,560	39,084	40,038	40,990	41,944	42,897
46	13,727	21,926	30,577	35,081	36,892	38,608	39,561	40,515	41,466	42,422
47	12,870	20,257	29,313	34,318	36,225	38,132	39,084	40,038	40,990	41,944
48	12,130	19,588	28,313	32,792	35,081	36,795	37,750	38,703	39,655	40,611
49	11,391	18,923	27,311	31,267	33,938	35,461	36,415	37,369	38,323	39,276
50	10,654	18,255	26,330	29,743	32,792	34,126	35,081	36,033	36,986	37,940
51	9,915	17,588	25,308	28,217	31,649	32,792	33,755	34,698	35,653	36,606
52	9,175	16,921	24,309	26,692	30,504	31,457	32,413	33,364	34,318	35,270
53	8,483	15,730	22,783	25,357	29,360	30,504	31,457	32,413	33,364	34,318
54	7,793	14,538	21,257	24,024	28,217	29,552	30,504	31,457	32,413	33,364
55	7,102	13,346	19,734	22,688	27,072	28,599	29,552	30,504	31,457	32,413
56	6,410	12,154	18,207	21,354	25,930	27,645	28,599	29,552	30,504	31,457
57	5,720	10,962	16,683	20,018	24,789	26,692	27,645	28,599	29,552	30,504

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58	5,267	9,963	14,896	17,968	22,305	24,070	25,095	26,097	27,072	28,026
59	4,813	8,960	13,107	15,921	19,827	21,448	22,544	23,593	24,595	25,546
60	4,362	7,959	11,320	13,869	17,351	18,828	19,994	21,092	22,117	23,070
61	3,908	6,958	9,533	11,820	14,872	16,206	17,443	18,589	19,638	20,590
62	3,456	5,958	7,746	9,770	12,394	13,584	14,896	16,087	17,157	18,112
63	3,216	5,386	6,958	8,736	11,023	12,201	13,441	14,586	15,633	16,587
64	2,982	4,813	6,172	7,698	9,652	10,820	11,988	13,084	14,108	15,061
65	2,742	4,242	5,386	6,663	8,282	9,437	10,533	11,583	12,584	13,537
66	2,503	3,672	4,600	5,623	6,913	8,055	9,080	10,080	11,059	12,011
67	2,265	3,098	3,812	4,587	5,541	6,674	7,626	8,580	9,533	10,486
68	2,204	3,001	3,682	4,396	5,352	6,410	7,328	8,317	9,234	10,176
69	2,145	2,907	3,552	4,207	5,161	6,150	7,032	8,055	8,939	9,865
70	2,085	2,813	3,419	4,016	4,969	5,886	6,733	7,793	8,639	9,558
71	2,026	2,716	3,290	3,824	4,778	5,623	6,435	7,532	8,342	9,249
72	1,967	2,622	3,158	3,636	4,587	5,363	6,136	7,269	8,042	8,939
73	1,918	2,576	3,111	3,564	4,516	5,243	6,018	7,079	7,805	8,675
74	1,871	2,525	3,063	3,491	4,446	5,123	5,899	6,887	7,568	8,407
75	1,825	2,479	3,016	3,419	4,372	5,005	5,780	6,697	7,328	8,150
76	1,776	2,430	2,966	3,349	4,301	4,887	5,661	6,507	7,089	7,889
77and over	1,728	2,383	2,920	3,276	4,230	4,766	5,541	6,318	6,851	7,626

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TABLE 2

(1) Table 2 is for the determination of additional payments under regulation 4(2) to dependants of deceased sufferers who died as a result of the disease and for the determination of payments to dependants under regulation 4(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 (payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that regulation.

PART A

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY (NORTHERN IRELAND) ACT 1975 IS PAYABLE, OR TO DEPENDANTS OF PERSONS TO WHOM DISABLEMENT BENEFIT UNDER THAT SECTION OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS WAS PAYABLE, OR TO DEPENDANTS OF A PERSON TO WHOM DISABLEMENT BENEFIT WOULD HAVE BEEN PAYABLE 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, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

Age of disabled person at his last birthday preceding death	Percentage assessment for the relevant period				
	10% or less	11%-20%	21%-30%	40%	50% and over
	£	£	£	£	£
37 and under	9,414	18,352	20,972	21,688	22,284
38	9,128	17,541	20,257	20,972	21,734
39	8,843	16,730	19,543	20,257	21,187
40	8,554	15,921	18,828	19,543	20,638
41	8,269	15,111	18,112	18,828	20,090
42	7,985	14,302	17,396	18,112	19,543
43	7,470	13,251	16,753	17,469	19,019
44	6,958	12,201	16,109	16,825	18,488
45	6,447	11,154	15,467	16,182	17,968
46	5,933	10,103	14,768	15,537	17,443
47	5,422	9,055	14,181	14,896	16,921
48	5,029	8,769	13,705	14,395	16,277
49	4,635	8,483	13,226	13,895	15,633
50	4,242	8,198	12,751	13,393	14,990
51	3,849	7,912	12,274	12,893	14,347
52	3,456	7,626	11,797	12,394	13,705
53	3,276	6,958	10,892	11,702	13,178
54	3,098	6,291	9,985	11,011	12,655
55	2,920	5,623	9,080	10,320	12,130
56	2,742	4,957	8,174	9,629	11,605
57	2,561	4,291	7,269	8,939	11,081
58	2,394	3,812	6,233	7,723	9,629
59	2,226	3,336	5,196	6,507	8,174
60	2,062	2,861	4,158	5,291	6,721

Age of disabled person at his last birthday preceding death	Percentage assessment for the relevant period				
	10% or less	11%-20%	21%-30%	40%	50% and over
	£	£	£	£	£
61	1,896	2,383	3,122	4,076	5,267
62	1,728	1,907	2,085	2,861	3,812
63	1,728	1,871	2,015	2,632	3,397
64	1,728	1,835	1,941	2,407	2,982
65	1,728	1,800	1,871	2,180	2,561
66	1,728	1,765	1,800	1,954	2,145
67 and over	1,728	1,728	1,728	1,728	1,728

PART B

PAYMENTS TO DEPENDANTS OF PERSONS WHO DIED AS A RESULT OF DIFFUSE MESOTHELIOMA.

Age of disabled person at his last birthday preceding death	Payment
	£
37 and under	22,284
38	21,734
39	21,187
40	20,638
41	20,090
42	19,543
43	19,019
44	18,488
45	17,968
46	17,443
47	16,921
48	16,277
49	15,633
50	14,990
51	14,347
52	13,705
53	13,178
54	12,655
55	12,130
56	11,605
57	11,081
58	9,629
59	8,174
60	6,721
61	5,267
62	3,812
63	3,397
64	2,982
65	2,561
66	2,145
67 and over	1,728

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 ("the 1988 Regulations") as amended by the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) of 1989, 1991 and 1992, prescribe the amount of payments to be made under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the Order"), as amended by the Social Security (Northern Ireland) Order 1985, the Social Security (Northern Ireland) Order 1986 and the Social Security (Consequential Provisions) (Northern Ireland) Act 1992, to persons disabled by a disease to which the Order applies (namely pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening) or to dependants of persons who immediately before they died were disabled by such a disease. All such persons should satisfy the conditions of entitlement prescribed in Article 3 (Payments to disabled persons) or, as the case may be, Article 4 (Payments to dependants of disabled persons) of the Order.

These Regulations further amend the 1988 Regulations by increasing the amount of the payments laid down by the 1989, 1991 and 1992 Regulations in any case in which a person first becomes entitled to a payment on or after the date when these Regulations come into operation. The increase in each case is 2½ per cent. rounded up or down to the nearest £1 as appropriate.