

**2005 No. 59**

**SOCIAL SECURITY**

**Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2005**

*Made* - - - - - *1st March 2005*

*Coming into operation* *10th April 2005*

*To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000*

The Department for Employment and Learning, in exercise of the powers conferred by Articles 2(2)(a), 3(3), 4(3), 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(b) and now vested in it(c) and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 10th April 2005.

(2) In these Regulations –

- (a) “the Order” means the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979;
- (b) “the principal Regulations” means the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(d).

**Amendment of the principal Regulations**

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (4) 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 day on which these Regulations come into operation.

(2) For the Schedule to the principal Regulations there shall be substituted the Schedule set out in the Schedule to these Regulations.

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(a) See the definitions of “Department” and “prescribed”. The Department of Manpower Services was renamed the Department of Economic Development: See S.I. 1982/846 (N.I. 11) Article 3

(b) S.I. 1979/925 (N.I. 9); relevant amending legislation is S.I. 1985/1209 (N.I. 16) Article 22, S.I. 1986/1888 (N.I. 18) Article 40 and Schedule 3, paragraph 17 and 1992 c. 9 section 4 and Schedule 2, paragraph 22

(c) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 from the Department of Economic Development to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning by the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

(d) S.R. 1988 No. 242 as amended by S.R. 1989 No. 240, S.R. 1991 No. 120, S.R. 1992 No. 213, S.R. 1993 No. 325, S.R. 1995 No. 338, S.R. 1996 No. 485, S.R. 1997 No. 409, S.R. 1998 No. 358, S.R. 2000 No. 134, S.R. 2002 No. 133, S.R. 2004 No. 124 and S.R. 2004 No. 214

(3) In regulations 5(2) (payment where death results from diffuse mesothelioma) and 7 (minimum amount payable to dependant), for “£2,180” (in each place where it occurs) there shall be substituted “£2,248”.

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for “£4,509” (in each place where it occurs) there shall be substituted “£4,649”.

Sealed with the Official Seal of the Department for Employment and Learning on 1st March 2005.

(L.S.)

*T. Devine*

A senior officer of the Department for Employment and Learning

## SCHEDULE

Regulation 2(2)

“SCHEDULE

Regulations 3, 4 and 6

### 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), regulation 6(1). 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.

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE DISABLEMENT BENEFIT UNDER SECTION 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS (NORTHERN IRELAND) ACT 1992 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

Age of disabled person	Percentage assessment for the relevant period										
	10% or less	11%-20%	21%-30%	31%-40%	41%-50%	51%-60%	61%-70%	71%-80%	81%-90%	91%-100%	
	£	£	£	£	£	£	£	£	£	£	
37 and under	26,018	46,463	54,515	56,064	57,612	58,851	60,091	61,329	62,568	63,808	
38	25,274	44,602	52,872	54,765	56,371	57,612	58,851	60,091	61,329	62,568	
39	24,530	42,743	51,231	53,461	55,135	56,371	57,612	58,851	60,091	61,329	
40	23,788	40,884	49,590	52,159	53,893	55,135	56,371	57,612	58,851	60,091	
41	23,044	39,027	47,949	50,857	52,657	53,893	55,135	56,371	57,612	58,851	
42	22,297	37,170	46,306	49,561	51,417	52,657	53,893	55,135	56,371	57,612	
43	21,187	35,000	44,665	48,567	50,552	52,038	53,275	54,515	55,754	56,994	
44	20,070	32,832	43,022	47,577	49,683	51,417	52,657	53,893	55,135	56,371	
45	18,958	30,664	41,381	46,585	48,818	50,796	52,038	53,275	54,515	55,754	
46	17,841	28,497	39,741	45,595	47,949	50,179	51,417	52,657	53,893	55,135	
47	16,728	26,328	38,098	44,602	47,082	49,561	50,796	52,038	53,275	54,515	
48	15,765	25,460	36,799	42,621	45,595	47,821	49,064	50,302	51,539	52,781	
49	14,806	24,595	35,497	40,638	44,110	46,089	47,328	48,567	49,809	51,048	
50	13,845	23,726	34,221	38,656	42,621	44,354	45,595	46,833	48,070	49,310	
51	12,886	22,859	32,893	36,673	41,134	42,621	43,872	45,096	46,338	47,577	
52	11,926	21,992	31,594	34,691	39,646	40,884	42,127	43,364	44,602	45,840	
53	11,026	20,445	29,610	32,957	38,159	39,646	40,884	42,127	43,364	44,602	
54	10,128	18,896	27,628	31,225	36,673	38,410	39,646	40,884	42,127	43,364	
55	9,231	17,346	25,649	29,487	35,185	37,170	38,410	39,646	40,884	42,127	
56	8,332	15,796	23,665	27,753	33,701	35,929	37,170	38,410	39,646	40,884	
57	7,434	14,247	21,682	26,018	32,218	34,692	35,929	37,170	38,410	39,646	
58	6,846	12,948	19,361	23,352	28,991	31,285	32,616	33,919	35,185	36,426	
59	6,256	11,645	17,035	20,691	25,769	27,876	29,301	30,664	31,965	33,202	
60	5,671	10,344	14,712	18,026	22,552	24,470	25,985	27,413	28,745	29,985	
61	5,079	9,044	12,391	15,362	19,328	21,063	22,672	24,160	25,523	26,762	
62	4,491	7,744	10,067	12,699	16,108	17,656	19,361	20,908	22,297	23,540	
63	4,181	6,999	9,044	11,354	14,328	15,857	17,470	18,958	20,318	21,557	

Age of disabled person	Percentage assessment for the relevant period										
	10% or less	11%-20%	21%-30%	31%-40%	41%-50%	51%-60%	61%-70%	71%-80%	81%-90%	91%-100%	
64	3,878	6,256	8,021	10,004	12,544	14,063	15,582	17,005	18,335	19,574	
65	3,563	5,513	6,999	8,660	10,765	12,265	13,690	15,055	16,356	17,594	
66	3,254	4,772	5,978	7,308	8,984	10,469	11,802	13,101	14,373	15,611	
67	2,944	4,026	4,954	5,962	7,203	8,675	9,912	11,151	12,391	13,629	
68	2,863	3,900	4,785	5,715	6,956	8,332	9,524	10,810	12,001	13,226	
69	2,788	3,779	4,617	5,468	6,708	7,992	9,140	10,469	11,617	12,822	
70	2,710	3,656	4,444	5,219	6,459	7,649	8,751	10,128	11,228	12,421	
71	2,634	3,529	4,275	4,969	6,210	7,308	8,365	9,789	10,842	12,020	
72	2,556	3,408	4,104	4,725	5,962	6,971	7,975	9,447	10,451	11,617	
73	2,493	3,348	4,043	4,631	5,869	6,815	7,821	9,201	10,144	11,275	
74	2,432	3,283	3,981	4,538	5,779	6,658	7,668	8,953	9,836	10,927	
75	2,371	3,223	3,920	4,444	5,682	6,505	7,511	8,703	9,524	10,591	
76	2,308	3,157	3,855	4,353	5,590	6,352	7,358	8,457	9,213	10,254	
77	2,248	3,096	3,795	4,258	5,497	6,195	7,203	8,212	8,906	9,912	
and over											

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 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS (NORTHERN IRELAND) ACT 1992 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

<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	12,235	23,853	27,256	28,189	28,962
38	11,864	22,799	26,329	27,256	28,248
39	11,494	21,745	25,400	26,328	27,536
40	11,117	20,691	24,470	25,400	26,824
41	10,747	19,640	23,540	24,470	26,112
42	10,379	18,589	22,611	23,540	25,400
43	9,708	17,223	21,775	22,704	24,719
44	9,044	15,857	20,935	21,869	24,030
45	8,379	14,495	20,102	21,032	23,352
46	7,712	13,130	19,194	20,193	22,672
47	7,046	11,768	18,432	19,361	21,992
48	6,537	11,397	17,813	18,710	21,155
49	6,023	11,026	17,190	18,059	20,318
50	5,513	10,653	16,573	17,406	19,482
51	5,003	10,282	15,953	16,758	18,648
52	4,491	9,912	15,334	16,108	17,813
53	4,258	9,044	14,158	15,208	17,127
54	4,026	8,176	12,978	14,310	16,448
55	3,795	7,308	11,802	13,413	15,765
56	3,563	6,442	10,624	12,516	15,081
57	3,328	5,577	9,447	11,617	14,402
58	3,113	4,954	8,102	10,038	12,516
59	2,893	4,335	6,754	8,457	10,624
60	2,680	3,718	5,405	6,877	8,736
61	2,464	3,096	4,059	5,297	6,846
62	2,248	2,480	2,710	3,718	4,954
63	2,248	2,432	2,619	3,421	4,415
64	2,248	2,384	2,523	3,128	3,878
65	2,248	2,340	2,432	2,833	3,328
66	2,248	2,294	2,340	2,540	2,788
67	2,248	2,248	2,248	2,248	2,248
and over					

## PART B

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

<i>Age of disabled person at his last birthday preceding death</i>	<i>Payment</i>
	£
37 and under	28,962
38	28,248
39	27,536
40	26,824
41	26,112
42	25,400
43	24,719
44	24,030
45	23,352
46	22,672
47	21,992
48	21,155
49	20,318
50	19,482
51	18,648
52	17,813
53	17,127
54	16,448
55	15,765
56	15,081
57	14,402
58	12,516
59	10,624
60	8,736
61	6,846
62	4,954
63	4,415
64	3,878
65	3,328
66	2,788
67 and over	2,248

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## 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 immediately before they died.

These Regulations further amend the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 so as to increase the amount payable as prescribed under the Order. The increase in each case is 3.1 per cent, rounded up or down to the nearest £1 as appropriate.

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.

A regulatory impact assessment has not been produced for this rule as it has no impact on the costs of business.

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