

## **EXPLANATORY MEMORANDUM**

### **THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2009**

**S.R. 2009 No. 228**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 108(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1 These Regulations amend Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 (“the Prescribed Diseases Regulations”) to include osteoarthritis of the knee, as it relates to occupations involving work within the coalmining industry, by adding Prescribed Disease A14 to the list of prescribed diseases in Part 1 of that Schedule.
- 2.2 Regulation 1 provides for the title and commencement.
- 2.3 Regulation 2 adds prescribed disease “A14 – Osteoarthritis of the knee” to the list of prescribed diseases in Part 1 of Schedule 1 to the Prescribed Diseases Regulations, in relation to people who have worked in certain coal mining occupations for a period or periods which amount in aggregate to at least 10 years.

#### **3. Background**

- 3.1 Industrial Injuries Disablement Benefit is a non-contributory, non-income related benefit for people who have become disabled as a result of an accident at work or a prescribed disease which was contracted while working in employed earners employment. The rate of benefit payable depends on the level of disability. The benefit is payable even if the person continues or returns to work, but is not payable until the 91st day following the accident or the onset of the prescribed disease.
- 3.2 The Industrial Injuries Advisory Council is an independent statutory body which advises the Secretary of State for Work and Pensions and the Department for Social Development on matters relating to the Industrial Injuries scheme. In particular, having studied the scientific evidence, the

Council advises which diseases should be prescribed or amended for the purpose of claims for Industrial Injuries Disablement Benefit.

- 3.3 The Industrial Injuries Advisory Council published its report on *Osteoarthritis of the knee in coal miners* (Command paper 7440) in August 2008, recommending that Prescribed Disease A14 should be added to the list of prescribed diseases.

#### **4. Consultation**

- 4.1 As the Regulations make, in relation to Northern Ireland, only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain they do not have to be submitted to the Industrial Injuries Advisory Council.

#### **5. Equality Impact**

- 5.1 The new prescribed disease relates solely to occupations in the coal mining industry. Given the historical working patterns in this industry, it is expected that the majority of claimants will be male. As the disease is caused over a period of time, and with the increased mechanisation of mines from the early 1980s, it is expected that claimants will be of an older age group. As the prescription relates to the coal mining industry, the number of claims in Northern Ireland is expected to be very small. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposals and has concluded that the proposals are positive and do not have significant implications for equality of opportunity.

#### **6. Regulatory Impact**

- 6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

#### **7. Financial Implications**

- 7.1 Minimal, as there is no indigenous coal mining industry in Northern Ireland.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—
- (a) is not incompatible with any of the Convention rights,
  - (b) is not incompatible with Community law,
  - (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and

(d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1 Not applicable.

## **10. Parity or Replicatory Measure**

10.1 The corresponding Great Britain Regulations are the Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations 2009 and come into force on 13 July 2009. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.