

Status: Point in time view as at 22/03/2022.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Disablement benefit is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

ASSESSMENT OF EXTENT OF DISABLEMENT

Disablement benefit

- 6 (1) Subject to sub-paragraphs (2) and (3) below, the period to be taken into account by an assessment for the purposes of section 103 above and Part II of Schedule 7 to this Act of the extent of a claimant's disablement shall be the period (beginning not earlier than the end of the period of 90 days referred to in section 103(6) above and in paragraph 9(3) of that Schedule and limited by reference either to the claimant's life or to a definite date) during which the claimant has suffered and may be expected to continue to suffer from the relevant loss of faculty.
- (2) If on any assessment the condition of the claimant is not such, having regard to the possibility of changes in that condition (whether predictable or not), as to allow of a final assessment being made up to the end of the period provided by sub-paragraph (1) above, then, subject to sub-paragraph (3) below—
- (a) a provisional assessment shall be made, taking into account such shorter period only as seems reasonable having regard to his condition and that possibility; and
 - (b) on the next assessment the period to be taken into account shall begin with the end of the period taken into account by the provisional assessment.
- (3) Where the assessed extent of a claimant's disablement amounts to less than 14 per cent. then, subject to sub-paragraphs (4) and (5) below, that assessment shall be a final assessment and the period to be taken into account by it shall not end before the earliest date on which it seems likely that the extent of the disablement will be less than 1 per cent.
- (4) Sub-paragraph (3) above does not apply in any case where it seems likely that—
- (a) the assessed extent of the disablement will be aggregated with the assessed extent of any present disablement, and
 - (b) that aggregate will amount to 14 per cent. or more.
- (5) Where the extent of the claimant's disablement is assessed at different percentages for different parts of the period taken into account by the assessment, then—
- (a) sub-paragraph (3) above does not apply in relation to the assessment unless the percentage assessed for the latest part of that period is less than 14 per cent., and
 - (b) in any such case that sub-paragraph shall apply only in relation to that part of that period (and subject to sub-paragraph (4) above).

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Modifications etc. (not altering text)

- C1** Sch. 6 para. 6(1) modified (6.4.2006) by [The Social Security \(Industrial Injuries\) \(Prescribed Diseases\) Regulations \(Northern Ireland\) 1986 \(S.R. 1986/179\)](#), **art. 18B(2)(b)** (as inserted by S.R. 2006/96, regs. 1, 2(3))

7 An assessment for the purposes of section 103 above and Part II of Schedule 7 to this Act shall—

- (a) state the degree of disablement in the form of a percentage;
- (b) specify the period taken into account by the assessment; and
- (c) where that period is limited by reference to a definite date, specify whether the assessment is provisional or final;

but the percentage and the period shall not be specified more particularly than is necessary for the purpose of determining in accordance with section 103 above and Parts II and IV of Schedule 7 to this Act the claimant's rights as to disablement pension and gratuity and reduced earnings allowance (whether or not a claim has been made).

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