



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART V

#### BENEFIT FOR INDUSTRIAL INJURIES

*Prescribed industrial diseases, etc.*

#### **109 General provisions relating to benefit under s. 108.**

- (1) Subject to the power to make different provision by regulations, and to the following provisions of this section and section 110 below—
  - (a) the benefit payable under section 108 above in respect of a prescribed disease or injury, and
  - (b) the conditions for receipt of benefit,shall be the same as in the case of personal injury by accident arising out of and in the course of employment.
- (2) In relation to prescribed diseases and injuries, regulations may provide—
  - (a) for modifying any provisions contained in this Act [<sup>F1</sup>, the Administration Act or Chapter II of Part II of the Social Security (Northern Ireland) Order 1998] which relate to disablement benefit or reduced earnings allowance or their administration; and
  - (b) for adapting references in this Act [<sup>F2</sup>, that Act and that Chapter] to accidents, and for the purposes of this subsection the provisions of [<sup>F3</sup>that Act and that Chapter] which relate to the administration of disablement benefit or reduced earnings allowance shall be taken to include section 1 [<sup>F4</sup>of that Act] and any provision which relates to the administration of both the benefit in question and other benefits.
- (3) Without prejudice to the generality of subsection (2) above, regulations under that subsection may in particular include provision—

*Status: Point in time view as at 05/07/1999. This version of this provision has been superseded.*

**Changes to legislation:** *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 109 is up to date with all changes known to be in force on or before 06 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)*

- (a) for presuming any prescribed disease or injury—
    - (i) to be due, unless the contrary is proved, to the nature of a person’s employment where he was employed in any prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease or injury,
    - (ii) not to be due to the nature of a person’s employment unless he was employed in some prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease or injury;
  - (b) for such matters as appear to the Department to be incidental to or consequential on provisions included in the regulations by virtue of subsection (2) and paragraph (a) above.
- (4) Regulations under subsection (2) above may also provide—
- (a) that, in the determination of the extent of an employed earner’s disablement resulting from a prescribed disease or injury, the appropriate percentage may be added to the percentage of that disablement; and
  - (b) that, in the determination of the extent of an employed earner’s disablement for the purposes of section 103 above, the appropriate percentage may be added to the percentage of disablement resulting from the relevant accident.
- (5) In subsection (4)(a) above “the appropriate percentage” means the assessed percentage of any present disablement of the earner which resulted—
- (a) from any accident after 4th July 1948 arising out of and in the course of his employment, being employed earner’s employment, or
  - (b) from any other prescribed disease or injury due to the nature of that employment and developed after 4th July 1948,
- and in respect of which a disablement gratuity was not paid to him after a final assessment of his disablement.
- (6) In subsection (4)(b) above “the appropriate percentage” means the assessed percentage of any present disablement of the earner—
- (a) which resulted from any prescribed disease or injury due to the nature of his employment and developed after 4th July 1948, and
  - (b) in respect of which a disablement gratuity was not paid to him after a final assessment of his disablement.
- (7) Where regulations under subsection (2) above—
- (a) make provision such as is mentioned in subsection (4) above, and
  - (b) also make provision corresponding to that in section 103(3) above,
- they may also make provision to the effect that those corresponding provisions shall have effect in relation to the aggregate percentage and not in relation to any percentage forming part of the aggregate.

#### Textual Amendments

- F1** Words in s. 109(2)(a) substituted (5.7.1999 for specified purposes and otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 47(a)**; S.R. 1999/310, art. 2(b), **Sch. 1**
- F2** Words in s. 109(2)(b) substituted (5.7.1999 for specified purposes and otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 47(b)**; S.R. 1999/310, art. 2(b), **Sch. 1**

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| <p><b>F3</b> Words in s. 109(2) substituted (5.7.1999 for specified purposes and otherwise <i>prosp.</i>) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), <b>Sch. 6 para. 47(c)</b>; S.R. 1999/310, art. 2(b), <b>Sch. 1</b></p> <p><b>F4</b> Words in s. 109(2) inserted (5.7.1999 for specified purposes and otherwise <i>prosp.</i>) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), <b>Sch. 6 para. 47(d)</b>; S.R. 1999/310, art. 2(b), <b>Sch. 1</b></p> |
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