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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 409**

**SOCIAL SECURITY**

**Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 1997**

*Made - - - - 8th September 1997  
To be laid before Parliament under paragraph 3(3) of  
Schedule 1 to the Northern Ireland Act 1974*

*Coming into operation 20th October 1997*

The Department of Economic Development<sup>(1)</sup>, 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<sup>(2)</sup> 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) 1997 and shall come into operation on 20th October 1997.

(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<sup>(3)</sup>.

**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 20th October 1997.

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(1) Formerly the Department of Manpower Services: See S.I. 1982/846 (N.I. 11) Article 3  
(2) S.I. 1979/925 (N.I. 9); relevant amending legislation is S.I. 1985/1209 (N.I. 16) Article 22 and S.I. 1986/1888 (N.I. 18), Article 40 and Schedule 3, paragraph 17 and 1992 c. 9 Schedule 2, paragraph 22  
(3) 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 and S.R. 1996 No. 485

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

(3) In regulations 5(2) (Payment where death results from diffuse mesothelioma) and 7 (Minimum amount payable to dependant) for “£1,803” in each place where it occurs there shall be substituted “£1,852”.

(4) In regulation 6(1) (Payment where pneumoconiosis is accompanied by tuberculosis) for “£3,731” in each place where it occurs there shall be substituted “£3,832”.

Sealed with the Official Seal of the Department of Economic Development on

(l.s.)

8th September 1997.

*G. I. O'Doherty*  
Assistant Secretary

## SCHEDULE

Regulation 2(2)

## “SCHEDULE

Regulations 3, 4, 5 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), 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 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%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
37 and under	21,452	38,309	44,949	46,226	47,502	48,523	49,547	50,567	51,589	52,610
38	20,839	36,776	43,595	45,155	46,480	47,502	48,523	49,547	50,567	51,589
39	20,226	35,243	42,242	44,080	45,461	46,480	47,502	48,523	49,547	50,567
40	19,614	33,710	40,889	43,007	44,436	45,461	46,480	47,502	48,523	49,547
41	19,001	32,179	39,535	41,993	43,417	44,436	45,461	46,480	47,502	48,523
42	18,386	30,648	38,181	40,864	42,395	43,417	44,436	45,461	46,480	47,502
43	17,469	28,859	36,827	40,046	41,682	42,906	43,927	44,949	45,970	46,994
44	16,550	27,071	35,473	39,228	40,964	42,395	43,417	44,436	45,461	46,480
45	15,631	25,283	34,120	38,411	40,250	41,884	42,906	43,927	44,949	45,970
46	14,710	23,496	32,768	37,594	39,535	41,373	42,395	43,417	44,436	45,461
47	13,792	21,708	31,413	36,776	38,820	40,864	41,884	42,906	43,927	44,949
48	12,999	20,991	30,341	35,141	37,594	39,430	40,455	41,475	42,495	43,520

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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%
	£	£	£	£	£	£	£	£	£	£
49	12,207	20,278	29,268	33,507	36,370	38,001	39,023	40,046	41,068	42,089
50	11,417	19,563	28,216	31,873	35,141	36,571	37,594	38,615	39,636	40,658
51	10,625	18,848	27,121	30,239	33,916	35,141	36,173	37,183	38,207	39,228
52	9,832	18,133	26,051	28,604	32,689	33,710	34,735	35,754	36,776	37,797
53	9,091	16,857	24,415	27,174	31,463	32,689	33,710	34,735	35,754	36,776
54	8,351	15,580	22,780	25,745	30,239	31,669	32,689	33,710	34,735	35,754
55	7,610	14,302	21,147	24,313	29,012	30,648	31,669	32,689	33,710	34,735
56	6,869	13,024	19,512	22,884	27,787	29,625	30,648	31,669	32,689	33,710
57	6,130	11,747	17,878	21,452	26,564	28,604	29,625	30,648	31,669	32,689
58	5,644	10,677	15,963	19,255	23,903	25,795	26,893	27,966	29,012	30,034
59	5,158	9,602	14,046	17,061	21,247	22,985	24,159	25,283	26,357	27,376
60	4,675	8,529	12,131	14,862	18,594	20,177	21,426	22,603	23,702	24,723
61	4,188	7,456	10,216	12,667	15,937	17,367	18,693	19,921	21,045	22,065
62	3,704	6,385	8,300	10,470	13,282	14,557	15,963	17,239	18,386	19,409
63	3,447	5,771	7,456	9,362	11,813	13,075	14,404	15,631	16,753	17,775
64	3,196	5,158	6,614	8,249	10,343	11,595	12,847	14,021	15,118	16,140
65	2,938	4,546	5,771	7,141	8,875	10,113	11,288	12,413	13,486	14,507
66	2,682	3,935	4,929	6,026	7,408	8,632	9,731	10,802	11,851	12,871
67	2,427	3,320	4,085	4,916	5,938	7,152	8,173	9,195	10,216	11,237
68	2,361	3,216	3,946	4,711	5,736	6,869	7,853	8,913	9,895	10,905
69	2,298	3,115	3,806	4,509	5,531	6,590	7,536	8,632	9,580	10,572
70	2,234	3,015	3,664	4,303	5,325	6,307	7,215	8,351	9,258	10,242
71	2,172	2,911	3,525	4,098	5,120	6,026	6,896	8,072	8,940	9,911
72	2,108	2,810	3,384	3,896	4,916	5,747	6,576	7,790	8,618	9,580
73	2,055	2,761	3,333	3,819	4,839	5,618	6,449	7,586	8,364	9,297
74	2,005	2,706	3,282	3,741	4,765	5,490	6,322	7,381	8,110	9,009
75	1,956	2,657	3,232	3,664	4,685	5,363	6,194	7,176	7,853	8,734
76	1,903	2,604	3,178	3,589	4,610	5,238	6,067	6,973	7,597	8,455
77 and over	1,852	2,553	3,129	3,511	4,533	5,108	5,938	6,771	7,342	8,173

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.

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
	£	£	3	£	£
37 and under	10,088	19,667	22,474	23,241	23,880
38	9,782	18,798	21,708	22,474	23,291
39	9,477	17,928	20,943	21,708	22,705
40	9,167	17,061	20,177	20,943	22,116
41	8,861	16,193	19,409	20,177	21,529
42	8,557	15,327	18,642	19,409	20,943
43	8,005	14,201	17,954	18,720	20,381
44	7,456	13,075	17,263	18,030	19,813
45	6,909	11,953	16,575	17,341	19,255
46	6,359	10,826	15,826	16,650	18,693
47	5,810	9,703	15,197	15,963	18,133
48	5,390	9,397	14,687	15,427	17,443
49	4,967	9,091	14,173	14,891	16,753

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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
	£	£	£	£	£
50	4,546	8,785	13,665	14,353	16,064
51	4,125	8,479	13,153	13,817	15,375
52	3,704	8,173	12,643	13,282	14,687
53	3,511	7,456	11,673	12,540	14,122
54	3,320	6,741	10,701	11,800	13,561
55	3,129	6,026	9,731	11,059	12,999
56	2,938	5,312	8,760	10,319	12,436
57	2,744	4,598	7,790	9,580	11,875
58	2,566	4,085	6,679	8,276	10,319
59	2,385	3,575	5,568	6,973	8,760
60	2,209	3,066	4,455	5,670	7,203
61	2,032	2,553	3,346	4,368	5,644
62	1,852	2,044	2,234	3,066	4,085
63	1,852	2,005	2,159	2,821	3,641
64	1,852	1,966	2,080	2,579	3,196
65	1,852	1,929	2,005	2,336	2,744
66	1,852	1,892	1,929	2,094	2,298
67 and over	1,852	1,852	1,852	1,852	1,852

## 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	23,880
38	23,291
39	22,705
40	22,116

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Age of disabled person at his last birthday preceding death	Payment £
41	21,529
42	20,943
43	20,381
44	19,813
45	19,255
46	18,693
47	18,133
48	17,443
49	16,753
50	16,064
51	15,375
52	14,687
53	14,122
54	13,561
55	12,999
56	12,436
57	11,875
58	10,319
59	8,760
60	7,203
61	5,644
62	4,085
63	3,641
64	3,196
65	2,744
66	2,298
67 and over	1,852”

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## 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, 1992, 1993, 1995 and 1996 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, 1992, 1993, 1995 and 1996 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 2.7 per cent. rounded up or down to the nearest £1 as appropriate.