

2004 No. 214

SOCIAL SECURITY

**Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment No. 2) Regulations
(Northern Ireland) 2004**

Made - - - - - *6th May 2004*

Coming into operation *20th June 2004*

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

The Department for Employment and Learning^(a), in exercise of the powers conferred by Articles 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 No. 2) Regulations (Northern Ireland) 2004 and shall come into operation on 20th June 2004.

(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.

(a) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15
(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) Schedule 3, paragraph 17 and 1992 c. 9 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 to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning
(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 and S.R. 2004 No. 124

(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 “£2,068” (in each place where it occurs) there shall be substituted “£2,180”.

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for “£4,278” (in each place where it occurs) there shall be substituted “£4,509”.

Sealed with the Official Seal of the Department for Employment and Learning on 6th May 2004.

(L.S.)

R. B. Gamble

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	25,236	45,066	52,876	54,378	55,880	57,081	58,284	59,485	60,687	61,889	
38	24,514	43,261	51,282	53,118	54,676	55,880	57,081	58,284	59,485	60,687	
39	23,792	41,458	49,691	51,854	53,477	54,676	55,880	57,081	58,284	59,485	
40	23,073	39,655	48,099	50,591	52,273	53,477	54,676	55,880	57,081	58,284	
41	22,351	37,854	46,507	49,328	51,074	52,273	53,477	54,676	55,880	57,081	
42	21,627	36,052	44,914	48,071	49,871	51,074	52,273	53,477	54,676	55,880	
43	20,550	33,948	43,322	47,107	49,032	50,473	51,673	52,876	54,078	55,280	
44	19,467	31,845	41,728	46,146	48,189	49,871	51,074	52,273	53,477	54,676	
45	18,388	29,742	40,137	45,184	47,350	49,269	50,473	51,673	52,876	54,078	
46	17,305	27,640	38,546	44,224	46,507	48,670	49,871	51,074	52,273	53,477	
47	16,225	25,536	36,952	43,261	45,666	48,071	49,269	50,473	51,673	52,876	
48	15,291	24,694	35,693	41,339	44,224	46,383	47,589	48,790	49,989	51,194	
49	14,361	23,855	34,430	39,416	42,784	44,703	45,905	47,107	48,311	49,513	
50	13,429	23,013	33,192	37,494	41,339	43,020	44,224	45,425	46,625	47,827	
51	12,499	22,172	31,904	35,570	39,897	41,339	42,553	43,740	44,945	46,146	
52	11,567	21,331	30,644	33,648	38,454	39,655	40,860	42,060	43,261	44,462	
53	10,694	19,830	28,720	31,966	37,012	38,454	39,655	40,860	42,060	43,261	
54	9,823	18,328	26,797	30,286	35,570	37,255	38,454	39,655	40,860	42,060	
55	8,953	16,824	24,878	28,600	34,127	36,052	37,255	38,454	39,655	40,860	
56	8,081	15,321	22,953	26,919	32,688	34,849	36,052	37,255	38,454	39,655	
57	7,210	13,819	21,030	25,236	31,249	33,649	34,849	36,052	37,255	38,454	
58	6,640	12,559	18,779	22,650	28,119	30,344	31,635	32,899	34,127	35,331	
59	6,068	11,295	16,523	20,069	24,994	27,038	28,420	29,742	31,004	32,204	
60	5,500	10,033	14,270	17,484	21,874	23,734	25,204	26,589	27,881	29,083	
61	4,926	8,772	12,018	14,900	18,747	20,430	21,990	23,434	24,756	25,957	
62	4,356	7,511	9,764	12,317	15,624	17,125	18,779	20,279	21,627	22,832	

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%
63	£ 4,055	£ 6,789	£ 8,772	£ 11,013	£ 13,897	£ 15,380	£ 16,945	£ 18,388	£ 19,707	£ 20,909
64	£ 3,761	£ 6,068	£ 7,780	£ 9,703	£ 12,167	£ 13,640	£ 15,113	£ 16,494	£ 17,784	£ 18,985
65	£ 3,456	£ 5,347	£ 6,789	£ 8,400	£ 10,441	£ 11,896	£ 13,278	£ 14,602	£ 15,864	£ 17,065
66	£ 3,156	£ 4,629	£ 5,798	£ 7,088	£ 8,714	£ 10,154	£ 11,447	£ 12,707	£ 13,941	£ 15,142
67	£ 2,855	£ 3,905	£ 4,805	£ 5,783	£ 6,986	£ 8,414	£ 9,614	£ 10,816	£ 12,018	£ 13,219
68	£ 2,777	£ 3,783	£ 4,641	£ 5,543	£ 6,747	£ 8,081	£ 9,238	£ 10,485	£ 11,640	£ 12,828
69	£ 2,704	£ 3,665	£ 4,478	£ 5,304	£ 6,506	£ 7,752	£ 8,865	£ 10,154	£ 11,268	£ 12,436
70	£ 2,629	£ 3,546	£ 4,310	£ 5,062	£ 6,265	£ 7,419	£ 8,488	£ 9,823	£ 10,890	£ 12,048
71	£ 2,555	£ 3,423	£ 4,146	£ 4,820	£ 6,023	£ 7,088	£ 8,113	£ 9,495	£ 10,516	£ 11,659
72	£ 2,479	£ 3,306	£ 3,981	£ 4,583	£ 5,783	£ 6,761	£ 7,735	£ 9,163	£ 10,137	£ 11,268
73	£ 2,418	£ 3,247	£ 3,921	£ 4,492	£ 5,693	£ 6,610	£ 7,586	£ 8,924	£ 9,839	£ 10,936
74	£ 2,359	£ 3,184	£ 3,861	£ 4,402	£ 5,605	£ 6,458	£ 7,437	£ 8,684	£ 9,540	£ 10,598
75	£ 2,300	£ 3,126	£ 3,802	£ 4,310	£ 5,511	£ 6,309	£ 7,285	£ 8,441	£ 9,238	£ 10,273
76	£ 2,239	£ 3,062	£ 3,739	£ 4,222	£ 5,422	£ 6,161	£ 7,137	£ 8,203	£ 8,936	£ 9,946
77 and over	£ 2,180	£ 3,003	£ 3,681	£ 4,130	£ 5,332	£ 6,009	£ 6,986	£ 7,965	£ 8,638	£ 9,614

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	11,867	23,136	26,436	27,341	28,091
38	11,507	22,113	25,537	26,436	27,399
39	11,148	21,091	24,636	25,536	26,708
40	10,783	20,069	23,734	24,636	26,017
41	10,424	19,049	22,832	23,734	25,327
42	10,067	18,030	21,931	22,832	24,636
43	9,416	16,705	21,120	22,021	23,976
44	8,772	15,380	20,306	21,211	23,307
45	8,127	14,059	19,498	20,400	22,650
46	7,480	12,735	18,617	19,586	21,990
47	6,834	11,414	17,878	18,779	21,331
48	6,340	11,054	17,277	18,147	20,519
49	5,842	10,694	16,673	17,516	19,707
50	5,347	10,333	16,075	16,883	18,896
51	4,853	9,973	15,473	16,254	18,087
52	4,356	9,614	14,873	15,624	17,277
53	4,130	8,772	13,732	14,751	16,612
54	3,905	7,930	12,588	13,880	15,953
55	3,681	7,088	11,447	13,010	15,291
56	3,456	6,248	10,305	12,140	14,628
57	3,228	5,409	9,163	11,268	13,969
58	3,019	4,805	7,858	9,736	12,140
59	2,806	4,205	6,551	8,203	10,305
60	2,599	3,606	5,242	6,670	8,473
61	2,390	3,003	3,937	5,138	6,640
62	2,180	2,405	2,629	3,606	4,805
63	2,180	2,359	2,540	3,318	4,282
64	2,180	2,312	2,447	3,034	3,761
65	2,180	2,270	2,359	2,748	3,228
66	2,180	2,225	2,270	2,464	2,704
67 and over	2,180	2,180	2,180	2,180	2,180

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	28,091
38	27,399
39	26,708
40	26,017
41	25,327
42	24,636
43	23,976
44	23,307
45	22,650
46	21,990
47	21,331
48	20,519
49	19,707
50	18,896
51	18,087
52	17,277
53	16,612
54	15,953
55	15,291
56	14,628
57	13,969
58	12,140
59	10,305
60	8,473
61	6,640
62	4,805
63	4,282
64	3,761
65	3,228
66	2,704
67 and over	2,180

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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 amend the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988, as amended, so as to increase the amount payable as prescribed under the Order. The increase in each case is 5.4 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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