

EXPLANATORY MEMORANDUM TO
THE PNEUMOCONIOSIS, ETC., (WORKERS' COMPENSATION) (PAYMENT
OF CLAIMS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2007

2007 No. 109

1. This explanatory memorandum has been prepared by the Department for Social Development and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statutory Rule increases the current rates of payment under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the Order") by 3.6 per cent from 1 April 2007 in line with inflation.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 Although there is no statutory obligation to increase payments in line with inflation, Government has made a commitment to review the rates regularly in order to maintain their value in line with inflation. This Statutory Rule increases the current rates of payment under the Order by 3.6 per cent from 1 April 2007 and maintains alignment with the increase in social security benefits.

4.2 In addition, in previous years the tables in the Schedule to these Regulations have had long descriptive headings. The information usually contained in these headings is now included in the substantive text of the Schedule. This makes the Schedule easier to understand and is in line with current practices.

4.3 The Rule is laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000 and is subject to the negative resolution procedure.

5. Territorial Extent and Application

5.1 This rule applies to Northern Ireland. The corresponding GB instrument, the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2007, was laid in draft form on 22 January 2007 and debated in General Committee in the House of Commons on 22 February 2007 and in Grand Committee in the House of Lords on 27 February 2007.

6. European Convention on Human Rights

- 6.1 As the rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The Order provides compensation to sufferers of certain dust-related diseases, or their dependents, who are unable to claim damages from the employer they were employed by when the dust exposure that caused the disease occurred because the employer has ceased to carry on business.
- 7.2 There is no statutory obligation under the Order to increase payments in line with inflation. However, previous Governments have given an undertaking to Parliament to regularly review the rates of payment in order to maintain their value broadly in line with inflation. This review is normally conducted annually, using the Retail Prices Index (RPI) – the same indicator of inflation for social security benefits. This makes sense, given that the awarding of Industrial Injuries Disablement Benefit is one of the conditions to be met when considering eligibility for a payment under the Order.
- 7.3 In October 2006 the Office of National Statistics announced the RPI increase as 3.6 per cent and this is the amount by which the rates paid under the Order are increased from 1 April 2007. This increase maintains parity with the increase in social security benefits.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 There is no impact on the public sector.

9. Contact

- 9.1 Janis Creane at the Department for Social Development, Tel: 028 9081 9120 or e-mail: janis.creane@dndi.gsi.gov.uk can answer any queries regarding the rule.