

## EXPLANATORY MEMORANDUM TO

### The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment No. 2) Regulations (Northern Ireland) 2024

S.R. 2024 No. 48

#### 1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Communities ("the Department") to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Article 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 and is subject to the negative resolution procedure.

#### 2. Purpose

- 2.1 Pursuant to the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the 1979 Order"), sufferers of specified dust-related diseases or their dependants, who meet the eligibility criteria, may be awarded a one-off, lump-sum compensation payment. Historically, the diseases specified by the 1979 Order legislation mirrored five diseases that had been prescribed for the purpose of obtaining entitlement to Industrial Injuries Disablement Benefit (IIDB). The disease definitions set out in IIDB legislation have been updated over time following recommendations made by the Industrial Injuries Advisory Council (IIAC).
- 2.2 Following changes made to the diseases specified by the Department for the purposes of the 1979 Order, by the Pneumoconiosis, etc., (Workers' Compensation) (Specified Diseases and Prescribed Occupations) (Amendment) Order (Northern Ireland) 2024, these Regulations make consequential amendments to the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 ("the 1988 Regulations") to amend the definition of disease and remove the definition of Primary Carcinoma of the Lung.

#### 3. Background

- 3.1 The diseases covered by the 1979 Order are: Pneumoconiosis, Byssinosis and Diffuse Mesothelioma, and such other diseases as are specified by the Department. The Pneumoconiosis, etc., (Workers' Compensation) (Specified Diseases) Order (Northern Ireland) 1986 ("the 1986 Order") specifies additional diseases to which the 1979 Order applies.
- 3.2 The Pneumoconiosis, etc., (Workers' Compensation) (Specified Diseases and Prescribed Occupations) (Amendment) Order (Northern Ireland) 2024 amends the diseases specified in the 1986 Order so that "Primary Carcinoma of the Lung (where there is accompanying evidence of Asbestosis<sup>1</sup> and/or Bilateral Diffuse Pleural Thickening)" is replaced with

---

<sup>1</sup> Asbestosis is a chronic lung condition that is caused by prolonged exposure to high concentrations of asbestos fibres in the air

“Asbestos-related Primary Carcinoma of the Lung”; and “Bilateral Diffuse Pleural Thickening” is replaced with “Unilateral or Bilateral Diffuse Pleural Thickening”.

- 3.3 These Regulations make consequential amendments to the 1988 Regulations to amend the definition of disease and remove the definition of Primary Carcinoma of the Lung.
- 3.4 These changes re-align the definitions of certain specified diseases under the 1979 Order legislation with the definitions of their corresponding diseases set out in Industrial Injuries Disablement Benefit (IIDB) legislation, to reflect the original policy intent of the scheme.

#### **4. Consultation**

- 4.1 As the Regulations make, in relation to Northern Ireland, only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain they do not have to be submitted to IIAC.

#### **5. Equality Impact**

- 5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity or good relations. In light of this, the Department considered that an equality impact assessment is not necessary.

#### **6. Regulatory Impact**

- 6.1 The Regulations do not require a Regulatory Impact Assessment as they do not impose any costs on business, charities, social enterprises or voluntary bodies.

#### **7. Financial Implications**

- 7.1 Any costs arising as a result of these Regulations are not expected to be significant.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 The Department is satisfied that these Regulations comply with section 24 of the Northern Ireland Act 1998 (Convention rights, etc.).

#### **9. EU Implications**

- 9.1 Not applicable.

#### **10. Parity or Replicatory Measure**

- 10.1 The corresponding Great Britain Regulations in part are the Pneumoconiosis etc. (Workers’ Compensation) (Specified Diseases and Prescribed Occupations) (Amendment) Regulations 2024 and came into force on 23rd February 2024.

- 10.2 In line with the long-standing policy of parity in social security, the Regulations will come into operation on the same date as the GB Regulations, or as soon as possible afterwards. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support, as provided for in section 87 of the Northern Ireland Act 1998.
- 10.3 These Regulations will come into operation on the same day as the Pneumoconiosis, etc., (Workers' Compensation) (Specified Diseases and Prescribed Occupations) (Amendment) Order (Northern Ireland) 2024.

## **11. Additional Information**

- 11.1 Not applicable.