

**EXPLANATORY MEMORANDUM TO
THE PNEUMOCONIOSIS ETC. (WORKERS' COMPENSATION) (PRESCRIBED
OCCUPATIONS) ORDER 2007**

2007 No. 2000

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Order prescribes occupations in relation to diseases under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 ("the 1979 Act") for the purposes of determining who is a "relevant employer".
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 This Order is made under the powers in the Schedule to the 1979 Act, which is inserted by Schedule 6 to the Welfare Reform Act 2007 ("the 2007 Act"). The Schedule sets out the definition of "relevant employer" for the purposes of the 1979 Act and provides the power to prescribe occupations for the purpose of defining "relevant employer".
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to Great Britain.
6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The Schedule to the 1979 Act places the guidance for defining "relevant employer" on a statutory basis.
 - 7.2 In order to receive compensation under the 1979 Act, an individual must have contracted a disease covered by the 1979 Act, be eligible for industrial injuries disablement benefit (IIDB) under the Social Security Contributions and Benefits Act 1992, and have no relevant employer still in existence against whom he could bring a claim for damages. The occupations prescribed by this Order define "relevant employer" and are based on those that are currently used. They mirror the IIDB Scheme because the original intention of the Act was to make payments

to those people entitled to IIDB who could not get compensation at common law. By mirroring these occupations we are keeping the legislation in line with the policy intent.

- 7.3 The potential number of “relevant employers” is limited because part of the test for “relevant employer” is that the disabled person may have a claim for damages against that employer, i.e. there must be a causal link between the employment and the disease (paragraph 1 of the Schedule to the 1979 Act).

8. Impact

- 8.1 A full regulatory impact assessment has not been prepared for this instrument as it has no impact on the costs of business, charities and the voluntary sector.
- 8.2 There is no impact on the public sector.

9. Contact

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