STATUTORY RULES OF NORTHERN IRELAND

2013 No. 56

SOCIAL SECURITY

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2013

Made - - - - 8th March 2013
Affirmed by resolution of the Assembly on - - - - 15th April 2013
Coming into operation in accordance with regulation 1(1)

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 3(3), 4(3) and 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(**1**) and now vested in it(**2**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 1st April 2013 or on the day after they are affirmed by resolution of the Assembly if later.

(2) These Regulations apply only in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 on or after the day on which these Regulations come into operation.

Amendment of the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations

2.—(1) The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(**3**) are amended in accordance with paragraphs (2) to (4).

(**1**) S.I. 1979/925 (N.I. 9); Articles 3 and 4 were amended by Article 22(a) and (b) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and paragraph 17(2) to (4) of Schedule 3 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and Article 3 was amended by section 52(3) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))

(**2**) *See* Article 4(b) of S.R. 1999 No. 481, the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15 (N.I.)) and Article 3 of S.R. 2006 No. 192

(**3**) S.R. 1988 No. 242; relevant amending Regulations are S.R. 2008 No. 352 and S.R. 2012 No. 84

(2) In regulations 5(2) and 7 (minimum amounts payable to dependant) for "£2,873" substitute "£2,936".

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for "£5,942", in both places, substitute "£6,073".

(4) For the Schedule substitute the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department for Social Development on 8th March 2013

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

SCHEDULE Regulation 2(4)

"SCHEDULE Regulations 3, 4, 5 and 6

TABLE 1

1. This table 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, the first period specified in regulation 6(1)(b).

3. The age of the disabled person is his age determined in accordance with regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies, regulation 6(1)(b). 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.

4. The table prescribes payments to disabled persons to whom disablement benefit is payable under section 108 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**4**), 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.

TABLE 1

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	33,977	60,678	71,193	73,217	75,239	76,856	78,474	80,093	81,710	83,330
38	33,007	58,248	69,048	71,520	73,618	75,239	76,856	78,474	80,093	81,710
39	32,035	55,821	66,905	69,818	72,005	73,405	75,239	76,856	78,474	80,093
40	31,067	53,391	64,761	68,117	70,381	72,003	73,618	75,239	76,856	78,476
41	30,095	50,968	62,619	66,415	68,768	70,381	72,003	73,618	75,239	76,856
42	29,118	48,543	60,473	64,724	67,148	68,768	70,381	72,003	73,618	75,239
43	27,669	45,708	58,330	63,427	66,018	67,960	69,575	71,193	72,812	74,431
44	26,210	42,877	56,183	62,134	64,884	67,148	68,768	70,381	72,003	73,618
45	24,758	40,046	54,040	60,837	63,753	66,336	67,960	69,575	71,193	72,812
46	23,300	37,216	51,899	59,545	62,619	65,533	67,148	68,768	70,381	72,003
47	21,846	34,383	49,753	58,248	61,488	64,724	66,336	67,960	69,575	71,193

(**4**) 1992 c. 7