STATUTORY RULES OF NORTHERN IRELAND

2012 No. 84

SOCIAL SECURITY

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2012

Made - - - - 1st March 2012
Affirmed by resolution of the Assembly on 26th March 2012
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) 2012 and shall come into operation on 1st April 2012 or on the day after they are affirmed by resolution of the Assembly if later.

(2) These Regulations shall apply 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. 2011 No. 67

(2) In regulations 5(2) and 7 (minimum amounts payable to dependant) for "£2,731" substitute "£2,873".

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for "£5,648", in both places where it occurs, substitute "£5,942".

(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 1st March 2012

(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	33,246	59,372	69,660	77,641	73,619	75,202	76,785	78,369	79,951	81,536
38	32,296	56,994	67,562	69,980	72,033	73,619	75,202	76,785	78,369	79,951
39	31,345	54,619	65,465	68,315	70,455	71,825	73,619	75,202	76,785	78,369
40	30,398	52,242	63,367	66,651	68,866	70,453	72,033	73,619	75,202	76,787
41	29,447	49,871	61,271	64,985	67,288	68,866	70,453	72,033	73,619	75,202
42	28,491	47,498	59,171	63,331	65,703	67,288	68,866	70,453	72,033	73,619
43	27,073	44,724	57,074	62,062	64,597	66,497	68,077	69,660	71,245	72,829
44	25,646	41,954	54,974	60,796	63,487	65,703	67,288	68,866	70,453	72,033
45	24,225	39,184	52,877	59,527	62,381	64,908	66,497	68,077	69,660	71,245
46	22,798	36,415	50,782	58,263	61,271	64,122	65,703	67,288	68,866	70,453
47	21,376	33,643	48,682	56,994	60,164	63,331	64,908	66,497	68,077	69,660

(**4**) 1992 c. 7