STATUTORY RULES OF NORTHERN IRELAND

2011 No. 67

SOCIAL SECURITY

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2011

Made - - - - 2nd March 2011
Affirmed by resolution of the Assembly on 21st March 2011
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) 2011 and shall come into operation on 1st April 2011 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. 2010 No. 53

(2) In regulations 5(2) and 7 (minimum amounts payable to dependant) for "£2,649" substitute "£2,731".

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for "£5,478", in both places where it occurs, substitute "£5,648".

(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 2nd March 2011

(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	31,603	56,437	66,217	68,100	69,980	71,485	72,990	74,495	75,999	77,506
38	30,700	54,177	64,222	66,521	68,472	69,980	71,485	72,990	74,495	75,999
39	29,796	51,919	62,229	64,938	66,972	68,275	69,980	71,485	72,990	74,495
40	28,895	49,660	60,235	63,356	65,462	66,971	68,472	69,980	71,485	72,991
41	27,991	47,406	58,242	61,773	63,962	65,462	66,971	68,472	69,980	71,485
42	27,083	45,150	56,246	60,201	62,455	63,962	65,462	66,971	68,472	69,980
43	25,735	42,513	54,253	58,994	61,404	63,210	64,712	66,217	67,723	69,229
44	24,378	39,880	52,257	57,791	60,349	62,455	63,962	65,462	66,971	68,472
45	23,028	37,247	50,263	56,585	59,298	61,700	63,210	64,712	66,217	67,723
46	21,671	34,615	48,272	55,383	58,242	60,952	62,455	63,962	65,462	66,971
47	20,319	31,980	46,276	54,177	57,190	60,201	61,700	63,210	64,712	66,217

(**4**) 1992 c. 7