STATUTORY RULES OF NORTHERN IRELAND

2008 No. 73

SOCIAL SECURITY

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2008

Made - - - - 27th February 2008
Affirmed by resolution of the Assembly on 31st March 2008
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) 2008 and shall come into operation on the day after they are approved by resolution of the Assembly.

(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. 2007 No. 109

(2) In regulations 5(2) and 7 (minimum amounts payable to dependant) for "£2,392" substitute "£2,485".

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for "£4,947", in both places where it occurs, substitute "£5,140".

(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 27th February 2008

John O'Neill
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, as the case may be, 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	28762	51363	60264	61977	63689	65058	66428	67797	69167	70538
38	27940	49306	58448	60540	62316	63689	65058	66428	67797	69167
39	27117	47251	56634	59099	60950	62316	63689	65058	66428	67797
40	26297	45195	54820	57660	59577	60950	62316	63689	65058	66428
41	25474	43143	53006	56220	58211	59577	60950	62316	63689	65058
42	24648	41090	51189	54789	56840	58211	59577	60950	62316	63689
43	23421	38691	49375	53689	55884	57526	58894	60264	61635	63005
44	22187	36294	47559	52595	54923	56840	58211	59577	60950	62316
45	20958	33898	45745	51498	53967	56154	57526	58894	60264	61635
46	19722	31502	43932	50404	53006	55471	56840	58211	59577	60950
47	18492	29104	42116	49306	52048	54789	56154	57526	58894	60264
48	17428	28145	40680	47117	50404	52864	54239	55607	56975	58348

(**4**) 1992 c. 7

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%*
	£	£	£	£	£	£	£	£	£	£
49	16367	27189	39241	44924	48762	50949	52320	53689	55062	56432
50	15306	26229	37830	42733	47117	49032	50404	51772	53140	54510
51	14245	25270	36362	40541	45472	47117	48499	49852	51225	52595
52	13184	24312	34926	38349	43827	45195	46570	47937	49306	50674
53	12189	22601	32733	36433	42183	43827	45195	46570	47937	49306
54	11196	20889	30541	34519	40541	42461	43827	45195	46570	47937
55	10205	19176	28354	32597	38895	41090	42461	43827	45195	46470
56	9211	17462	26161	30680	37255	39718	41090	42461	43827	45195
57	8218	15749	23969	28762	35616	38351	39718	41090	42461	43827
58	7568	14313	21403	25815	32049	34584	36056	37496	38896	40267
59	6916	12873	18832	22874	28486	30816	32391	33898	35336	36704
60	6269	11435	16263	19927	24931	27050	28725	30305	31777	33147
61	5615	9998	13698	16982	21366	23284	25063	26709	28215	29584
62	4964	8560	11129	14038	17806	19518	21403	23114	24648	26023
63	4621	7737	9998	12551	15840	17529	19313	20958	22461	23831
64	4287	6916	8867	11059	13866	15547	17226	18799	20269	21639
65	3939	6095	7737	9573	11901	13559	15134	16643	18081	19450
66	3597	5275	6608	8079	9932	11573	13047	14483	15888	17258
67	3254	4451	5477	6590	7963	9590	10957	12327	13698	15067
68	3165	4311	5290	6318	7690	9211	10528	11951	13267	14621
69	3082	4178	5104	6045	7415	8835	10104	11573	12842	14174
70	2995	4042	4912	5770	7140	8455	9674	11196	12412	13731
71	2912	3901	4725	5493	6865	8079	9247	10821	11986	13288
72	2826	3767	4537	5223	6590	7706	8816	10443	11554	12842
73	2755	3701	4470	5119	6488	7534	8646	10172	11214	12464
74	2689	3629	4401	5016	6389	7360	8477	9898	10873	12079
75	2621	3363	4334	4912	6281	7191	8303	9621	10528	11708
76	2552	3490	4262	4812	6180	7022	8134	9349	10184	11335
77 and over	2485	3422	4195	4707	6077	6848	7963	9078	9846	10957