STATUTORY RULES OF NORTHERN IRELAND

# 2006 No. 87

# SOCIAL SECURITY

## Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2006

*Made - - - - 6th March 2006*
*To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000*

*Coming into operation 16th April 2006*

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

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 16th April 2006.

(2) In these Regulations—

(a) "the Order" means the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979;

(b) "the principal Regulations" means the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(**4**).

(**1**) *See* the definitions of "Department" and "prescribed". The Department of Manpower Services was renamed the Department of Economic Development: *See*S.I.1982/846 (N.I. 11) Article 3

(**2**) S.I.1979/925 (N.I. 9); relevant amending legislation is S.I. 1985/1209 (N.I. 16) Article 22, S.I. 1986/1888 (N.I. 18) Article 40 and Schedule 3, paragraph 17 and 1992 c. 9 section 4 and Schedule 2, paragraph 22

(**3**) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 from the Department of Economic Development to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning by the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

(**4**) S.R. 1988 No. 242 as amended by S.R. 1989 No. 240, S.R. 1991 No. 120, S.R. 1992 No. 213, S.R. 1993 No. 325, S.R. 1995 No. 338, S.R. 1996 No. 485, S.R. 1997 No. 409, S.R. 1998 No. 358, S.R. 2000 No. 134, S.R. 2002 No.133, S.R. 2004 No. 124, S.R. 2004 No. 214 and S.R. 2005 No. 59

**Amendment of the principal Regulations**

**2.**—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (4) in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Order on or after the day on which these Regulations come into operation.

(2) For the Schedule to the principal Regulations there shall be substituted the Schedule set out in the Schedule to these Regulations.

(3) In regulations 5(2) (payment where death results from diffuse mesothelioma) and 7 (minimum amount payable to dependant), for "£2,248" (in each place where it occurs) there shall be substituted "£2,309".

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for "£4,649" (in each place where it occurs) there shall be substituted "£4,775".

Sealed with the Official Seal of the Department for Employment and Learning on 6th March 2006.

*D. S. S. McAuley*
A senior officer of the
Department for Employment and Learning

SCHEDULE Regulation 2(2)

"SCHEDULE Regulations 3, 4 and 6

# TABLE 1

(1) Table 1 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 (payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that regulation.

(3) The age to be taken for the purpose of determining the amount payable to a disabled person is his age on the date specified in regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies (payment where pneumoconiosis is accompanied by tuberculosis), regulation 6(1). 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.

## PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE DISABLEMENT BENEFIT UNDER SECTION 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS (NORTHERN IRELAND) ACT 1992 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

| | *Percentage assessment for the relevant period* | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| *Age of disabled person* | *10% or less* | *11%–20%* | *21%–30%* | *31%–40%* | *41%–50%* | *51%–60%* | *61%–70%* | *71%–80%* | *81%–90%* | *91%–100%* |
| | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| 37 and under | 26,720 | 47,718 | 55,987 | 57,578 | 59,168 | 60,440 | 61,713 | 62,985 | 64,257 | 65,531 |
| 38 | 25,956 | 45,806 | 54,300 | 56,244 | 57,893 | 59,168 | 60,440 | 61,713 | 62,985 | 64,257 |
| 39 | 25,192 | 43,897 | 52,614 | 54,904 | 56,624 | 57,893 | 59,168 | 60,440 | 61,713 | 62,985 |
| 40 | 24,430 | 41,988 | 50,929 | 53,567 | 55,348 | 56,624 | 57,893 | 59,168 | 60,440 | 61,713 |
| 41 | 23,666 | 40,081 | 49,244 | 52,230 | 54,079 | 55,348 | 56,624 | 57,893 | 59,168 | 60,440 |
| 42 | 22,899 | 38,174 | 47,556 | 50,899 | 52,805 | 54,079 | 55,348 | 56,624 | 57,893 | 59,168 |
| 43 | 21,759 | 35,945 | 45,871 | 49,878 | 51,917 | 53,443 | 54,713 | 55,987 | 57,259 | 58,533 |
| 44 | 20,612 | 33,718 | 44,184 | 48,862 | 51,024 | 52,805 | 54,079 | 55,348 | 56,624 | 57,893 |
| 45 | 19,470 | 31,492 | 42,498 | 47,843 | 50,136 | 52,167 | 53,443 | 54,713 | 55,987 | 57,259 |
| 46 | 18,323 | 29,266 | 40,814 | 46,826 | 49,244 | 51,534 | 52,805 | 54,079 | 55,348 | 56,624 |
| 47 | 17,180 | 27,039 | 39,127 | 45,806 | 48,353 | 50,899 | 52,167 | 53,443 | 54,713 | 55,987 |

| | *Percentage assessment for the relevant period* | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| *Age of disabled person* | *10% or less* | *11%–20%* | *21%–30%* | *31%–40%* | *41%–50%* | *51%–60%* | *61%–70%* | *71%–80%* | *81%–90%* | *91%–100%* |
| | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| 48 | 16,191 | 26,147 | 37,793 | 43,772 | 46,826 | 49,112 | 50,389 | 51,660 | 52,931 | 54,206 |
| 49 | 15,206 | 25,259 | 36,455 | 41,735 | 45,301 | 47,333 | 48,606 | 49,878 | 51,154 | 52,426 |
| 50 | 14,219 | 24,367 | 35,145 | 39,700 | 43,772 | 45,552 | 46,826 | 48,097 | 49,368 | 50,641 |
| 51 | 13,234 | 23,476 | 33,781 | 37,663 | 42,245 | 43,772 | 45,057 | 46,314 | 47,589 | 48,862 |
| 52 | 12,248 | 22,586 | 32,447 | 35,628 | 40,716 | 41,988 | 43,264 | 44,535 | 45,806 | 47,078 |
| 53 | 11,324 | 20,997 | 30,409 | 33,847 | 39,189 | 40,716 | 41,988 | 43,264 | 44,535 | 45,806 |
| 54 | 10,401 | 19,406 | 28,374 | 32,068 | 37,663 | 39,447 | 40,716 | 41,988 | 43,264 | 44,535 |
| 55 | 9,480 | 17,814 | 26,342 | 30,283 | 36,135 | 38,174 | 39,447 | 40,716 | 41,988 | 43,264 |
| 56 | 8,557 | 16,222 | 24,304 | 28,502 | 34,611 | 36,899 | 38,174 | 39,447 | 40,716 | 41,988 |
| 57 | 7,635 | 14,632 | 22,267 | 26,720 | 33,088 | 35,629 | 36,899 | 38,174 | 39,447 | 40,716 |
| 58 | 7,031 | 13,298 | 19,884 | 23,983 | 29,774 | 32,130 | 33,497 | 34,835 | 36,135 | 37,410 |
| 59 | 6,425 | 11,959 | 17,495 | 21,250 | 26,465 | 28,629 | 30,092 | 31,492 | 32,828 | 34,098 |
| 60 | 5,824 | 10,623 | 15,109 | 18,513 | 23,161 | 25,131 | 26,687 | 28,153 | 29,521 | 30,795 |
| 61 | 5,216 | 9,288 | 12,726 | 15,777 | 19,850 | 21,632 | 23,284 | 24,812 | 26,212 | 27,485 |
| 62 | 4,612 | 7,953 | 10,339 | 13,042 | 16,543 | 18,133 | 19,884 | 21,473 | 22,899 | 24,176 |
| 63 | 4,294 | 7,188 | 9,288 | 11,661 | 14,715 | 16,285 | 17,942 | 19,470 | 20,867 | 22,139 |
| 64 | 3,983 | 6,425 | 8,238 | 10,274 | 12,883 | 14,443 | 16,003 | 17,464 | 18,830 | 20,102 |
| 65 | 3,659 | 5,662 | 7,188 | 8,894 | 11,056 | 12,596 | 14,060 | 15,461 | 16,798 | 18,069 |
| 66 | 3,342 | 4,901 | 6,139 | 7,505 | 9,227 | 10,752 | 12,121 | 13,455 | 14,761 | 16,032 |
| 67 | 3,023 | 4,135 | 5,088 | 6,123 | 7,397 | 8,909 | 10,180 | 11,452 | 12,726 | 13,997 |
| 68 | 2,940 | 4,005 | 4,914 | 5,869 | 7,144 | 8,557 | 9,781 | 11,102 | 12,325 | 13,583 |
| 69 | 2,863 | 3,881 | 4,742 | 5,616 | 6,889 | 8,208 | 9,387 | 10,752 | 11,931 | 13,168 |
| 70 | 2,783 | 3,755 | 4,564 | 5,360 | 6,633 | 7,856 | 8,987 | 10,401 | 11,531 | 12,756 |
| 71 | 2,705 | 3,624 | 4,390 | 5,103 | 6,378 | 7,505 | 8,591 | 10,053 | 11,135 | 12,345 |
| 72 | 2,625 | 3,500 | 4,215 | 4,853 | 6,123 | 7,159 | 8,190 | 9,702 | 10,733 | 11,931 |
| 73 | 2,560 | 3,438 | 4,152 | 4,756 | 6,027 | 6,999 | 8,032 | 9,449 | 10,418 | 11,579 |
| 74 | 2,498 | 3,372 | 4,088 | 4,661 | 5,935 | 6,838 | 7,875 | 9,195 | 10,102 | 11,222 |
| 75 | 2,435 | 3,310 | 4,026 | 4,564 | 5,835 | 6,681 | 7,714 | 8,938 | 9,781 | 10,877 |
| 76 | 2,370 | 3,242 | 3,959 | 4,471 | 5,741 | 6,524 | 7,557 | 8,685 | 9,462 | 10,531 |
| 77 and over | 2,309 | 3,180 | 3,897 | 4,373 | 5,645 | 6,362 | 7,397 | 8,434 | 9,146 | 10,180 |