STATUTORY RULES OF NORTHERN IRELAND

2005 No. 59

SOCIAL SECURITY

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2005

Made - - - - 1st March 2005
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

Coming into operation 10th April 2005

The Department for Employment and Learning, 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**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 10th April 2005.

(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 and S.R. 2004 No. 214

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 "£2,180" (in each place where it occurs) there shall be substituted "£2,248".

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for "£4,509" (in each place where it occurs) there shall be substituted "£4,649".

Sealed with the Official Seal of the Department for Employment and Learning on 1st March 2005.

T. Devine
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	26,018	46,463	54,515	56,064	57,612	58,851	60,091	61,329	62,568	63,808
38	25,274	44,602	52,872	54,765	56,371	57,612	58,851	60,091	61,329	62,568
39	24,530	42,743	51,231	53,461	55,135	56,371	57,612	58,851	60,091	61,329
40	23,788	40,884	49,590	52,159	53,893	55,135	56,371	57,612	58,851	60,091
41	23,044	39,027	47,949	50,857	52,657	53,893	55,135	56,371	57,612	58,851
42	22,297	37,170	46,306	49,561	51,417	52,657	53,893	55,135	56,371	57,612
43	21,187	35,000	44,665	48,567	50,552	52,038	53,275	54,515	55,754	56,994
44	20,070	32,832	43,022	47,577	49,683	51,417	52,657	53,893	55,135	56,371
45	18,958	30,664	41,381	46,585	48,818	50,796	52,038	53,275	54,515	55,754
46	17,841	28,497	39,741	45,595	47,949	50,179	51,417	52,657	53,893	55,135
47	16,728	26,328	38,098	44,602	47,082	49,561	50,796	52,038	53,275	54,515
48	15,765	25,460	36,799	42,621	45,595	47,821	49,064	50,302	51,539	52,781

	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%
	£	£	£	£	£	£	£	£	£	£
49	14,806	24,595	35,497	40,638	44,110	46,089	47,328	48,567	49,809	51,048
50	13,845	23,726	34,221	38,656	42,621	44,354	45,595	46,833	48,070	49,310
51	12,886	22,859	32,893	36,673	41,134	42,621	43,872	45,096	46,338	47,577
52	11,926	21,992	31,594	34,691	39,646	40,884	42,127	43,364	44,602	45,840
53	11,026	20,445	29,610	32,957	38,159	39,646	40,884	42,127	43,364	44,602
54	10,128	18,896	27,628	31,225	36,673	38,410	39,646	40,884	42,127	43,364
55	9,231	17,346	25,649	29,487	35,185	37,170	38,410	39,646	40,884	42,127
56	8,332	15,796	23,665	27,753	33,701	35,929	37,170	38,410	39,646	40,884
57	7,434	14,247	21,682	26,018	32,218	34,692	35,929	37,170	38,410	39,646
58	6,846	12,948	19,361	23,352	28,991	31,285	32,616	33,919	35,185	36,426
59	6,256	11,645	17,035	20,691	25,769	27,876	29,301	30,664	31,965	33,202
60	5,671	10,344	14,712	18,026	22,552	24,470	25,985	27,413	28,745	29,985
61	5,079	9,044	12,391	15,362	19,328	21,063	22,672	24,160	25,523	26,762
62	4,491	7,744	10,067	12,699	16,108	17,656	19,361	20,908	22,297	23,540
63	4,181	6,999	9,044	11,354	14,328	15,857	17,470	18,958	20,318	21,557
64	3,878	6,256	8,021	10,004	12,544	14,063	15,582	17,005	18,335	19,574
65	3,563	5,513	6,999	8,660	10,765	12,265	13,690	15,055	16,356	17,594
66	3,254	4,772	5,978	7,308	8,984	10,469	11,802	13,101	14,373	15,611
67	2,944	4,026	4,954	5,962	7,203	8,675	9,912	11,151	12,391	13,629
68	2,863	3,900	4,785	5,715	6,956	8,332	9,524	10,810	12,001	13,226
69	2,788	3,779	4,617	5,468	6,708	7,992	9,140	10,469	11,617	12,822
70	2,710	3,656	4,444	5,219	6,459	7,649	8,751	10,128	11,228	12,421
71	2,634	3,529	4,275	4,969	6,210	7,308	8,365	9,789	10,842	12,020
72	2,556	3,408	4,104	4,725	5,962	6,971	7,975	9,447	10,451	11,617
73	2,493	3,348	4,043	4,631	5,869	6,815	7,821	9,201	10,144	11,275
74	2,432	3,283	3,981	4,538	5,779	6,658	7,668	8,953	9,836	10,927
75	2,371	3,223	3,920	4,444	5,682	6,505	7,511	8,703	9,524	10,591
76	2,308	3,157	3,855	4,353	5,590	6,352	7,358	8,457	9,213	10,254
77 and over	2,248	3,096	3,795	4,258	5,497	6,195	7,203	8,212	8,906	9,912