STATUTORY RULES OF NORTHERN IRELAND

2004 No. 214

SOCIAL SECURITY

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment No. 2) Regulations (Northern Ireland) 2004

Made - - - - 6th May 2004
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

Coming into operation 20th June 2004

The Department for Employment and Learning(**1**), in exercise of the powers conferred by Articles 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 No. 2) Regulations (Northern Ireland) 2004 and shall come into operation on 20th June 2004.

(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**) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

(**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) Schedule 3, paragraph 17 and 1992 c. 9 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 to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning

(**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 and S.R. 2004 No. 124

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 "£2,068" (in each place where it occurs) there shall be substituted "£2,180".

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for "£4,278" (in each place where it occurs) there shall be substituted "£4,509".

Sealed with the Official Seal of the Department for Employment and Learning on 6th May 2004.

R. B. Gamble
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	25,236	45,066	52,876	54,378	55,880	57,081	58,284	59,485	60,687	61,889
38	24,514	43,261	51,282	53,118	54,676	55,880	57,081	58,284	59,485	60,687
39	23,792	41,458	49,691	51,854	53,477	54,676	55,880	57,081	58,284	59,485
40	23,073	39,655	48,099	50,591	52,273	53,477	54,676	55,880	57,081	58,284
41	22,351	37,854	46,507	49,328	51,074	52,273	53,477	54,676	55,880	57,081
42	21,627	36,052	44,914	48,071	49,871	51,074	52,273	53,477	54,676	55,880
43	20,550	33,948	43,322	47,107	49,032	50,473	51,673	52,876	54,078	55,280
44	19,467	31,845	41,728	46,146	48,189	49,871	51,074	52,273	53,477	54,676
45	18,388	29,742	40,137	45,184	47,350	49,269	50,473	51,673	52,876	54,078
46	17,305	27,640	38,546	44,224	46,507	48,670	49,871	51,074	52,273	53,477
47	16,225	25,536	36,952	43,261	45,666	48,071	49,269	50,473	51,673	52,876
48	15,291	24,694	35,693	41,339	44,224	46,383	47,589	48,790	49,989	51,194

	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	14,361	23,855	34,430	39,416	42,784	44,703	45,905	47,107	48,311	49,513
50	13,429	23,013	33,192	37,494	41,339	43,020	44,224	45,425	46,625	47,827
51	12,499	22,172	31,904	35,570	39,897	41,339	42,553	43,740	44,945	46,146
52	11,567	21,331	30,644	33,648	38,454	39,655	40,860	42,060	43,261	44,462
53	10,694	19,830	28,720	31,966	37,012	38,454	39,655	40,860	42,060	43,261
54	9,823	18,328	26,797	30,286	35,570	37,255	38,454	39,655	40,860	42,060
55	8,953	16,824	24,878	28,600	34,127	36,052	37,255	38,454	39,655	40,860
56	8,081	15,321	22,953	26,919	32,688	34,849	36,052	37,255	38,454	39,655
57	7,210	13,819	21,030	25,236	31,249	33,649	34,849	36,052	37,255	38,454
58	6,640	12,559	18,779	22,650	28,119	30,344	31,635	32,899	34,127	35,331
59	6,068	11,295	16,523	20,069	24,994	27,038	28,420	29,742	31,004	32,204
60	5,500	10,033	14,270	17,484	21,874	23,734	25,204	26,589	27,881	29,083
61	4,926	8,772	12,018	14,900	18,747	20,430	21,990	23,434	24,756	25,957
62	4,356	7,511	9,764	12,317	15,624	17,125	18,779	20,279	21,627	22,832
63	4,055	6,789	8,772	11,013	13,897	15,380	16,945	18,388	19,707	20,909
64	3,761	6,068	7,780	9,703	12,167	13,640	15,113	16,494	17,784	18,985
65	3,456	5,347	6,789	8,400	10,441	11,896	13,278	14,602	15,864	17,065
66	3,156	4,629	5,798	7,088	8,714	10,154	11,447	12,707	13,941	15,142
67	2,855	3,905	4,805	5,783	6,986	8,414	9,614	10,816	12,018	13,219
68	2,777	3,783	4,641	5,543	6,747	8,081	9,238	10,485	11,640	12,828
69	2,704	3,665	4,478	5,304	6,506	7,752	8,865	10,154	11,268	12,436
70	2,629	3,546	4,310	5,062	6,265	7,419	8,488	9,823	10,890	12,048
71	2,555	3,423	4,146	4,820	6,023	7,088	8,113	9,495	10,516	11,659
72	2,479	3,306	3,981	4,583	5,783	6,761	7,735	9,163	10,137	11,268
73	2,418	3,247	3,921	4,492	5,693	6,610	7,586	8,924	9,839	10,936
74	2,359	3,184	3,861	4,402	5,605	6,458	7,437	8,684	9,540	10,598
75	2,300	3,126	3,802	4,310	5,511	6,309	7,285	8,441	9,238	10,273
76	2,239	3,062	3,739	4,222	5,422	6,161	7,137	8,203	8,936	9,946
77 and over	2,180	3,003	3,681	4,130	5,332	6,009	6,986	7,965	8,638	9,614