STATUTORY RULES OF NORTHERN IRELAND

2002 No. 133

SOCIAL SECURITY

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2002

Made - - - - 3rd April 2002
Approved by resolution of the Assembly - - - - 22nd April 2002
Coming into operation in accordance with regulation 1(1)

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) Regulations (Northern Ireland) 2002 and shall come into operation on the day after they are approved by resolution of the Assembly.

(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; renamed the Department for Employment and Learning by 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 and S.R. 2000 No. 134

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 the day after they are approved by resolution of the Assembly.

(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 "£1,992" in each place where it occurs there shall be substituted "£2,068".

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis), for "£4,121" (in each place where it occurs) there shall be substituted "£4,278".

Sealed with the Official Seal of the Department for Employment and Learning on 3rd April 2002.

A. D. Shannon
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 first period specified in paragraph 6(1)(*b*).

(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	23,943	42,757	50,167	51,592	53,017	54,157	55,298	56,437	57,578	58,718
38	23,258	41,045	48,655	50,397	51,875	53,017	54,157	55,298	56,437	57,578
39	22,573	39,334	47,145	47,197	50,737	51,875	53,017	54,157	55,298	56,437
40	21,891	37,623	45,635	47,999	49,595	50,737	51,875	53,017	54,157	55,298
41	21,206	35,915	44,124	46,801	48,457	49,595	50,737	51,875	53,017	54,157
42	20,519	34,205	42,613	45,608	47,316	48,457	49,595	50,737	51,875	53,017
43	19,497	32,209	41,102	44,694	46,520	47,887	49,026	50,167	51,307	52,448
44	18,470	30,213	39,590	43,782	45,720	47,316	48,457	49,595	50,737	51,875
45	17,446	28,218	38,081	42,869	44,924	46,745	47,887	49,026	50,167	51,307
46	16,418	26,224	36,571	41,958	44,124	46,176	47,316	48,457	49,595	50,737
47	15,394	24,228	35,059	41,045	43,326	45,608	46,745	47,887	49,026	50,167

	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	14,508	23,429	33,864	39,221	41,958	44,007	45,151	46,290	47,428	48,571
49	13,625	22,633	32,666	37,397	40,592	42,413	43,553	44,694	45,836	46,976
50	12,741	21,834	31,491	35,573	39,221	40,816	41,958	43,098	44,236	45,377
51	11,859	21,036	30,269	33,748	37,853	39,221	40,373	41,499	42,642	43,782
52	10,974	20,238	29,074	31,924	36,484	37,623	38,767	39,905	41,045	42,184
53	10,146	18,814	27,249	30,328	35,116	36,484	37,623	38,767	39,905	41,045
54	9,320	17,389	25,424	28,734	33,748	35,346	36,484	37,623	38,767	39,905
55	8,494	15,962	23,603	27,135	32,379	34,205	35,346	36,484	37,623	38,767
56	7,667	14,536	21,777	25,540	31,013	33,064	34,205	35,346	36,484	37,623
57	6,841	13,111	19,953	23,943	29,648	31,925	33,064	34,205	35,346	36,484
58	6,300	11,916	17,817	21,490	26,678	28,789	30,014	31,213	32,379	33,521
59	5,757	10,716	15,676	19,041	23,713	25,653	26,964	28,218	29,416	30,554
60	5,218	9,519	13,539	16,588	20,753	22,518	23,913	25,227	26,453	27,593
61	4,674	8,323	11,402	14,137	17,787	19,383	20,863	22,233	23,488	24,627
62	4,133	7,126	9,264	11,686	14,824	16,248	17,817	19,240	20,519	21,662
63	3,847	6,441	8,323	10,449	13,185	14,592	16,077	17,446	18,697	19,838
64	3,568	5,757	7,381	9,206	11,544	12,941	14,339	15,649	16,873	18,012
65	3,279	5,073	6,441	7,970	9,906	11,287	12,598	13,854	15,051	16,191
66	2,994	4,392	5,501	6,725	8,268	9,634	10,861	12,056	13,227	14,366
67	2,709	3,705	4,559	5,487	6,628	7,983	9,121	10,262	11,402	12,542
68	2,635	3,589	4,403	5,259	6,401	7,667	8,765	9,948	11,044	12,171
69	2,565	3,477	4,249	5,032	6,173	7,355	8,411	9,634	10,691	11,799
70	2,494	3,364	4,089	4,803	5,944	7,039	8,053	9,320	10,332	11,431
71	2,424	3,248	3,934	4,573	5,714	6,725	7,697	9,009	9,977	11,062
72	2,352	3,137	3,777	4,348	5,487	6,415	7,339	8,694	9,618	10,691
73	2,294	3,081	3,720	4,262	5,401	6,271	7,197	8,467	9,335	10,376
74	2,238	3,021	3,663	4,176	5,318	6,127	7,056	8,239	9,051	10,055
75	2,182	2,966	3,607	4,089	5,229	5,986	6,912	8,009	8,765	9,747
76	2,124	2,905	3,547	4,006	5,144	5,845	6,771	7,783	8,478	9,436
77 and over	2,068	2,849	3,492	3,918	5,059	5,701	6,628	7,557	8,195	9,121