STATUTORY RULES OF NORTHERN IRELAND

1998 No. 358

SOCIAL SECURITY

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 1998

Made - - - - 13th October 1998
To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

Coming into operation 29th November 1998

The Department of Economic Development, in exercise of the powers conferred on it 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 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) 1998 and shall come into operation on 29th November 1998.

(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(**3**).

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 29th November 1998.

(**1**) *See* the definitions of "Department" and "prescribed". The Department of Economic Development was formerly the Department of Manpower Services: *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) Schedule 3, paragraph 17 and 1992 c. 9 Schedule 2, paragraph 22

(**3**) 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 and S.R. 1997 No. 409

(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 "£1,852" in each place where it occurs there shall be substituted "£1,943".

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis) for "£3,832" in each place where it occurs there shall be substituted "£4,020".

Sealed with the Official Seal of the Department of Economic Development on

13th October 1998.

G. I. O'Doherty
Assistant Secretary

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), his age on the date specified in paragraph (1) of that regulation. With a view to 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

Age of disabled person	*Percentage assessment for the relevant period*									
	10% or less	11-20%	21-30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
37 and under	22,503	40,187	47,151	48,491	49,830	50,901	51,975	53,045	54,117	55,188
38	21,860	38,578	45,731	47,368	48,757	49,830	50,901	51,975	53,045	54,117
39	21,217	36,970	44,311	46,240	47,688	48,757	49,830	50,901	51,975	53,045
40	20,576	35,362	42,892	45,114	46,614	47,688	48,757	49,830	50,901	51,975
41	19,932	33,756	41,472	43,988	45,544	46,614	47,688	48,757	49,830	50,901
42	19,286	32,149	40,052	42,866	44,472	45,544	46,614	47,688	48,757	49,830
43	18,325	30,273	38,631	42,008	43,724	45,009	46,079	47,151	48,223	49,296
44	17,360	28,397	37,211	41,150	42,972	44,472	45,544	46,614	47,688	48,757
45	16,397	26,522	35,792	40,293	42,223	43,936	45,009	46,079	47,151	48,223
46	15,431	24,648	34,373	39,436	41,472	43,401	44,472	45,544	46,614	47,688

Age of disabled person	*Percentage assessment for the relevant period*									
	10% or less	11-20%	21-30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
47	14,468	22,772	32,952	38,578	40,722	42,866	43,936	45,009	46,079	47,151
48	13,636	22,020	31,828	36,863	39,436	41,362	42,437	43,507	44,578	45,652
49	12,806	21,272	30,702	35,149	38,152	36,863	40,936	42,008	43,081	44,152
50	11,976	20,522	29,598	33,435	36,863	38,363	39,436	40,507	41,578	42,650
51	11,146	19,772	28,450	31,720	35,578	36,863	37,946	39,005	40,079	41,150
52	10,314	19,021	27,327	30,005	34,291	35,362	36,437	37,506	38,578	39,649
53	9,537	17,683	25,611	28,505	33,005	34,291	35,362	36,437	37,506	38,578
54	8,760	16,343	23,896	27,007	31,720	33,221	34,291	35,362	36,437	37,506
55	7,983	15,003	22,184	25,504	30,433	32,149	33,221	34,291	35,362	36,437
56	7,206	13,662	20,468	24,005	29,149	31,077	32,149	33,221	34,291	35,362
57	6,430	12,323	18,754	22,503	27,866	30,006	31,077	32,149	33,221	34,291
58	5,921	11,200	16,746	20,198	25,074	27,059	28,210	29,337	30,433	31,506
59	5,411	10,072	14,734	17,897	22,288	24,111	25,343	26,522	27,648	28,717
60	4,904	8,947	12,725	15,591	19,505	21,165	22,476	23,710	24,863	25,935
61	4,393	7,822	10,717	13,287	16,718	18,218	19,609	20,897	22,076	23,146
62	3,885	6,698	8,707	10,983	13,933	15,271	16,746	18,084	19,286	20,360
63	3,616	6,054	7,822	9,820	12,392	13,715	15,110	16,397	17,574	18,646
64	3,353	5,411	6,938	8,653	10,850	12,163	13,477	14,708	15,859	16,930
65	3,082	4,768	6,054	7,491	9,310	10,609	11,841	13,021	14,146	15,218
66	2,814	4,128	5,171	6,321	7,771	9,055	10,208	11,332	12,432	13,502
67	2,546	3,482	4,285	5,157	6,229	7,503	8,573	9,645	10,717	11,788
68	2,477	3,374	4,139	4,942	6,017	7,206	8,238	9,350	10,380	11,439
69	2,411	3,268	3,993	4,730	5,802	6,913	7,905	9,055	10,049	11,090
70	2,344	3,162	3,843	4,514	5,586	6,616	7,569	8,760	9,711	10,744
71	2,278	3,053	3,698	4,299	5,371	6,321	7,234	8,467	9,378	10,397
72	2,211	2,948	3,550	4,087	5,157	6,029	6,898	8,172	9,040	10,049
73	2,156	2,896	3,497	4,006	5,076	5,894	6,765	7,958	8,774	9,752
74	2,103	2,839	3,443	3,925	4,998	5,759	6,632	7,743	8,507	9,451
75	2,051	2,787	3,390	3,843	4,915	5,626	6,497	7,528	8,238	9,161
76	1,996	2,731	3,334	3,765	4,835	5,494	6,364	7,315	7,969	8,869