1995 No. 338

SOCIAL SECURITY

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 1995

Made . . . . . *29th August 1995*

Coming into operation . . *15th October 1995*

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

The Department of Economic Development(**a**), in exercise of the powers conferred on it by Articles 3(3), 4(3), 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(**b**) 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) 1995 and shall come into operation on 15th October 1995.

(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(**c**).

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 15th October 1995.

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

(a) Formerly the Department of Manpower Services: *See* S.I. 1982/846 (N.I. 11) Article 3

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

(c) S.R. 1988 No. 242 as amended by S.R. 1989 No. 240, S.R. 1991 No. 120, S.R. 1992 No. 213 and S.R. 1993 No. 325

(3) In regulations 5(2) (Payment where death results from diffuse mesothelioma) and 7 (Minimum amount payable to dependant) for "£1,728" in each place where it occurs there shall be substituted "£1,766".

(4) In regulation 6(1) (Payment where pneumoconiosis is accompanied by tuberculosis) for "£3,575" in each place where it occurs there shall be substituted "£3,654".

Sealed with the Official Seal of the Department of Economic Development on 29th August 1995.

(L.S.) *D. Gibson*

Under Secretary

SCHEDULE Regulation 2(2)

"SCHEDULE Regulations 3, 4, 5 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	20,458	36,535	42,867	44,085	45,302	46,276	47,252	48,225	49,200	50,173
38	19,874	35,073	41,576	43,064	44,327	45,302	46,276	47,252	48,225	49,200
39	19,289	33,611	40,285	42,038	43,355	44,327	45,302	46,276	47,252	48,225
40	18,706	32,149	38,995	41,015	42,378	43,355	44,327	45,302	46,276	47,252
41	18,121	30,689	37,704	39,991	41,406	42,378	43,355	44,327	45,302	46,276
42	17,534	29,228	36,413	38,971	40,431	41,406	42,378	43,355	44,327	45,302
43	16,660	27,522	35,121	38,191	39,751	40,919	41,892	42,867	43,841	44,817
44	15,783	25,817	33,830	37,411	39,067	40,431	41,406	42,378	43,355	44,327
45	14,907	24,112	32,540	36,632	38,386	39,944	40,919	41,892	42,867	43,841
46	14,029	22,408	31,250	35,853	37,704	39,457	40,431	41,406	42,378	43,355
47	13,153	20,703	29,958	35,073	37,022	38,971	39,944	40,919	41,892	42,867
48	12,397	20,019	28,936	33,513	35,853	37,604	38,581	39,554	40,527	41,504
49	11,642	19,339	27,912	31,955	34,685	36,241	37,216	38,191	39,166	40,140
50	10,888	18,657	26,909	30,397	33,513	34,877	35,853	36,826	37,800	38,775
51	10,133	17,975	25,865	28,838	32,345	33,513	34,498	35,461	36,437	37,411
52	9,377	17,293	24,844	27,279	31,175	32,149	33,126	34,098	35,073	36,046
53	8,670	16,076	23,284	25,915	30,006	31,175	32,149	33,126	34,098	35,073
54	7,964	14,858	21,725	24,553	28,838	30,202	31,175	32,149	33,126	34,098
55	7,258	13,640	20,168	23,187	27,668	29,228	30,202	31,175	32,149	33,126
56	6,551	12,421	18,608	21,824	26,500	28,253	29,228	30,202	31,175	32,149
57	5,846	11,203	17,050	20,458	25,334	27,279	28,253	29,228	30,202	31,175