

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, SCHEDULE 6 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

### SCHEDULE 6

Section 52(5).

#### SCHEDULE TO BE INSERTED IN THE PNEUMOCONIOSIS, ETC., (WORKERS' COMPENSATION) (NORTHERN IRELAND) ORDER 1979

##### Commencement Information

- II** [Sch. 6](#) wholly in operation at 10.8.2007; [Sch. 6](#) not in operation at Royal Assent see [s. 60\(1\)](#); [Sch. 6](#) in operation for specified purposes at 19.7.2007 and in operation at 10.8.2007 for all other purposes by [S.R. 2007/335](#), [art. 2](#)

#### “THE SCHEDULE

#### DEFINITION OF “RELEVANT EMPLOYER”

##### *Basic definition*

- 1** Subject to the following provisions, “relevant employer”, in relation to a person disabled by a disease to which this Order applies, means any person—
- (a) by whom the disabled person was employed in a prescribed occupation at any time during the period during which he was developing the disease, and
  - (b) against whom he might have or might have had a claim for damages in respect of the disablement.

##### *Disregarded employers*

- 2** A person is not a relevant employer in relation to a person disabled by a disease to which this Order applies if the disabled person has had no period of employment with him which is a qualifying period of employment.
- 3** A person is not a relevant employer in relation to a person disabled by a disease to which this Order applies if the disabled person's qualifying period of employment with him did not exceed 12 months.
- 4** A person is not a relevant employer in relation to a person disabled by a disease to which this Order applies if the disabled person's qualifying period of employment with him—
- (a) did not exceed 5 years, and

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(b) represents not more than 25 per cent. of the time during which the disabled person was employed in a prescribed occupation.

**5** A person is not a relevant employer in relation to a person disabled by a disease to which this Order applies if the disabled person's qualifying period of employment with him—

(a) did not exceed 7 years, and

(b) represents not more than 20 per cent. of the time during which the disabled person was employed in a prescribed occupation.

**6** In paragraphs 3 to 5, references to the disabled person's qualifying period of employment with his employer, where there has been more than one such period, are to the aggregate of those periods.

*“Qualifying period of employment”*

**7.—(1)** In this Schedule, “qualifying period of employment”, in relation to a person disabled by a disease to which this Order applies, means any period of employment in a prescribed occupation, except for—

(a) a period of employment which ended more than 20 years before the qualifying date, and

(b) in the case of a claim relating to diffuse mesothelioma, a period of employment which began not more than 15 years before the qualifying date.

(2) In sub-paragraph (1), “qualifying date” means—

(a) the date on which the Department determines a claim for disablement benefit made by or on behalf of the disabled person in respect of the disease, or

(b) if the disabled person has died without a claim for disablement benefit in respect of the disease having been determined, the date on which he died.

*“Prescribed occupation”*

**8.—(1)** In this Schedule, “prescribed occupation”, in relation to a person disabled by a disease to which this Order applies, means an occupation prescribed in relation to the disease by the Department by order.

(2) An order under sub-paragraph (1) shall be subject to negative resolution.

*Power to amend Schedule*

**9** Regulations made by the Department may—

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- (a) amend this Schedule for the purpose of adding to the cases in which a person is not a relevant employer in relation to a person disabled by a disease to which this Order applies;
- (b) amend or repeal any provision of this Schedule relating to such cases.”

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(2\)](#)
- s. 1(3B) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(3\)](#)
- s. 14(5) added by [2010 c. 13 \(N.I.\) s. 25\(2\)](#)
- s. 14(5) amendment to earlier affecting provision [2010 c. 13 \(N.I.\)](#), s. 25(2) by [S.I. 2015/2006 \(N.I.\) art. 60\(7\)](#)
- s. 14(5) words substituted by [S.R. 2016/76 Sch. 6 para. 56\(b\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(b\)](#)
- Sch. 2 para. 4B inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(4\)](#)
- Sch. 3 para. 12(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)