

1991 No. 120

SOCIAL SECURITY

**Pneumoconiosis, etc., (Workers' Compensation) (Payment
of Claims) (Amendment) Regulations
(Northern Ireland) 1991**

Made 25th March 1991

Coming into operation 10th May 1991

*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) and 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(b) ("the Order") and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 10th May 1991.

Interpretation

2. In these Regulations the "principal Regulations" means the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(c).

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation 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 date upon which these Regulations come into operation.

(2) For the Schedule to the principal Regulations there shall be substituted the Schedule.

(3) In regulations 5(2) and 7 of the principal Regulations for "£1,364" there shall be substituted "£1,606".

(4) In regulation 6(1) of the principal Regulations for "£2,822" wherever it occurs there shall be substituted "£3,322".

(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) as amended by S.I. 1985/1209 (N.I. 16) Article 22 and S.I. 1986/1888 (N.I. 18), Article 40 and Schedule 3

(c) S.R. 1988 No. 242 as amended by S.R. 1989 No. 240

530

Social Security

No. 120

Sealed with the Official Seal of the Department of Economic
Development on 25th March 1991.

(L.S.)

R. Gamble

Assistant Secretary

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 76 OF THE SOCIAL SECURITY (NORTHERN IRELAND) ACT 1975 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.

532

Social Security

No. 120

| 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 | 18,600 | 33,216 | 38,972 | 40,080 | 41,187 | 42,072 | 42,959 | 43,844 | 44,730 | 45,615 |
| 38 | 18,069 | 31,887 | 37,799 | 39,151 | 40,300 | 41,187 | 42,072 | 42,959 | 43,844 | 44,730 |
| 39 | 17,537 | 30,557 | 36,626 | 38,219 | 39,416 | 40,300 | 41,187 | 42,072 | 42,959 | 43,844 |
| 40 | 17,007 | 29,229 | 35,452 | 37,289 | 38,529 | 39,416 | 40,300 | 41,187 | 42,072 | 42,959 |
| 41 | 16,475 | 27,901 | 34,278 | 36,358 | 37,645 | 38,529 | 39,416 | 40,300 | 41,187 | 42,072 |
| 42 | 15,942 | 26,572 | 33,105 | 35,430 | 36,758 | 37,645 | 38,529 | 39,416 | 40,300 | 41,187 |
| 43 | 15,146 | 25,022 | 31,930 | 34,722 | 36,139 | 37,201 | 38,086 | 38,972 | 39,858 | 40,745 |
| 44 | 14,349 | 23,471 | 30,757 | 34,012 | 35,518 | 36,758 | 37,645 | 38,529 | 39,416 | 40,300 |
| 45 | 13,552 | 21,922 | 29,584 | 33,304 | 34,899 | 36,315 | 37,201 | 38,086 | 38,972 | 39,858 |
| 46 | 12,754 | 20,372 | 28,410 | 32,595 | 34,278 | 35,872 | 36,758 | 37,645 | 38,529 | 39,416 |
| 47 | 11,958 | 18,822 | 27,236 | 31,887 | 33,658 | 35,430 | 36,315 | 37,201 | 38,086 | 38,972 |
| 48 | 11,270 | 18,200 | 26,307 | 30,469 | 32,595 | 34,189 | 35,075 | 35,961 | 36,846 | 37,733 |
| 49 | 10,584 | 17,582 | 25,376 | 29,051 | 31,533 | 32,949 | 33,835 | 34,722 | 35,608 | 36,493 |
| 50 | 9,899 | 16,962 | 24,446 | 27,636 | 30,469 | 31,709 | 32,595 | 33,480 | 34,366 | 35,252 |
| 51 | 9,212 | 16,342 | 23,515 | 26,218 | 29,407 | 30,469 | 31,355 | 32,240 | 33,127 | 34,012 |
| 52 | 8,525 | 15,722 | 22,587 | 24,801 | 28,343 | 29,229 | 30,116 | 31,000 | 31,887 | 32,771 |
| 53 | 7,882 | 14,615 | 21,169 | 23,561 | 27,280 | 28,343 | 29,229 | 30,116 | 31,000 | 31,887 |
| 54 | 7,241 | 13,508 | 19,751 | 22,322 | 26,218 | 27,458 | 28,343 | 29,229 | 30,116 | 31,000 |
| 55 | 6,599 | 12,400 | 18,336 | 21,081 | 25,154 | 26,572 | 27,458 | 28,343 | 29,229 | 30,116 |
| 56 | 5,956 | 11,293 | 16,917 | 19,841 | 24,093 | 25,687 | 26,572 | 27,458 | 28,343 | 29,229 |
| 57 | 5,314 | 10,186 | 15,501 | 18,600 | 23,030 | 24,801 | 25,687 | 26,572 | 27,458 | 28,343 |
| 58 | 4,894 | 9,257 | 13,841 | 16,695 | 20,725 | 22,365 | 23,317 | 24,248 | 25,154 | 26,040 |

| | | | | | | | | | | |
|-------------|-------|-------|--------|--------|--------|--------|--------|--------|--------|--------|
| 59 | 4,472 | 8,325 | 12,178 | 14,793 | 18,422 | 19,929 | 20,947 | 21,922 | 22,852 | 23,736 |
| 60 | 4,053 | 7,395 | 10,518 | 12,887 | 16,122 | 17,494 | 18,577 | 19,598 | 20,550 | 21,435 |
| 61 | 3,631 | 6,465 | 8,857 | 10,983 | 13,818 | 15,058 | 16,208 | 17,272 | 18,247 | 19,131 |
| 62 | 3,211 | 5,536 | 7,197 | 9,078 | 11,516 | 12,622 | 13,841 | 14,948 | 15,942 | 16,829 |
| 63 | 2,989 | 5,005 | 6,465 | 8,117 | 10,242 | 11,336 | 12,489 | 13,552 | 14,526 | 15,411 |
| 64 | 2,770 | 4,472 | 5,734 | 7,152 | 8,969 | 10,053 | 11,139 | 12,157 | 13,109 | 13,994 |
| 65 | 2,548 | 3,942 | 5,005 | 6,190 | 7,695 | 8,769 | 9,787 | 10,762 | 11,692 | 12,578 |
| 66 | 2,326 | 3,411 | 4,274 | 5,225 | 6,423 | 7,485 | 8,437 | 9,366 | 10,275 | 11,160 |
| 67 | 2,105 | 2,878 | 3,542 | 4,262 | 5,149 | 6,201 | 7,086 | 7,972 | 8,857 | 9,743 |
| 68 | 2,048 | 2,789 | 3,421 | 4,085 | 4,972 | 5,956 | 6,809 | 7,728 | 8,580 | 9,455 |
| 69 | 1,993 | 2,701 | 3,300 | 3,909 | 4,795 | 5,714 | 6,533 | 7,485 | 8,306 | 9,166 |
| 70 | 1,937 | 2,613 | 3,177 | 3,731 | 4,617 | 5,469 | 6,256 | 7,241 | 8,027 | 8,881 |
| 71 | 1,883 | 2,524 | 3,057 | 3,553 | 4,439 | 5,225 | 5,979 | 6,998 | 7,751 | 8,593 |
| 72 | 1,828 | 2,436 | 2,934 | 3,378 | 4,262 | 4,983 | 5,701 | 6,754 | 7,472 | 8,306 |
| 73 | 1,782 | 2,393 | 2,890 | 3,311 | 4,196 | 4,871 | 5,591 | 6,577 | 7,252 | 8,060 |
| 74 | 1,738 | 2,346 | 2,846 | 3,244 | 4,131 | 4,760 | 5,481 | 6,399 | 7,031 | 7,817 |
| 75 | 1,695 | 2,304 | 2,802 | 3,177 | 4,062 | 4,650 | 5,370 | 6,223 | 6,809 | 7,572 |
| 76 | 1,650 | 2,258 | 2,756 | 3,111 | 3,996 | 4,541 | 5,260 | 6,046 | 6,587 | 7,330 |
| 77 and over | 1,606 | 2,214 | 2,713 | 3,044 | 3,930 | 4,429 | 5,149 | 5,870 | 6,366 | 7,086 |

TABLE 2

(1) Table 2 is for the determination of additional payments under regulation 4(2) to dependants of deceased sufferers who died as a result of the disease and for the determination of payments to dependants under regulation 4(6).

(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.

PART A

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY (NORTHERN IRELAND) ACT 1975 IS PAYABLE, OR TO DEPENDANTS OF PERSONS TO WHOM DISABLEMENT BENEFIT UNDER THAT SECTION OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS WAS PAYABLE, OR TO DEPENDANTS OF A PERSON TO WHOM DISABLEMENT BENEFIT WOULD HAVE BEEN PAYABLE IMMEDIATELY BEFORE HE DIED BUT FOR THE OCCURRENCE OF ONE OF THE CIRCUMSTANCES LISTED IN REGULATION 5(1)(a)(iii) OR BUT FOR HIS DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

| <i>Age of disabled person at his last birthday preceding death</i> | <i>Percentage assessment for the relevant period</i> | | | | |
|--|--|---------------|---------------|------------|---------------------|
| | <i>10% or less</i> | <i>11-20%</i> | <i>21-30%</i> | <i>40%</i> | <i>50% and over</i> |
| | £ | £ | £ | £ | £ |
| 37 and under | 8,747 | 17,051 | 19,486 | 20,151 | 20,705 |
| 38 | 8,481 | 16,298 | 18,822 | 19,486 | 20,194 |
| 39 | 8,216 | 15,545 | 18,158 | 18,822 | 19,686 |
| 40 | 7,948 | 14,793 | 17,494 | 18,158 | 19,176 |
| 41 | 7,683 | 14,040 | 16,829 | 17,494 | 18,667 |
| 42 | 7,419 | 13,287 | 16,164 | 16,829 | 18,158 |
| 43 | 6,941 | 12,312 | 15,566 | 16,231 | 17,671 |
| 44 | 6,465 | 11,336 | 14,968 | 15,633 | 17,178 |
| 45 | 5,990 | 10,364 | 14,371 | 15,035 | 16,695 |
| 46 | 5,512 | 9,388 | 13,772 | 14,436 | 16,208 |
| 47 | 5,038 | 8,413 | 13,176 | 13,841 | 15,722 |
| 48 | 4,672 | 8,148 | 12,734 | 13,375 | 15,124 |
| 49 | 4,307 | 7,882 | 12,289 | 12,910 | 14,526 |
| 50 | 3,942 | 7,617 | 11,848 | 12,444 | 13,928 |
| 51 | 3,576 | 7,351 | 11,405 | 11,980 | 13,330 |
| 52 | 3,211 | 7,086 | 10,961 | 11,516 | 12,734 |
| 53 | 3,044 | 6,465 | 10,120 | 10,873 | 12,245 |
| 54 | 2,878 | 5,846 | 9,277 | 10,230 | 11,758 |
| 55 | 2,713 | 5,225 | 8,437 | 9,589 | 11,270 |
| 56 | 2,548 | 4,606 | 7,595 | 8,947 | 10,783 |
| 57 | 2,380 | 3,987 | 6,754 | 8,306 | 10,296 |
| 58 | 2,225 | 3,542 | 5,791 | 7,176 | 8,947 |

| | | | | | |
|-------------|-------|-------|-------|-------|-------|
| 59 | 2,069 | 3,100 | 4,828 | 6,046 | 7,595 |
| 60 | 1,916 | 2,658 | 3,864 | 4,916 | 6,245 |
| 61 | 1,762 | 2,214 | 2,901 | 3,788 | 4,894 |
| 62 | 1,606 | 1,771 | 1,937 | 2,658 | 3,542 |
| 63 | 1,606 | 1,738 | 1,872 | 2,446 | 3,156 |
| 64 | 1,606 | 1,705 | 1,804 | 2,236 | 2,770 |
| 65 | 1,606 | 1,672 | 1,738 | 2,026 | 2,380 |
| 66 | 1,606 | 1,640 | 1,672 | 1,815 | 1,993 |
| 67 and over | 1,606 | 1,606 | 1,606 | 1,606 | 1,606 |

PART B

PAYMENTS TO DEPENDANTS OF PERSONS WHO DIED AS A RESULT OF DIFFUSE
MESOTHELIOMA.

| <i>Age of disabled person at his last birthday preceding death</i> | <i>Payment</i> |
|--|----------------|
| | £ |
| 37 and under | 20,705 |
| 38 | 20,194 |
| 39 | 19,686 |
| 40 | 19,176 |
| 41 | 18,667 |
| 42 | 18,158 |
| 43 | 17,671 |
| 44 | 17,178 |
| 45 | 16,695 |
| 46 | 16,208 |
| 47 | 15,722 |
| 48 | 15,124 |
| 49 | 14,526 |
| 50 | 13,928 |
| 51 | 13,330 |
| 52 | 12,734 |
| 53 | 12,245 |
| 54 | 11,758 |
| 55 | 11,270 |
| 56 | 10,783 |
| 57 | 10,296 |
| 58 | 8,947 |
| 59 | 7,595 |
| 60 | 6,245 |
| 61 | 4,894 |
| 62 | 3,542 |
| 63 | 3,156 |
| 64 | 2,770 |
| 65 | 2,380 |
| 66 | 1,993 |
| 67 and over | 1,606 |

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 ("the 1988 Regulations"), as amended by the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 1989, prescribe the amount of payments to be made under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the Order"), as amended by the Social Security (Northern Ireland) Order 1985, S.I. 1985/1209 (N.I. 16) and the Social Security (Northern Ireland) Order 1986, S.I. 1986/1888 (N.I. 18) to persons disabled by a disease to which the Order applies (namely pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening) or to dependants of persons who immediately before they died were disabled by such a disease. All such persons should satisfy the conditions of entitlement prescribed in Article 3 (Payments to disabled persons) or, as the case may be, Article 4 (Payments to dependants of disabled persons) of the Order.

These Regulations further amend the 1988 Regulations by increasing the amount of the payments laid down by the 1989 Regulations in any case in which a person first becomes entitled to a payment on or after the date when these Regulations come into operation. The increase in each case is 17.72% rounded up or down to the nearest £1 as appropriate.