

## 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.

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(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

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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

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58	5,383	10,182	15,224	18,363	22,796	24,600	25,647	26,671	27,668	28,643
59	4,919	9,157	13,395	16,271	20,263	21,920	23,040	24,112	25,136	26,108
60	4,458	8,134	11,569	14,174	17,733	19,242	20,434	21,556	22,604	23,578
61	3,994	7,111	9,743	12,080	15,199	16,563	17,827	18,998	20,070	21,043
62	3,532	6,089	7,916	9,985	12,667	13,883	15,224	16,441	17,534	18,510
63	3,287	5,504	7,111	8,928	11,266	12,469	13,737	14,907	15,977	16,952
64	3,048	4,919	6,308	7,867	9,864	11,058	12,252	13,372	14,418	15,392
65	2,802	4,335	5,504	6,810	8,464	9,645	10,765	11,838	12,861	13,835
66	2,558	3,753	4,701	5,747	7,065	8,232	9,280	10,302	11,302	12,275
67	2,315	3,166	3,896	4,688	5,663	6,821	7,794	8,769	9,743	10,717
68	2,252	3,067	3,763	4,493	5,470	6,551	7,489	8,500	9,437	10,400
69	2,192	2,971	3,630	4,300	5,275	6,285	7,187	8,232	9,136	10,082
70	2,131	2,875	3,494	4,104	5,078	6,015	6,881	7,964	8,829	9,768
71	2,071	2,776	3,362	3,908	4,883	5,747	6,577	7,698	8,526	9,452
72	2,010	2,680	3,227	3,716	4,688	5,481	6,271	7,429	8,219	9,136
73	1,960	2,633	3,179	3,642	4,615	5,358	6,150	7,235	7,977	8,866
74	1,912	2,581	3,130	3,568	4,544	5,236	6,029	7,039	7,734	8,592
75	1,865	2,534	3,082	3,494	4,468	5,115	5,907	6,844	7,489	8,329
76	1,815	2,483	3,031	3,423	4,396	4,995	5,786	6,650	7,245	8,063
77 and over	1,766	2,435	2,984	3,348	4,323	4,871	5,663	6,457	7,002	7,794

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 108 OF THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS (NORTHERN IRELAND) ACT 1992 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.

Age of disabled person at his last birthday preceding death	Percentage assessment for the relevant period				
	10% or less	11%-20%	21%-30%	40%	50% and over
	£	£	£	£	£
37 and under	9,621	18,756	21,433	22,165	22,774
38	9,329	17,927	20,703	21,433	22,212
39	9,038	17,098	19,973	20,703	21,653
40	8,742	16,271	19,242	19,973	21,092
41	8,451	15,443	18,510	19,242	20,532
42	8,161	14,617	17,779	18,510	19,973
43	7,634	13,543	17,122	17,853	19,437
44	7,111	12,469	16,463	17,195	18,895
45	6,589	11,399	15,807	16,538	18,363
46	6,064	10,325	15,093	15,879	17,827
47	5,541	9,254	14,493	15,224	17,293
48	5,140	8,962	14,007	14,712	16,635
49	4,737	8,670	13,517	14,201	15,977
50	4,335	8,378	13,032	13,688	15,320
51	3,934	8,086	12,544	13,177	14,663
52	3,532	7,794	12,057	12,667	14,007
53	3,348	7,111	11,132	11,959	13,468
54	3,166	6,429	10,205	11,253	12,933
55	2,984	5,747	9,280	10,547	12,397
56	2,802	5,066	8,354	9,841	11,860
57	2,617	4,385	7,429	9,136	11,325
58	2,447	3,896	6,370	7,893	9,841
59	2,275	3,409	5,310	6,650	8,354
60	2,107	2,924	4,249	5,407	6,869

Age of disabled person at his last birthday preceding death	Percentage assessment for the relevant period				
	10% or less	11%-20%	21%-30%	40%	50% and over
	£	£	£	£	£
61	1,938	2,435	3,191	4,166	5,383
62	1,766	1,949	2,131	2,924	3,896
63	1,766	1,912	2,059	2,690	3,472
64	1,766	1,875	1,984	2,460	3,048
65	1,766	1,840	1,912	2,228	2,617
66	1,766	1,804	1,840	1,997	2,192
67 and over	1,766	1,766	1,766	1,766	1,766

## PART B

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

Age of disabled person at his last birthday preceding death	Payment
	£
37 and under	22,774
38	22,212
39	21,653
40	21,092
41	20,532
42	19,973
43	19,437
44	18,895
45	18,363
46	17,827
47	17,293
48	16,635
49	15,977
50	15,320
51	14,663
52	14,007
53	13,468
54	12,933
55	12,397
56	11,860
57	11,325
58	9,841
59	8,354
60	6,869
61	5,383
62	3,896
63	3,472
64	3,048
65	2,617
66	2,192
67 and over	1,766

*(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) of 1989, 1991, 1992 and 1993, 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, the Social Security (Northern Ireland) Order 1986 and the Social Security (Consequential Provisions) (Northern Ireland) Act 1992, 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, 1991, 1992 and 1993 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 2.2 per cent. rounded up or down to the nearest £1 as appropriate.