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STATUTORY RULES OF NORTHERN IRELAND

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2000 No. 134

**SOCIAL SECURITY**

**Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2000**

*Made . . . . . 18th April 2000*

*Coming into operation . . . . . 1st June 2000*

*To be laid before Parliament under paragraph 7(3) of the  
Schedule to the Northern Ireland Act 2000*

The Department of Higher and Further Education, Training and Employment, in exercise of the powers conferred by Articles 2(2), 3(3), 4(3), 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(a) and now vested in it(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) 2000 and shall come into operation on 1st June 2000.

(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 1st June 2000.

(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) 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  
(b) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 to the Department of Higher and Further Education, Training and Employment  
(c) 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, S.R. 1997 No. 409 and S.R. 1998 No. 358

(3) In regulations 5(2) (payment where death results from diffuse mesothelioma) and 7 (minimum amount payable to dependant) for “£1,943” in each place where it occurs there shall be substituted “£1,992”.

(4) In regulation 6(1) (payment where pneumoconiosis is accompanied by tuberculosis) for “£4,020” (in each place where it occurs) there shall be substituted “£4,121”.

Sealed with the Official Seal of the Department of Higher and Further Education, Training and Employment on 18th April 2000.

(L.S.)

*R. B. Gamble*

A senior officer of the Department  
of Higher and Futher Education,  
Training and Employment

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 first period specified in paragraph 6(1)(b).

(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), regulation 6(1). In 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%	31%-40%	41%-50%	51%-60%	61%-70%	71%-80%	81%-90%	91%-100%
	£	£	£	£	£	£	£	£	£	£
37 and under	23,066	41,192	48,330	49,703	51,076	52,174	53,274	54,371	55,470	56,568
38	22,407	39,542	46,874	48,552	49,976	51,076	52,174	53,274	54,371	55,470
39	21,747	37,894	45,419	47,396	48,880	49,976	51,076	52,174	53,274	54,371
40	21,090	36,246	43,964	46,242	47,779	48,880	49,976	51,076	52,174	53,274
41	20,430	34,600	42,509	45,088	46,683	47,779	48,880	49,976	51,076	52,174
42	19,768	32,953	41,053	43,938	45,584	46,683	47,779	48,880	49,976	51,076
43	18,783	31,030	39,597	43,058	44,817	46,134	47,231	48,330	49,429	50,528
44	17,794	29,107	38,141	42,179	44,046	45,584	46,683	47,779	48,880	49,976
45	16,807	27,185	36,687	41,300	43,279	45,034	46,134	47,231	48,330	49,429
46	15,817	25,264	35,232	40,422	42,509	44,486	45,584	46,683	47,779	48,880
47	14,830	23,341	33,776	39,542	41,740	43,938	45,034	46,134	47,231	48,330
48	13,977	22,571	32,624	37,785	40,422	42,396	43,498	44,595	45,692	46,793
49	13,126	21,804	31,470	36,028	39,106	40,860	41,959	43,058	44,158	45,256
50	12,275	21,035	30,338	34,271	37,785	39,322	40,422	41,520	42,617	43,716
51	11,425	20,266	29,161	32,513	36,467	37,785	38,895	39,980	41,081	42,179
52	10,572	19,497	28,010	30,755	35,148	36,246	37,348	38,444	39,542	40,640
53	9,775	18,125	26,251	29,218	33,830	35,148	36,246	37,348	38,444	39,542
54	8,979	16,752	24,493	27,682	32,513	34,052	35,148	36,246	37,348	38,444
55	8,183	15,378	22,739	26,142	31,194	32,953	34,052	35,148	36,246	37,348
56	7,386	14,004	20,980	24,605	29,878	31,854	32,953	34,052	35,148	36,246

57	6,591	12,631	19,223	23,066	28,563	30,756	31,854	32,953	34,052	35,148
58	6,069	11,480	17,165	20,703	25,701	27,735	28,915	30,070	31,194	32,294
59	5,546	10,324	15,102	18,344	22,845	24,714	25,977	27,185	28,339	29,435
60	5,027	9,171	13,043	15,981	19,993	21,694	23,038	24,303	25,485	26,583
61	4,503	8,018	10,985	13,619	17,136	18,673	20,099	21,419	22,628	23,725
62	3,982	6,865	8,925	11,258	14,281	15,653	17,165	18,536	19,768	20,869
63	3,706	6,205	8,018	10,066	12,702	14,058	15,488	16,807	18,013	19,112
64	3,437	5,546	7,111	8,869	11,121	12,467	13,814	15,076	16,255	17,353
65	3,159	4,887	6,205	7,678	9,543	10,874	12,137	13,347	14,500	15,598
66	2,884	4,231	5,300	6,479	7,965	9,281	10,463	11,615	12,743	13,840
67	2,610	3,569	4,392	5,286	6,385	7,691	8,787	9,886	10,985	12,083
68	2,539	3,458	4,242	5,066	6,167	7,386	8,444	9,584	10,640	11,725
69	2,471	3,350	4,093	4,848	5,947	7,086	8,103	9,281	10,300	11,367
70	2,403	3,241	3,939	4,627	5,726	6,781	7,758	8,979	9,954	11,013
71	2,335	3,129	3,790	4,406	5,505	6,479	7,415	8,679	9,612	10,657
72	2,266	3,022	3,639	4,189	5,286	6,180	7,070	8,376	9,266	10,300
73	2,210	2,968	3,584	4,106	5,203	6,041	6,934	8,157	8,993	9,996
74	2,156	2,910	3,529	4,023	5,123	5,903	6,798	7,937	8,720	9,687
75	2,102	2,857	3,475	3,939	5,038	5,767	6,659	7,716	8,444	9,390
76	2,046	2,799	3,417	3,859	4,956	5,631	6,523	7,498	8,168	9,091
77 and over	1,992	2,745	3,364	3,775	4,874	5,492	6,385	7,280	7,895	8,787

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 first period specified in paragraph 6(1)(b).

## 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.

<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>31%-40%</i>	<i>50% and over</i>
	£	£	£	£	£
37 and under	10,847	21,147	24,164	24,990	25,676
38	10,517	20,212	23,342	24,164	25,043
39	10,190	19,277	22,518	23,341	24,412
40	9,856	18,344	21,694	22,518	23,780
41	9,528	17,411	20,869	21,694	23,149
42	9,201	16,480	20,045	20,869	22,518
43	8,607	15,269	19,304	20,128	21,915
44	8,018	14,058	18,561	19,387	21,303
45	7,429	12,851	17,822	18,646	20,703
46	6,837	11,641	17,016	17,903	20,099
47	6,247	10,433	16,341	17,165	19,497
48	5,795	10,104	15,792	16,587	18,755
49	5,340	9,775	15,240	16,011	18,013
50	4,887	9,445	14,693	15,432	17,272
51	4,435	9,116	14,143	14,856	16,532
52	3,982	8,787	13,594	14,281	15,792
53	3,775	8,018	12,551	13,483	15,184
54	3,569	7,249	11,506	12,687	14,582
55	3,364	6,479	10,463	11,891	13,977
56	3,159	5,711	9,419	11,096	13,371
57	2,951	4,944	8,376	10,300	12,768
58	2,759	4,392	7,182	8,899	11,096
59	2,565	3,844	5,987	7,498	9,419
60	2,376	3,296	4,791	6,096	7,745
61	2,185	2,745	3,598	4,697	6,069

<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>31%-40%</i>	<i>50% and over</i>
	£	£	£	£	£
62	1,992	2,198	2,403	3,296	4,392
63	1,992	2,156	2,322	3,033	3,914
64	1,992	2,114	2,237	2,774	3,437
65	1,992	2,075	2,156	2,512	2,951
66	1,992	2,034	2,075	2,252	2,471
67 and over	1,992	1,992	1,992	1,992	1,992

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	25,676
38	25,043
39	24,412
40	23,780
41	23,149
42	22,518
43	21,915
44	21,303
45	20,703
46	20,099
47	19,497
48	18,755
49	18,013
50	17,272
51	16,532
52	15,792
53	15,184
54	14,581
55	13,977
56	13,371
57	12,768
58	11,096
59	9,419
60	7,745
61	6,069
62	4,392
63	3,914
64	3,437
65	2,951
66	2,471
67 and over	1,992

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

Under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 ("the Order") lump sum payments may be made to certain persons disabled by a disease to which the Order applies, or to dependants of persons who were so disabled immediately before they died.

These Regulations amend the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988, as amended, so as to increase the amount payable under the Order. The increase in each case is 2.5 per cent, rounded up or down to the nearest £1 as appropriate.

The diseases to which the Order applies are pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or diffuse pleural thickening) and diffuse pleural thickening.

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