

*Regulations laid before the Assembly under Article 11(2) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979, and subject to affirmative resolution of the Assembly*

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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 67**

**SOCIAL SECURITY**

**The Pneumoconiosis, etc., (Workers' Compensation)  
(Payment of Claims) (Amendment) Regulations  
(Northern Ireland) 2011**

*Made - - - - 2nd March 2011*

*Coming into operation in accordance with regulation 1(1)*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 3(3), 4(3) and 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(a) and now vested in it(b).

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 1st April 2011 or on the day after they are affirmed by resolution of the Assembly if later.

(2) These Regulations shall apply in relation to any case in which a person first satisfies the conditions of entitlement to a payment under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 on or after the day on which these Regulations come into operation.

**Amendment of the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations**

2.—(1) The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988(c) are amended in accordance with paragraphs (2) to (4).

(2) In regulations 5(2) and 7 (minimum amounts payable to dependant) for “£2,649” substitute “£2,731”.

(3) In regulation 6(1)(a) (payment where pneumoconiosis is accompanied by tuberculosis) for “£5,478”, in both places where it occurs, substitute “£5,648”.

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(a) S.I. 1979/925 (N.I. 9); Articles 3 and 4 were amended by Article 22(a) and (b) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and paragraph 17(2) to (4) of Schedule 3 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and Article 3 was amended by section 52(3) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))

(b) See Article 4(b) of S.R. 1999 No. 481, the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15 (N.I.)) and Article 3 of S.R. 2006 No. 192

(c) S.R. 1988 No. 242; relevant amending Regulations are S.R. 2008 No. 352 and S.R. 2010 No. 53

(4) For the Schedule substitute the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department for Social Development on 2nd March 2011

(L.S.)

*Anne McCleary*

A senior officer of the Department for Social Development

## SCHEDULE

Regulation 2(4)

## “SCHEDULE

Regulations 3, 4, 5 and 6

### TABLE 1

1. This table 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, the first period specified in regulation 6(1)(b).

3. The age of the disabled person is his age determined in accordance with regulation 3(2) or, in the case of a disabled person to whom regulation 6 applies, regulation 6(1)(b). 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.

4. The table prescribes payments to disabled persons to whom disablement benefit is payable under section 108 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), 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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(a) 1992 c. 7

**TABLE 1**

| <i>Age of disabled person</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>41% - 50%</i> | <i>51% - 60%</i> | <i>61% - 70%</i> | <i>71% - 80%</i> | <i>81% - 90%</i> | <i>91% - 100%</i> |
|                               | <i>£</i>   | <i>£</i>         | <i>£</i>         | <i>£</i>         | <i>£</i>         | <i>£</i>         | <i>£</i>         | <i>£</i>         | <i>£</i>         | <i>£</i>          |
| 37 and under                  | 31,603   | 56,437           | 66,217           | 68,100           | 69,980           | 71,485           | 72,990           | 74,495           | 75,999           | 77,506            |
| 38                            | 30,700   | 54,177           | 64,222           | 66,521           | 68,472           | 69,980           | 71,485           | 72,990           | 74,495           | 75,999            |
| 39                            | 29,796   | 51,919           | 62,229           | 64,938           | 66,972           | 68,275           | 69,980           | 71,485           | 72,990           | 74,495            |
| 40                            | 28,895   | 49,660           | 60,235           | 63,356           | 65,462           | 66,971           | 68,472           | 69,980           | 71,485           | 72,991            |
| 41                            | 27,991   | 47,406           | 58,242           | 61,773           | 63,962           | 65,462           | 66,971           | 68,472           | 69,980           | 71,485            |
| 42                            | 27,083   | 45,150           | 56,246           | 60,201           | 62,455           | 63,962           | 65,462           | 66,971           | 68,472           | 69,980            |
| 43                            | 25,735   | 42,513           | 54,253           | 58,994           | 61,404           | 63,210           | 64,712           | 66,217           | 67,723           | 69,229            |
| 44                            | 24,378   | 39,880           | 52,257           | 57,791           | 60,349           | 62,455           | 63,962           | 65,462           | 66,971           | 68,472            |
| 45                            | 23,028   | 37,247           | 50,263           | 56,585           | 59,298           | 61,700           | 63,210           | 64,712           | 66,217           | 67,723            |
| 46                            | 21,671   | 34,615           | 48,272           | 55,383           | 58,242           | 60,952           | 62,455           | 63,962           | 65,462           | 66,971            |
| 47                            | 20,319   | 31,980           | 46,276           | 54,177           | 57,190           | 60,201           | 61,700           | 63,210           | 64,712           | 66,217            |
| 48                            | 19,151   | 30,926           | 44,699           | 51,771           | 55,383           | 58,088           | 59,597           | 61,101           | 62,602           | 64,113            |
| 49                            | 17,985   | 29,874           | 43,117           | 49,362           | 53,579           | 55,982           | 57,489           | 58,994           | 60,501           | 62,007            |
| 50                            | 16,818   | 28,820           | 41,567           | 46,955           | 51,771           | 53,875           | 55,383           | 56,886           | 58,390           | 59,896            |
| 51                            | 15,652   | 27,766           | 39,954           | 44,546           | 49,963           | 51,771           | 53,290           | 54,777           | 56,285           | 57,791            |
| 52                            | 14,486   | 26,713           | 38,376           | 42,138           | 48,156           | 49,660           | 51,171           | 52,673           | 54,177           | 55,680            |
| 53                            | 13,393   | 24,834           | 35,966           | 40,032           | 46,351           | 48,156           | 49,660           | 51,171           | 52,673           | 54,177            |
| 54                            | 12,302   | 22,953           | 33,558           | 37,929           | 44,546           | 46,656           | 48,156           | 49,660           | 51,171           | 52,673            |
| 55                            | 11,213   | 21,071           | 31,156           | 35,816           | 42,738           | 45,150           | 46,656           | 48,156           | 49,660           | 51,171            |
| 56                            | 10,120   | 19,188           | 28,745           | 33,711           | 40,936           | 43,642           | 45,150           | 46,656           | 48,156           | 49,660            |
| 57                            | 9,029  | 17,305           | 26,337           | 31,603           | 39,135           | 42,139           | 43,642           | 45,150           | 46,656           | 48,156            |
| 58                            | 8,315  | 15,727           | 23,518           | 28,365           | 35,215           | 38,001           | 39,618           | 41,201           | 42,739           | 44,245            |
| 59                            | 7,598  | 14,145           | 20,692           | 25,133           | 31,301           | 33,859           | 35,590           | 37,247           | 38,827           | 40,330            |
| 60                            | 6,889  | 12,565           | 17,870           | 21,895           | 27,394           | 29,723           | 31,562           | 33,298           | 34,916           | 36,422            |
| 61                            | 6,168  | 10,985           | 15,052           | 18,660           | 23,477           | 25,584           | 27,539           | 29,347           | 31,002           | 32,507            |
| 62                            | 5,455  | 9,406            | 12,228           | 15,425           | 19,565           | 21,445           | 23,518           | 25,397           | 27,083           | 28,594            |
| 63                            | 5,079  | 8,502            | 10,985           | 13,792           | 17,404           | 19,260           | 21,221           | 23,028           | 24,680           | 26,184            |
| 64                            | 4,711  | 7,598            | 9,743            | 12,151           | 15,236           | 17,083           | 18,927           | 20,656           | 22,271           | 23,776            |
| 65                            | 4,328  | 6,697            | 8,502            | 10,519           | 13,076           | 14,899           | 16,629           | 18,287           | 19,867           | 21,372            |
| 66                            | 3,953  | 5,796            | 7,260            | 8,877            | 10,912           | 12,716           | 14,335           | 15,913           | 17,458           | 18,963            |
| 67                            | 3,576  | 4,891            | 6,017            | 7,242            | 8,749            | 10,537           | 12,040           | 13,544           | 15,052           | 16,555            |
| 68                            | 3,478  | 4,736            | 5,812            | 6,943            | 8,449            | 10,120           | 11,569           | 13,131           | 14,577           | 16,065            |
| 69                            | 3,387  | 4,591            | 5,608            | 6,642            | 8,148            | 9,707            | 11,102           | 12,716           | 14,110           | 15,574            |
| 70                            | 3,291  | 4,442            | 5,397            | 6,340            | 7,845            | 9,290            | 10,630           | 12,302           | 13,637           | 15,088            |
| 71                            | 3,200  | 4,287            | 5,192            | 6,037            | 7,543            | 8,877            | 10,161           | 11,889           | 13,170           | 14,600            |
| 72                            | 3,105  | 4,139            | 4,985            | 5,739            | 7,242            | 8,468            | 9,687            | 11,474           | 12,695           | 14,110            |
| 73                            | 3,027  | 4,066            | 4,911            | 5,625            | 7,128            | 8,278            | 9,500            | 11,176           | 12,323           | 13,695            |
| 74                            | 2,954  | 3,988            | 4,835            | 5,512            | 7,020            | 8,087            | 9,315            | 10,875           | 11,947           | 13,272            |
| 75                            | 2,880  | 3,915            | 4,761            | 5,397            | 6,902            | 7,901            | 9,123            | 10,572           | 11,569           | 12,865            |
| 76                            | 2,803  | 3,835            | 4,683            | 5,287            | 6,790            | 7,716            | 8,938            | 10,272           | 11,189           | 12,456            |
| 77 and over                   | 2,731  | 3,761            | 4,610            | 5,171            | 6,678            | 7,524            | 8,749            | 9,975            | 10,818           | 12,040            |

TABLE 2

1. This table is for the determination of payments to dependants of deceased sufferers under regulation 4(2) or (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, the first period specified in regulation 6(1)(b).

3.—(1) Part A of the table prescribes payments to dependants of disabled persons who died as a result of a disease other than diffuse mesothelioma where—

- (a) death benefit under section 108 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 is payable;
- (b) disablement benefit under that section or under any corresponding provision of the former Industrial Injuries Acts was payable to the disabled person immediately before he died;
- (c) disablement benefit would have been payable to the disabled person 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.

(2) Part B of the table prescribes payments to dependants of disabled persons who died as a result of diffuse mesothelioma.

**PART A**

| <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% - 49%</i> | <i>50% and over</i> |
|  | <i>£</i>   | <i>£</i>         | <i>£</i>         | <i>£</i>         | <i>£</i>            |
| 37 and under   | 20,017   | 34,128           | 38,264           | 39,396           | 40,335              |
| 38   | 19,566   | 32,848           | 37,136           | 38,264           | 39,468              |
| 39   | 19,116   | 31,568           | 36,008           | 37,135           | 38,603              |
| 40   | 18,659   | 30,288           | 34,878           | 36,008           | 37,738              |
| 41   | 18,210   | 29,010           | 33,749           | 34,878           | 36,873              |
| 42   | 17,762   | 27,735           | 32,620           | 33,749           | 36,008              |
| 43   | 16,947   | 26,076           | 31,604           | 32,732           | 35,180              |
| 44   | 16,140   | 24,415           | 30,585           | 31,719           | 34,343              |
| 45   | 15,333   | 22,761           | 29,572           | 30,701           | 33,521              |
| 46   | 14,522   | 21,105           | 28,469           | 29,684           | 32,694              |
| 47   | 13,714   | 19,450           | 27,544           | 28,673           | 31,868              |
| 48   | 13,096   | 18,998           | 26,793           | 27,882           | 30,851              |
| 49   | 12,471   | 18,548           | 26,035           | 27,091           | 29,835              |
| 50   | 11,852   | 18,094           | 25,286           | 26,297           | 28,819              |
| 51   | 11,232   | 17,645           | 24,534           | 25,511           | 27,807              |
| 52   | 10,610   | 17,195           | 23,781           | 24,720           | 26,793              |
| 53   | 10,326   | 16,140           | 22,353           | 23,628           | 25,959              |
| 54   | 10,046   | 15,086           | 20,919           | 22,537           | 25,134              |
| 55   | 9,765  | 14,032           | 19,490           | 21,448           | 24,306              |
| 56   | 9,483  | 12,979           | 18,060           | 20,358           | 23,474              |
| 57   | 9,029  | 11,930           | 16,629           | 19,265           | 22,649              |
| 58   | 8,315  | 11,172           | 14,996           | 17,348           | 20,358              |
| 59   | 7,598  | 10,419           | 13,360           | 15,427           | 18,060              |
| 60   | 6,889  | 9,672            | 11,720           | 13,508           | 15,766              |
| 61   | 6,168  | 8,916            | 10,086           | 11,589           | 13,470              |

| <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% - 49%</i> | <i>50% and over</i> |
|  | <i>£</i>   | <i>£</i>         | <i>£</i>         | <i>£</i>         | <i>£</i>            |
| 62   | 5,455  | 8,168            | 8,446            | 9,672            | 11,172              |
| 63   | 5,079  | 8,109            | 8,337            | 9,311            | 10,517              |
| 64   | 4,711  | 7,598            | 8,219            | 8,954            | 9,866               |
| 65   | 4,328  | 6,697            | 8,109            | 8,595            | 9,198               |
| 66   | 3,953  | 5,796            | 7,260            | 8,240            | 8,542               |
| 67 and over  | 2,731  | 3,761            | 4,610            | 5,171            | 7,524               |

## **PART B**

| <i>Age of disabled person at his last birthday preceding death</i> | <i>Payment £</i> |
|--|------------------|
| 37 and under   | 40,335           |
| 38   | 39,468           |
| 39   | 38,603           |
| 40   | 37,738           |
| 41   | 36,873           |
| 42   | 36,008           |
| 43   | 35,180           |
| 44   | 34,343           |
| 45   | 33,521           |
| 46   | 32,694           |
| 47   | 31,868           |
| 48   | 30,851           |
| 49   | 29,835           |
| 50   | 28,819           |
| 51   | 27,807           |
| 52   | 26,793           |
| 53   | 25,959           |
| 54   | 25,134           |
| 55   | 24,306           |
| 56   | 23,474           |
| 57   | 22,649           |
| 58   | 20,358           |
| 59   | 18,060           |
| 60   | 15,766           |
| 61   | 13,470           |
| 62   | 11,172           |
| 63   | 10,517           |
| 64   | 9,866            |
| 65   | 9,198            |
| 66   | 8,542            |
| 67 and over  | 7,524            |

## **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 before they died.

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.

These Regulations amend the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 to increase amounts payable under the Order. The increase in each case is 3.1 per cent., rounded up or down to the nearest £1 as appropriate.

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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 67**

**SOCIAL SECURITY**

The Pneumoconiosis, etc., (Workers' Compensation)  
(Payment of Claims) (Amendment) Regulations  
(Northern Ireland) 2011

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