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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 239**

**SOCIAL SECURITY**

**The Industrial Injuries Benefit (Injuries arising before  
5th July 1948) Regulations (Northern Ireland) 2016**

<i>Made</i>	- - - -	<i>6th June 2016</i>
<i>Laid before Parliament</i>		<i>13th June 2016</i>
<i>Coming into operation</i>		<i>31st October 2016</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Article 70(3) of the Welfare Reform (Northern Ireland) Order 2015<sup>(1)</sup>.

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) of the Welfare Reform (Northern Ireland) Order 2015.

**Citation and commencement**

1. These Regulations may be cited as the Industrial Injuries Benefit (Injuries arising before 5th July 1948) Regulations (Northern Ireland) 2016 and come into operation on 31st October 2016.

**Payment of industrial injuries benefit where compensation or benefits were previously payable under Schedule 8 to the Contributions and Benefits Act**

2. Where, before the commencement of Article 70 of the Welfare Reform (Northern Ireland) Order 2015 (injuries arising before 5th July 1948), compensation or benefits were payable to any person under a provision of Schedule 8 to the Contributions and Benefits Act<sup>(2)</sup> (industrial injuries and diseases (old cases)) mentioned in column (1) of the table in the Schedule to these Regulations, the rate of industrial injuries benefit payable to that person is the corresponding rate set out in column (2) of that table.

**Claims made but not determined before 31st October 2016**

3. Any claim for compensation or benefits that was made in accordance with section 111 of, and Schedule 8 to, the Contributions and Benefits Act but which was not determined before the coming into operation of these Regulations is to be treated as a claim for industrial injuries benefit.

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(1) [S.I. 2015/2006 \(N.I. 1\)](#)

(2) Schedule 8 was amended by Article 7 of [S.R. 2012 No. 116](#)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by the authority of the Secretary of State for Work and Pensions

6th June 2016

*Priti Patel*  
Minister of State,  
Department for Work and Pensions

## SCHEDULE

Regulation 2

Rates of industrial injuries benefit corresponding to compensation or benefit previously payable under Schedule 8 to the Contributions and Benefits Act

<i>Column (1)</i>	<i>Column (2)</i>
<i>Compensation or benefit payable before 31st October 2016 under Schedule 8 to the Contributions and Benefits Act</i>	<i>Corresponding rate of industrial injuries benefit payable under Schedule 4 to the Contributions and Benefits Act from 31st October 2016</i>
<i>Incapacity Allowance</i>	
Major incapacity allowance under paragraph 2(6)(b) of Schedule 8	The rate applicable for 100 per cent. degree of disablement as specified in column (2) of the table in Part V of Schedule 4
Lesser incapacity allowance under paragraph 2(6)(c) of Schedule 8 payable at the weekly rate of £4·85, £13·15 or £22·05	The rate applicable for 20 per cent. degree of disablement as specified in column (2) of the table in Part V of Schedule 4
Lesser incapacity allowance under paragraph 2(6)(c) of Schedule 8 payable at the weekly rate of £31·95 or £45·90	The rate applicable for 30 per cent. degree of disablement as specified in column (2) of the table in Part V of Schedule 4
Lesser incapacity allowance under paragraph 2(6)(c) of Schedule 8 payable at the weekly rate of £58·45	The rate applicable for 40 per cent. degree of disablement as specified in column (2) of the table in Part V of Schedule 4
<i>Unemployability supplement</i>	
Unemployability supplement in accordance with paragraph 4(2)(c)(i) of Schedule 8	Unemployability supplement at the rate specified in paragraphs 5 and 6 of Part V of Schedule 4
<i>Exceptionally severe disablement allowance</i>	
Increase of disablement pension in respect of exceptionally severe disablement in accordance with paragraph 4(2)(c)(iii) of Schedule 8	Exceptionally severe disablement allowance at the rate specified in paragraph 3 of Part V of Schedule 4
<i>Constant attendance allowance</i>	
Increase of disablement pension in respect of constant attendance in accordance with paragraph 4(2)(c)(iii) of Schedule 8	Constant attendance allowance at the rate specified in paragraph 2 of Part V of Schedule 4
<i>Increase of disablement pension for a child dependant</i>	
Increase of disablement pension in respect of a child dependant in accordance with paragraph 4(2)(c)(ii) of Schedule 8	Child dependency increase at the rate specified in paragraph 7 of Part V of Schedule 4
<i>Increase of disablement pension for an adult dependant</i>	
Increase of disablement pension in respect of an adult dependant in accordance with paragraph 4(2)(c)(ii) of Schedule 8	Adult dependency increase at the rate specified in paragraph 8 of Part V of Schedule 4

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## EXPLANATORY NOTE

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

These Regulations provide for the payment of industrial injuries benefit to persons to whom compensation or benefits were previously payable under section 111 of, and Schedule 8 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in respect of injuries arising before 5th July 1948.

Regulation 2 and the Schedule set out the rate of industrial injuries benefit payable in such cases.

Regulation 3 provides that a claim made but not determined before the coming into operation of the Regulations is to be treated as a claim for industrial injuries benefit.

An impact assessment has not been published for this instrument as no impact on the private or voluntary sector is foreseen.