

Emer Boyle
Communities Committee Clerk
Room 430
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Emer,

The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment No. 2) Regulations (Northern Ireland) 2026

The Department for Communities ("the Department") proposes to make a Statutory Rule (SR) under powers conferred by Sections 1(3) and 9(1) and (2) of the Mesothelioma, etc., Act (Northern Ireland) 2008. The SR is subject to the confirmatory resolution procedure.

Purpose of the Statutory Rule

This SR will amend the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008 as follows:

- Equalise dependant payments to bring the rates in line with those for sufferers; and
- Clarify to whom payment is to be made where a person makes a claim in life but dies before it can be paid.

Equalisation of dependant payments:

The award rates for dependant payments under this scheme are lower than sufferer payments. This is an issue which has been raised by Members of Parliament (MP's) and stakeholders alike.

Dependant calculations are difficult to interpret and complex to administer.

For example, extra 'top-ups' are added where the sufferer's death resulted from the Disease Industrial Injuries Disablement Benefit (IIDB) was claimed for, or where the sufferer's death resulted from Diffuse Mesothelioma. There is also no legislative basis for how to treat claims where the sufferer makes a claim for either of the lump-sum schemes but passes away before it can be processed.

By not making changes the Department runs increased risks of legal challenge and subsequent corrective activity. Dependant equalisation would resolve these issues and mitigate associated legal risks, whilst also meeting the repeated calls for equalisation by MP's and stakeholders.

Previous Engagement with the Committee

There has been no previous engagement with the Committee regarding this proposed SR.

Financial Implications

As there is a mechanism within Northern Ireland that enables the recoupment of Mesothelioma payments through the Northern Ireland Compensation Recovery Scheme, the expectation is that costs will be minimal with the payments offset against the recoveries in the Departmental Resource DEL Spend.

Consultation

There is no requirement to consult on the Regulations. As they make, in relation to Northern Ireland, only provision corresponding to provision contained in regulations made by the

Secretary of State for Work and Pensions. Consultation with the Social Security Advisory Committee is not required.

Compliance with Section 24 of the Northern Ireland Act 1998

The Department is content that the Rule complies with Section 24 of the Northern Ireland Act 1998, the impact assessment has also concluded that the policy and Rule are compatible with Article 2(1) of the Windsor Framework.

Consideration by the Executive

Not applicable.

Equality Impact

In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted an equality screening exercise on the proposed SR. The Department has concluded that the proposals would not have significant implications for equality of opportunity and considers that an Equality Impact Assessment is not necessary.

Regulatory Impact

A Regulatory Impact Assessment is not required as the proposals do not impose any new costs on business, charities or voluntary bodies.

Rural Needs Impact

As the proposed Rule makes no distinction between rural and urban dwellers, it is not deemed necessary to specifically identify the social and economic needs of people living in rural areas.

Data Protection Impact

A Data Protection Impact Assessment has been undertaken for this SR, and the Department is satisfied that there are no causes for concern with regards to the protection of the Department's or the public's data. No mitigation measures are necessary.

Childs Right Impact

Not applicable.

Position in Great Britain

The Secretary of State for Work and Pensions has laid a draft Statutory Instrument, to which these Regulations correspond, before Parliament on 01 September 2026, to be made in October and come into force on 31 October 2026. In line with the long-standing principle of parity in social security matters, the 2026 Regulations should be made as soon as possible after and brought into operation on the same date as the GB Statutory Instrument.

Proposed timing of consideration of the SL1

This is a parity social security measure, with an equivalent Statutory Instrument (SI) being introduced by the DWP.

Social security legislative parity, as set out in section 87 of the Northern Ireland Act 1998, means parity of timing as well as substance and the Northern Ireland Rule should be made and implemented to timescales which align as closely as possible with the DWP SI.

In light of these circumstances the Minister has made the following statement:

“I am satisfied that ensuring the orderly making of this parity social security legislation in line with DWP timeframes gives rise to exceptional circumstances which require deviation from the normal process and timeframes set out in the Guidance for Departments on Delegated Legislation (SL1 Pre-Introductory Stage) (November 2025).

I would be grateful if the Committee would agree to approve the SL1 in the requested shortened timeframe in light of these exceptional circumstances. It is my intention to make the SR to align as closely as possible with the DWP timing for the corresponding SI.”

Proposed Operational Date

It is anticipated that the SR will come into operation on 31 October 2026.

When the Rule, together with the Explanatory Memorandum has been laid at the Assembly Business Office, the Business Office will submit copies to the Committee.

I would be obliged if you would bring this matter to the attention of the Communities Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Laura Coffey', with a stylized flourish at the end.

Laura Coffey

Departmental Assembly Liaison Officer

Private Office

cc NI Human Rights Commission

Equality Commission

David Tarr