

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

Dear Emer,

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment No. 2) Regulations (Northern Ireland) 2026

The Department for Communities proposes to make a Statutory Rule (SR) under powers conferred by Articles 3(3), 4(3) and 11(1) and (4) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979. The SR is subject to the affirmative resolution procedure.

Purpose of Statutory Rule

This SR will amend the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 to—

- Equalise dependant payments to bring the rates in line with those for sufferers;
- Clarify to whom payment is to be made where a person makes a claim in life but dies before it can be paid;
- Introduce a clear “relevant date” for the purposes of calculating awards;
- Remove references to medical boards which no longer exist; and
- Remove top-up awards.

Equalisation of dependant payments and clarification of payee:

The rates for payments to dependants under the 1979 Scheme are currently lower than payments made to sufferers. Calculations of payments to dependants can be difficult to interpret and complex to administer. For example, extra 'top-ups' are added where the sufferer's death resulted from diffuse mesothelioma or from a disease for which Industrial Injuries Disablement Benefit had been claimed.

There is also no legislative basis for how to treat claims where the sufferer makes a claim under the Scheme but dies before it can be processed.

These Regulations bring the rates of payments to dependants into line with rates of payments 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.

The relevant date/references to medical boards:

When calculating awards under the 1979 Scheme, the current provisions base the 'relevant date' on 'determinations' made by various medical boards, which are no longer in existence. These are being interpreted as Industrial Injuries Disablement Benefit (IIDB) medical assessments today. These outdated references are being removed.

The process of increasing payments under the 1979 Scheme as part of the annual Up-rating Package was introduced well after the Scheme was in place. It is therefore not set out clearly, which claims the increased rates apply to. A clear 'relevant date' for the purposes of calculating awards is being introduced.

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 Pneumoconiosis 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 Industrial Injuries Advisory Council 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.

Child's 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 1 September 2026, to be made in October and come into force on 31 October 2026. This Statutory Rule 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

In order for people here to benefit from these provisions from the same date as people in GB, the Northern Ireland Statutory Rule should be made and implemented to timescales which align as closely as possible with the GB Statutory Instrument.

In light of this the Minister has made the following statement:

“I am satisfied that ensuring the orderly making of this 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