1979 No. 271

SOCIAL SECURITY

Pneumoconiosis, etc., (Workers' Compensation) (Determination of Claims) Regulations (Northern Ireland) 1979

Made . . . . . 3*rd August* 1979
Coming into operation . . . 3*rd September* 1979

The Department of Manpower Services, in exercise of the powers conferred on it by Article 11(1) of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(a) 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) (Determination of Claims) Regulations (Northern Ireland) 1979 and shall come into operation on 3rd September 1979.

(2) In these Regulations "the Order" means the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979.

Manner of making claims

2. Any claim made under the provisions of the Order by a person who is disabled by a disease to which the Order applies or by the dependant of a person who, immediately before he died, was disabled by a disease to which the Order applies, shall be made in writing, signed by or on behalf of the person making the claim, in such form as the Department may in any particular case allow.

Time for making claims

3.—(1) In the case of a person disabled by a disease to which the Order applies no claim shall be considered for payment by the Department unless it is made within the period of 12 months from the date on which disablement benefit first became payable to that person or, if such benefit first became payable before the Order came into force, before 3rd September 1980.

(2) In the case of a dependant of a person who immediately before he died was disabled by a disease to which the Order applies no claim shall be considered for payment by the Department unless it is made within the period of 12 months from the date of the deceased's death or, if such death occurred before the Order came into force, before 3rd September 1980.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this Regulation the Department may extend the period for making any claims referred to in the said paragraphs for such further period as it considers appropriate, having regard to the circumstances of any particular case.

Particulars to be supplied as respects claims

4. As respects any claim made under the provisions of the Order the Department may require the applicant to give such information in relation to the claim and supply such evidence in connection therewith as will enable the Department to adequately determine any such claim.

(a) S.I. 1979/925 (N.I. 9)

Reconsideration by the Department

5. Any person who has made a claim for payment under the provisions of the Order, the Department having determined in relation to that claim that payment should not be made, may apply to the Department for reconsideration of the determination on either of the grounds specified in Article 6 of the Order namely that there has been a material change of circumstances since the determination was made or that the determination was made in ignorance of, or was based on a mistake as to, some material fact.

Manner of application for reconsideration

6. Any application for reconsideration referred to in Regulation 5 shall be made in writing to the Department and signed by or on behalf of the person making the claim. Any person making such application shall specify the grounds upon which it is requested that the said determination be reconsidered and shall give such other relevant information as the Department may require in order that it may adequately deal with the said reconsideration.

Time for application for reconsideration

7.—(1) In the case of a person disabled by a disease to which the Order applies, application for reconsideration on the ground that there has been a material change of circumstances since the determination was made, shall be made, in each case, to the Department within the period of 12 months from the date on which disablement benefit first became payable to that person or, if such benefit first became payable before the Order came into force, before 3rd September 1980.

(2) In the case of the dependant of a person who, immediately before he died, was disabled by a disease to which the Order applies, application for reconsideration on the ground that there has been a material change of circumstances since the determination was made shall be made to the Department within the period of 12 months from the date of the deceased's death or, if such death occurred before the Order came into force, before 3rd September 1980.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this Regulation the Department may extend the period for reconsideration referred to in the said paragraphs for such further period as it considers appropriate, having regard to the circumstances of any particular case.

(4) In the case of a person disabled by a disease to which the Order applies or in the case of the dependant of a person who, immediately before he died, was disabled by a disease to which the Order applies, application for reconsideration on the ground that the determination was made in ignorance of, or was based on a mistake as to, some material fact, shall be made, in each case, to the Department within a period of 3 months from the date on which the applicant became aware that the determination appeared to be so made or so based.

Reconsideration on the motion of the Department

8. The Department may, if it sees fit, at any time, of its own motion, institute a reconsideration of a determination on either of the grounds specified in paragraph (1) of Article 6 of the Order.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 3rd August 1979.

(L.S.) *D. J. Perham*
Senior Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the manner in which claims for payment must be made for determination by the Department of Manpower Services under the Pneumoconiosis, etc. (Workers' Compensation) (Northern Ireland) Order 1979 and also the manner in which applications for reconsideration of such determinations must be made. Time limits for making such claims and applications are prescribed, though the Department has power to extend these time limits where appropriate.

The Regulations apply to the diseases to which the Order of 1979 applies, namely pneumoconiosis, byssinosis and diffuse mesothelioma.