

WELFARE REFORM: INDUSTRIAL INJURIES DISABLEMENT BENEFIT CHANGES

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INTRODUCTION

1. This memo gives guidance on changes to Industrial Injuries Disablement Benefit introduced by
 1. the Welfare Reform (Northern Ireland) Order 2015 (WR (NI) Order 15) **and**
 2. the Industrial Injuries Benefit (Injuries arising before 5th July 1948) Regulations (Northern Ireland) 2016 (IIB (IAB 5.7.48) Regs (NI)) (SR 2016 no.239)
2. The changes take effect on 31.10.16¹ and apply to

1. injuries arising before 5.7.48
2. old cases
3. people under age 18
4. Industrial Death Benefit
5. Industrial Accident declarations

1 WR (NI) Order 15 (Commencement No.4) Order 2016 (SR 2016 No.234), art 3; IIB (IAB 5.7.48) Regs (NI), reg 1

INJURIES ARISING BEFORE 5.7.48

3. DMG 66750 gives guidance that one of the conditions for Industrial Injuries Disablement Benefit as the result of an Industrial Accident is that the accident must have happened on or after 5.7.48. In addition, DMG 67005 gives guidance that the date of onset or development of a prescribed disease must be on or after 5.7.48. However, that guidance will not apply to claims made from 31.10.16 as the date 5.7.48 is no longer of relevance to eligibility for Industrial Injuries Disablement Benefit¹. Therefore decision makers can consider entitlement to Industrial Injuries Disablement Benefit where
 1. a claimant has had an industrial accident² **or**
 2. the date of onset or development of a prescribed disease³is before 5.7.48.

1 WR (NI) Order 15, art 70(1); 2 SS CB (NI) Act 92, s 94 (1); 3 s 108(1)

OLD CASES

4. DMG Chapter 73 gives guidance on old cases. These are cases where Workmen's Compensation (Supplement) and Pneumoconiosis Byssinosis and Miscellaneous Diseases Benefit Scheme may be paid for
 1. accidents which happened **and**
 2. certain disease caused by employmentbefore 5.7.48. The changes mean that the provision¹ allowing for Workmen's Compensation (Supplement) and Pneumoconiosis Byssinosis and Miscellaneous Diseases Benefit Scheme to be paid will no longer apply from 31.10.16².

1 SS CB (NI) Act 92, s 111 & Sch 8; 2 WR (NI) Order 15, art 70(2)

5. People wishing to claim for

1. accidents which happened and
2. diseases caused by employment

before 5.7.48 should claim Industrial Injuries Disablement Benefit under the normal rules¹

1 SS CB (NI) Act 92, s 94(1) & s 108(1)

People receiving Workmen's Compensation (Supplement) or Pneumoconiosis Byssiniosis and Miscellaneous Diseases Benefit Scheme

6. People receiving Pneumoconiosis Byssiniosis and Miscellaneous Diseases Benefit Scheme before 31.10.16 will

1. transfer to Industrial Injuries Disablement Benefit **and**
2. receive benefit at the corresponding rates¹

from 31.10.16

Note: People who receive lesser incapacity allowance or partial disablement allowance will be paid a higher rate of benefit from 31.10.16 under the corresponding rates.

1 IIB (IAB 5.7.48) Regs (NI), reg 2 & Sch

Claims for Workmen's Compensation (Supplement) or Pneumoconiosis Byssiniosis and Miscellaneous Diseases Benefit Scheme made but not determined before 31.10.16

7. Where a claim for Pneumoconiosis Byssiniosis and Miscellaneous Diseases Benefit Scheme is made but not determined before 31.10.16, the decision maker should treat that claim as a claim for Industrial Injuries Disablement Benefit¹.

1 IIB (IAB 5.7.48) Regs (NI), reg 3

PEOPLE UNDER AGE 18

8. DMG 69100 gives guidance that lower rates of Industrial Injuries Disablement Benefit are payable where the claimant is under age 18. From 31.10.16, the age difference is removed¹ and these lower rates, including the special under 18 maximum rate of Industrial Injuries Disablement Benefit payable for successive accidents², will no longer apply.

1 WR (NI) Order 15, art 71(2); 2 art 71(3)

INDUSTRIAL DEATH BENEFIT

9. To be entitled to Industrial Death Benefit, a person must have been widowed before 11.4.88¹. From 31.10.16 no new claim for Industrial Death Benefit may be made².

1 SS CB (NI) Act 92, Sch 7, Part VI, para 14(1); 2 WR (NI) Order 15, art 73, SS CB (NI) Act 92, Part VI, Sch 7, para 14(1A)

INDUSTRIAL ACCIDENT DECLARATIONS

10. DMG 66008 2. gives guidance that a claimant can request that an accident be declared an industrial accident even if no claim for benefit has been made. However, from 31.10.16 that guidance no longer applies as a person will no longer be able to apply for an accident declaration where no Industrial Accident claim has been made¹.

1 WR (NI) Order 15, art 74(1)

ANNOTATIONS

Please annotate the number of this memo (DMG Memo Vol 11/24) against DMG paragraphs

64037, 64044, 66008, 66221, 66224, 66750, 66751, 67005, 67011, 67091, 67092, 67097, 67231, 67266, 67267, 67347, 67806, 67807, 67860, 67871, 67898, 67932, 67950, 67953, 67966, 67971, 69100, 69222, 69223, 71782, 72125, 73001 (Chapter title)

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**Distribution: All Holders of DMG
Volume 11**

August 2016