



# Welfare Reform Act 2012

## 2012 CHAPTER 5

### PART 3

#### OTHER BENEFIT CHANGES

##### *Industrial injuries benefit*

#### **64 Injuries arising before 5 July 1948**

- (1) In Part 5 of the Social Security Contributions and Benefits Act 1992 (industrial injuries benefit), the following provisions are repealed—
  - (a) in section 94(1), the words “after 4th July 1948”;
  - (b) in section 103(2)(a), the words “after 4th July 1948”;
  - (c) in section 108(1), the words “and which developed after 4th July 1948”;
  - (d) in section 108(3), the words “but not before 5th July 1948”;
  - (e) in section 109(5)(a), the words “after 4th July 1948”;
  - (f) in section 109(5)(b) and (6)(a), the words “and developed after 4th July 1948”.
- (2) Accordingly, section 111 and Schedule 8 of that Act (which relate to compensation and benefits in respect of industrial injuries before 5 July 1948) are repealed.
- (3) The Secretary of State may make regulations—
  - (a) for, and in relation to, the payment of industrial injuries benefit to persons to whom, before the commencement of this section, compensation or benefits were payable under section 111 of, and Schedule 8 to, the Social Security Contributions and Benefits Act 1992;
  - (b) for claims for the payment of such compensation or benefit to be treated as claims for industrial injuries benefit.
- (4) In subsection (3) “industrial injuries benefit” has the meaning given by section 122(1) of the Social Security Contributions and Benefits Act 1992.
- (5) Regulations under this section are to be made by statutory instrument.

---

*Status: This is the original version (as it was originally enacted).*

---

- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

## **65 Persons under 18**

- (1) In Schedule 4 to the Social Security Contributions and Benefits Act 1992 (rates of benefits), Part 5 (rates of industrial injuries benefit) is amended as follows.
- (2) In entry 1 (which relates to disablement pension (weekly rates)), in the second column (“Rate”)—
- (a) in the opening words, for the words from “in that Table” to the end of paragraph (b) there is substituted “in column (2) of that Table.”;
  - (b) in the Table, column (3) is repealed.
- (3) In entry 4 (which relates to the maximum of aggregate of weekly benefit payable for successive accidents), in the second column (“Rate”)—
- (a) paragraph (a) is repealed, except for the monetary amount specified;
  - (b) paragraph (b) is repealed, including the monetary amount specified.

## **66 Trainees**

- (1) After section 95 of the Social Security Contributions and Benefits Act 1992 there is inserted—

### **“95A Employment training schemes etc**

- (1) In the industrial injuries and diseases provisions any reference to employed earner’s employment shall be taken to include participation in an employment training scheme or employment training course of a prescribed description (and “employed earner” shall be construed accordingly).
  - (2) In those provisions, a reference to an employer, in relation to any such participation, shall be taken to be a prescribed person.
  - (3) In this section “industrial injuries and diseases provisions” has the same meaning as in section 95(4) above.”
- (2) In section 11 of the Employment and Training Act 1973 (financial provision), in subsection (3) (power to make payments in respect of trainees equivalent to social security benefits payable in respect of employees), for “Parts II to V” there is substituted “Parts 2 to 4”.
- (3) The Secretary of State may make regulations—
- (a) for, and in relation to, the payment of industrial injuries benefit to persons to whom, before the commencement of this section, payments were payable under section 11(3) of the Employment and Training Act 1973;
  - (b) for claims for such payments to be treated as claims for industrial injuries benefit.
- (4) In subsection (3) “industrial injuries benefit” has the meaning given by section 122(1) of the Social Security Contributions and Benefits Act 1992.
- (5) Regulations under this section are to be made by statutory instrument.

- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

**67 Restriction on new claims for industrial death benefit**

In Part 6 of Schedule 7 to the Social Security Contributions and Benefits Act 1992 (industrial death benefit), in paragraph 14, after sub-paragraph (1) there is inserted—

“(1A) No claim may be made for industrial death benefit after the coming into force of this sub-paragraph.”

**68 Determinations**

- (1) Section 29(2) of the Social Security Act 1998 (which provides for decisions as to whether an accident is an industrial accident in the absence of a claim for benefit) is repealed.
- (2) In section 30 of that Act (effect of decision), in subsection (1), the words from “(given” to “otherwise)” are repealed.