

**2004 No. 101**

**SOCIAL SECURITY**

**The Workmen's Compensation (Supplementation)  
(Amendment) Regulations (Northern Ireland) 2004**

*Made* - - - - - *8th March 2004*

*Coming into operation* *14th April 2004*

The Department for Social Development, in exercise of the powers conferred by section 171(4) of, and paragraph 2 of Schedule 8 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and paragraph 1 of Schedule 6 to the Social Security Administration (Northern Ireland) Act 1992(b), and now vested in it(c), and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 14th April 2004.

(2) In these Regulations –

“lesser incapacity allowance” means the allowance payable in accordance with regulation 5 of the principal Regulations;

“the operative date” means 14th April 2004;

“the principal Regulations” means the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1983(d).

(3) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of regulation 5 of the principal Regulations**

2. In regulation 5(2) of the principal Regulations (lesser incapacity allowances) for “9th April 2003” there shall be substituted “14th April 2004”.

**Substitution of Schedule 1 to the principal Regulations**

3. For Schedule 1 to the principal Regulations (table of rates of lesser incapacity allowance for beneficiaries to whom regulation 5(2) applies and table of loss of earnings and corresponding

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(a) 1992 c. 7; paragraph 2 of Schedule 8 is amended by Article 7 of S.R. 2004 No. 82

(b) 1992 c. 8; paragraph 1(7) of Schedule 6 was amended by paragraph 90 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(c) See Article 8(b) of S.R. 1999 No. 481

(d) S.R. 1983 No. 101; relevant amending regulations are S.R. 1990 No. 445 and S.R. 2003 No. 164

(e) 1954 c. 33 (N.I.)

rates of lesser incapacity allowance) there shall be substituted the Schedule set out in the Schedule to these Regulations.

**Transitional provision relating to amount of allowance payable**

4. Where –

- (a) a beneficiary was, before the operative date, in receipt of a lesser incapacity allowance; and
- (b) the final calculation of loss of earnings required by regulation 7(2) of the principal Regulations had not been made in respect of him by that date,

the beneficiary shall be treated as entitled, from the operative date, to an allowance at the rate to which he would have been entitled had the final calculation been made before that date.

**Transitional provision relating to claims not made, or made but not determined, before the operative date**

5. Where –

- (a) a claim for lesser incapacity allowance either –
  - (i) was not made before the operative date and the allowance is awarded for a period beginning on or after the operative date at one of the rates shown in the second column of Part II of Schedule 1 to the principal Regulations; or
  - (ii) was made but not determined before the operative date; and
- (b) such allowance is found to be payable in respect of a period before the operative date,

the rate payable in respect of the period before the operative date shall be that which would have been payable had the amendment to the principal Regulations made by regulation 3 not been made.

**Transitional provision relating to revision and appeal**

6. Where a lesser incapacity allowance has been awarded to a person under the principal Regulations before the operative date and a question arises as to the weekly rate of allowance payable in consequence of these Regulations, the case shall be reconsidered in the light of the amendments made by, and transitional provisions contained in, these Regulations and the allowance shall continue to be payable at the weekly rate specified in the award until the question has been determined in accordance with the provisions of the principal Regulations.

**Revocation**

7. The Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 2003(a) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 8th March 2004.

(L.S.)

*John O'Neill*

Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 9th March 2004.

(L.S.)

*Michael Brennan*

Senior Officer of the Department of Finance and Personnel

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(a) S.R. 2003 No. 164

SCHEDULE

Regulation 3

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

“SCHEDULE 1

Regulation 5

PART I

TABLE OF RATES OF LESSER INCAPACITY ALLOWANCE FOR BENEFICIARIES TO WHOM REGULATION 5(2) APPLIES

<i>Rate of lesser incapacity allowance from 9th April 2003 to 13th April 2004 inclusive</i>	<i>Rate of lesser incapacity allowance from 14th April 2004</i>
£	£
3.60	3.70
9.65	9.90
16.30	16.75
23.60	24.25
33.90	34.85
43.15	44.35

PART II

TABLE OF LOSS OF EARNINGS AND CORRESPONDING RATES OF LESSER INCAPACITY ALLOWANCE

<i>Loss of earnings</i>	<i>Rate of lesser incapacity allowance</i>
£	£
12.05	3.70
26.35	9.90
40.80	16.75
48.15	24.25
58.80	34.85
Over 58.80	44.35”

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1983 by increasing the lower rates of lesser incapacity allowance consequential upon the increase in the maximum rate of that allowance made by the Social Security Benefits Up-rating Order (Northern Ireland) 2004. The Regulations also include transitional and revocation provisions.

These Regulations do not impose any costs on business.

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