

Status: Point in time view as at 06/04/2009.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Regulations to provide for supplementing workmen's compensation is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 8

INDUSTRIAL INJURIES AND DISEASES (OLD CASES)

Modifications etc. (not altering text)

- C1** Sch. 8 modified (1.7.1992) by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8\)](#), ss. 161, 168(4), [Sch. 6 para. 1\(4\)](#)

PART I

WORKMEN'S COMPENSATION AND INDUSTRIAL DISEASES BENEFIT IN RESPECT OF EMPLOYMENT BEFORE 5TH JULY 1948

Regulations to provide for supplementing workmen's compensation

- 2 (1) The Department may, with the consent of the Department of Finance and Personnel, make regulations (in this Schedule referred to as “the regulations”) conferring a right to allowances on persons who are, or have at any time after 23rd July 1951 been, entitled to weekly payments by way of workmen's compensation, other than a person whose entitlement to such payments—
- (a) arose in consequence of an accident happening after 31st December 1923; and
 - (b) ceased before 24th July 1956.
- (2) Subject to the provisions of this Schedule, the right to such an allowance or to a payment on account of such an allowance shall be subject to such conditions, and the rate of the allowance shall be such, as may be provided by the regulations.
- (3) The allowances for the payment of which the regulations may make provision shall be—
- (a) where the relevant accident happened before 1st January 1924, an allowance (in this paragraph referred to as a “basic allowance”) in respect of any period such as is mentioned in sub-paragraph (8) below;
 - (b) an allowance in respect of any period such as is mentioned in sub-paragraph (8)(a) below (in this paragraph referred to as a “major incapacity allowance”);
 - (c) subject to sub-paragraphs (4) and (5) below, an allowance in respect of any period such as is mentioned in sub-paragraph (8)(b) below (in this paragraph referred to as a “lesser incapacity allowance”);
- and a major incapacity allowance or lesser incapacity allowance in respect of any period shall be payable whether or not a basic allowance is also payable in respect of that period.

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- (4) A lesser incapacity allowance—
- (a) shall not be payable to any person in respect of any period unless there is or may be expected to be (or, but for the cesser at a time after 28th February 1966 of that person's entitlement to workmen's compensation, would or might be expected to have been) payable to that person in respect of that period either a weekly payment by way of basic allowance or a weekly payment by way of workmen's compensation which is not a notional payment;
 - (b) except to a person who immediately before 1st March 1966 was receiving an allowance under a scheme made under the ^{M1}Workmen's Compensation (Supplementation) Act (Northern Ireland) 1951, shall not be payable if the relevant accident happened after 31st December 1923 and the claimant's entitlement to workmen's compensation in consequence of it ceased before 1st March 1966.
- (5) For the purposes of a lesser incapacity allowance, a weekly payment by way of workmen's compensation shall be treated as a notional payment if awarded or paid for the purpose of safeguarding a potential entitlement to compensation and not related to any existing loss of earnings; and the regulations may provide that—
- (a) in such circumstances or cases as may be specified in the regulations; and
 - (b) in particular, in cases where weekly payments by way of such compensation are being paid to a person to whom such payments were not made, or were made at a lower rate, during the period of 12 months immediately preceding such date not earlier than 30th November 1965 as may be specified in the regulations,
- a weekly payment by way of such compensation shall be deemed to be a notional payment unless the contrary is proved.
- (6) The weekly rate—
- (a) of a basic allowance shall not exceed £2 less the amount of the recipient's workmen's compensation and, in respect of a period such as is mentioned in sub-paragraph (8)(b) below which is a period of partial incapacity only, shall also not exceed the difference between 2/3rds of the amount representing his weekly loss of earnings determined in accordance with the regulations and the amount of his workmen's compensation;
 - (b) of a major incapacity allowance shall be the corresponding disablement pension rate;
 - (c) of a lesser incapacity allowance shall not exceed [^{F1}£53·10].
- (7) Sub-paragraph (6)(b) above shall have effect in relation to any person who has retired, or is treated as having retired, from regular employment, for the purposes of Parts I to VI of this Act, for so long as he continues to be treated as retired for those purposes, as if at the end of the paragraph there were added the words “ less the amount of the recipient's workmen's compensation and less the amount of his basic allowance, if any ”.
- (8) The periods referred to in sub-paragraph (3) above are—
- (a) any period during which the person claiming or receiving an allowance under this paragraph—
 - (i) being or having been entitled to his workmen's compensation in respect of any injury or disease, is as a result of that injury or disease

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- totally incapable of work and likely to remain so incapable for a considerable period; or
- (ii) being or having been entitled to his workmen's compensation in respect of two or more injuries or diseases, is as the joint result of those injuries or diseases totally incapable of work and likely to remain so incapable for a considerable period;
- (b) any period which, not being a period such as is mentioned in paragraph (a) above, is a period of total or partial incapacity for work resulting from the relevant injury or disease.

Textual Amendments

- F1** Sum in Sch. 8 para. 2(6)(c) substituted (6.4.2009) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2009 \(S.R. 2009/89\)](#), arts. 1(1)(f), 7

Modifications etc. (not altering text)

- C1** Sch. 8 para. 2 amended (1.7.1992) by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8\)](#), ss. 161, 168(4), [Sch. 6 para. 1\(1\)](#).
- C2** Sch. 8 para. 2 extended (1.7.1992) by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8\)](#), ss. 161, 168(4), [Sch. 6 paras. 2\(1\), 3](#).

Marginal Citations

- M1** 1951 c. 16 (N.I.).

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