

1988 No. 574

SOCIAL SECURITY

**The Workmen's Compensation (Supplementation)
Amendment Scheme 1988**

<i>Made</i> - - - -	<i>23rd March 1988</i>
<i>Laid before Parliament</i>	<i>23rd March 1988</i>
<i>Coming into force</i>	<i>13th April 1988</i>

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred upon him by sections 2 and 4(2) of the Industrial Injuries and Diseases (Old Cases) Act 1975(a) and of all other powers enabling him in that behalf, hereby makes, in consequence of the making of the Social Security Benefits Up-rating (No.2) Order 1987(b), the following scheme(c):

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Workmen's Compensation (Supplementation) Amendment Scheme 1988 and shall come into force on 13th April 1988.

(2) This Scheme shall be read as one with the Workmen's Compensation (Supplementation) Scheme 1982(d) ("the principal scheme").

(3) In this Scheme, "the operative date" means 13th April 1988.

Amendment of article 5 of the principal scheme

2. Paragraph (2) of article 5 of the principal scheme shall be amended by substituting for the date "8th April 1987" the date "13th April 1988".

Substitution of Schedule 1 to the principal scheme

3. For Schedule 1 to the principal scheme (table of rates of lesser incapacity allowance for beneficiaries to whom article 5(2) applies and table of loss of earnings and corresponding rate of lesser incapacity allowance) there shall be substituted the Schedule set out in the Schedule to this scheme.

Transitional provision relating to amount of allowance payable

4.—(1) The provision of paragraph (2) of this article shall apply to a beneficiary who was, before the operative date, in receipt of a lesser incapacity allowance but in respect of whom the final calculation of earnings required by article 7(2) of the principal scheme had not been made by that date.

(a) 1975 c.16. (b) S.I. 1987/1978 made under section 63 of the Social Security Act 1986 (c.50). (c) See the Industrial Injuries and Diseases, (Old Cases) Act 1975 (c/16), S.4C1). (d) S.I. 1982/1489; the relevant amending instruments are S.I. 1982/1490, 1983/1361, 1984/1118, 1985/1446, 1986/1174, 1987/419 and 429.

(2) In such a case as is referred to in paragraph (1) above 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 the operative date.

Transitional provision relating to claims not made before the operative date

5.—(1) The provisions of paragraph (2) of this article shall apply to a person whose claim for lesser incapacity allowance was not made before the operative date and who is awarded such allowance for a period after the operative date at one of the rates shown in the second column of Part II of Schedule 1 to the principal scheme.

(2) Any lesser incapacity allowance which is found to be payable to such a person as aforesaid in respect of a period before the operative date shall –

- (a) in so far as it relates to the period from 8th April 1987 to 12th April 1988 inclusive, be paid at the rate shown in the first column of Part I of Schedule 1 to the principal scheme which corresponds to the rate awarded to him for the period after the operative date; and
- (b) in so far as it relates to a period before 8th April 1987 be paid at the rate or rates then in force which corresponds or correspond to the rate awarded to him for the period after the operative date.

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

6.—(1) The provision of paragraph (2) of this article shall apply to a person whose claim for lesser incapacity allowance was made but not determined before the operative date.

(2) Any lesser incapacity allowance which is found to be payable to such a person as aforesaid in respect of a period before the operative date shall be paid at the rate or rates in force for that period which corresponds or correspond with that person's loss of earnings.

Transitional provision relating to review and appeal

7. Where a lesser incapacity allowance has been awarded to a person under the principal scheme before the operative date and a question arises as to the weekly rate of allowance payable in consequence of this scheme, the case shall be reviewed by the adjudication officer in the light of amendments made by this scheme 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 scheme.

Signed by authority of the Secretary of State for Social Services.

18th March 1988

Nicholas Scott
Minister of State,
Department of Health and Social Security

We consent,

23rd March 1988

D. Lightbown
Michael Neubert
Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Article 3

CONTAINING NEW SCHEDULE 1 TO BE SUBSTITUTED IN PRINCIPAL SCHEME

SCHEDULE 1

PART I

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

<i>Rate of Lesser Incapacity Allowance Allowance before 13th April 1988</i> £	<i>Rate of Lesser Incapacity Allowance from 13th April 1988</i> £
2.05	2.15
5.30	5.50
9.00	9.40
12.90	13.45
18.65	19.45
23.75	24.75

PART II

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

<i>Loss of Earnings</i> £	<i>Rate of Lesser Incapacity Allowance</i> £
6.80	2.15
14.80	5.50
22.80	9.40
26.95	13.45
32.95	19.45
over 32.95	24.75

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1982 by making adjustments to 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 (No. 2) Order 1987. The Scheme also makes transitional provision consequent upon that Order.