
STATUTORY INSTRUMENTS

1991 No. 718

**The Workmen's Compensation
(Supplementation) Amendment Scheme 1991**

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Workmen's Compensation (Supplementation) Amendment Scheme 1991 and shall come into force on 10th April 1991.

(2) In this Scheme,—

“the operative date” means 10th April 1991;

“the principal Scheme” means the Workmen's Compensation (Supplementation) Scheme 1982(1);

“lesser incapacity allowance” means the allowance payable in accordance with article 5 of the principal Scheme.

(3) Expressions used in this Scheme and in the principal Scheme have the same meaning in this Scheme as they have in the principal Scheme.

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 “11th April 1990” the date “10th April 1991”.

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 provisions 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.

(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.

(1) S.I.1982/1489; the relevant amending instruments are S.I. 1982/1490, 1983/1361, 1984/1118, 1985/1446, 1986/1174, 1987/419, 429, 1988/574, 1989/525, 1990/688 and 2538.

Transitional provision relating to claims not made before the operative date

5.—(1) 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 a person mentioned in paragraph (1) in respect of a period before the operative date shall—

- (a) in so far as it relates to the period from 11th April 1990 to 9th April 1991 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 11th April 1990, 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) 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 a person mentioned in paragraph (1) 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, and transitional provisions contained in, 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 Security.

13th March 1991

Nicholas Scott
Minister of State,
Department of Social Security

We consent,

Thomas Sackville

18th March 1991

Irvine Patnick
Two of the Lords Commissioners of Her
Majesty's Treasury