

**2009 No. 664**

**SOCIAL SECURITY**

**The Workmen's Compensation (Supplementation) (Amendment)  
Scheme 2009**

<i>Made</i> - - - -	<i>12th March 2009</i>
<i>Laid before Parliament</i>	<i>18th March 2009</i>
<i>Coming into force</i> - -	<i>8th April 2009</i>

The Secretary of State for Work and Pensions makes the following Scheme, with the consent of Treasury, in exercise of the powers conferred by paragraph 2 of Schedule 8 to the Social Security Contributions and Benefits Act 1992(a) and paragraph 1 of Schedule 9 to the Social Security Administration Act 1992(b).

**Citation, commencement and interpretation**

1.—(1) This Scheme may be cited as the Workmen's Compensation (Supplementation) (Amendment) Scheme 2009 and shall come into force on 8th April 2009.

(2) In this Scheme—

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

“operative date” means 8th April 2009;

“principal Scheme” means the Workmen's Compensation (Supplementation) Scheme 1982(c).

**Amendment of article 5 of the principal Scheme**

2. In article 5(2) (lesser incapacity allowances under scheme) of the principal Scheme, for “9th April 2008” substitute “8th April 2009”.

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

3. For Schedule 1 (table of rates) to the principal Scheme substitute the following—

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(a) 1992 c. 4. Paragraph 2(6)(c) of Schedule 8 was amended by **S.I. 2009/497**.

(b) 1992 c. 5. Paragraph 1(6) of Schedule 9 was amended by section 86(1) of, and paragraph 115 of Schedule 7 to, the Social Security Act 1998 (c. 14).

(c) S.I. 1982/1489; relevant amending instruments are S.I. 1990/2538 and 2008/721.

PART 1

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

<i>Rate of lesser incapacity allowance from 9th April 2008 to 7th April 2009</i>	<i>Rate of lesser incapacity allowance from 8th April 2009</i>
£	£
4.20	4.40
11.35	11.90
19.05	20.00
27.60	29.00
39.70	41.70
50.55	53.10

PART 2

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

<i>Loss of earnings</i>	<i>Rate of lesser incapacity allowance</i>
£	£
14.40	4.40
31.50	11.90
48.85	20.00
57.65	29.00
70.35	41.70
Over 70.35	53.10”

**Transitional Provision**

4.—(1) Where a beneficiary was, before the operative date, in receipt of lesser incapacity allowance and the final calculation of loss of earnings required by article 7(2) of the principal Scheme had not been made in respect of the beneficiary by that date, the beneficiary is treated as entitled, from that date, to an allowance at the same rate as if the final calculation had been made before that date.

(2) Where lesser incapacity allowance is payable for a period before the operative date and the claim for the allowance was either—

- (a) not made before the operative date and the allowance is awarded for a period beginning on or after that date at one of the rates shown in the second column of Part 2 of Schedule 1 to the principal Scheme (as amended by this Scheme); or
- (b) made but not determined before the operative date,

the rate payable in respect of the period before the operative date is that which would have been payable had the amendment to the principal Scheme made by article 3 of this Scheme not been made.

(3) Where a lesser incapacity allowance has been awarded before the operative date and a question arises as to the weekly rate payable in consequence of this Scheme—

- (a) the case shall be reconsidered in the light of the amendments made by, and transitional provisions contained in, this Scheme; and

- (b) the allowance continues 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 Work and Pensions

10th March 2009

*Rosie Winteron.*  
Minister of State  
Department of Work and Pensions

We consent,

12th March 2009

*Frank Roy*  
*Tony Cunningham.*  
Two of the Lords Commissioners of Her Majesty's Treasury

## EXPLANATORY NOTE

*(This note is not part of the Scheme)*

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1982 (S.I. 1982/1489) by making adjustments to the rate of lesser incapacity allowance. This is consequential upon the increase in the maximum rate of that allowance made by the Social Security Benefits Up-rating Order 2009 (S.I. 2009/497). The Scheme also makes transitional provision.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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