

**EXPLANATORY MEMORANDUM TO**  
**THE WORKMEN'S COMPENSATION (SUPPLEMENTATION)**  
**(AMENDMENT) SCHEME 2009**

**2009No. 664**

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1982 by making adjustments to the rate of lesser incapacity allowance. The changes are a consequence of the Social Security Benefits Up-rating Order 2009.

**3. Matters of special interest to the Select Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 This scheme is made as part of the general annual uprating of the Social Security and similar benefits. Paragraph 2 of Schedule 8 to the Social Security Contributions and Benefits Act 1992 provides for the making of the Workmen's Compensation (Supplementation) Scheme. This ensures that uprating is applied correctly to those whom payment of an increase (in full or part) may not be appropriate, benefit recipients living abroad and carers with dependant children.

**5. Territorial Extent and Application**

5.1 This instrument applies to all of Great Britain.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy Background**

7.1 The Workmen's Compensation (Supplementation) Scheme pays extra benefit to people who receive Workmen's Compensation for an accident or disease arising from work they did before 5<sup>th</sup> July 1948. Lesser incapacity allowance is paid to a person who is partially unable to work because of their

accident or disease. The amount paid is based on the earnings they are losing because of their incapacity. This Scheme makes adjustments to increase the rate of lesser incapacity allowance under the Workmen's Compensation (Supplementation) Scheme 1982. The increase is based on the Retail Price Index of 5% in September 2008: the same indicator of inflation for the main social security benefits.

### *Consolidation*

7.2 Informal consolidation of the instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at: <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>

## **8. Consultation Outcome**

8.1 Consultation is not necessary as this forms part of the normal yearly uprating.

## **9. Guidance**

9.1 A guidance bulletin detailing new rates will be issued to claim processors in the office with responsibility for processing claims.

## **10. Impact**

10.1 This instrument has no impact on business, charities or voluntary bodies.

10.2 This instrument imposes no new costs on the public sector; the annually recurring costs are already provided for in the Government's expenditure plans.

10.3 A full impact assessment has not been prepared for this instrument.

## **11. Regulating Small Business**

11.1 The legislation does not apply to small business.

## **12. Monitoring and Review**

12.1 The changes in the payable rate aim to maintain the value of payment in line with the agreed rate of inflation.

12.2 An internal review will be conducted on 1<sup>st</sup> April to ensure the uprating has been successfully implemented.

### **13. Contact**

13.1 Sue Ensor at the Department for Work and Pensions Tel: 0113 232 7456 or e-mail: [sue.ensor@jobcentreplus.gsi.gov.uk](mailto:sue.ensor@jobcentreplus.gsi.gov.uk) can answer any queries regarding the instrument.