
STATUTORY INSTRUMENTS

2012 No. 833

**The Workmen's Compensation
(Supplementation) (Amendment) Scheme 2012**

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 in respect of 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.