
 STATUTORY INSTRUMENTS

1990 No. 2538

SOCIAL SECURITY

**The Workmen's Compensation (Supplementation)
(Amendment) and the Pneumoconiosis, Byssinosis and
Miscellaneous Diseases Benefit (Amendment) Scheme
1990**

<i>Made - - - -</i>	<i>10th December 1990</i>
<i>Laid before Parliament</i>	<i>19th December 1990</i>
<i>Coming into force</i>	<i>9th January 1991</i>

The Secretary of State for Social Security, after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(a) and with the consent of the Treasury, in exercise of the powers conferred by sections 2, 4(2), (3), (4) and (8), 5(1) and 8(1) of the Industrial Injuries and Diseases (Old Cases) Act 1975(b) and of all other powers enabling him in that behalf, hereby makes the following Scheme:

Citation and commencement

1. This Scheme, which may be cited as the Workmen's Compensation (Supplementation) (Amendment) and the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit (Amendment) Scheme 1990, shall come into force on 9th January 1991.

Workmen's Compensation (Supplementation) Scheme

2.—(1) The Workmen's Compensation (Supplementation) Scheme 1982(c) shall be read as one with the following provisions of this article.

(2) The Workmen's Compensation (Supplementation) Scheme 1982 shall be varied in the following respects —

- (a) in articles 2(1), 4(1), 5(1) and 36 for the words "the National Insurance Fund" there shall be substituted the words "money provided by Parliament";
- (b) in article 11 for the reference to the Social Security (Claims and Payments) Regulations 1979(d) there shall be substituted a reference to the Social Security (Claims and Payments) Regulations 1987(e);

(a) 1971 c.62.

(b) 1975 c.16; section 2(6)(b) was amended by the Social Security Act 1986 (c.50), Schedule 10, paragraph 67 with savings by article 3 of S.I. 1987/354 (retired people); the amount in section 2(6)(c) was substituted by article 6 of S.I. 1990/320; section 4(2) was amended by the Social Security Act 1989 (c.24), Schedule 8, paragraph 10(1); section 4(4) was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c.5), section 11(1)(a) and the Social Security Act 1986, Schedule 11; section 4(8) was amended by the Social Security Act 1986, Schedule 10, paragraph 68(1) and the Social Security Act 1990 (c.27), Schedule 6, paragraph 12; and sections 2(1), 5(1) and 4(4)(e) were amended by that Act, section 16(8).

(c) S.I. 1982/1489.

(d) S.I. 1979/628; relevant provisions revoked by S.I. 1987/1968.

(e) S.I. 1987/1968.

- (c) in article 12 –
 - (i) for the reference to the Social Security (Adjudication) Regulations 1984(a) there shall be substituted a reference to the Social Security (Adjudication) Regulations 1986(b); and
 - (ii) after the reference to the Social Security (Adjudication) Regulations there shall be added “and of the Social Security Commissioners Procedure Regulations 1987(c) and of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(d)”;
- (d) in articles 23(1) and 26(8) for the words “National Insurance Fund” there shall be substituted the words “Secretary of State”; and
- (e) for Schedule 2 there shall be substituted the Schedule set out in Schedule 1 to this Scheme.

Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme

3.—(1) The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983(e) shall be read as one with the following provisions of this article.

(2) The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983 shall be varied in the following respects –

- (a) in articles 2(1) and 31 for the words “the National Insurance Fund” there shall be substituted the words “money provided by Parliament”;
- (b) in article 11 for the reference to the Social Security (Claims and Payments) Regulations 1979(f) there shall be substituted a reference to the Social Security (Claims and Payments) Regulations 1987(g);
- (c) in article 12 –
 - (i) for the reference to the Social Security (Adjudication) Regulations 1984 there shall be substituted a reference to the Social Security (Adjudication) Regulations 1986; and
 - (ii) after the reference to the Social Security (Adjudication) Regulations there shall be added “and of the Social Security Commissioners Procedure Regulations 1987 and of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988”;
- (d) in articles 23(1), 24 and 26(8) for the words “National Insurance Fund” there shall be substituted the words “Secretary of State”; and
- (e) for Schedule 3 there shall be substituted the Schedule set out in Schedule 2 to this Scheme.

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

29th November 1990

Nicholas Scott
Minister of State,
Department of Social Security

We consent,

10th December 1990

John Major
Norman Lamont
Two of the Lords Commissioners
of Her Majesty's Treasury

(a) S.I. 1984/451; relevant provisions revoked by S.I. 1986/2218 and 1987/214.
 (b) S.I. 1986/2218.
 (c) S.I. 1987/214.
 (d) S.I. 1988/664.
 (e) S.I. 1983/136.
 (f) S.I. 1979/628.
 (g) S.I. 1987/1968.

SCHEDULE 1

Article 2(2)(e)

SCHEDULE 2

Articles 11 and 12

**PROVISIONS OF THE SOCIAL SECURITY ACT OR REGULATIONS APPLICABLE
(WITH THE NECESSARY MODIFICATIONS) TO THIS SCHEME**

Provisions of the Social Security Act or Regulations applicable	Subject matter
Social Security Act 1975(a)	
Section 99	Decision of adjudication officer
Section 100	Appeal to social security appeal tribunal
Section 101	Appeal from social security appeal tribunal to Commissioner
Section 102	Questions first arising on appeal
Section 104	Review of decisions
Section 115A	Referral of questions of special difficulty to experts
The Social Security (Claims and Payments) Regulations 1987(b)	
Regulation 4	Making a claim for benefit
Regulation 5	Amendment and withdrawal of claim
Regulation 6	Date of claim
Regulation 16	Date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate
Regulation 17	Duration of awards
Regulation 20	Time and manner of payment: general provision
Regulation 21	Direct credit transfer
Regulation 22	Long term benefits
Regulation 25	Payment of attendance allowance and constant attendance allowance at a daily rate
Regulation 28	Fractional amounts of benefit
Regulation 30	Payments on death
Regulation 33	Persons unable to act
Regulation 37	Suspension of benefit
Regulation 38	Extinguishment of right to payment where not obtained within prescribed period
Regulation 47	Instruments of payment

(a) 1975 c.14.

(b) S.I. 1987/1968; relevant amending instruments are S.I. 1988/522, 1725, 1989/1686.

SCHEDULE 1-Cont.

Provisions of the Social Security Act or Regulations applicable	Subject Matter
The Social Security (Adjudication) Regulations 1986(a)	
Regulation 2	Procedure in connection with determinations; and right to representation
Regulation 3	Manner of making applications, appeals or references; and time limits
Regulation 4	Oral hearings and inquiries
Regulation 5	Postponement and adjournment
Regulation 6	Withdrawal of applications, appeals and references
Regulation 9	Non-disclosure of medical evidence
Regulation 10	Correction of accidental errors in decisions
Regulation 11	Setting aside decisions on certain grounds
Regulation 12	Provisions common to regulations 10 and 11
Regulation 21	Procedure on claim or question involving questions for determination by the Secretary of State
Regulation 24	Oral hearing of appeals and references
Regulation 25	Decisions of appeal tribunals
Regulation 66	Review of decisions involving payment or increase of industrial injuries benefit
The Social Security (General Benefit) Regulations 1982(b)	
Regulation 3	Suspension of payment of benefit during imprisonment etc.
The Social Security Commissioners Procedure Regulations 1987(c)	
Regulation 3	Application to a Commissioner for leave to appeal
Regulation 4	Notice of application to a Commissioner for leave to appeal
Regulation 5	Determination of application
Regulation 6	Notice of appeal
Regulation 7	Time limit for appealing
Regulation 9	Acknowledgement of a notice of appeal or a reference and notification to each respondent

(a) S.I. 1986/2218.

(b) S.I. 1982/1408, to which there are amendments not relevant to this Scheme.

(c) S.I. 1987/214.

SCHEDULE 1-Cont.

Provisions of the Social Security Act or Regulations applicable	Subject matter
Regulation 10	Respondent's written observations
Regulation 11	Written observations in reply
Regulation 12	Directions
Regulation 13	Medical references
Regulation 14	Non-disclosure of medical evidence
Regulation 15	Requests for oral hearings
Regulation 16	Representations at an oral hearing
Regulation 17	Oral hearings
Regulation 18	Summoning of witnesses
Regulation 19	Postponement and adjournment
Regulation 20	Withdrawal of applications for leave to appeal, appeals and references
Regulation 21	Irregularities
Regulation 22	Determinations and decisions of a Commissioner
Regulation 24	Correction of accidental errors in decisions
Regulation 25	Setting aside of decisions on certain grounds
Regulation 26	Provisions common to regulations 24 and 25
Regulation 27	General powers of a Commissioner
Regulation 29	Delegation of functions to nominated officers
Regulation 30	Manner of and time for service of notices, etc.
Regulation 31	Application to a Commissioner for leave to appeal to the Courts
Regulation 32	Revocation
Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(a)	
Regulation 5	Offsetting prior payment against subsequent award

Article 3(2)(e)

SCHEDULE 2

Articles 11 and 12

SCHEDULE 3

**PROVISIONS OF THE SOCIAL SECURITY ACT OR REGULATIONS APPLICABLE
(WITH THE NECESSARY MODIFICATIONS) TO THIS SCHEME**

Provisions of the Social Security Act or Regulations applicable	Subject matter
Social Security Act 1975	
Section 99	Decision of adjudication officer
Section 100	Appeal to social security appeal tribunal
Section 101	Appeal from social security appeal tribunal to Commissioner
Section 102	Questions first arising on appeal
Section 104	Review of decisions
Section 114	Regulations as to the determination of questions
Section 115A	Referral of questions of special difficulty to experts
The Social Security (Claims and Payments) Regulations 1987(a)	
Regulation 4	Making a claim for benefit
Regulation 5	Amendment and withdrawal of claim
Regulation 6	Date of claim
Regulation 16	Date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate
Regulation 17	Duration of awards
Regulation 20	Time and manner of payment: general provision
Regulation 21	Direct credit transfer
Regulation 22	Long term benefits
Regulation 25	Payment of attendance allowance and constant attendance allowance at a daily rate
Regulation 28	Fractional amounts of benefit
Regulation 30	Payments on death
Regulation 33	Persons unable to act
Regulation 37	Suspension of benefit
Regulation 38	Extinguishment of right to payment where not obtained within prescribed period

(a) S.I. 1987/1968; relevant amending instruments are S.I. 1988/522, 1725, 1989/1686.

SCHEDULE 2-Cont.

Provisions of the Social Security Act or Regulations applicable	Subject matter
Regulation 47 The Social Security (Adjudication) Regulations 1986(a)	Instruments of payment
Regulation 2	Procedure in connection with determinations; and right to representation
Regulation 3	Manner of making applications, appeals or references; and time limits
Regulation 4	Oral hearings and inquiries
Regulation 5	Postponement and adjournment
Regulation 6	Withdrawal of applications, appeals and references
Regulation 9	Non-disclosure of medical evidence
Regulation 10	Correction of accidental errors in decisions
Regulation 11	Setting aside decisions on certain grounds
Regulation 12	Provisions common to regulations 10 and 11
Regulation 19	Other questions for determination by the Secretary of State
Regulation 21	Procedure on claim or question involving questions for determination by the Secretary of State
Regulation 24	Oral hearing of appeals and references
Regulation 25	Decisions of appeal tribunals
Regulation 66	Review of decisions involving payment or increase of industrial injuries benefit
The Social Security (General Benefit) Regulations 1982(b)	
Regulation 3	Suspension of payment of benefit during imprisonment etc.
The Social Security Commissioners Procedure Regulations 1987(c)	
Regulation 3	Application to a Commissioner for leave to appeal
Regulation 4	Notice of application to a Commissioner for leave to appeal

(a) S.I. 1986/2218.

(b) S.I. 1982/1408, to which there are amendments not relevant to this Scheme.

(c) S.I. 1987/214.

SCHEDULE 2—*Cont.*

Provisions of the Social Security Act or Regulations applicable	Subject matter
Regulation 5	Determination of application
Regulation 6	Notice of appeal
Regulation 7	Time limit for appealing
Regulation 9	Acknowledgement of a notice of appeal or a reference and notification to each respondent
Regulation 10	Respondent's written observations
Regulation 11	Written observations in reply
Regulation 12	Directions
Regulation 13	Medical references
Regulation 14	Non-disclosure of medical evidence
Regulation 15	Requests for oral hearings
Regulation 16	Representations at an oral hearing
Regulation 17	Oral hearings
Regulation 18	Summoning of witnesses
Regulation 19	Postponement and adjournment
Regulation 20	Withdrawal of applications for leave to appeal, appeals and references
Regulation 21	Irregularities
Regulation 22	Determinations and decisions of a Commissioner
Regulation 24	Correction of accidental errors in decisions
Regulation 25	Setting aside of decisions on certain grounds
Regulation 26	Provisions common to Regulations 24 and 25
Regulation 27	General powers of a Commissioner
Regulation 29	Delegation of functions to nominated officers
Regulation 30	Manner of and time for service of notices, etc.
Regulation 31	Application to a Commissioner for leave to appeal to the Courts
Regulation 32	Revocation
Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(a)	
Regulation 5	Offsetting prior payment against subsequent award

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1982 ("the 1982 Scheme") and the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983 ("the 1983 Scheme").

The Social Security Act 1990 amends the Industrial Injuries and Diseases (Old Cases) Act 1975 so that payment of allowances or other benefits are provided from money provided by Parliament instead of from the National Insurance Fund; articles 2(2)(a) and (d) and 3(2)(a) and (d) of this Scheme amend the 1982 Scheme and 1983 Scheme accordingly.

The Scheme makes the following amendments to the 1982 Scheme:

- article 2(2)(b) and (c) varies articles 11 and 12 of the 1982 Scheme by substituting references to the Social Security (Claims and Payments) Regulations 1987 and to the Social Security (Adjudication) Regulations 1986 for the references to earlier regulations which they replace;
- article 2(2)(c)(ii) provides that article 12 of the 1982 Scheme shall also include a reference to the Social Security Commissioners Procedure Regulations 1987 and to the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988.

Article 2(2)(e) and Schedule 1 substitutes Schedule 2 to the 1982 Scheme, which sets out provisions of the Social Security Act 1975 and regulations which apply to the Scheme, to make corresponding changes.

Schedule 1 applies for the first time to the 1982 Scheme:-

- (i) section 115A of the Social Security Act 1975,
- (ii) regulations 3 to 7, 9 to 22, 24 to 27 and 29 to 32 of the Social Security Commissioners Procedure Regulations 1987, and
- (iii) regulation 5 of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988.

and omits regulation 41 of the Social Security (General Benefit) Regulations 1982.

The Scheme makes the following amendments to the 1983 Scheme:-

- article 3(2)(b) and (c) varies articles 11 and 12 of the 1983 Scheme by substituting references to the Social Security (Claims and Payments) Regulations 1987 and the Social Security (Adjudication) Regulations 1986 for references to earlier regulations which they replace;
- article 3(2)(c)(ii) provides that article 12 of the 1983 Scheme shall also include a reference to the Social Security Commissioners Procedure Regulations 1987 and the Society Security (Payments on account, Overpayments and Recovery) Regulations 1988.

Article 3(2)(e) and Schedule 2 substitutes Schedule 3 to the 1983 Scheme, which sets out provisions of the Social Security Act 1975 and regulations which apply to the Scheme, to make corresponding changes;

Schedule 2 applies to the Scheme for the first time: -

- (i) section 115A of the Social Security Act 1975,
- (ii) regulations 3 to 7, 9 to 22, 24 to 27 and 29 to 32 of the Social Security Commissioners Procedure Regulations 1987, and
- (iii) regulation 5 of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988.