

2012 No. 2743

SOCIAL SECURITY

The Industrial Injuries Benefit (Injuries arising before 5th July 1948) Regulations 2012

<i>Made</i> - - - -	<i>1st November 2012</i>
<i>Laid before Parliament</i>	<i>5th November 2012</i>
<i>Coming into force</i> -	<i>5th December 2012</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 64(3) of the Welfare Reform Act 2012(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Industrial Injuries Benefit (Injuries arising before ►'5 July◄ 1948) Regulations 2012 and come into force on 5th December 2012.

¹Words in reg. 1(1) substituted by reg. 2(2) of S.I. 2012/2812 as from 4.12.12.

(2) In these Regulations “the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(b)

Payment of industrial injuries benefit where compensation or benefits were previously payable under Schedule 8 to the Contributions and Benefits Act

2. Where, before the commencement of section 64 of the Welfare Reform Act 2012 (injuries arising before 5th July 1948), compensation or benefits were payable to any person under a provision of Schedule 8 to the Contributions and Benefits Act(c) (industrial injuries and diseases (old cases)) mentioned in column (1) of the table in the Schedule to these Regulations, the rate or amount of industrial injuries benefit payable to that person is the corresponding rate or amount set out in column (2) of that table.

Claims made but not determined before 5th December 2012

3. Any claim for compensation or benefits that was made in accordance with section 111 of, and Schedule 8 to, the Contributions and Benefits Act but which was not determined before the coming into force of these Regulations, is to be treated as a claim for industrial injuries benefit.

Signed by authority of the Secretary of State for Work and Pensions.

1st November 2012

Freud
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) 2012 c.5.

(b) 1992 c. 4.

(c) Relevant amending instrument is S.I. 2012/780.

SCHEDULE

Regulation 2

**RATES OF INDUSTRIAL INJURIES BENEFIT CORRESPONDING TO
COMPENSATION OR BENEFIT PREVIOUSLY PAYABLE UNDER
SCHEDULE 8 TO THE CONTRIBUTIONS AND BENEFITS ACT**

<i>(1) Compensation or benefit payable before 5th December 2012 under Schedule 8 to the Contributions and Benefits Act</i>	<i>(2) Corresponding rate or amount of industrial injuries benefit payable under the Contributions and Benefits Act from 5th December 2012</i>
<i>Incapacity allowance</i>	
Major incapacity allowance under paragraph 2(6)(b) of Schedule 8	The rate applicable for 100% degree of disablement as specified in column (2) of the table in Part 5 of Schedule 4
Lesser incapacity allowance under paragraph 2(6)(c) of Schedule 8 payable at the weekly rate of £4.85, £13.15 or £22.05	The rate applicable for 20% degree of disablement as specified in column (2) of the table in Part 5 of Schedule 4
Lesser incapacity allowance under paragraph 2(6)(c) of Schedule 8 payable at the weekly rate of £31.95 or £45.90	The rate applicable for 30% degree of disablement as specified in column (2) of the table in Part 5 of Schedule 4
Lesser incapacity allowance under paragraph 2(6)(c) of Schedule 8 payable at the weekly rate of £58.45	The rate applicable for 40% degree of disablement as specified in column (2) of the table in Part 5 of Schedule 4
<i>Total disablement benefit</i>	
Allowance in respect of total disablement under paragraph 6(2)(a) of Schedule 8	The rate applicable for 100% degree of disablement as specified in column (2) of the table in Part 5 of Schedule 4
<i>Partial disablement allowance</i>	
Allowance in respect of disablement which is not total under paragraph 6(2)(b) of Schedule 8	The rate applicable for 40% degree of disablement as specified in column (2) of the table in Part 5 of Schedule 4
<i>Unemployability supplement</i>	
Unemployability supplement in accordance with paragraph 6(4)(a) or 7(2)(c)(i) of Schedule 8	Unemployability supplement at the rate specified in paragraphs 5 and 6 of Part 5 of Schedule 4

<i>(1) Compensation or benefit payable before 5th December 2012 under Schedule 8 to the Contributions and Benefits Act</i>	<i>(2) Corresponding rate or amount of industrial injuries benefit payable under the Contributions and Benefits Act from 5th December 2012</i>
<p><i>Exceptionally severe disablement allowance</i></p> <p>Exceptionally severe disablement allowance in accordance with paragraph 6(4)(b) or paragraph 7(2)(c)(iii) of Schedule 8</p>	<p>Exceptionally severe disablement allowance at the rate specified in paragraph 3 of Part 5 of Schedule 4</p>
<p><i>Constant attendance allowance</i></p> <p>Increase of allowance in respect of constant attendance in accordance with paragraph 6(4)(b) or of disablement pension under paragraph 7(2)(c)(iii) of Schedule 8</p>	<p>Constant attendance allowance at the rate specified in paragraph 2 of Part 5 of Schedule 4</p>
<p><i>Increase of benefit or disablement pension for a child dependant</i></p> <p>Increase of benefit for a child dependant in accordance with paragraph 6(4)(c) or of disablement pension for a child dependant in accordance with paragraph ►¹7(2)(c)(ii)◄ of Schedule 8</p>	<p>Child dependency increase at the rate specified in paragraph 7 of Part 5 of Schedule 4</p>
<p><i>Increase of benefit or disablement pension for an adult dependant</i></p> <p>Increase of benefit for an adult dependant in accordance with paragraph 6(5) or of disablement pension for an adult dependant in accordance with paragraph ►¹7(2)(c)(ii)◄ of Schedule 8</p>	<p>Adult dependency increase at the rate specified in ►¹paragraph 8◄ of Part 5 of Schedule 4</p>
<p><i>Payment of a capital sum</i></p> <p>Payment of a capital sum or sums in accordance with paragraph 6(6) of Schedule 8</p>	<p>A sum or sums of an amount or aggregate amount not exceeding £300</p>

¹Words in Sch. substituted by reg. 3(a) & (b)(i), (ii) of S.I. 2012/2812 as from 4.12.12.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 64 of the Welfare Reform Act 2012 (c. 5) enables payment of industrial injuries benefit in respect of injuries arising before 5th July 1948. As a consequence it repeals section 111 of, and Schedule 8 to, the Social Security Contributions and Benefits Act 1992 (“the Contributions and Benefits Act”) which previously continued in force certain schemes for paying compensation or benefits in respect of such injuries.

These Regulations make provision for the payment of industrial injuries benefit to persons to whom such compensation or benefits were previously payable under those schemes. Regulation 2 and the Schedule set out the rate or amount of industrial injuries benefit payable in such cases. Regulation 3 provides that a claim made, but not determined, before the coming into force of these Regulations is to be treated as a claim for industrial injuries benefit.

A full impact assessment has not been published for this instrument as it has no impact on the costs of private sector and civil society organisations.