

**EXPLANATORY MEMORANDUM TO**  
**THE INDUSTRIAL INJURIES BENEFIT (INJURIES ARISING BEFORE 5 JULY**  
**1948) REGULATIONS 2012**

**2012 No. 2743**

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 instrument brings into force section 64 (3) of the Welfare Reform Act 2012. It simplifies the industrial injuries scheme by enabling customers, currently receiving benefits in relation to accidents or onset of diseases which occurred before 5 July 1948, to be brought into the main Industrial Injuries Disablement Benefit scheme.
  - 2.2 This is purely a simplification matter - no-one will lose out financially with this change and the majority of affected customers will gain up to £5 a week as payments are aligned with the rates of Industrial Injuries Disablement Benefit.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.
4. **Legislative Context**
  - 4.1 Section 64(2) of the Welfare Reform Act 2012 repeals section 111 and Schedule 8 of the Social Security Contributions and Benefits Act 1992, under which payments in relation to pre-1948 industrial injuries and diseases claims are made. A commencement order made on 4 October 2012 brings the legislation into force on 5 December 2012.  
<http://www.dwp.gov.uk/docs/a14-101.pdf>  
<http://www.legislation.gov.uk/uksi/2012/2530/contents/made>
  - 4.2 This instrument enables customers who received compensation and benefits under the repealed legislation to receive compensation and benefits under the main Industrial Injuries Scheme as set out in Part V of the Social Security Contributions and Benefits Act 1992.  
<http://www.dwp.gov.uk/docs/a2-2501.pdf>
5. **Territorial Extent and application**

This instrument applies to Great Britain. Similar statutory rules are to be introduced in respect of Northern Ireland.
6. **European Convention on Human Rights**

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

## **7. Policy Background**

### *What is being done and why?*

- 7.1 The Government included measures in the Welfare Reform Act to simplify and rationalise the Industrial Injuries scheme making it easier for customers to understand and for the Department for Work and Pensions to administer. The change will also make a contribution towards deregulation.
- 7.2 There are currently two separate schemes providing state compensation for industrial accidents and occupationally caused diseases before 5 July 1948 (the Workmen's Compensation (Supplementation) Scheme 1982 and the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983). The current legal framework under which these payments are made is the Social Security Contributions and Benefits Act 1992, the relevant parts of which will be repealed from 5 December 2012. Existing payments, and any new or outstanding claims, in relation to industrial injuries and diseases before 5 July 1948 will in future be dealt with under the main Industrial Injuries Disablement Benefit scheme.
- 7.3 There are currently 125 affected customers who will be transferred to the main scheme with benefit rates aligned accordingly. No-one will lose out financially from this change and the majority of customers affected will benefit from an increase in payments of up to £5 per week (2012/13 figures).  
[\\DFS52639.link2.gpn.gov.uk\25553904\2012 WR Bill - explanatory notes.pdf](http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/DFS52639.link2.gpn.gov.uk\25553904\2012 WR Bill - explanatory notes.pdf)

### *Consolidation*

- 7.4 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**

This is a minor, positive and non-contentious change agreed as part of the passage of the Welfare Reform Act 2012. Consultation was undertaken as part of the Bill's passage through Parliament. The Industrial Injuries Advisory Council, who is the main stakeholder group, was included in this process.

## **9. Guidance**

A guidance bulletin detailing the changes, and when they will come into force, will be issued to delivery managers with responsibility for processing claims for Industrial Injuries Disablement Benefit. We have plans in place to alert other stakeholders that the provisions are coming into force, through usual communications channels, for example the Touchbase ezine for external stakeholders.

## **10. Impact**

This instrument has no impact on the private and public sector and civil society organisations. An impact assessment was prepared as part of the passage of the Welfare Reform Bill.

**11. Regulating small business**

This instrument does not apply to small business

**12. Monitoring and review**

This instrument brings into force, section 64 of the Welfare Reform Act provisions. No specific monitoring and review of the claims process will be carried out above that which is currently in place as part of the Department's routine data collection.

**13. Contact**

Linda Oliver at the Department for Work and Pensions Tel: 0207 449 7215 or e-mail: [lindaoliver@dwp.gsi.gov.uk](mailto:lindaoliver@dwp.gsi.gov.uk) can answer any queries on the instrument.