EXPLANATORY MEMORANDUM TO

THE INDUSTRIAL INJURIES BENEFIT (INJURIES ARISING BEFORE 5th JULY 1948) (AMENDMENT) REGULATIONS 2012

2012 No. 2812

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**

This instrument amends the Industrial Injuries Benefit (Injuries arising before 5 July 1948) Regulations 2012, (S.I. 2012/2743) ("the principal Regulations"), to correct three administrative errors and a minor drafting error. It will be issued free of charge to recipients of the principal Regulations.
http://www.legislation.gov.uk/uksi/2012/2743/contents/made

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

The administrative errors are to be found in technical legislative references in relation to adult and child dependency increases. The principal Regulations are unclear as to which increases are being referred to and also provide an incorrect legislative reference for the rate that should be payable on transfer. This instrument corrects the relevant references.

The drafting error can be found in the citation provision relating to the title of the principal Regulations. This instrument corrects the date format of the title.

We are correcting the errors before the original regulations come into force and no customers will be affected.

4. **Legislative Context**

4.1 Section 64 of the Welfare Reform Act 2012 provides for existing members of the pre 5 July 1948 Industrial Injuries schemes to be transferred to the Industrial Injuries Disablement Benefit scheme.

4.2 The principal Regulations enable customers who received compensation and benefits under the repealed legislation to receive compensation and benefits under the main Industrial Injuries Scheme as set out in Part 5 of the Social Security Contributions and Benefits Act 1992.

4.3 The principal Regulations include a Schedule which set out the rates of Industrial Injuries Benefits payable on transfer. Due to errors in the administrative process three errors appear in the Schedule relating to references to existing legislative provisions. There is also a drafting error in the citation provision relating to the title of the principle Regulations.

4.4 This instrument corrects those errors. The amendments are being made to come into force on 4 December 2012. This is before the principal Regulations come into force on 5 December 2012, to ensure that the principal Regulations are never in force in an incorrect form.

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 This instrument corrects three legislative references in relation to the rate of increases to be made in relation to any child or adult dependants.

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**

This instrument does not bring in any policy changes therefore no consultation has been undertaken.

9. **Guidance**

This instrument does not bring in any policy changes so no further guidance is required.

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 does not bring in any policy changes so no further monitoring or review is required.

13. **Contact**

Linda Oliver at the Department for Work and Pensions Tel: 0207 449 7215 or e-mail: linda.oliver@dwp.gsi.gov.uk can answer any queries on the instrument.