STATUTORY INSTRUMENTS

1977 No. 1607

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) (No. 2) Scheme 1977

Made - - - -	4*th October* 1977
Laid before Parliament	12*th October* 1977
Coming into Operation	16*th November* 1977

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of powers conferred by sections 2 and 4(2) of the Industrial Injuries and Diseases (Old Cases) Act 1975(**a**) and of all other powers enabling him in that behalf, hereby makes, in consequence of the Social Security Benefits Up-rating Order 1977(**b**), the following scheme:—

Citation, interpretation and commencement

1.—(1) This scheme, which may be cited as the Workmen's Compensation (Supplementation) (Amendment) (No. 2) Scheme 1977, shall be read as one with the Workmen's Compensation (Supplementation) Scheme 1966(**c**) as amended(**d**) (hereinafter referred to as "the principal scheme") and shall come into operation on 16th November 1977.

(2) In this scheme—

"the operative date" means 16th November 1977.

Amendment of article 5 of the principal scheme

2.—(1) Article 5 of the principal scheme (lesser incapacity allowance under scheme) shall be amended in accordance with the following provisions of this article.

(2) After paragraph (1) there shall be inserted the following paragraph:—

"(1A) In any case where the lesser incapacity allowance awarded to a beneficiary was, immediately before 16th November 1977, of an amount which is shown in the first column of Part I of Schedule 1 hereto, the rate of lesser incapacity allowance thereafter shall be the corresponding amount set out in the second column thereof."

(3) In article 5(2)—

(*a*) at the beginning of the paragraph there shall be inserted the words "In a case to which article 5(1A) of this scheme does not apply";

(*b*) after the words "the first column of" there shall be inserted "Part II of";

(*c*) for the words "that Schedule" there shall be substituted "that Part".

(**a**) 1975 c. 16.
(**b**) S.I. 1977/1325 (1977 II, p. 3884).
(**c**) S.I. 1966/165 (1966 I, p. 325).
(**d**) The relevant amending instruments are S.I. 1976/1277, 1977/991 (1976 II, p. 3608; 1977 II, p. 2789).

Substitution of Schedule 1 to the principal scheme

3. For Schedule 1 to the principal scheme (table of loss of earnings and corresponding rate of lesser incapacity allowance) there shall be substituted the Schedule set out in the Schedule to this scheme.

Transitional provision relating to amount of allowance payable

4.—(1) The provision of the next succeeding paragraph of this article shall apply to a beneficiary who was, before the operative date, in receipt of lesser incapacity allowance but in respect of whom the final calculation of earnings required by article 7(1A) of the principal scheme had not been made by that date.

(2) In such a case as is referred to in the last preceding paragraph the beneficiary shall be treated as entitled from the operative date to an allowance at the rate to which he would have been entitled had the final calculation been made before the operative date.

Transitional provision relating to claims not made before the operative date

5.—(1) The provisions of the next succeeding paragraph of this article shall apply to a person whose claim for lesser incapacity allowance was not made before the operative date and who is awarded such an allowance for a period after the operative date at one of the rates shown in the second column of Part II of Schedule 1 to the principal scheme.

(2) Any lesser incapacity allowance which is found to be payable to such a person as aforesaid in respect of a period before the operative date shall—

(*a*) in so far as it relates to the period from and including 15th November 1976 to 15th November 1977, be paid at the rate shown in the first column of Part I of Schedule 1 to the principal scheme which corresponds to the rate awarded to him for the period after the operative date; and

(*b*) in so far as it relates to a period before 15th November 1976, be paid at the rate or rates then in force which corresponds or correspond to the rate awarded to him for the period after the operative date.

Transitional provision relating to claims made but not determined before the operative date

6.—(1) The provision of the next succeeding paragraph of this article shall apply to a person whose claim for lesser incapacity allowance was made but not determined before the operative date.

(2) Any lesser incapacity allowance which is found to be payable to such a person as aforesaid in respect of a period before the operative date shall be paid at the rate or rates in force for that period which corresponds or correspond with that person's loss of earnings.

Transitional provision relating to review and appeal

7. Where a lesser incapacity allowance has been awarded to a person under the principal scheme before 16th November 1977 and a question arises as to the weekly rate of allowance payable in consequence of this scheme, the case shall be reviewed by the insurance officer in the light of amendments made by this scheme and the allowance shall continue to be payable at the weekly rate specified in the award until the question shall have been determined in accordance with the provisions of the principal scheme.

David Ennals,
Secretary of State for
Social Services.

26th September 1977.

We consent

T. E. Graham,
T. M. Cox,
Two of the Lords Commissioners
of Her Majesty's Treasury.

4th October 1977.

SCHEDULE Article 3

Containing new Schedule 1 *to be substituted in principal scheme*

SCHEDULE 1 Article 5

PART I

Table of rates of lesser incapacity allowance for beneficiaries to whom article 5(1A) *applies*

Rate of lesser incapacity allowance before 16th November 1977	Rate of lesser incapacity allowance from 16th November 1977
£	£
0.80	0.92
2.00	2.30
3.50	4.00
5.00	5.70
7.25	8.30
9.20	10.50

PART II

Table of loss of earnings and corresponding rate of lesser incapacity allowance

Loss of earnings	Rate of lesser incapacity allowance
£	£
2.85	0.92
6.30	2.30
9.70	4.00
11.40	5.70
14.00	8.30
Over 14.00	10.50

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1966 by making, to the intermediate rates of lesser incapacity allowance payable under the Scheme, adjustments consequential upon the increase in the maximum rate of that allowance made by the Social Security Benefits Up-rating Order 1977. Transitional provisions have also been made in consequence of that Up-rating Order. Schedule 1 to the Workmen's Compensation (Supplementation) Scheme 1966, as amended by subsequent schemes, has been replaced by a Schedule which, insofar as it is not consequential upon the said Up-rating Order, replaces provisions of the Workmen's Compensation (Supplementation) Scheme 1966, as amended, with new provisions to the same effect.

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