STATUTORY INSTRUMENTS

1987 No. 429

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) Amendment (No. 2) Scheme 1987

Made - - - -	*16th March 1987*
Laid before Parliament	*18th March 1987*
Coming into force	*8th April 1987*

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred upon him 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 making of the Social Security Benefits Up-rating Order 1987(**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 1987, shall be read as one with the Workmen's Compensation (Supplementation) Scheme 1982(**c**) (hereinafter referred to as "the principal Scheme") and shall come into force on 8th April 1987.

(2) In this Scheme, "the operative date" means 8th April 1987.

Amendment of article 5 of the principal scheme

2. Paragraph (2) of article 5 of the principal Scheme shall be amended by substituting for the date "30th July 1986" the date "8th April 1987".

Substitution of Schedule 1 to the principal scheme

3. For Schedule 1 to the principal Scheme (table of rates of lesser incapacity allowance for beneficiaries to whom article 5(2) applies and 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 paragraph (2) of this article shall apply to a beneficiary who was, before the operative date, in receipt of a lesser incapacity allowance but in respect of whom the final calculation of earnings required by article 7(2) of the principal Scheme had not been made by that date.

(**a**) 1975 c.16.
(**b**) S.I. 1987/45, made under section 63 of the Social Security Act 1986 (c.50).
(**c**) S.I. 1982/1489; the relevant amending instruments are S.I. 1982/1490, 1983/1361, 1984/1118, 1985/1446 and 1986/1174.

(2) In such a case as is referred to in paragraph (1) above 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 paragraph (2) 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 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 30th July 1986 to 7th April 1987 inclusive, 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 30th July 1986 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 paragraph (2) 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 the operative date and a question arises as to the weekly rate of allowance payable in consequence of this Scheme, the case shall be reviewed by the adjudication 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 has been determined in accordance with the provisions of the principal Scheme.

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

Nicholas Lyell
Parliamentary Under-Secretary of State,
Department of Health and Social Security

11th March 1987

We consent,

Tim Sainsbury
Peter Lloyd
Two of the Lords Commissioners of Her Majesty's Treasury

16th March 1987

SCHEDULE

Article 3

CONTAINING NEW SCHEDULE 1 TO BE SUBSTITUTED IN PRINCIPAL SCHEME

SCHEDULE 1

PART I

TABLE OF RATES OF LESSER INCAPACITY ALLOWANCE FOR BENEFICIARIES TO WHOM ARTICLE 5(2) APPLIES

Rate of Lesser Incapacity Allowance before 8th April 1987 £	*Rate of Lesser Incapacity Allowance from 8th April 1987* £
2.00	2.05
5.20	5.30
8.80	9.00
12.65	12.90
18.25	18.65
23.25	23.75

PART II

TABLE OF LOSS OF EARNINGS AND CORRESPONDING RATE OF LESSER INCAPACITY ALLOWANCE

Loss of Earnings £	*Rate of Lesser Incapacity Allowance* £
6.50	2.05
14.20	5.30
21.90	9.00
25.85	12.90
31.60	18.65
over 31.60	23.75

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1982 by making adjustments to the lower rates of lesser incapacity allowance consequential upon the increase in the maximum rate of that allowance made by the Social Security Benefits Up-rating Order 1987. The Scheme also makes transitional provision consequent upon that Order.