STATUTORY INSTRUMENTS

1971 No. 1223

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) Amendment Scheme 1971

Made - - -	*26th July* 1971
Laid before Parliament	*5th August* 1971
Coming into Operation	*22nd September* 1971

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of his powers under section 2 of the Industrial Injuries and Diseases (Old Cases) Act 1967(**a**), as amended by section 11(1) of the National Insurance Act 1971(**b**), and of all other powers enabling him in that behalf, hereby makes, in consequence of the said Act of 1971, the following Scheme :—

Citation, interpretation and commencement

1. This Scheme, which may be cited as the Workmen's Compensation (Supplementation) Amendment Scheme 1971, 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 22nd September 1971.

Amendment of Article 7 of the principal Scheme

2.—(1) In paragraph (1) of Article 7 of the principal Scheme (computation of loss of earnings), for the words "31st October 1969" there shall be substituted the words "18th September 1971".

(2) For the proviso to paragraph (1) of the said Article 7 there shall be substituted the following proviso :—

"Provided that—

(*a*) in assessing, in relation to any person, the standard of remuneration in any class of employment, regard shall be had to that person's reasonable prospects of advancement and the class of employment in which he was employed at the time when the accident happened shall be treated, for this purpose, as extending to and including employment in the capacities to which persons so employed are, in the normal

(**a**) 1967 c. 34. (**b**) 1971 c. 50.
(**c**) S.I. 1966/165 (1966 I, p. 325).
(**d**) The relevant amending instruments are S.I. 1969/1195, 1970/46 (1969 II, p. 3529; 1970 I, p. 243).

course, advanced and to which if he had continued to be so employed, without the accident having happened, he would have had at least the normal prospects of advancement;

(*b*) where the amount representing a person's loss of earnings has been ascertained in accordance with this Article, but by reference to a period earlier than that now specified herein, and the Board is satisfied that it is unlikely that there has been any material change in that amount, if the Board in their discretion so direct, such amount shall continue to represent that person's loss of earnings determined in accordance with this Article notwithstanding that it has not been ascertained by reference to the period now specified.".

Amendment of Article 10 *of the principal Scheme*

3. In paragraph (1)(*a*)(iii) of Article 10 of the principal Scheme (allowances in respect of two or more different injuries or diseases) for the sum "£3·05" there shall be substituted the sum "£3·65".

Amendment of Schedule 1 *to the principal Scheme*

4. For the provisions set out in Schedule 1 to the principal Scheme (calculation of amount of lesser incapacity allowances under Scheme), there shall be substituted the provisions set out in the Schedule to this Scheme.

Transitional provision

5. Where a lesser incapacity allowance has been awarded to a person under the principal Scheme before 22nd September 1971 and a question arises as to the weekly rate of that allowance payable in consequence of this Scheme, the case shall be reviewed by the Board in the light of the 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.

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

Paul Dean,
Parliamentary Under Secretary of State,
Department of Health and Social Security.

26th July 1971.

We consent.

Walter Clegg,
Bernard Weatherill,
Two of the Lords Commissioners of
Her Majesty's Treasury.

26th July 1971.

Article 4 SCHEDULE

Schedule substituted for Schedule 1 to the principal Scheme

Article 5 SCHEDULE 1

Loss of earnings	Rate of lesser incapacity allowance
£	£
0·49½	0·15
0·99½	0·30
1·74½	0·45
2·49½	0·60
3·24½	0·85
3·99½	1·10
4·74½	1·35
5·49½	1·75
6·24½	2·15
6·99½	2·55
7·74½	2·95
8·49½	3·35
8·50	3·65

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1966 so as to give effect to section 11(1) of the National Insurance Act 1971 by increasing the weekly rate of lesser incapacity allowance payable in certain circumstances. Consequent upon the increase, adjustments have been made to the intermediate rates of lesser incapacity allowance and the provisions in the Scheme for determining a person's loss of earnings have been modified where those have previously been ascertained and the Board is satisfied that it is unlikely that there has been any material change therein.

This Scheme is made in consequence of the Act of 1971 and accordingly, by virtue of Schedule 6, paragraph 2(2), of that Act, no draft of the Scheme has been laid before Parliament.