STATUTORY INSTRUMENTS

1978 No. 1460

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) Scheme 1978

Made - - - -	*9th October* 1978
Laid before Parliament	*13th October* 1978
Coming into Operation	*15th November* 1978

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 1978(b), the following scheme:—

Citation, interpretation and commencement

1.—(1) This scheme, which may be cited as the Workmen's Compensation (Supplementation) (Amendment) Scheme 1978, 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 15th November 1978.

(2) In this scheme—

"the operative date" means 15th November 1978.

Amendment of Article 5 of the principal scheme

2. Paragraph (1A) of Article 5 of the principal scheme shall be amended by substituting for the date "16th November 1977" the date "15th November 1978".

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(1A) 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 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.

(a) 1975 c. 16. (b) S.I. 1978/912. (c) S.I. 1966/165.

(d) The relevant amending instruments are S.I. 1975/1138, 1977/991, 1607.

(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 16th November 1977 to 14th November 1978, 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 16th November 1977, 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 15th November 1978 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.

29th September 1978.
We consent.

T. E. Graham,
A. W. Stallard,
Two of the Lords Commissioners of Her Majesty's Treasury.

9th October 1978.

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(1A) applies

Rate of lesser incapacity allowance before 15th November 1978	Rate of lesser incapacity allowance from 15th November 1978
£	£
0·92	1·00
2·30	2·60
4·00	4·50
5·70	6·40
8·30	9·30
10·50	11·70

PART II

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

Loss of earnings	Rate of lesser incapacity allowance
£	£
3·20	1·00
7·00	2·60
10·80	4·50
12·70	6·40
15·60	9·30
Over 15·60	11·70

EXPLANATORY NOTE

(*This Note is not part of the Scheme.*)

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1966 by making adjustments to the intermediate 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 1978. The Scheme also makes transitional provisions consequent upon that Order.

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