STATUTORY INSTRUMENTS

1980 No. 1556

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) Scheme 1980

Made - - - -	15*th October* 1980
Laid before Parliament	24*th October* 1980
Coming into Operation	26*th November* 1980

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 1980(**b**), the following Scheme:—

Citation, interpretation and commencement

1.—(1) This Scheme, which may be cited as the Workmen's Compensation (Supplementation) (Amendment) Scheme 1980, shall be read as one with the Workmen's Compensation (Supplementation) Scheme 1966(**c**) (hereinafter referred to as "the principal scheme") and shall come into operation on 26th November 1980.

(2) In this Scheme, "the operative date" means 26th November 1980.

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 "14th November 1979" the date "26th November 1980".

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.

(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

(**a**) 1975 c. 16.
(**b**) S.I. 1980/1245.
(**c**) S.I. 1966/165; relevant amending instruments are S.I. 1975/1138; 1976/1277; 1977/991, 1607; 1978/1460; 1979/1190.

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 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 14th November 1979 to 25th November 1980 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 14th November 1979, 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 26th November 1980 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 has been determined in accordance with the provisions of the principal scheme.

Patrick Jenkin,
Secretary of State for Social Services.

9th October 1980.

We consent.

Carol Mather,
J. A. Douglas-Hamilton,
Two of the Lords Commissioners of Her Majesty's Treasury.

15th October 1980.

Article 3

SCHEDULE

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 26th November 1980 £	Rate of lesser incapacity allowance from 26th November 1980 £
1·20	1·40
3·10	3·60
5·30	6·15
7·60	8·85
11·00	12·80
14·00	16·30

PART II

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

Loss of earnings £	Rate of lesser incapacity allowance £
4·40	1·40
9·80	3·60
15·00	6·15
17·70	8·85
21·65	12·80
Over 21·65	16·30

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 1980. The Scheme also makes transitional provisions consequent upon that Order.

SI 1980/1556
ISBN 0-11-007556-0

