STATUTORY INSTRUMENTS

2002 No. 718

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) Scheme 2002

Made - - - -	*15th March 2002*
Laid before Parliament	*20th March 2002*
Coming into force	*10th April 2002*

The Secretary of State for Work and Pensions, with the consent of the Treasury, in exercise of the powers conferred on him by paragraph 2 of Schedule 8 to the Social Security Contributions and Benefits Act 1992**(a)** and paragraph 1 of Schedule 9 to the Social Security Administration Act 1992**(b)**, and of all other powers enabling him in that behalf, hereby makes the following Scheme:

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Workmen's Compensation (Supplementation) (Amendment) Scheme 2002 and shall come into force on 10th April 2002.

(2) In this Scheme, "the principal Scheme" means the Workmen's Compensation (Supplementation) Scheme 1982**(c)**, "lesser incapacity allowance" means the allowance payable in accordance with article 5 of the principal Scheme, and "the operative date" means 10th April 2002.

Amendments to the principal Scheme

2. Article 5(2) (lesser incapacity allowances under scheme) of the principal Scheme shall be amended by substituting for the words "11th April 2001"**(d)** the words "10th April 2002".

(a) 1992 c.4; paragraph 2(6)(c) of Schedule 8 was amended by S.I. 2001/207.
(b) 1992 c.5; paragraph 1(6) of Schedule 9 was amended by paragraph 115 of Schedule 7 to the Social Security Act 1998 (c.14).
(c) S.I. 1982/1489; the relevant amending instruments are S.I.s 1982/1490, 1983/1361, 1984/1118, 1985/1446, 1986/1174, 1987/419 and 429, 1988/574, 1989/525, 1990/688 and 2538, 1991/718, 1992/319, 1993/422, 1994/671, 1995/746, 1996/598, 1997/731 and 823, 1998/571, 1999/720, 2000/697 and 2001/1001.
(d) Those words were inserted into article 5(2) by S.I. 2001/1001.

3. For Schedule 1 to the principal Scheme, there shall be substituted the following:

"SCHEDULE 1 Article 5

PART I

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

Rate of Lesser Incapacity Allowance from 11th April 2001 to 9th April 2002	*Rate of Lesser Incapacity Allowance from 10th April 2002*
£	£
3.50	3.55
9.35	9.50
15.80	16.05
22.80	23.20
32.80	33.35
41.75	42.45

PART II

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

Loss of earnings	*Rate of Lesser Incapacity Allowance*
£	£
11.50	3.55
25.20	9.50
39.05	16.05
46.05	23.20
56.25	33.35
Over 56.25	42.45

"

Transitional provisions

4. Where—

(a) a beneficiary was, before the operative date, in receipt of a lesser incapacity allowance; and

(b) the final calculation of loss of earnings required by article 7(2) of the principal Scheme had not been made in respect of him by that date,

the beneficiary shall be treated as entitled, from the operative date, to an allowance at the same rate as if the final calculation had been made before that date.

5. Where—

(a) a claim for lesser incapacity allowance either—

(i) was not made before the operative date and the allowance is awarded for a period beginning on or after the operative date at one of the rates shown in the second column of Part II of Schedule 1 to the principal Scheme (as amended by this Scheme); or

(ii) was made but not determined before the operative date; and

(b) such allowance is found to be payable in respect of a period before the operative date,

the rate payable in respect of the period before the operative date shall be that which would have been payable had the amendment to the principal Scheme effected by article 3 of this Scheme not been made.

6. Where a lesser incapacity allowance has been awarded before the operative date and a question arises as to the weekly rate payable in consequence of this Scheme, the case shall be reconsidered in the light of the amendments made by, and transitional provisions contained in, 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 Work and Pensions.

N. Brown
Minister of State,
13th March 2002 Department for Work and Pensions

We consent,

Tony McNulty
Graham Stringer
Two of the Lords Commissioners of
15th March 2002 Her Majesty's Treasury

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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 rate of lesser incapacity allowance consequential upon the increase in the maximum rate of that allowance made by the Social Security Benefits Up-rating Order 2002. The Scheme also makes transitional provision.

This Scheme does not impose any costs on business.

£1.75

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