STATUTORY INSTRUMENTS

2010 No. 916

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) Scheme 2010

Made - - - -	*22nd March 2010*
Laid before Parliament	*24th March 2010*
Coming into force - -	*14th April 2010*

The Secretary of State for Work and Pensions makes the following Scheme, with the consent of the Treasury, in exercise of the powers conferred 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**).

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Workmen's Compensation (Supplementation) (Amendment) Scheme 2010 and shall come into force on 14th April 2010.

(2) In this Scheme—

"lesser incapacity allowance" means the allowance payable in accordance with article 5 of the principal Scheme;

"the operative date" means 14th April 2010;

"the principal Scheme" means the Workmen's Compensation (Supplementation) Scheme 1982(**c**).

Amendment of article 5 of the principal Scheme

2. In article 5(2) (lesser incapacity allowances under scheme) of the principal Scheme for "8th April 2009" substitute "14th April 2010".

Substitution of Schedule 1 to the principal Scheme

3. For Schedule 1 (table of rates) to the principal Scheme substitute the following—

(**a**) 1992 c. 4. Paragraph 2(6)(c) of Schedule 8 was amended by S.I. 2010/793.
(**b**) 1992 c. 5. Paragraph 1(6) of Schedule 9 was amended by section 86(1) of, and paragraph 115 of Schedule 7 to, the Social Security Act 1998 (c.14).
(**c**) S.I. 1982/1489; relevant amending instruments are S.I.1990/2538 and 2009/664.

"SCHEDULE 1 Article 5

PART 1

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

Rate of lesser incapacity allowance from 8th April 2009 to 13th April 2010	*Rate of lesser incapacity allowance from 14th April 2010*
£	£
4.40	4.45
11.90	12.10
20.00	20.30
29.00	29.45
41.70	42.35
53.10	53.90

PART 2

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

Loss of earnings	*Rate of lesser incapacity allowance*
£	£
14.60	4.45
32.00	12.10
49.60	20.30
58.50	29.45
71.40	42.35
Over 71.40	53.90"

Transitional Provision

4.—(1) Where a beneficiary was, before the operative date, in receipt of lesser incapacity allowance and the final calculation of loss of earnings required by article 7(2) of the principal Scheme had not been made in respect of the beneficiary by that date, the beneficiary is treated as entitled, from that date, to an allowance at the same rate as if the final calculation had been made before that date.

(2) Where lesser incapacity allowance is payable in respect of a period before the operative date and the claim for the allowance was either—

(a) not made before the operative date and the allowance is awarded for a period beginning on or after that date at one of the rates shown in the second column of Part 2 of Schedule 1 to the principal Scheme (as amended by this scheme); or

(b) made but not determined before the operative date,

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

(3) 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—

(a) the case shall be reconsidered in the light of the amendments made by, and transitional provisions contained in, this Scheme; and

(b) the allowance continues 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

William D. McKenzie,
Parliamentary Under Secretary of State
16th March 2010 Department of Work and Pensions

We consent, *Bob Blizzard*
Dave Watts
22nd March 2010 Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1982 (S.I. 1982/1489) by making adjustments to the rate of lesser incapacity allowance. This is consequential upon the increase in the maximum rate of that allowance made by the Social Security Benefits Up-rating Order 2010 (S.I. 2010/793).

The Scheme also makes transitional provision.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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