EXPLANATORY MEMORANDUM TO

THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) (AMENDMENT) SCHEME 2010

2010 No. 916

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1982 by making adjustments to the rates of lesser incapacity allowance. The changes are a consequence of the Social Security Benefits Up-rating Order 2010.

3. Matters of special interest to the Select Committee on Statutory Instruments

None.

4. Legislative Context

This scheme is made as part of the general annual uprating of the Social Security and similar benefits. The Social Security Contributions and Benefits Act 1992 provides for the making of the Workmen's Compensation (Supplementation) Scheme. This ensures that uprating is applied correctly to those for whom payment of an increase (in full or part) may not be appropriate, benefit recipients living abroad and carers with dependant children.

5. Territorial Extent and Application

This instrument applies to all of Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

- **What is being done and why**

7.1 The Workmen's Compensation (Supplementation) Scheme pays extra benefit to people who receive Workmen's Compensation for an accident or disease arising from work they did before 5th July 1948. Lesser incapacity allowance is paid to a person who is partially unable to work because of their

accident or disease. The amount paid is based on the earnings they are losing because of their incapacity. This Scheme makes adjustments to increase the rates of lesser incapacity allowance under the Workmen's Compensation (Supplementation) Scheme 1982.

7.2 The increase is 1.5%, the same rate used for other Industrial Injuries Disablement Benefits, and is consequential to the Social Security Benefits Up-rating Order 2010.

- **Consolidation**

7.3 Informal consolidation of the instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at: http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/

8. Consultation Outcome

Consultation is not necessary because there is no policy change; the legislation simply enables our standing commitment to up-rate on an annual basis.

9. Guidance

A guidance bulletin detailing new rates will be issued to claim processors in the IIDB Jobcentre Plus office with responsibility for processing these claims.

10. Impact

10.1 This instrument has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is negligible.

10.3 A full impact assessment has not been prepared for this instrument.

11. Regulating Small Business

The legislation does not apply to small business.

12. Monitoring and Review

The changes in the payable rate aim to maintain the value of payment in line with the increase for Industrial Injuries Disablement Benefit, and is consequential to the Social Security Benefits Up-rating Order 2010.

13. Contact

Malcolm Connell at the Department for Work and Pensions Tel: 0113 232 4764 or e-mail: **Malcolm.connell@jobcentreplus.gsi.gov.uk** gov.uk can answer any queries regarding the instrument.