

## 1994 No. 671

### SOCIAL SECURITY

#### The Workmen's Compensation (Supplementation) (Amendment) Scheme 1994

<i>Made</i> - - - -	<i>9th March 1994</i>
<i>Laid before Parliament</i>	<i>16th March 1994</i>
<i>Coming into force</i>	<i>13th April 1994</i>

[Note: S.I.s 1982/1490, 1983/1361, 1984/1118, 1985/1446, 1986/1174, 1987/429, 1988/574, 1989/525, 1990/688, 1991/718, 1992/319 and 1993/422 were made, in connection with earlier upratings, containing transitional provisions corresponding to arts. 4–7 below.]

The Secretary of State of Social Security, 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) 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 1994 and shall come into force on 13th April 1994.

(2) In this Scheme—

“the operative date” means 13th April 1994;

“the principal Scheme” means the Workmen's Compensation (Supplementation) Scheme 1982(c); and

“lesser incapacity allowance” means the allowance payable in accordance with article 5 of the principal Scheme.

[Article 2 amends article 5 of S.I. 1982/1489.]

[Article 3 substitutes Schedule 1 to S.I. 1982/1489.]

#### Transitional provision relating to amount of allowance payable

4. (1) Paragraph (2) of this article shall apply to a beneficiary who was, before the operative date, in receipt of a lesser incapacity allowance but in respect of whom the final calculation of earnings required by article 7(2) of the principal Scheme had not been made by that date.

(2) In such a case as is referred to in paragraph (1) above 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.

---

(a) 1992 c.4.

(b) 1992 c.5.

(c) S.I. 1982/1489; the relevant amending instruments are S.I. 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 and 1993/422.

**WORKMEN'S COMPENSATION (SUPPLEMENTATION)  
(AMENDMENT) SCHEME 1994**

**Arts. 5-7**

**Transitional provision relating to claims not made before the operative date**

5.—(1) Paragraph (2) 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 a person mentioned in paragraph (1) in respect of a period before the operative date shall—

- (a) in so far as it relates to the period from 14th April 1993 to 12th April 1994 inclusive, be paid at the rate shown in the first column of Part I or 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 April 1993, 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) Paragraph (2) 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 a person mentioned in paragraph (1) in respect of a period before the operative date shall be paid at the rate or rates in force for the allowance 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 the operative date and a question arises as to the weekly rate of allowance payable in consequence of this Scheme, the case shall be reviewed by the adjudication officer 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 Social Security.

3rd March 1994

*Nicholas Scott*  
Minister of State,  
Department of Social Security

We consent,

9th March 1994

*Irvine Partnick*  
*Andrew Mackay*  
Two of the Lords Commissioners  
of Her Majesty's Treasury

[Schedule sets out new substituted Schedule 1 to S.I. 1982/1489.]

**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 lower rates of lesser incapacity allowance consequential upon the increase in the maximum rate of that allowance. The Scheme also makes transitional provision.

This Scheme does not impose any costs on business.

