

1997 No. 731

SOCIAL SECURITY

**The Workmen's Compensation
(Supplementation)(Amendment) Scheme 1997**

<i>Made - - - -</i>	<i>10th March 1997</i>
<i>Laid before Parliament</i>	<i>17th March 1997</i>
<i>Coming into force</i>	<i>9th April 1997</i>

The Secretary of State for 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 1997 and shall come into force on 9th April 1997.

(2) In this Scheme—

“the operative date” means 9th April 1997;

“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.

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

[Regulation 3 replaces 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 loss 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) 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, 1993/422, 1994/671, 1995/746 and 1996/598.

**WORKMEN'S COMPENSATION (SUPPLEMENTATION)
(AMENDMENT) SCHEME 1997**

Regs. 5-6

Sch.

**Transitional provision relating to claims not made, or made but not determined,
before the operative date**

5.—(1) Paragraph (2) of this article shall apply to a person whose claim for lesser incapacity allowance—

- (a) 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 as it will have effect after the operative date; or
- (b) 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 which would have been payable in respect of that period had the amendment to the principal Scheme made by article 3 of this Scheme not been made.

Transitional provision relating to review and appeal

6. 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.

5th March 1997

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

We consent,

10th March 1997

Patrick McLoughlin
Richard Ottaway
Two of the Lords Commissioners
of Her Majesty's Treasury

[The Schedule replaces 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 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.