

2008 No. 721

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) Scheme 2008

<i>Made</i> - - - -	<i>12th March 2008</i>
<i>Laid before Parliament</i>	<i>18th March 2008</i>
<i>Coming into force</i> -	<i>9th April 2008</i>

The Secretary of State for Work and Pensions makes the following Scheme, with the consent of 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 2008 and shall come into force on 9th April 2008.

(2) In this Scheme—

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

"the operative date" means 9th April 2008;

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

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

[Article 3 amends Schedule 1 of S.I. 1982/1489.]

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) This paragraph applies to a case 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

(a) 1992 c. 4. Paragraph 2(6)(c) of Schedule 8 was amended by S.I. 2008/[DN: insert SI no for Social Security Benefits Upating Order 2008].

(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 2007/804.

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

(3) In a case to which paragraph (2) applies, 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.

(4) 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

11th March 2008

Mike O'Brien
Minister of State
Department of Work and Pensions

We consent,

12th March 2008

Frank Roy
Alan Campbell
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, such adjustments being consequential upon the increase in the maximum rate of that allowance made by the Social Security Benefits Up-rating Order 2008 (S.I. 2008/632). The Scheme also makes transitional provision.

A full impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.