

## 2012 No. 833

### SOCIAL SECURITY

#### The Workmen's Compensation (Supplementation) (Amendment) Scheme 2012

<i>Made - - - -</i>	<i>14th March 2012</i>
<i>Laid before Parliament</i>	<i>15th March 2012</i>
<i>Coming into force -</i>	<i>11th April 2012</i>

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 2012 and shall come into force on 11th April 2012.

(2) In this Scheme—

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

“the operative date” means 11th April 2012;

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

[Articles 2 and 3 amend article 5(2) and 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) 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,

---

(a) 1992 c. 4. Paragraph 2(6)(c) of Schedule 8 was amended by S.I. 2011/821.

(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; the relevant amending instruments are S.I. 1990/2538, 2009/664, 2010/916 and 2011/868.

**WORKMEN'S COMPENSATION (SUPPLEMENTATION)  
(AMENDMENT) SCHEME 2012**

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.

14th March 2012

*Steve Webb*  
Minister of State,  
Department for Work and Pensions

We consent,

14th March 2012

*Michael Fabricant*  
*Brooks Newmark*  
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 2012 (S.I.2012/780).

The Scheme also makes transitional provision.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.