
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 164

**The Workmen's Compensation (Supplementation)
(Amendment) Regulations (Northern Ireland) 2003**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 9th April 2003.

(2) In these Regulations –

“lesser incapacity allowance” means the allowance payable in accordance with regulation 5 of the principal Regulations;

“the operative date” means 9th April 2003;

“the principal Regulations” means the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1983(1).

(3) The Interpretation Act (Northern Ireland) 1954(2) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of regulation 5 of the principal Regulations

2. In regulation 5(2) of the principal Regulations (lesser incapacity allowances) for “10th April 2002” there shall be substituted “9th April 2003”.

Substitution of Schedule 1 to the principal Regulations

3. For Schedule 1 to the principal Regulations (table of rates of lesser incapacity allowance for beneficiaries to whom regulation 5(2) applies and table of loss of earnings and corresponding rates of lesser incapacity allowance) there shall be substituted the Schedule set out in the Schedule to these Regulations.

Transitional provision relating to amount of allowance payable

4. Where –

(a) a beneficiary was, before the operative date, in receipt of a lesser incapacity allowance; and

(b) the final calculation of loss of earnings required by regulation 7(2) of the principal Regulations had not been made in respect of him by that date,

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 that date.

(1) S.R. 1983 No. 101; relevant amending regulations are S.R. 1990 No. 445 and S.R. 2002 No. 114

(2) 1954 c. 33 (N.I.)

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

5. Where –

(a) a claim for lesser incapacity allowance either –

(i) was not made before the operative date and the allowance is awarded for a period beginning on or after the operative date at one of the rates shown in the second column of Part II of Schedule 1 to the principal Regulations; or

(ii) was made but not determined before the operative date; and

(b) such allowance is found to be payable in respect of a period before the operative date,

the rate payable in respect of the period before the operative date shall be that which would have been payable had the amendment to the principal Regulations made by regulation 3 not been made.

Transitional provision relating to revision and appeal

6. Where a lesser incapacity allowance has been awarded to a person under the principal Regulations before the operative date and a question arises as to the weekly rate of allowance payable in consequence of these Regulations, the case shall be reconsidered in the light of the amendments made by, and transitional provisions contained in, these Regulations 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 Regulations.

Revocation

7. The Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 2002(3) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 11th March 2003.

L.S.

D. A. Baker
Senior Officer of the
Department for Social Development

The Department of Finance and Personnel hereby consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance and Personnel on 11th March 2003.

L.S.

Rodney Scott
Senior Officer of the
Department of Finance and Personnel

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
