
STATUTORY INSTRUMENTS

1982 No. 1489

The Workmen's Compensation (Supplementation) Scheme 1982

PART V

CLAIMS AND PAYMENTS

Information to be given when making a claim or obtaining payment of allowance

16. Every person who makes a claim for or is entitled to an allowance and every person to whom or on whose behalf sums are payable by way of an allowance shall furnish in such manner and at such times as the Secretary of State may determine such certificates, documents, information and evidence affecting the right to the allowance or to the receipt of any sums payable by way of any allowance as may reasonably be required by the Secretary of State and, if so required, shall for that purpose attend at such office or place as the Secretary of State may direct.

Obligations of claimants and of persons in receipt of allowances to undergo medical examination

17.—(1) Subject to the following provisions of this article, every claimant for, and every beneficiary in receipt of, an allowance shall comply with every notice given to him by the Secretary of State which requires him to submit himself to a medical examination by a medical authority (as defined in paragraph (4) of this article).

(2) Every notice given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing and shall specify the time and place of examination but shall not require the claimant or beneficiary to submit himself to examination—

- (a) in the case of examination by the medical board, before the expiration of the period of 6 days beginning with the date of the notice or such shorter period as may be reasonable in the circumstances;
- (b) in any other case, on a date earlier than the third day after the date on which the notice was sent.

(3) Every claimant and every beneficiary who, in accordance with the foregoing provisions of this article, is required to submit himself to a medical examination shall attend at every such place and at every such time as may be required.

(4) In this article, the expression “medical authority” means the medical board or a medical practitioner nominated by the Secretary of State.

Sums not payable when delay in claiming

18. An allowance shall not be payable to any person in respect of any period more than 6 months before the claim for the allowance is made, except that in any particular case the allowance shall be payable from such earlier date as is reasonable in the circumstances, not being a date before the date from which, apart from this article, the allowance would be payable.

Obligation of beneficiaries to notify change of circumstances

19. Every beneficiary shall, as soon as may be practicable, notify the Secretary of State in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any allowance or any part thereof awarded to him, or to the receipt of any such allowance or part of an allowance.

Allowances to be inalienable

20. Subject to the following provisions of this scheme, every assignment of, or charge on, an allowance and every agreement to assign or charge an allowance, shall be void, and on the bankruptcy of a beneficiary, the allowance shall not pass to any trustee or other person acting on behalf of his creditors.

Forfeiture of allowances

21.—(1) Subject to the provisions of paragraph (2) of this article, if a claimant or beneficiary—

- (a) fails without reasonable cause to comply with any requirement of articles 16, 17 or 19 of this scheme he shall, if the appropriate determining authority so decides, forfeit any allowance which would, apart from this sub-paragraph, be payable in respect of periods of such failure;
- (b) wilfully obstructs, or is guilty of other misconduct in connection with any medical or any other examination which he is required under article 17 of this scheme to undergo, or with any proceedings under this scheme for the determination of his right to an allowance or to the receipt thereof, he shall forfeit, for such period as the appropriate determining authority shall determine, any allowance which would, apart from this paragraph, be payable.

(2) Nothing in this article providing for forfeiture of an allowance for failure to undergo medical or other examination or for obstruction or misconduct in connection with such examination shall authorise the disentitlement of the person concerned for a period exceeding 6 weeks on any forfeiture.

Allowances during imprisonment

22. Where a person has become entitled, in respect of a period, or any part of a period, during which he is and has continuously been undergoing imprisonment or detention in legal custody, to sums by way of allowance which, in the aggregate, either

- (a) equal the total amount payable by way of an allowance for a period of one year; or
- (b) together with any sums payable by virtue of any scheme made under section 5 of the Act in respect of such period of imprisonment or detention in legal custody equal the total amount payable by way of such allowances for a period of one year;

then that person shall be disqualified from receiving any further sums by way of allowance in respect of such period or any part thereof.