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STATUTORY INSTRUMENTS

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**1992 No. 319**

**SOCIAL SECURITY**

**The Workmen's Compensation  
(Supplementation) Amendment Scheme 1992**

<i>Made</i>	- - - -	<i>17th February 1992</i>
<i>Laid before Parliament</i>		<i>27th February 1992</i>
<i>Coming into force</i>	- -	<i>8th April 1992</i>

The Secretary of State for Social Security, with the consent of the Treasury, in exercise of the powers conferred by section 2 and 4(2) of the Industrial Injuries and Diseases (Old Cases) Act 1975(1) and of all other powers enabling him in that behalf, hereby makes the following Scheme(2):

**Citation, commencement and interpretation**

1.—(1) This Scheme may be cited as the Workmen's Compensation (Supplementation) Amendment Scheme 1992 and shall come into force on 8th April 1992.

(2) In this Scheme—

“the operative date” means 8th April 1992;

“the principal Scheme” means the Workmen's Compensation (Supplementation) Scheme 1982(3);

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

(3) Expressions used in this Scheme and in the principal Scheme have the same meaning in this Scheme as they have in the principal Scheme.

**Amendment of article 5 of the principal Scheme**

2. Paragraph (2) of article 5 of the principal Scheme shall be amended by substituting for the date “10th April 1991” the date “8th April 1992”.

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(1) 1975 c. 16; words in section 2(1) substituted by Social Security Act 1990 (c. 27), section 16(8)(a) and (10); words in section 4(2) substituted by Social Security Act 1989 (c. 24), Schedule 8, paragraph 10(1).  
(2) See the Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16), section 4(1); section 4(8) was substituted by the Social Security Act 1990 (c. 27), Schedule 6, paragraph 12.  
(3) S.I.1982/1489; the relevant amending instruments are S.I. 1982/1490, 1983/1361, 1984/1118, 1985/1446, 1986/1174, 1987/419, 429, 1988/574, 1989/525, 1990/688, 2538 and 1991/718.

### **Substitution of Schedule 1 to the principal Scheme**

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

### **Transitional provision relating to amount of allowance payable**

4.—(1) The provisions of 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 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) above 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.

### **Transitional provision relating to claims not made before the operative date**

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

(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—

- (a) in so far as it relates to the period from 10th April 1991 to 7th April 1992 inclusive, be paid at the rate shown in the first column of Part I of Schedule 1 to the principal Scheme which corresponds to the rate awarded to him for the period after the operative date; and
- (b) in so far as it relates to a period before 10th April 1991, be paid at the rate or rates then in force which corresponds or correspond to the rate awarded to him for the period after the operative date.

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

6.—(1) Paragraph (2) of this article shall apply to a person whose claim for lesser incapacity allowance 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 or rates in force for that period which corresponds or correspond with that person's loss of earnings.

### **Transitional provision relating to review and appeal**

7. 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 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.

Department of Social Security  
13th February 1992

*Nicholas Scott*  
Minister of State

We consent,

17th February 1992

*Gregory Knight*  
*Nicholas Baker*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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

SCHEDULE

Article 3

CONTAINING NEW SCHEDULE 1 TO BE SUBSTITUTED IN PRINCIPAL SCHEME

“SCHEDULE 1

Article 5

PART I

TABLE OF RATES OF LESSER INCAPACITY ALLOWANCE  
FOR BENEFICIARIES TO WHOM ARTICLE 5(2) APPLIES

<i>Rate of Lesser Incapacity Allowance from 10th April 1991 to 7th April 1992 inclusive £</i>	<i>Rate of Lesser Incapacity Allowance from 8th April 1992 £</i>
2.70	2.80
7.00	7.30
11.85	12.35
17.00	17.70
24.55	25.55
31.25	32.55

PART II

TABLE OF LOSS OF EARNINGS AND CORRESPONDING  
RATE OF LESSER INCAPACITY ALLOWANCE

<i>Loss of Earnings £</i>	<i>Rate of Lesser Incapacity Allowance £</i>
8.95	2.80
19.45	7.30
30.05	12.35
35.45	17.70
43.35	25.55
over 43.55	32.55”

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## 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 lesser incapacity allowance consequential upon the increase in the maximum rate of that allowance. The Scheme also makes transitional provision.