
STATUTORY INSTRUMENTS

1996 No. 598

**The Workmen's Compensation
(Supplementation) (Amendment) Scheme 1996**

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Workmen's Compensation (Supplementation) (Amendment) Scheme 1996 and shall come into force on 10th April 1996.

(2) In this Scheme—

“the operative date” means 10th April 1996;

“the principal Scheme” means the Workmen's Compensation (Supplementation) Scheme 1982(1); and

“lesser incapacity allowance” means the allowance payable in accordance with article 5 of 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 words “12th April 1995” the words “10th April 1996”.

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) 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 loss 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, or made but not determined, before the operative date

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

(1) S.I.1982/1489; the relevant amending instruments are S.I. 1982/1490, 1983/1361, 1984/1118, 1985/1446, 1986/1174, 1987/419 and 429, 1988/574, 1989/525, 1990/688 and 2538, 1991/718, 1992/319, 1993/422, 1994/671 and 1995/746.

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- (a) 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 as it will have effect after the operative date; or
- (b) 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 which would have been payable in respect of that period had the amendment to the principal Scheme made by article 3 of this Scheme not been made.

Transitional provision relating to review and appeal

6. 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 the 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.

29th February 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

We consent,

6th March 1996

Simon Burns
Michael Bates
Two of the Lords Commissioners of Her
Majesty's Treasury