STATUTORY RULES OF NORTHERN IRELAND

2005 No. 142

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*16th March 2005*
Coming into operation	*13th April 2005*

The Department for Social Development, in exercise of the powers conferred by section 171(4) of, and paragraph 2 of Schedule 8 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and paragraph 1 of Schedule 6 to the Social Security Administration (Northern Ireland) Act 1992(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 13th April 2005.

(2) In these Regulations –

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

"the operative date" means 13th April 2005, and

"the principal Regulations" means the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1983(**4**).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7; paragraph 2 of Schedule 8 is amended by Article 7 of S.R. 2005 No. 82
(**2**) 1992 c. 8; paragraph 1(7) of Schedule 6 was amended by paragraph 90 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I.1998/1506 (N.I. 10))
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) S.R. 1983 No. 101; relevant amending regulations are S.R. 1990 No. 445 and S.R. 2004 No. 101
(**5**) 1954 c. 33 (N.I.)

Amendment of regulation 5 of the principal Regulations

2. In regulation 5(2) of the principal Regulations (lesser incapacity allowances) for "14th April 2004" there shall be substituted "13th April 2005".

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 rate 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.

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) 2004(**6**) are hereby revoked.

(**6**) S.R. 2004 No. 101