1995 No. 102

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 1995

Made	*20th March 1995*
Coming into operation . .	*12th April 1995*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 171(4) of, and paragraph 2 of Schedule 8 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and paragraph 1 of Schedule 6 to the Social Security Administration (Northern Ireland) Act 1992(**b**) 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) 1995 and shall come into operation on 12th April 1995.

(2) In these regulations—

"the operative date" means 12th April 1995;

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

(3) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these regulations as it applies to a Measure of the Assembly.

Amendment of regulation 5 of the principal regulations

2. In regulation 5(2) of the principal regulations (lesser incapacity allowances) for "13th April 1994" there shall be substituted "12th April 1995".

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.

(**a**) 1992 c. 7; paragraph 2 of Schedule 8 is amended by Article 7 of S.R. 1995 No. 71
(**b**) 1992 c. 8
(**c**) S.R. 1983 No. 101; relevant amending regulations are S.R. 1990 No. 445 and S.R. 1994 No. 83
(**d**) 1954 c. 33 (N.I.)

Transitional provision relating to amount of allowance payable

4.—(1) Paragraph (2) 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 regulation 7(2) of the principal regulations had not been made by that date.

(2) In such a case as is referred to in paragraph (1) 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) shall apply to a person whose claim for lesser incapacity allowance—

(*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 regulations; 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 regulations made by regulation 3 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 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 reviewed by the adjudication officer in the light of 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) 1994(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th March 1995.

(L.S.) *W. G. Purdy*
Assistant Secretary

(**a**) S.R. 1994 No. 83