1990 No. 114

SOCIAL SECURITY

The Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 1990

Made	*20th March 1990*
Coming into operation . .	*11th April 1990*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 2 and 4(1) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**a**) and of all other powers enabling it in that behalf and with the consent of the Department of Finance and Personnel(**b**), hereby makes, in consequence of the Social Security Benefits Up-rating Order (Northern Ireland) 1990(**c**), the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Workmen's Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 11th April 1990.

(2) These regulations shall be read as one with the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1983(**d**), hereinafter referred to as "the principal regulations".

(3) In these regulations, "the operative date" means 11th April 1990.

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

Amendment of regulation 5 of the principal regulations

2. In regulation 5(2) of the principal regulations (lesser incapacity allowances) for "12th April 1989" there shall be substituted "11th April 1990".

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

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(**a**) 1975 c. 17; section 2 was amended by Schedule 10 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and Article 6 of S.R. 1990 No. 70. Section 4(1) was amended by paragraph 9(1) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

(**b**) Formerly the Department of Finance: *See* S.I. 1982/338 (N.I. 6), Article 3

(**c**) S.R. 1990 No. 70

(**d**) S.R. 1983 No. 101; the relevant amending regulations are S.R. 1989 No. 101

(**e**) 1954 c. 33 (N.I.)

allowance) there shall be substituted the Schedule set out in the Schedule to these regulations.

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 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 before the operative date

5.—(1) Paragraph (2) 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 regulations.

(2) Any lesser incapacity allowance which is found to be payable to such a person as aforesaid in respect of a period before the operative date shall—

(*a*) insofar as it relates to the period from 12th April 1989 to 10th April 1990 inclusive, be paid at the rate shown in the first column of Part I of Schedule 1 to the principal regulations which corresponds to the rate awarded to him for the period after the operative date; and

(*b*) insofar as it relates to a period before 12th April 1989, 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) 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 such a person as aforesaid 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 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 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.