

EXPLANATORY MEMORANDUM TO
THE WORKMEN'S COMPENSATION (SUPPLEMENTATION)
(AMENDMENT) SCHEME 2008

2008 No. 721

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 This Scheme amends the Workmen's Compensation (Supplementation) Scheme 1982 by making adjustments to the rate of lesser incapacity allowance. These adjustments are a consequence of the Social Security Benefits Up-rating Order 2008.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Background**

4.1 This Scheme is made as part of the general annual up-rating of Social Security and similar benefits. Paragraph 2 of Schedule 8 of the Social Security Contributions and Benefits Act 1992 provides for the making of the Workmen's Compensation (Supplementation) Scheme. This ensures that uprating is applied correctly to those whom payment of an increase (in full or part) may not be appropriate, benefit recipients living abroad and carers with dependant children.

5. **Territorial Extent and Application**

5.1 This instrument applies to all of Great Britain.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required

7. **Policy Background**

7.1 The Workmen's Compensation (Supplementation) Scheme pays extra benefit to people who receive Workmen's Compensation for an

accident or disease arising from work they did before 5th July 1948. Lesser incapacity allowance is paid to a person who is partially unable to work because of their accident or disease. The amount paid is based on the earnings they are losing because of their incapacity. This Scheme makes adjustments to increase the rate of lesser incapacity allowance under the Workmen's Compensation (Supplementation) Scheme 1982. The increase is based on the Retail Price Index of 3.9% in September 2007: the same indicator of inflation for the main social security benefits.

Consultation

- 7.2 Consultation is not necessary as this forms part of the normal annual uprating.

Consolidation and Guidance

- 7.3 Informal consolidation of the instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at: <http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>

8. Impact

- 8.1 An Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.
- 8.2 The impact on the public sector is that additional programme expenditure will be incurred but no additional administration costs.

9. Contact

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