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STATUTORY INSTRUMENTS

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**1983 No. 186**

**SOCIAL SECURITY**

**The Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983**

<i>Made</i>	- - - -	<i>17th February 1983</i>
<i>Laid before Parliament</i>		<i>28th February 1983</i>
<i>Coming into Operation</i>		<i>6th April 1983</i>

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 15(6), 50(4), 50A(2), 56(7), 60(4), 66(1), 79(1) and (3), 80, 81(1), 82(1) and (5), 85(1), 89(1), 90(2), 115, 119 and 129(1) of, and Schedule 13 to, the Social Security Act 1975(1), section 22(1) of the Social Security (Miscellaneous Provisions) Act 1977 and section 39(5) of the Social Security and Housing Benefits Act 1982, and of all other powers enabling him in that behalf, hereby makes the following regulations.

This instrument satisfies the requirements of paragraph 38 of Schedule 4 to the Social Security and Housing Benefits Act 1982 and the Secretary of State has not referred proposals to make any regulations contained in it to the Industrial Injuries Advisory Council or the Social Security Advisory Committee.

**Citation, commencement and interpretation**

1.—(1) These regulations may be cited as the Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983, and shall come into operation on 6th April 1983.

(2) In these regulations, “the 1975 Act” means the Social Security Act 1975 and “the 1982 Act” means the Social Security and Housing Benefits Act 1982.

**Social Security (Industrial Injuries) (Airmen's Benefits) Regulations 1975**

2. Paragraph (a) of regulation 4 of the Social Security (Industrial Injuries) (Airmen's Benefits) Regulations 1975 is revoked.

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(1) Sections 15(6) and 50A were inserted in the Act by the Social Security and Housing Benefits Act 1982 (c. 24), paragraph 10 of Schedule 4 and section 39(4) respectively.

### **Social Security (Industrial Injuries) (Mariners' Benefits) Regulations 1975**

3.—(1) The Social Security (Industrial Injuries) (Mariners' Benefits) Regulations 1975 are amended in accordance with the provisions of this regulation.

(2) Paragraph (d) of regulation 3 and paragraph (a) of regulation 5 are revoked.

(3) There is omitted from paragraph 4 of the Schedule “3(d)”.

### **Social Security (Hospital In-Patients) Regulations 1975**

4. The Social Security (Hospital In-Patients) Regulations 1975(2) are amended by the omission of the words “Injury benefit” from Schedule 2.

### **Social Security Benefit (Persons Abroad) Regulations 1975**

5.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(3) are amended in accordance with the provisions of this regulation.

(2) In regulation 2(1), in sub-paragraph (a) after the word “(b)” there is inserted the words “, (bb)”, and after sub-paragraph (b) there is inserted the following sub-paragraph:—

“(bb) in the case only of sickness benefit, the incapacity for work is the result of a personal injury of a kind mentioned in section 50(1) of the Act, and the absence is for the specific purpose of receiving treatment which is appropriate to that injury, or”.

(3) The words “*injury benefit and*” are omitted from the heading to regulation 9.

(4) Regulation 9(1) is revoked.

### **Mobility Allowance Regulations 1975**

6. The Mobility Allowance Regulations 1975(4) are amended by the omission of the words “injury benefit or” from regulation 14(1)(b)(ii).

### **Social Security Benefit (Dependency) Regulations 1977**

7.—(1) The Social Security Benefit (Dependency) Regulations 1977(5) are amended in accordance with the provisions of this regulation.

(2) From regulation 9(2)(d)(ii) the words “injury benefit” are omitted.

(3) From regulation 10(1) the words “of injury benefit or” are omitted.

(4) From regulation 10(3) the words “injury benefit” are omitted.

(5) In regulation 11(2) for the words “sickness benefit or injury benefit” there are substituted the words “or sickness benefit”.

### **Social Security Benefit (Persons Residing Together) Regulations 1977**

8. The Social Security Benefit (Persons Residing Together) Regulations 1977 are amended by the omission of the words “of injury benefit and” from regulation 2(2)(a).

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(2) , to which there are amendments not relevant to these regulations.

(3) the relevant amending instruments are S.I. 1975/1058, 1977/1679.

(4) , to which there are amendments not relevant to these regulations.

(5) , to which there are amendments not relevant to these regulations.

### **Social Security Benefit (Persons Abroad) Amendment Regulations 1977**

**9.** Regulation 2(3) of the Social Security Benefit (Persons Abroad) Amendment Regulations 1977(6) is revoked.

### **Social Security (Overlapping Benefits) Regulations 1979**

**10.**—(1) The Social Security (Overlapping Benefits) Regulations 1979(7) are amended in accordance with the provisions of this regulation.

- (2) Sub-paragraph (c) of regulation 10(1) is revoked.
- (3) From Schedule 1 there are omitted—
  - (a) in paragraphs 1, 3 and 4, the words “Injury benefit,”;
  - (b) in paragraph 2, the words “Injury benefit and”;
  - (c) paragraph 7.

### **Social Security (Claims and Payments) Regulations 1979**

**11.**—(1) The Social Security (Claims and Payments) Regulations 1979(8) are amended in accordance with the provisions of this regulation.

(2) In the heading to regulation 11, for the words “, *invalidity and injury*” there are substituted the words “*and invalidity*”.

(3) In regulation 11(1)(a), for the words “, *invalidity or injury*” there are substituted the words “*or invalidity*”.

- (4) Sub-paragraph (f) of regulation 15(1) is revoked.
- (5) From regulation 16(1)(g) the words “not being injury benefit” are omitted.
- (6) From the heading to regulation 26 the words “, *injury benefit or*” are omitted.
- (7) From regulation 26(1) the words “, *injury benefit or*” are omitted.
- (8) Regulation 27 is revoked.

(9) In Schedule 1, there are omitted from paragraph 3 the words “injury benefit” (where they first occur) and the words “or injury” (in both places where they occur), and from paragraph 4 the words “injury benefit,”.

- (10) In Schedule 2—
  - (a) from the general heading there are omitted the words “INJURY BENEFIT,”;
  - (b) in the heading to paragraph 2, for the words “, *Invalidity and Injury*” there are substituted the words “*and Invalidity*”;
  - (c) in paragraph 2(1) for the words “, *invalidity or injury*” there are substituted the words “*or invalidity*”; and
  - (d) in paragraph 2A the words “injury benefit” are omitted.

- (11) In Schedule 3—
  - (a) the words “, *injury benefit*” (in the first 3 places where they occur) are omitted;
  - (b) for the words “, *invalidity benefit or injury*” (in both places where they occur) there are substituted the words “*or invalidity*”;
  - (c) the words “*of injury benefit or*” are omitted; and

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(6) , to which there is an amendment not relevant to these regulations.

(7) , to which there are amendments not relevant to these regulations.

(8) the relevant amending instrument is S.I. 1982/1362.

- (d) the items “An increase of injury benefit” and “Injury benefit” in column (1) and the items set opposite them in column (2) are omitted.

### **Social Security (Claims and Payments) Amendment Regulations 1979**

**12.** The Social Security (Claims and Payments) Amendment Regulations 1979 are amended by the substitution, in regulation 2, for the words “, invalidity and injury” of the words “and invalidity”

### **Social Security (General Benefit) Regulations 1982**

**13.—(1)** The Social Security (General Benefit) Regulations 1982<sup>(9)</sup> are amended in accordance with the provisions of this regulation.

(2) From regulations 1(2) and 2(2) the words “injury benefit,” are omitted.

(3) The words “INJURY AND” are omitted from the headings above regulations 12 to 16 and above regulations 17 to 22.

(4) Regulations 12 and 13 are revoked.

(5) In regulation 17(1), there are substituted for the words “the injury benefit period”, in the first place where they occur the words “the period of 90 days referred to in section 57(4)”, and in the second place where they occur the words “that period of 90 days”.

(6) Regulation 40(1) and (5)(a) is revoked.

(7) In regulation 40(2)(c), for the words “injury benefit or disablement”, in the first place where they occur, there are substituted the words “disablement benefit”, and the words “injury benefit or”, in the second place where they occur, are omitted.

(8) From regulation 41(1) the words “(other than injury benefit)” are omitted.

### **Sickness benefit in respect of industrial injury—persons over pensionable age**

**14.—(1)** This regulation applies in the case of a person who—

(a) is entitled, by virtue of section 50A<sup>(10)</sup> of the 1975 Act, to sickness benefit under section 14(2)(b) of that Act; and

(b) is not also entitled to sickness benefit under section 14(2)(c) of that Act.

(2) In a case to which this regulation applies, the weekly rate at which sickness benefit is payable shall be the rate set out in paragraph 1 of Part I of Schedule 4 to the 1975 Act, or, if higher, the rate at which, apart from this regulation, that benefit would be payable to the person concerned under section 14(6) of that Act.

### **Invalidity pension in respect of industrial injury—persons over pensionable age**

**15.—(1)** In any case where—

(a) an employed earner is incapable of work as a result of a personal injury of a kind mentioned in section 50(1) of the 1975 Act;

(b) he has ceased to be entitled to sickness benefit under the provisions of section 15(1)(a) of that Act;

(c) he is over pensionable age and has not retired from regular employment; and

(d) the contribution conditions are not satisfied in respect of him,

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<sup>(9)</sup> , to which there are amendments not relevant to these regulations.

<sup>(10)</sup> Section 50A was inserted into the 1975 Act by the Social Security and Housing Benefits Act 1982 (c. 24), section 39(4).

those conditions shall be taken to be satisfied for the purposes of section 15(1)(b)(ii) and (2) of that Act.

(2) In paragraph (1) “contribution conditions” means the contribution conditions for a Category A retirement pension specified in paragraph 5 of Part I of Schedule 3 to the 1975 Act.

(3) In the case of a person who is entitled, by virtue of paragraph (1) of this regulation, to an invalidity pension under section 15(2)(a) of the 1975 Act, and is not also entitled to an invalidity pension under section 15(2)(b), the weekly rate at which the invalidity pension is payable shall be the rate referred to in section 15(3) (notwithstanding that the person is over pensionable age), or, if higher, the rate at which, apart from this regulation, an invalidity pension would be payable to him under section 15(4).

### **Invalidity pension—restriction on entitlement**

16. Where a person has been entitled to sickness benefit in respect of any day in a period of interruption of employment and would not have been so entitled but for the provisions of section 50A of the 1975 Act, he shall not be entitled to an invalidity pension in respect of any day in the same period of interruption of employment unless he is incapable of work on the last-mentioned day as a result of a personal injury of a kind mentioned in section 50(1) of that Act.

### **Claims for injury benefit for days before 6th April 1983**

17. In relation to any claim for injury benefit for a day falling before 6th April 1983—
- (a) the 1975 Act shall be deemed to have effect as if the following provisions of the 1982 Act had not come into force, namely—
    - (i) paragraph 14(2) of Schedule 4,
    - (ii) section 48(5) so far as it relates to that paragraph,
    - (iii) the repeals, specified in Schedule 5, affecting sections 81, 89 and 90 of the 1975 Act, and
    - (iv) section 48(6) so far as it relates to those repeals; and
  - (b) the amendments of the Social Security (Claims and Payments) Regulations 1979<sup>(11)</sup> made by regulation 11 of these regulations, and the amendments of the Social Security (General Benefit) Regulations 1982<sup>(12)</sup> made by regulation 13(6) to (8) of these regulations, shall be deemed not to have come into effect.

### **Injury benefit for days after 5th April 1983 in transitional cases**

- 18.—(1) This regulation applies to a case where—
- (a) a person either—
    - (i) suffers personal injury caused by an accident such as is mentioned in section 50(1) of the 1975 Act which occurred before 6th April 1983, or
    - (ii) suffers from a disease prescribed under Part II of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980<sup>(13)</sup> which is treated under those regulations as having developed before 6th April 1983;
  - (b) he is incapable of work on any day (“the said day”) falling after 5th April 1983 as a result of that injury or that disease;

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<sup>(11)</sup> , to which there are amendments not relevant to these regulations.

<sup>(12)</sup> , to which there are amendments not relevant to these regulations.

<sup>(13)</sup> , to which there are amendments not relevant to these regulations.

- (c) the said day is part of a period of interruption of employment which began before 6th April 1983; and
  - (d) the said days is one for which—
    - (i) he would have been entitled to injury benefit had it fallen before 6th April 1983, and
    - (ii) he is not precluded from being entitled to injury benefit by regulation 3(5) of the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1983.
- (2) In a case to which this regulation applies, the person in question shall be entitled to injury benefit for the said day, notwithstanding the coming into force of section 39(1) of the 1982 Act, and shall in no circumstances be entitled to disablement benefit for that day.
- (3) In relation to any claim for injury benefit made in a case to which this regulation applies—
- (a) the 1975 Act shall be deemed to have effect as if the following provisions of the 1982 Act had not come into force, namely—
    - (i) section 39(1) to (4),
    - (ii) paragraphs 12, 13, 14(2), 15 and 17 of Schedule 4,
    - (iii) section 48(5) so far as it relates to those paragraphs,
    - (iv) the repeals, specified in Schedule 5, affecting sections 50, 56, 64 to 66, 77, 78, 81, 87 and 89 to 92 of, and Schedule 4 to, the 1975 Act, and
    - (v) section 48(6) so far as it relates to those repeals; and
  - (b) the amendments made and revocations brought about by regulations 2 to 13 of these regulations and regulation 2 of the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1983 shall be deemed not to have come into effect.

### **Claims for disablement benefit for days before 6th April 1983**

- 19.** In relation to any claim made before, on or after 6th April 1983 for disablement benefit for a day falling before 6th April 1983—
- (a) the 1975 Act shall be deemed to have effect as if the following provisions of the 1982 Act had not come into force, namely—
    - (i) section 39(2),
    - (ii) paragraphs 3 and 17 of Schedule 4;
  - (b) the amendment of the Social Security (General Benefit) Regulations 1982 made by regulation 13(5) of these regulations shall be deemed not to have come into effect.

### **Disablement benefit for days after 5th April 1983 in transitional cases**

- 20.** In relation to any claim made before, on or after 6th April 1983 for disablement benefit in respect of a personal injury caused by an accident such as is mentioned in section 50(1) of the 1975 Act which occurred before 6th April 1983 the 1975 Act shall be deemed to have effect as if section 39(2) of, and paragraphs 13 and 17 of the Schedule 4 to, the 1982 Act had not come into force.

17th February 1983

*Norman Fowler*  
Secretary of State for Social Services

## EXPLANATORY NOTE

These regulations contain provisions which are consequential upon the abolition of injury benefit by section 39(1) of the Social Security and Housing Benefits Act 1982 and the provision of sickness benefit in respect of industrial injury by section 50A of the Social Security Act 1975, which was inserted by section 39(4) of the 1982 Act.

Regulations 2 to 13 make consequential amendments to provisions of other instruments. Regulation 14 determines the rate at which sickness benefit is payable to persons over pensionable age who are incapable of work as a result of an industrial injury and do not satisfy the contribution conditions for that benefit. Regulation 15 makes provision for the payment of invalidity pension to persons over pensionable age in similar circumstances and determines the rate at which that benefit is payable; regulation 16 restricts the payment of invalidity pension in certain cases; and regulations 17 to 20 contain transitional provisions relating to claims for injury benefit and disablement benefit.