

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(a), section 22(1) of the Social Security (Miscellaneous Provisions) Act 1977(b) and section 39(5) of the Social Security and Housing Benefits Act 1982(c), 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.

[Part IV (regs. 29-32) of the S.S. (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 (S.I. 1983/1598) is, by reg. 29 *ibid.*, to be read as one with these Regulations.]

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.

[Regulation 2 revokes paragraph (a) of regulation 4 of S.I. 1979/469.]

[Regulation 3 revokes paragraph (d) of regulation 3 and paragraph (a) of regulation 5 of, and amends paragraph 4 of the Schedule to S.I. 1975/470.]

[Regulation 4 revoked by Sch. to S.I. 2005/3360 as from 10.4.06.]

[Regulation 5 amends regulations 2(1) and 9 and revokes regulation 9(1) of S.I. 1975/563.]

[Regulation 6 revoked by Schedule 5 to S.I. 1984/451 as from 23.4.84.]

(a) 1975 c. 14. 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.

(b) 1977 c. 5.

(c) 1982 c. 24.

SOCIAL SECURITY (**ABOLITION OF INJURY BENEFIT**)
(CONSEQUENTIAL) REGULATIONS

[Regulation 7 amends regulations 9(2)(d) (ii), 10(1), 10(3) and 11(2) of S.I. 1977/343.]

[Regulation 8 amends regulation 2(2)(a) of S.I. 1977/956.]

[Regulation 9 revokes regulation 2(3) of S.I. 1977/1679.]

[Regulation 10 revokes sub-paragraph (c) of regulation 10(1) of, and amends paragraphs 1, 2, 3, 4 and 7 of Schedule 1 to S.I. 1979/597.]

[Regulation 11 amends regulations 11, 15(1), 16(1)(g) and 26 of, and Schedules 1, 2, and 3 to, and revokes regulation 27 of, S.I. 1979/628.]

[Regulation 12 amends regulation 2 of S.I. 1979/781.]

[Regulation 13 amends regulations 1(2), 2(2), 17(1), 40(1) and 5(a), 40(2)(c), 41(1), headings above regulations 12 to 16 and above regulations 17 to 22 and revokes regulations 12 and 13 of S.I. 1982/1408.]

[Regulations 14-16 revoked by regulation 33 of, and Schedule to, S.I. 1983/1598 as from 28.11.83.]

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(a) made by regulation 11 of these regulations, and the amendments of the Social Security (General Benefit) Regulations 1982(b) 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(c) 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;
- (c) the said day is part of a period of interruption of employment which began before 6th April 1983; and

(a) S.I. 1979/628 to which there are amendments not relevant to these regulations.

(b) S.I. 1982/1408, to which there are amendments not relevant to these regulations.

(c) S.I. 1980/377, to which there are amendments not relevant to these regulations.

- (d) the said day 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(a)

(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 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 Schedule 4 to, the 1982 Act had not come into force.

17th February 1983

Norman Fowler
Secretary of State for Social Services

(a) S.I. 1983/185. [The said reg. 3(5) was re-enacted (31.7.85) in modified form by reg. 44 of and Sch. 5 to S.I. 1985/967.]

EXPLANATORY NOTE

(This Note is not part of the Regulations)

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.