relevant service and any further period of relevant service, the remuneration which he would have been receiving if he had spent that period in the civil service of the State.

Dated this 25th day of January, 1952.

Herbert Butcher,
Edward Heath,
Two of the Lords Commissioners of
His Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules provide that when an established or unestablished civil servant is called up for certain kinds of service with the Armed Forces, such service shall be treated for superannuation purposes as though he had continued to serve in the Civil Service. The relevant service is specified in paragraphs 1, 2, 3, 4 and 7 of the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951. Provision is also made in Rule 4 for certain persons who are called up before becoming civil servants. The Rules are retrospective to 15th July, 1950.

SUPERANNUATION ACTS

1952 No. 60

The Injury Warrant, 1952

Made - - - -	11*th January*, 1952
Laid before Parliament	15*th January*, 1952
Coming into Operation	16*th January*, 1952

By virtue of the powers conferred upon Us by section 41 of the Superannuation Act, 1949(a), We, being two of the Lords Commissioners of His Majesty's Treasury, do hereby direct as follows:—

PART I

Citation and Interpretation

1.—(1) This Warrant may be cited as the Injury Warrant, 1952.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Warrant as it applies to the interpretation of an Act of Parliament.

(3) This Warrant shall come into force on the 16th day of January, 1952.

2.—(1) In this Warrant, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"The Act" means the Superannuation Act, 1949;

(a) 12, 13 & 14 Geo. 6. c. 44. (b) 52 & 53 Vict. c. 63.

"Adopted child" means a child whom the deceased had, prior to the date of his injury, adopted within the meaning of any enactment for the time being in force in the territory in which he was domiciled at the date of his injury;

"Annuity value" in relation to an additional allowance or other sum for which a person is eligible or to which he is entitled means the value thereof computed in accordance with Tables for Immediate Life Annuities framed under Part II of the Government Annuities Act, 1929(a), and for the time being in force;

"Annual value" in relation to a pension, allowance or other benefit, means the total value which would be payable during a year in respect of that pension, allowance or benefit;

"Broadmoor patient" has the same meaning as in section 62 (2) of the Criminal Justice Act, 1948(b);

"Emoluments" means emoluments which, if the recipient were a civil servant, would be reckoned by the Treasury in the calculation of any superannuation benefits which might be granted to him;

"Established officer" means a civil servant;

"Pension" means any superannuation or retiring or annual compensation allowance granted under the Superannuation Acts, and in relation to a person employed in the Control Commission for Germany or the Allied Commission for Austria, includes any superannuation or retiring or annual compensation allowance granted in respect of service with any local authority, railway company, or other authority which has in force a pension scheme for the benefit of its employees;

"Salary and emoluments" means annual salary and emoluments;

"Salary" includes wages;

"Unestablished employee" means a person employed in an unestablished capacity within the meaning of section 3 of the Superannuation Act, 1935(c), and includes a person employed in part-time service to which section 40 of the Act applies;

"The Superannuation Acts" means the Superannuation Acts, 1834 to 1950(d).

(2) The following expressions have the meanings respectively assigned to them by section 63 of the Act, that is to say—

"Additional allowance" means an allowance granted under subsection (2) of section 1 of the Superannuation Act, 1909(e), either as originally enacted or as amended by any subsequent Act;

"Brother" includes, in relation to a person, every male child of his father or of his mother;

"Child", in relation to a person, includes an illegitimate child, a stepchild and an adopted child;

"Civil Servant" means a person serving in an established capacity in the permanent civil service of the State who holds his appointment directly from the Crown or has been admitted into the civil service with a certificate of the Civil Service Commissioners;

(a) 19 & 20 Geo. 5. c. 29. (b) 11 & 12 Geo. 6. c. 58.
(c) 25 & 26 Geo. 5. c. 23. (d) *See* 14 & 15 Geo. 6. c. 2. (e) 9 Edw. 7. c. 10.

"Father" includes, in relation to a person, his step-father and a male person by whom he has been adopted;

"Mother" includes, in relation to a person, his step-mother and a female person by whom he has been adopted;

"Sister" includes, in relation to a person, every female child of his father or of his mother;

"Retiring age" means, in relation to a civil servant, the age which a civil servant, in accordance with section 10 of the Superannuation Act, 1859(a), as amended by any other enactment, must, apart from section 34 of the Act, attain in order that a superannuation allowance may be granted to him on retirement without a medical certificate.

3. Any reference in this Warrant to the provisions of any enactment, regulations or rules shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment, regulations or rules.

PART II

Application and Scales of Award

4.—(1) Subject as hereinafter provided this Warrant shall apply to any person who—

(i) is a civil servant, or

(ii) is an unestablished employee, or

(iii) not being a civil servant or an unestablished employee, is employed in a civil capacity, whether temporarily or permanently and whether for reward or not, for the purposes of His Majesty's Government in the United Kingdom

and who, on or after the 14th day of July, 1949, either

(*a*) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or

(*b*) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) For the purposes of this Warrant a person shall not be deemed to be employed in a civil capacity for the purposes of His Majesty's Government in the United Kingdom by reason only that he renders or agrees to render services for those purposes in the ordinary course of his profession, trade or business.

(3) In this Warrant, unless the contrary intention appears, references to a person being injured and to the date on which an injury is sustained shall respectively be construed as including references to him contracting such a disease as is mentioned in sub-paragraph (1) of this paragraph and to the date on which such disease is contracted.

5.—(1) Notwithstanding anything in the immediately preceding paragraph, this Warrant shall not apply to—

(*a*) any person employed in the United Kingdom by way of manual labour under a contract of service or apprenticeship;

(a) 22 Vict. c. 26.

(*b*) any person employed in the United Kingdom, otherwise than by way of manual labour, as a civil servant, an unestablished employee or under a contract of service, whose salary and emoluments do not exceed two hundred and fifty pounds a year, being a person to whom Scale A of this Warrant would otherwise have been applicable;

(*c*) any person employed in the United Kingdom, otherwise than by way of manual labour, as a civil servant, an unestablished employee or under a contract of service, whose salary and emoluments do not exceed four hundred and twenty pounds a year, being a person to whom Scale I, Scale II or Scale III of this Warrant would otherwise have been applicable;

(*d*) any person employed by His Majesty's Government in the United Kingdom who, having been recruited in a place outside the United Kingdom, is employed in a place outside the United Kingdom in which the Treasury are satisfied that a satisfactory scheme of injury compensation is provided under local legislation, being a scheme which is applicable to, or the provisions of which will be applied to, such person.

(2) For the purposes of this paragraph the salary and emoluments of an unestablished employee in respect of any employment for which his rate of pay would fall to be determined, for the purposes of subsection (2) of section 40 of the Act, in accordance with proviso (*b*) to that subsection, shall be taken to be of such amount as in the opinion of the Treasury he would have received if he had been required to devote his whole time to that employment.

(3) In this paragraph the expression "contract" includes a contract whether expressed or implied and whether oral or in writing and also includes the relationship which subsists between the Crown and any person who is employed for reward (whether or not he is employed in the civil service of the State) in a civil capacity for the purposes of His Majesty's Government in the United Kingdom.

6. Where a civil servant recruited as such in the United Kingdom is employed outside the United Kingdom for the purposes of His Majesty's Government in the United Kingdom, and suffers an aggravation of a disease from which he is already suffering, being an aggravation to which he is exposed by the nature of his duty outside the United Kingdom, and which is not wholly or mainly due to his own serious and culpable negligence or misconduct, the provisions of this Warrant, including the provisions of sub-paragraph (3) of paragraph 4 thereof, shall apply in relation to him as if when he sustained the aggravation he had contracted such a disease as is mentioned in sub-paragraph (1) of paragraph 4 of this Warrant.

7.—(1) Subject to the provisions of this Warrant the allowances or gratuities which may be granted to persons to whom this Warrant applies shall be according to the Scales set out in paragraph 10 of this Warrant:

Provided that where a person employed in a civil capacity in the United Kingdom is transferred to duty outside the United Kingdom and is injured in circumstances which permit the grant under this Warrant of an allowance or gratuity to him, or where he dies from the injury, to his dependants, there may be granted to him, or to them, subject to the conditions of this Warrant, either

(*a*) the rate of benefit which would have been payable under the National Insurance (Industrial Injuries) Act, 1946(a), if the injury had been sustained in the United Kingdom, or

(a) 9 & 10 Geo. 6. c. 62.

(*b*) an allowance or gratuity calculated at the rates provided in this Warrant, having regard to the Scale applicable to him

whichever is the more favourable.

(2) In the application of the proviso to the last foregoing sub-paragraph to a person who, before he is transferred for duty outside the United Kingdom, is employed in a civil capacity in Northern Ireland, the reference therein to the National Insurance (Industrial Injuries) Act, 1946, shall be construed as a reference to the National Insurance (Industrial Injuries) (Northern Ireland) Act, 1946.

8.—(1) Scale A of this Warrant shall apply to—

(i) persons who are injured while carried in pursuance of official instructions in any aircraft or submarine ; and

(ii) persons who are injured while serving in an area abroad (whether within or without His Majesty's Dominions) in which a state of war, revolution, or serious and widespread internal disturbance is in existence, or on any part of the high seas which is affected by such conditions, and whose injuries are directly attributable to the existence of such conditions ; and

(iii) persons who are injured while employed in special circumstances which, in the opinion of the Treasury, justify most exceptional treatment.

(2) Scale I of this Warrant shall apply to—

(i) established officers employed in prisons or other institutions to which the Prison Acts, 1865 to 1898(a), or the Prisons (Scotland) Acts, 1860 to 1926(b), apply, and established officers employed in institutions for mental defectives or Broadmoor Institutions managed by the Board of Control under section 49 of the National Health Service Act, 1946(c), and under section 62 of the Criminal Justice Act, 1948, being officers eligible for superannuation awards under the Superannuation Acts, who are injured by the violence of a prisoner, a person detained in a Borstal institution, a mental defective or a Broadmoor patient ; and

(ii) civil servants who are injured as the result of an explosion, or as a direct result of employment in connection with dangerous substances, in a Government establishment in which explosives are used, manufactured or stored ; and

(iii) civil servants habitually employed on duties in connection with explosives who are injured as a direct result of such employment ; and

(iv) civil servants employed in the Aerodrome Fire Service of the Ministry of Civil Aviation who are injured as a direct result of fire-fighting or rescue operations ; and

(v) civil servants who are injured as a direct result of employment in connection with any of the dangerous substances with which the Chemical Defence Research Department, the Atomic Energy Department or the Microbiological Research Department are concerned ; and

(vi) civil servants who are injured while engaged on duties in underground workings in connection with mining or quarrying operations ; and

(vii) persons serving in an area abroad (whether within or without His Majesty's Dominions) who are injured as the result of deliberate acts of the local population or of sporadic political disturbances.

(a) *See* 61 & 62 Vict. c. 41. (b) *See* 16 & 17 Geo. 5. c. 57. (c) 9 & 10 Geo. 6. c. 81.

For the purposes of this sub-paragraph an unestablished employee employed in the Control Commission for Germany or the Allied Commission for Austria shall be treated as if he were a civil servant.

(3) Scale II of this Warrant shall apply to—

(i) civil servants other than those to whom either Scale A or Scale I applies; and

(ii) unestablished employees employed in prisons or other institutions to which the Prison Acts, 1865 to 1898, or the Prisons (Scotland) Acts, 1860 to 1926, apply, and unestablished employees employed in such institutions or Broadmoor Institutions as aforesaid, being officers eligible for superannuation awards under the Superannuation Acts, who are injured by the violence of a prisoner, a person detained in a Borstal institution, a mental defective or a Broadmoor patient; and

(iii) unestablished employees who are injured as the result of an explosion, or as a direct result of employment in connection with dangerous substances, in a Government establishment in which explosives are used, manufactured or stored; and

(iv) unestablished employees habitually employed on duties in connection with explosives who are injured as a direct result of such employment; and

(v) unestablished employees employed in the Aerodrome Fire Service of the Ministry of Civil Aviation who are injured as a direct result of fire-fighting or rescue operations; and

(vi) unestablished employees who are injured as a direct result of employment in connection with any of the dangerous substances with which the Chemical Defence Research Department, the Atomic Energy Department or the Microbiological Research Department are concerned; and

(vii) unestablished employees who are injured while engaged on duties in underground workings in connection with mining or quarrying operations; and

(viii) unestablished employees normally serving in the United Kingdom who are transferred for duty outside the United Kingdom and who are injured in circumstances other than those in which Scale A or Scale I would apply to them; and

(ix) civil servants or unestablished employees employed in the Control Commission for Germany or the Allied Commission for Austria who are injured in circumstances other than those in which Scale A or Scale I would apply to them.

(4) Scale III of this Warrant shall apply to unestablished employees other than those to whom Scale A, Scale I or Scale II applies.

9. In the application of this Warrant to a person who, not being a civil servant or an unestablished employee, is employed in a civil capacity for the purposes of His Majesty's Government in the United Kingdom, the person shall be deemed to have been, when he sustained the injury, a civil servant, and for the purpose of calculating any award to be made to him or in respect of his death he shall be deemed to have been receiving at the date of the injury such salary and emoluments as in the opinion of the Treasury would have been payable to a civil servant employed to perform similar duties.

Scale A

10.—(1) Any person to whom Scale A applies and who retires by reason of his injury may, subject to the provisions of paragraph 12 of this Warrant, be granted an annual allowance, according to the degree of impairment of his capacity to contribute to his support, at a rate not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury, with the addition, in the case of a person who is not otherwise qualified for a pension, of one sixtieth of such salary and emoluments for each completed year of his service.

Degree of Impairment	*Proportion of Salary and Emoluments*
Slightly Impaired	One eighth
Impaired	One quarter
Materially Impaired	Three eighths
Totally Destroyed	One half

Scale I

(2) Any person to whom Scale I applies and who retires by reason of his injury may, subject to the provisions of paragraph 12 of this Warrant, be granted an annual allowance, according to the degree of impairment of his capacity to contribute to his support, at a rate not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury, with the addition, in the case of a person who is not otherwise qualified for a pension, of one sixtieth of such salary and emoluments for each completed year of his service.

Degree of Impairment	*Proportion of Salary and Emoluments*
Slightly Impaired	Six sixtieths
Impaired	Twelve sixtieths
Materially Impaired	Eighteen sixtieths
Totally Destroyed	Twenty-four sixtieths

Scale II

(3) Any person to whom Scale II applies and who retires by reason of his injury may, subject to the provisions of paragraph 12 of this Warrant, be granted an annual allowance, according to the degree of impairment of his capacity to contribute to his support, at a rate not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury, with the addition, in the case of a person who is not otherwise qualified for a pension, of one sixtieth of such salary and emoluments for each completed year of his service.

Degree of Impairment	*Proportion of Salary and Emoluments*
Slightly Impaired	Five sixtieths
Impaired	Ten sixtieths
Materially Impaired	Fifteen sixtieths
Totally Destroyed	Twenty sixtieths

Scale III

(4) Any person to whom Scale III applies who retires by reason of his injury and

(*a*) whose capacity to contribute to his support is totally destroyed by the injury may, subject to the provisions of paragraph 12 of this Warrant, be granted an annual allowance at a rate not exceeding fifteen sixtieths of

his salary and emoluments at the date of the injury, with the addition of one sixtieth of such salary and emoluments for each completed year of his service;

(*b*) whose capacity to contribute to his support is not totally destroyed by the injury may, subject to the provisions of paragraph 12 of this Warrant, be granted a gratuity, according to the degree of impairment of his capacity to contribute to his support, not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury.

Degree of Impairment	*Proportion of Salary and Emoluments*
Slightly Impaired	Three quarters
Impaired	One and a half times
Materially Impaired	Two and a quarter times

(5) In this paragraph and in paragraph 12 hereof the expression "service" in relation to an unestablished employee means service which would be reckoned by the Treasury for the purposes of section 39 or section 40 of the Act, and in relation to a civil servant means service in an established capacity together with any service in an unestablished capacity which, in the case of an unestablished employee, would be reckoned as aforesaid.

(6) The following provisions shall have effect in determining for the purposes of this paragraph and of paragraph 12 hereof the salary and emoluments of a person employed in part-time service to which section 40 of the Act applies, that is to say—

(*a*) if the salary and emoluments for the part-time service cover expenses, the rate thereof shall be treated as reduced to such extent as the Treasury may think fit;

(*b*) if the salary and emoluments for the part-time service are computed by reference to a weekly rate based on full-time service and vary according to the number of hours actually worked in the week, the rate thereof shall be taken to be one half of that weekly rate.

11. When the service of a person to whom this Warrant applies, not being a person who retires by reason of his injury, is terminated otherwise than at his request or by reason of his misconduct, and his capacity to contribute to his support is, in the opinion of the Treasury, impaired by reason of his injury, the Treasury may make such award as they may think reasonable having regard to the scale applicable to him:

Provided that, where the employment of a civil servant who has attained the age of fifty years is terminated at his request before the retiring age, an award may be made to him under this paragraph when he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last a civil servant.

12.—(1) If, for the purpose of assessing the amount of any allowance or gratuity to be granted to any person on retirement, the degree of permanent impairment of his capacity to contribute to his support is in doubt, the Treasury may make a provisional award, to have effect until such time as the degree of permanent impairment can be determined.

(2) Where Scale III applies to a person and that person's capacity to contribute to his support is not totally destroyed by his injury, the provisional award may take the form of an annual allowance at a rate not exceeding

the proportion specified in the following table of the person's salary and emoluments at the date of the injury with the addition of one sixtieth of such salary and emoluments for each completed year of his service.

Degree of Impairment	*Proportion of Salary and Emoluments*
Slightly Impaired	Four sixtieths
Impaired	Eight sixtieths
Materially Impaired	Twelve sixtieths

13. If any person to whom this Warrant applies, not having retired, is temporarily unable to follow his employment by reason of his injury, the Treasury, in any case in which that person either is not eligible for sick pay or is eligible for sick pay at a rate which is less than the rate of annual allowance which might be awarded to him under this Warrant if he retired by reason of his injury, may grant to him such temporary allowance as they may think reasonable having regard to the Scale applicable to him.

14. Where a person to whom this Warrant applies is employed outside the United Kingdom and is, at the date of the injury, an apprentice or, on account of his youth, is in receipt of salary and emoluments at a lower rate than would be payable to an adult worker employed in similar work, the following provisions of this paragraph shall have effect, that is to say—

(*a*) any annual allowance awarded to such person may, as respects any period after he attains the age at which, in the opinion of the Treasury he would, but for the injury, have received the salary and emoluments of an adult worker, be calculated as though he had been in receipt at the date of his injury of the salary and emoluments which he would have received immediately on attaining the said age ;

(*b*) any gratuity payable after such person has attained the said age may be calculated in accordance with the provisions of the immediately preceding sub-paragraph ;

(*c*) where a gratuity has been paid to such person before he attains the said age there may be paid to him after he attains such age such further sum as together with the gratuity already paid would be equivalent to a gratuity calculated in accordance with the provisions of the immediately preceding sub-paragraph.

15.—(1) An annual allowance granted to any person by virtue of this Warrant shall not, together with any superannuation allowance and the annuity value at the date of retirement of any additional allowance for which he is otherwise eligible, exceed five sixths of the annual salary and emoluments of his office at the date of the injury.

(2) For the purposes of this paragraph any reduction effected or to be effected in the amount of any additional allowance by way of contribution under Part I or Part II of the Act shall be left out of account and, accordingly, the annuity value of any additional allowance shall be determined as if no such reduction as aforesaid had been, or had to be, made.

16.—(1) Subject to the following provisions of this paragraph, where a person to whom this Warrant applies sustains an injury, the amount of any gratuity or annual allowance which may be granted under the foregoing provisions of this Warrant shall be reduced by the value or, as may be appropriate, the annuity value or the annual value, of any rights which have accrued or probably will accrue to him from that injury in respect of industrial injury benefit, industrial disablement benefit or sickness benefit.

(2) For the purposes of this paragraph the value of any such right shall be the amount which the Treasury may determine to be either its value, or, as the case may be, its annuity value or annual value.

(3) For the purposes of this paragraph no account shall be taken of so much of a disablement pension as represents an increase payable under section 15 of the National Insurance (Industrial Injuries) Act, 1946.

(4) In this paragraph the expressions "industrial injury benefit", "industrial disablement benefit", and "sickness benefit" have the same meanings as in the National Insurance Acts, 1946(a).

17. Where an annual allowance granted to a person is calculated in part by reference to the number of years of his service, the part so calculated shall be in lieu of any gratuity and additional allowance under section 6 of the Superannuation Act, 1859, and section 1 (2) of the Superannuation Act, 1909, or of any gratuity under sections 39 and 40 of the Act:

Provided that a person who is, by virtue of Regulations made by the Treasury under section 4 (2) of the Superannuation Act, 1946(b), eligible for a gratuity calculated by reference to the number of years of his service in the Control Service for Germany and Austria, shall be entitled to elect whether he shall remain eligible for such gratuity or be eligible for the addition of one sixtieth of his salary and emoluments for each completed year of service for which provision is made under paragraph 10 of this Warrant, but shall not be eligible for both.

18. A person employed in the civil service of the State who is subject to the Superannuation Scheme of the Federated Superannuation System for Universities in respect of such employment shall, for the purposes of paragraphs 6, 8 and 10 of this Warrant, be deemed to be a civil servant who is qualified for a pension in respect of his service, and any annual allowance granted to any such person under those paragraphs, together with such sum as the Treasury may determine to be the annual value, on a fair and reasonable basis, according to the circumstances of the benefits of the policies or accumulated investments held in respect of him under the said Scheme, shall not exceed five sixths of his salary and emoluments at the date of the injury in respect of which such annual allowance is granted.

PART III

Awards to Dependants

19.—(1) Subject to the provisions of this paragraph, if any person to whom this Warrant applies dies within seven years of the date of the injury as a direct result thereof, there may be paid to all or any of the persons mentioned in the five next following paragraphs of this Warrant an annual allowance or gratuity at the rates specified therein according to the Scale applicable to the deceased.

(2) An allowance shall not be paid to the widow of the deceased if she was not married to him at the date when he suffered the injury.

(3) No allowance shall be paid to the widow of the deceased and no allowance or gratuity shall be paid to any other female if—

(*a*) in the case of the widow, she was at the time of the death cohabiting with a person other than the deceased or after the death she marries or cohabits with any person;

(a) 9 & 10 Geo. 6. cc. 62 and 67. (b) 9 & 10 Geo. 6. c. 60.

(*b*) in the case of a female who is not the widow of the deceased, she was at the time of the death married to or cohabiting with any person or after the death she marries or cohabits with any person;

and if, after the grant of an allowance to the widow or other female, she marries or cohabits with any person, the allowance shall cease from the date of the marriage or the commencement of the cohabitation:

Provided that where

(i) an allowance is withheld or ceases under this sub-paragraph; and

(ii) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for the payment of the allowance notwithstanding the marriage

the Treasury may, if they think fit, grant or regrant the allowance as from that date.

Widows

20. The annual allowance which may be paid to the widow of the deceased person may be at a rate not exceeding the proportion specified in column 2 of the following table of the salary and emoluments of the deceased at the date when he suffered the injury or at the rate specified in column 3 of that table, whichever is the greater:

1 Scale applicable to deceased	2 Proportion of Salary and Emoluments	3 Minimum Allowance
Scale A	Fifteen sixtieths	£30
Scale I	Twelve sixtieths	£25
Scale II	Ten sixtieths	£20
Scale III	Eight sixtieths	£15

Mothers or Fathers

21.—(1) Where the deceased person leaves no widow or leaves a widow who is not eligible for an annual allowance under this Warrant, an annual allowance at the rate specified in the immediately preceding paragraph may be paid to his mother, or, where his mother is dead, his father, if his mother, or, as the case may be, his father, was wholly or mainly dependent on him at the time of his death.

(2) Where the deceased person leaves a widow who is eligible for an allowance under this Warrant, and a mother, or, where his mother is dead, a father, who was wholly or mainly dependent on him at the time of his death, an allowance may be paid to his mother, or, as the case may be, his father, at one half of the rate specified in the immediately preceding paragraph.

Children

22.—(1) In this and in the two next following paragraphs of this Warrant the expressions "period of childhood and full-time education" and "incapacitated" have the same meanings as in section 46 and subsection (5) of section 63 respectively of the Act.

(2) Subject to the provisions of this Warrant there may be paid in respect of each of the children of a deceased person to whom Scale A, Scale I or Scale II applies, during the period of childhood and full-time education,

an annual allowance at a rate not exceeding the proportion specified in the following table of his salary and emoluments at the date when he suffered the injury.

	Where Scale A applies	Where Scale I applies	Where Scale II applies
Where the deceased leaves a widow eligible for an award under this Warrant	One twenty-fourth	One thirtieth ...	One forty-eighth
Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow	One twelfth ...	One fifteenth ...	One twenty-fourth

(3) No annual allowance under this paragraph shall be payable at any time in respect of more than six children.

(4) Subject to the provisions of this paragraph there may be paid in respect of the children of any person to whom Scale III applies a gratuity not exceeding the proportion specified in column 2 of the following table of his salary and emoluments at the date of the injury, or the amount shown in column 3 of that table, whichever is the greater, multiplied by the aggregate (not exceeding 50) of the number of completed years in the periods between the date of the death of the deceased and the date when each child attains the age of sixteen years, so however that the total gratuity shall not in any case be less than the sum mentioned in column 4 of the said table.

1	2	3	4
Where the deceased leaves a widow eligible for an award under this Warrant	One hundredth ...	£1	£10
Where the deceased does not leave a widow eligible for an award under this Warrant	One fiftieth ...	£2	£20

Provided that where the deceased leaves a widow eligible for an award under this Warrant who dies while one or more of his children are under the age of sixteen years, there may be awarded in respect of such children an additional gratuity not exceeding one hundredth of the annual salary and emoluments of the deceased at the date of his injury or £1, whichever be the greater, multiplied by the aggregate of the numbers of completed years between the date of death of the widow and the date when each of such children attains the age of sixteen years, so however that if the gratuity originally granted in respect of the children was arrived at on the basis of the over-riding maximum of 50 years, the additional gratuity shall not exceed the amount calculated as aforesaid multiplied by a fraction in which the numerator is 50 and the denominator is the number of years on which the gratuity originally granted might have been calculated but for the over-riding maximum of 50 years.

(5) If in the opinion of the Treasury there are compassionate grounds for so doing the Treasury may grant to any child of the deceased person, being a child who, at the date of the deceased's death—

(*a*) was wholly or mainly dependent on him, and

(*b*) had ceased to be in the period of childhood and full-time education,

an annual allowance for such period as the Treasury may determine at a rate not exceeding the proportion specified in column 3 of the following table of the deceased's salary and emoluments at the date of the injury, or at the rate specified in column 4 of that table, whichever is the greater.

1	2 Scale applicable to the deceased	3 Proportion of Salary and Emoluments	4 Minimum Allowance
Where the deceased leaves a widow eligible for an award under this Warrant.	Scale A	One eighth	£15
	Scale I	One tenth	£12 10s. 0d.
	Scale II or Scale III	One twelfth ...	£10
Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow.	Scale A	One quarter ...	£30
	Scale I	One fifth	£25
	Scale II or Scale III	One sixth	£20

(6) Except where otherwise provided, any annual allowance payable under this paragraph shall be payable as from the date of death of the injured person, or, in the case of a posthumous child, as from the date of its birth.

(7) Nothing in this paragraph shall permit

(*a*) the grant of any allowance or gratuity in respect of a child unless, in the the case of a legitimate child, that child was born not later than nine months after the date of the injury, or, in the case of a step-child or illegitimate child, that child was born before the date of the injury and was wholly or mainly dependent upon the deceased for support at the time of his death or, in the case of an adopted child that child was adopted before the date of the injury and was wholly or mainly dependent upon the deceased for support at the time of his death ; or

(*b*) the grant of any allowance or gratuity in respect of a step-child, illegitimate child or adopted child at a higher rate than would have been payable in respect of such child if the deceased had left a widow eligible for an allowance under this Warrant, unless the Treasury in any particular case otherwise direct.

(8) Notwithstanding anything in paragraph 25 of this Warrant, in the calculation of a gratuity under sub-paragraph (4) of this paragraph, no account shall be taken of any family allowance payable under the Family Allowances Act, 1945(**a**).

23.—(1) The following provisions of this paragraph shall have effect in relation to any child (hereinafter referred to as an " incapacitated child ") who was incapacitated at the time of the deceased's death.

(a) 8 & 9 Geo. 6. c. 41.

(2) The provisions of sub-paragraph (3) of the immediately preceding paragraph shall not apply in relation to an incapacitated child.

(3) (*a*) Notwithstanding that Scale III of this Warrant applies in relation to the deceased there may be paid in respect of any incapacitated child such annual allowance as would have been so payable if Scale II of this Warrant had applied in relation to the deceased.

(*b*) Where an annual allowance is granted in respect of an incapacitated child under this sub-paragraph that child shall be left out of account for the purpose of computing the amount of any gratuity payable under sub-paragraph (4) of the immediately preceding paragraph.

(4) Where at the time of the deceased's death the incapacitated child was wholly or mainly dependent on him then, notwithstanding that the child had at the time of the death ceased to be in the period of childhood and full-time education, an annual allowance may be paid to or in respect of him, during the period his incapacity continues, at a rate not exceeding the proportion specified in column 3 of the following table of the deceased's salary and emoluments at the date of the injury, or at the rate specified in column 4 of that table, whichever is the greater.

1	2 Scale applicable to the deceased	3 Proportion of Salary and Emoluments	4 Minimum Allowance
Where the deceased leaves a widow eligible for an award under this Warrant.	Scale A	One eighth ...	£15
	Scale I	One tenth	£12 10s. 0d.
	Scale II or Scale III	One twelfth ...	£10
Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow.	Scale A	One quarter ...	£30
	Scale I	One fifth	£25
	Scale II or Scale III	One sixth	£20

(5) An annual allowance granted in respect of an incapacitated child under the last preceding paragraph of this Warrant, or under sub-paragraph (3) of this paragraph, may be paid so long as the incapacity continues notwithstanding that the child ceases to be in the period of childhood and full-time education, and, as respects any period after he attains the age of sixteen years, may be increased to the rate which would be payable to him if he were a dependent incapacitated child to whom the last preceding sub-paragraph applies.

Brothers and Sisters

24.—(1) Where there are no children of the deceased eligible for the grant of a gratuity or allowance under this Warrant, there may be paid to or in respect of any of the brothers or sisters of a deceased person to whom Scale A, Scale I or Scale II of this Warrant applies, during the period of childhood and full-time education, the like annual allowance, and to or in respect of any of the brothers or sisters of a deceased person to whom

Scale III of this Warrant applies the like gratuity, that would have been payable under paragraph 22 of this Warrant if the brother, or, as the case may be, the sister, had been a child of the deceased:

Provided that—

(i) no annual allowance shall be payable under this sub-paragraph at any time in respect of more than six persons ; and

(ii) no annual allowance or gratuity shall be paid to or in respect of a brother or sister of the deceased unless that brother, or, as the case may be, that sister, was wholly or mainly dependent on the deceased at the time of his death.

(2) The provisions of the immediately preceding paragraph shall apply in relation to a brother or a sister of the deceased who is incapacitated at the time of the deceased's death as they apply in relation to a child who was then incapacitated and accordingly the like allowances may be paid to such a brother or sister that would have been payable under that paragraph if such person had been an incapacitated child of the deceased.

(3) If in the opinion of the Treasury there are compassionate grounds for so doing the Treasury may grant to a brother or sister of the deceased person, being a brother or sister who, at the date of the deceased's death—

(*a*) was wholly or mainly dependent on him, and

(*b*) had ceased to be in the period of childhood and full-time education,

an annual allowance for such period as the Treasury may determine at the same rate that would have been payable if the brother, or, as the case may be, the sister, had been a dependent incapacitated child to whom the provisions of sub-paragraph (4) of the immediately preceding paragraph applied.

Reductions by reason of other Benefits

25.—(1) Subject to the provisions of sub-paragraph (8) of paragraph 22 of this Warrant, where a person is eligible for a gratuity or annual allowance under this part of this Warrant the amount thereof shall be reduced by the value or, as may be appropriate, the annuity value or annual value, of

(*a*) any pension payable to or in respect of that person under Part I or Part II of the Act, and

(*b*) any allowance payable in respect of that person under the Family Allowances Act, 1945, and

(*c*) any rights which may accrue to or in respect of that person in respect of industrial death benefit payable under the National Insurance (Industrial Injuries) Act, 1946.

(2) For the purposes of this paragraph the value of such pension, allowance or right shall be the amount which the Treasury may determine to be either its value, or, as the case may be, its annuity value or annual value.

26. References in this part of this Warrant to a widow or her husband shall, in their application to a woman to whom this Warrant applies, be construed as references to a widower or his wife:

Provided that nothing in this Warrant shall permit the grant of an award to a widower, or to children where the deceased leaves a widower, unless such widower was, at the date of the deceased's death, permanently incapacitated and wholly or mainly dependent on her.

PART IV

Reductions by reason of recovery of damages in respect of the injury or death; revocation of previous Injury Warrants

27.—(1) Where the Treasury is satisfied that damages have been or will be recovered by any person, being damages in respect of an injury for which an award may be made under this Warrant or damages in respect of the death of the person to whom this Warrant applies, the Treasury may take those damages into account against any annual allowance or gratuity which might otherwise be payable under this Warrant in such manner and to such extent as they may think fit and may withhold or reduce the annual allowance or gratuity accordingly.

(2) For the purpose of this paragraph a person shall be deemed to recover damages—

(i) whether they are paid in pursuance of a judgment or order of the court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim;

(ii) if they are recovered for his benefit in respect of a claim under the Fatal Accidents Acts, 1846 to 1908(a).

(3)

28.—(1) Subject to the provisions of this paragraph, the Warrants set out in the Schedule to this Warrant are hereby revoked.

(2) Where an injury was sustained before the 14th day of July, 1949, by a person to whom at the date of that injury any Warrant revoked hereby applied, that Warrant, and any Warrant amending the same, shall continue to have effect in relation to any award to be made in respect of that injury or of the death of the person by whom that injury was sustained.

(3) Section 38 (2) of the Interpretation Act, 1889, shall apply as if this Warrant were an Act of Parliament and as if the Warrants revoked by this Warrant were Acts of Parliament repealed by an Act of Parliament.

Dated this 11th day of January, 1952.

Herbert Butcher,
H. R. Mackeson,
Two of the Lords Commissioners of His Majesty's Treasury.

SCHEDULE

WARRANTS REVOKED

Treasury Warrant, dated 16th September, 1887, regulating the Grant of Gratuities and Allowances under section 1 of the Superannuation Act, 1887(b). S.R. & O. Rev. 1904, IX, Pension and Half-Pay, p. 1.

Treasury Warrant, dated 30th October, 1889, amending Warrant of September, 1887, relating to the Grant of Gratuities and Allowances under section 1 of the Superannuation Act, 1887. S.R. & O. Rev. 1904, IX, Pension and Half-Pay, p. 13.

Treasury Warrant, dated 23rd April, 1906, relating to the Grant of Gratuities and Allowances under section 1 of the Superannuation Act, 1887. S.R. & O. 1906 (No. 320), p. 515.

(a) *See* 8 Edw. 7. c. 7. (b) 50 & 51 Vict. c. 67.

Treasury Warrant, dated 21st August, 1907, modifying for the purposes of the Workmen's Compensation Act, 1906(a), their Warrant of 16th September, 1887, made under section 1 of the Superannuation Act, 1887, relative to the Award of Compensation for Injury. S.R. & O. 1907 (No. 658), p. 863.

Treasury Warrant, dated 17th January, 1919, regulating the Grant of Gratuities and Allowances under section 1 of the Superannuation Act, 1887, to persons, or their dependants, injured or killed whilst employed in Aircraft being flown for experimental or testing purposes. S.R. & O. 1919 (No. 106) II, p. 228.

Treasury Warrant, dated 26th January, 1925, modifying for the purposes of the Workmen's Compensation Act, 1923(b), previous Warrants as to Compensation for Injury. S.R. & O. 1925 (No. 59), p. 1322.

Treasury Warrant, dated 22nd July, 1925, modifying previous Warrants as to Compensation for Injury as applicable in Northern Ireland and the Isle of Man. S.R. & O. 1925 (No. 736), p. 1324.

Treasury Warrant, dated 7th May, 1928, under section 1 of the Superannuation Act, 1887, and section 5 of the Superannuation Act, 1909, regulating the grant of gratuities and allowances to persons or their dependants injured or killed whilst attending trials or tests of H.M. Submarines. S.R. & O. 1928 (No. 356), p. 1046.

The Injury Warrant, No. 1, 1935. S.R. & O. 1935 (No. 576), p. 1339.

The Injury Warrant, No. 2, 1935. S.R. & O. 1935 (No. 577), p. 1347.

The Injury Warrant, 1940. S.R. & O. 1940 (No. 215) I, p. 471.

The Injury Warrant, 1941. S.R. & O. 1941 (No. 573) I, p. 740.

The Injury Warrant, 1942. S.R. & O. 1942 (No. 871) I, p. 708.

The Injury Warrant, 1945. S.R. & O. 1945 (No. 153) I, p. 979.

The Injury Warrant (No. 2), 1945. S.R. & O. 1945 (No. 908) I, p. 988.

The Injury Warrant, 1947. S.R. & O. 1947 (No. 1196) I, p. 1567.

EXPLANATORY NOTE

(This Note is not part of the Warrant, but is intended to indicate its general purport.)

Section 41 of the Superannuation Act, 1949, empowers the Treasury to frame Injury Warrants governing the grant of gratuities or annual allowances to civil servants and other persons employed by the Government in a civil capacity who are injured or who contract diseases in the discharge of their duties, or, if the injury or disease proves fatal within seven years, to their dependants.

This Warrant gives effect to the above provisions of the Act and will operate in respect of injuries sustained, or diseases contracted, on or after 14th July, 1949, when the Act was passed.

Earlier provision of a similar nature was made by a series of Injury Warrants framed under section 1 of the Superannuation Act, 1887, as amended from time to time by subsequent Acts. This Warrant consolidates and continues the operative provisions of the former Warrants, with certain minor modifications. It also incorporates certain additional benefits authorised by the 1949 Act. The earlier Warrants, although revoked by the present Warrant, remain operative in respect of injuries sustained before 14th July, 1949.

(a) 6 Edw. 7. c. 58. (b) 13 & 14 Geo. 5. c. 42.