1965 No. 1024

PENSIONS

The Injury Warrant 1965

Made - - - -	*22nd April* 1965
Laid before Parliament	*28th April* 1965
Coming into Operation	*29th April* 1965

The Treasury, in exercise of the powers conferred upon them by section 41 of the Superannuation Act 1949(**a**), as amended by paragraph 21 of Schedule 2 to the Superannuation (Amendment) Act 1965(**b**), and as extended by section 3 of the Ministerial Salaries Act 1957(**c**), and of all other powers enabling them in that behalf, hereby direct as follows:—

Awards to Dependants

1.—(1) Subject to the provisions of this paragraph, where any person to whom the Injury Warrant 1952(**d**) (hereafter in this Warrant referred to as "the 1952 Warrant") applies dies or has died, whether before or after the coming into operation of this Warrant, as a direct result of an injury sustained on or after 16th December 1961, there may be paid under this Warrant to or in respect of all or any of the persons mentioned in paragraphs 3 to 7 of this Warrant an annual allowance or gratuity at the rates hereinafter specified, according to the Scale applicable under the 1952 Warrant to the deceased.

(2) An annual allowance shall not be payable under this Warrant in respect of any period before the date of the coming into operation of this Warrant, and a gratuity shall not be payable under this Warrant where the deceased person has died before that date.

(3) Where an annual allowance is payable to or in respect of any person under this Warrant, an annual allowance shall not be payable to or in respect of him under Part III of the 1952 Warrant in respect of any period after the coming into operation of this Warrant, and, where a gratuity is payable in respect of any person under this Warrant, a gratuity shall not be payable in respect of him under the said Part III.

2.—(1) An annual allowance payable to or in respect of any person under this Warrant shall consist of—

(*a*) the principal allowance for which he is eligible under paragraphs 3 to 7 of this Warrant, and

(*b*) any supplementary allowance for which he is eligible under paragraph 8 of this Warrant.

(2) Where the widow of the deceased was not married to him at the date

(**a**) 12, 13 & 14 Geo. 6. c. 44.
(**b**) 1965 c. 10.
(**c**) 5 & 6 Eliz. 2. c. 47.
(**d**) S.I. 1952/60 (1952 II, p. 2400).

when he suffered the injury, an allowance shall not be paid to her under this Warrant, unless—

(*a*) she was wholly or mainly dependent on him at the time of his death, and

(*b*) either—

(i) the marriage took place, if the deceased retired by reason of his injury, before his retirement, and, in any case, not less than one year before his death, or

(ii) the Treasury are of the opinion that there are exceptional circumstances justifying the payment of an allowance in her case.

(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;

(*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

3. Subject to the provisions of this Warrant, a principal allowance may be paid to the widow of the deceased person 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:

1 Scale applicable to deceased	2 Proportion of salary and emoluments
Scale A	Eleven sixtieths
Scale I	Eight sixtieths
Scale II	Six sixtieths
Scale III	Four sixtieths

Mothers or Fathers

4.—(1) Subject to the provisions of this Warrant, where the deceased person leaves no widow or leaves a widow who is not eligible for an annual allowance under this Warrant, a principal allowance at the rate specified in the last 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) Subject to the provisions of this Warrant, where the deceased person leaves a widow who is eligible for an annual 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, a principal allowance may be paid to his mother, or, as the case may be, his father, at one half of the rate specified in the last preceding paragraph.

Children

5.—(1) In this and the two next following paragraphs of this Warrant the expression " period of childhood and full-time education " has the same meaning as in section 46 of the Superannuation Act 1949 (hereafter in this Warrant referred to as " the Act of 1949 "), as amended by any Order under paragraph 24 of Schedule 2 to the Superannuation (Amendment) Act 1965, and the expression " incapacitated " has the same meaning as in section 63(5) of the Act of 1949.

(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 under the 1952 Warrant, during the period of childhood and full-time education, a principal allowance at a rate not exceeding the following proportion of the rate specified in paragraph 3 of this Warrant:—

(*a*) where the deceased leaves a widow eligible for an award under this Warrant, one sixth; and

(*b*) where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow, one third.

(3) No allowance under this Warrant 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 deceased person to whom Scale III applies under the 1952 Warrant 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 specified 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 the 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, subject to the provisions of this Warrant, 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,

a principal allowance, for such period as the Treasury may determine, at a rate not exceeding—

(i) where the deceased leaves a widow eligible for an award under this Warrant, one half of the rate specified in paragraph 3 of this Warrant, or

(ii) where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow, the rate specified in paragraph 3 of this Warrant:

Provided that, where the deceased was a person to whom Scale III applies under the 1952 Warrant, he shall be deemed, for the purpose of determining the rate of principal allowance under this sub-paragraph, to have been a person to whom Scale II applies.

(6) Except where otherwise provided, a principal allowance payable to or in respect of any person under this paragraph and any supplementary allowance payable to or in respect of him under paragraph 8 of this Warrant 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 the child's birth.

(7) Nothing in this Warrant shall permit the grant of any allowance or gratuity in respect of a child unless that child was wholly or mainly dependent on the deceased at the time of his death or was a posthumous child.

(8) Nothing in this Warrant shall permit 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 a principal allowance under this Warrant, unless the Treasury in any particular case otherwise direct.

(9) Notwithstanding anything in paragraph 10 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 Acts 1945 to 1964.

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

(2) The provisions of paragraph 5(3) of this Warrant shall not apply in relation to an incapacitated child.

(3) Notwithstanding that Scale III applies to the deceased under the 1952 Warrant, there may be paid in respect of any incapacitated child such principal allowance as would have been so payable if Scale II had applied to the deceased, and any incapacitated child in respect of whom a principal allowance is paid under this sub-paragraph shall be left out of account for the purpose of computing the amount of any gratuity payable under paragraph 5(4) of this Warrant.

(4) Where at the time of the deceased's death any incapacitated child of his was wholly or mainly dependent on him and had ceased to be in the period of childhood and full-time education, a principal allowance may be paid to or in respect of him, during the period of his incapacity, at a rate not exceeding—

(*a*) where the deceased leaves a widow eligible for an award under this Warrant, one half of the rate specified in paragraph 3 of this Warrant, or

(*b*) where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow, the rate specified in paragraph 3 of this Warrant:

Provided that, where the deceased was a person to whom Scale III applies under the 1952 Warrant, he shall be deemed, for the purpose of determining the rate of principal allowance under this sub-paragraph, to have been a person to whom Scale II applies.

(5) A principal allowance granted in respect of an incapacitated child under paragraph 5(2) 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

7.—(1) Subject to the provisions of this Warrant, where there are no children of the deceased eligible for the grant of an allowance or gratuity 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 applies under the 1952 Warrant, during the period of childhood and full-time education, the like principal allowance, and to or in respect of any of the brothers or sisters of a deceased person to whom Scale III applies the like gratuity, that would have been payable under paragraph 5 of this Warrant if the brother, or, as the case may be, the sister, had been a child of the deceased:

Provided that—

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

(*b*) no principal 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 paragraph 6 of this Warrant shall apply in relation to a brother or 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 principal allowance 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,

a principal allowance for such period as the Treasury may determine, at such rate as 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 paragraph 6(4) of this Warrant apply.

Supplementary Allowances

8.—(1) Subject to the provisions of paragraph 11 of this Warrant, where a person to or in respect of whom a principal allowance is payable under this Warrant is not eligible for a pension under Part I or Part II of the Act of 1949 in respect of the service of the deceased, a supplementary allowance may be paid to or in respect of that person at a rate not exceeding such proportion of the salary and emoluments of the deceased at the date when he suffered the

injury as is specified in column 2 or, as the case may require, column 3 of the following table:

1	2	3
Class of dependant	Where the deceased leaves a widow eligible for an award under this Warrant	Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow
Widow	One fifteenth	—
Mother or father	One thirtieth	One fifteenth
Child or brother or sister eligible for a principal allowance at the rate specified in paragraph 5(2)	One ninetieth	One forty-fifth
Child or brother or sister eligible for a principal allowance at the rate specified in paragraph 5(5) or 6(4)	One thirtieth	One fifteenth

(2) Where—

(*a*) a person to or in respect of whom a principal allowance is payable under this Warrant either—

(i) is the widow, father or mother of the deceased, or

(ii) being a child, brother or sister of the deceased, is eligible for a principal allowance at the rate specified in paragraph 5(5) or 6(4) of this Warrant, and

(*b*) that person is eligible for a pension under Part I or Part II of the Act of 1949, and

(*c*) the rate of the superannuation allowance of the deceased is calculated by reference to reckonable service of the deceased amounting to less than twenty years,

a supplementary allowance may, subject to the provisions of this Warrant, be paid to or in respect of that person at a rate not exceeding the amount by which the annual rate of that pension is less than the annual rate of the pension for which he would have been eligible under the said Part I or Part II if the deceased had completed twenty years' reckonable service.

(3) Where a person, being the child, brother or sister of the deceased, is eligible for a principal allowance under this Warrant at the rate specified in paragraph 5(2) thereof, and he is eligible for a pension under Part I or Part II of the Act of 1949, a supplementary allowance may be paid in respect of him

at a rate not exceeding the amount (if any) by which the annual rate of that pension is less than such proportion of the rate of the superannuation allowance of the deceased as is specified in column 2 or, as the case may require, column 3 of the following table:

1	2	3
Class of dependant	Where the deceased leaves a widow eligible for an award under this Warrant	Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow
Child	One twelfth	One sixth
Brother or sister	—	One sixth

Provided that, where the rate of the superannuation allowance of the deceased is calculated by reference to reckonable service of the deceased amounting to less than twenty years, this sub-paragraph shall have effect as if the rate of the superannuation allowance of the deceased were the rate of the superannuation allowance for which he would have been eligible if he had completed twenty years' reckonable service.

(4) For the purposes of this paragraph the expression "the rate of the superannuation allowance of the deceased" has the meaning assigned to it by section 2(2) of the Act of 1949.

Limit on Annual Allowances

9.—(1) Where a person who is eligible for an annual allowance under this Warrant is also eligible for a pension under Part I or Part II of the Act of 1949 in respect of service of the deceased, the amount of the annual allowance shall be subject to the limitation specified in sub-paragraph (2) or, as the case may be, sub-paragraph (3) of this paragraph.

(2) Where the person eligible for the annual allowance is the widow of the deceased, the annual allowance shall not exceed a sum which, when added to any pension for which she is eligible under Part I of the Act of 1949, amounts to such proportion of the salary and emoluments of the deceased at the date when he suffered the injury as is specified in column 2 of the following table:

1	2
Scale applicable to deceased	Proportion of salary and emoluments
Scale A	Seventeen sixtieths
Scale I	Fourteen sixtieths
Scale II	Twelve sixtieths

(3) Where the person eligible for the annual allowance is not the widow of the deceased, the annual allowance shall not exceed a sum which, when added to any pension for which he is eligible under Part I or Part II of the Act of 1949, amounts to such proportion of the salary and emoluments of the deceased at the date when he suffered the injury as may be found by multiplying the appropriate proportion specified in the table in the last preceding subparagraph by the factor specified in column 2 or, as the case may require, column 3 of the following table:

1	2	3
Class of dependant	Where the deceased leaves a widow eligible for an award under this Warrant	Where the deceased does not leave a widow eligible for an award under this Warrant, or on the death of such a widow
Mother or father	½	1
Child or brother or sister eligible for a principal allowance at the rate specified in paragraph 5(2)	1/6	1/3
Child or brother or sister eligible for a principal allowance at the rate specified in paragraph 5(5) or 6(4)	½	1

Reductions by reason of other Benefits

10. Subject to the provisions of paragraph 5(9) of this Warrant, where a person is eligible for an annual allowance or gratuity under 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 allowance payable in respect of that person under the Family Allowances Acts 1945 to 1964, and

(*b*) 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) Acts 1946 to 1964.

11. Where a person who is eligible for a principal allowance under this Warrant is also eligible for a pension or other benefit under a pension scheme to which the deceased was subject at a time when he was not serving in the civil service of the State, and any period of service during which the deceased was subject to that scheme might have been taken into account for the purpose

of determining whether he had completed the minimum period of service qualifying him for a superannuation allowance under the Superannuation Acts, then, unless the Treasury otherwise direct in any particular case,

(*a*) the person eligible for the principal allowance shall be treated for the purposes of paragraphs 8 and 9 of this Warrant as if he were eligible for a pension under Part I or Part II of the Act of 1949;

(*b*) the amount of any supplementary allowance for which he may be eligible under sub-paragraph (2) or (3) of paragraph 8 of this Warrant shall be reduced by the value, or, as may be appropriate, the annuity value or annual value, of the pension or other benefit payable to or in respect of him under the said pension scheme; and

(*c*) the value or, as may be appropriate, the annuity value or annual value, of the pension or other benefit payable to or in respect of him under the said pension scheme shall be treated, for the purposes of paragraph 9 of this Warrant, as if it were a pension for which he is eligible under the said Part I or Part II, or, if he is eligible for a pension under the said Part I or Part II, such pension shall be treated, for the purposes of paragraph 9 of this Warrant, as if it were increased by such value as aforesaid.

Miscellaneous and general provisions

12.—(1) References in paragraphs 8, 9 and 13 of this Warrant to a pension under Part I or Part II of the Act of 1949 shall, unless the context otherwise requires, include references to a pension under Part I of the Administration of Justice (Pensions) Act 1950(**a**) and to a pension under sections 8 to 10 of the Ministerial Salaries and Members' Pensions Act 1965(**b**) or under those sections as applied by section 16(2) of that Act.

(2) Where a person is eligible for any pension specified in the last preceding sub-paragraph (other than a pension under Part I or Part II of the Act of 1949)—

(*a*) for the purposes of paragraph 8(2) of this Warrant, the annual rate of the pension for which that person would have been eligible under the said Part I or Part II if the deceased had completed twenty years' reckonable service shall be calculated on the assumption that such reckonable service had been service as a civil servant; and

(*b*) for the purposes of the proviso to paragraph 8(3) of this Warrant, the rate of the superannuation allowance for which the deceased would have been eligible if he had completed twenty years' reckonable service shall be calculated on the assumption that such reckonable service had been service as a civil servant.

13.—(1) References in this Warrant to a widow or her husband shall, in their application to a woman to whom the 1952 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.

(**a**) 14 & 15 Geo. 6. c. 11. (**b**) 1965 c. 11.

(2) Where under Part I or Part II of the Act of 1949 a single pension is payable for the benefit of more than one person, any person for whose benefit that pension is payable shall be treated, for the purposes of this Warrant, as being eligible for a pension of an amount equal to the total amount of the pension divided by the number of persons for whose benefit it is payable.

(3) For the purposes of this Warrant, the value of any pension, allowance, right or benefit 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.

14.—(1) Any reference in this Warrant to the provisions of any enactment shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment.

(2) The Interpretation Act 1889(**a**) shall apply for the interpretation of this Warrant as it applies for the interpretation of an Act of Parliament.

15.—(1) The 1952 Warrant shall have effect, in its application to persons who die on or after 29th April 1965, as if for the words "within seven years of the date of the injury as a direct result thereof" in paragraph 19(1) of that Warrant there were substituted the words "as a direct result of the injury".

(2) In paragraph 1(1) of the Injury Warrant 1957(**b**) (which applies the 1952 Warrant to persons holding office in Her Majesty's Government) the reference to the 1952 Warrant shall be construed as including a reference to this Warrant.

16.—(1) This Warrant may be cited as the Injury Warrant 1965, and the Injury Warrant 1952, the Injury Warrant 1957 and this Warrant may be cited together as the Injury Warrants 1952 to 1965.

(2) This Warrant shall be construed as one with the Injury Warrant 1952 and the Injury Warrant 1957.

(3) This Warrant shall come into operation on 29th April 1965.

James Callaghan,
G. H. R. Rogers,
Two of the Lords Commissioners of Her Majesty's Treasury.

22nd April 1965.

EXPLANATORY NOTE

(This Note is not part of the Warrant.)

This Warrant reproduces with amendments Part III of the Injury Warrant 1952, which provides for the grant of annual allowances or gratuities to the dependants of Ministers, civil servants and persons employed by the Government in a civil capacity, who die as a result of an injury sustained in the discharge of their duties. This Warrant applies in cases where the injury has been sustained after 15th December 1961, but the prescribed amounts are payable only in respect of periods after 29th April 1965, when the provisions come into force.

In particular this Warrant gives effect to paragraph 21 of Schedule 2 to the Superannuation (Amendment) Act 1965, which removes the former limitation, in section 41(1) of the 1949 Act, restricting payments to cases where death occurs within seven years of the date of injury; it also introduces consequential changes in the personal circumstances to be taken as qualifying widows and children for awards. In addition, this Warrant introduces new formulae for

(**a**) 52 & 53 Vict. c. 63. (**b**) S.I. 1957/1354 (1957 II, p. 1758).

computing the amounts of allowances, the effect being to remove former anomalies in the relationship between benefits payable under the Superannuation Acts to persons eligible for contributory pensions under Part I or Part II of the 1949 Act and amounts payable to other beneficiaries.