STATUTORY INSTRUMENTS

1961 No. 1801

PENSIONS

The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme, 1961

Made - - - -	21*st September*, 1961
Laid before Parliament	29*th September*, 1961
Coming into Operation	1*st October*, 1961

The Minister of Pensions and National Insurance, with the consent of the Treasury, in exercise of the powers conferred upon him by Sections 1 and 2 of the Personal Injuries (Emergency Provisions) Act, 1939(a), and of all other powers enabling him in that behalf, hereby makes the following Scheme:—

1. This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) (No. 2) Scheme, 1961, shall be read as one with the Personal Injuries (Civilians) Scheme, 1949(b), as amended(c) (hereinafter referred to as "the principal Scheme") and shall come into operation on the 1st October, 1961.

2. Paragraph (2) of Article 56 of the principal Scheme (which paragraph provides for the forfeiture, on account of unworthiness to receive a grant from public funds, of pensions awarded to widows and other dependants) is hereby revoked:

Provided that no award withheld or pension forfeited under the said paragraph (2) shall be made or restored except in accordance with the provisions of paragraph (3) of Article 56.

3.—(1) Article 59 of the principal Scheme (which contains provisions relating to the pension of a female person who marries or cohabits with a man as his wife) shall be amended in accordance with the provisions of the next following paragraphs, and shall accordingly have effect as set out in the Schedule to this Scheme.

(2) In paragraph (1) after the words "death of a person" there shall be inserted the words "other than a pension to his parent" and for paragraph (2) there shall be substituted the following paragraph:—

"(2) If the Minister having regard to the special circumstances of the case so directs, paragraph (1) of this Article shall not apply to a child of a deceased person who, being in receipt of a pension under Article 29 or 40 of this Scheme, marries after the 30th September, 1961."

(3) For paragraph (3) there shall be substituted the following paragraph:—

"(3) On the marriage—

(*a*) after the 4th July, 1948, of a widow in receipt of a pension under Article 22, 23 or 40 of this Scheme, or

(a) 2 & 3 Geo. 6. c. 82. (b) S.I. 1949/2025 (1949 I, p. 3115).

(c) There is no amendment which relates to the subject-matter of the present amending Scheme.

(*b*) after the 30th September, 1961, of a widow who would have been in receipt of such a pension immediately before that marriage had that pension not ceased or been withheld in consequence of her cohabiting with a man as his wife—

she may be awarded a gratuity equal to one year's pension."

(4) After paragraph (3) there shall be added the following paragraph:—

"(4) An award of pension which has been withheld or has ceased to have effect under paragraph (1) of this Article in consequence of a person cohabiting with a man as his wife may be made or restored by the Minister, either in whole or in part, upon such terms and from such date (not being a date before the 1st October, 1961, or that on which she ceases so to cohabit, whichever is the later) as he thinks fit."

4. The Minister may award or restore, either in whole or in part and in respect of any period after the 30th September, 1961, any pension which was withheld or ceased in consequence of the marriage of a parent or of her cohabiting with a man as his wife if the circumstances of the parent are, in the Minister's opinion, such as to justify the making of the award or the restoration.

Dated this 18th day of September, 1961.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

We consent
Dated this 21st day of September, 1961.

Michael Hughes-Young,
John Hill,
Two of the Lords Commissioners of Her Majesty's Treasury.

Article 3

SCHEDULE

ARTICLE 59 OF THE PRINCIPAL SCHEME, AS AMENDED*

59. *Remarriage of widows, etc.*—(1) An award of a pension under this Scheme to a female person in respect of the death of a person *other than a pension to his parent* shall not be made or, if made, shall cease to have effect where, after the death of the deceased person, she marries or cohabits with some other person as his wife:

Provided that an allowance awarded under this Scheme in respect of the child of a deceased person shall not be affected by the cessation under this Article of the award of a pension to any other person.

(2) *If the Minister having regard to the special circumstances of the case so directs, paragraph* (1) *of this Article shall not apply to a child of a deceased person who, being in receipt of a pension under Article* 29 *or* 40 *of this Scheme, marries after the* 30*th September,* 1961.

(3) On the marriage—

(*a*) after the 4th July, 1948, of a widow in receipt of a pension under Article 22, 23 or 40 of this Scheme, *or*

* The amendments made by this Scheme are shown in italics.

(b) after the 30th September, 1961, of a widow who would have been in receipt of such a pension immediately before that marriage had that pension not ceased or been withheld in consequence of her cohabiting with a man as his wife—

she may be awarded a gratuity equal to one year's pension.

(4) *An award of a pension which has been withheld or has ceased to have effect under paragraph (1) of this Article in consequence of a person cohabiting with a man as his wife may be made or restored by the Minister, either in whole or in part, upon such terms and from such date (not being a date before the 1st October, 1961, or that on which she ceases so to cohabit, whichever is the later) as he thinks fit.*

EXPLANATORY NOTE

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

This Scheme further amends the Personal Injuries (Civilians) Scheme, 1949, which provides for compensation to or in respect of civilians who were injured or killed in the 1939-1945 War, by amending the provisions under which the pension of a widow or other female dependant of a deceased person ceased on marriage or cohabitation or might be withheld or foreited if the dependant appeared to the Minister of Pensions and National Insurance to be unworthy of a pension.

The latter provision is revoked, and the former no longer applies to parents' pensions or, where the Minister may so direct, to a child's pension. In all other cases the Minister is given power to restore a pension on cessation of cohabitation. There are certain consequential and transitional amendments.