STATUTORY INSTRUMENTS

1962 No. 2760

PENSIONS

The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme 1962

Made - - - -	18*th December* 1962
Laid before Parliament	31*st December* 1962
Coming into Operation	1*st January* 1963

The Minister of Pensions and National Insurance, with the consent of the Treasury, in exercise of the powers conferred upon him by Section 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:—

Citation, interpretation and commencement

1. This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) (No. 2) Scheme 1962, shall be read as one with the Personal Injuries (Civilians) Scheme 1962(b), as amended(c) (hereinafter referred to as "the principal Scheme") and shall come into operation on the 1st January 1963.

Amendment of Article 17 *of the principal Scheme*

2.—(1) Paragraphs (1) and (2) of Article 17 of the principal Scheme (which provide for allowances for unemployable pensioners) shall be amended in accordance with the following provisions of this paragraph, and shall accordingly have effect as set out in the Schedule hereto:—

(*a*) In head (*b*) of the proviso to paragraph (1) the words from "or under the law" to the end of the paragraph shall be omitted;

(*b*) In the proviso to paragraph (2) the words from "any of the following benefits" to "Northern Ireland; (*b*)" shall be omitted, and for the words "or under the law" to the end of the paragraph the words "for which the person may be eligible" shall be substituted.

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

"(4) *Adjustment of allowances in respect of benefit payable out of public funds abroad.* Where a person to or in respect of whom an allowance or increase may be or has been awarded under the foregoing provisions of this Article is eligible for benefit payable out of public funds under the law of any place outside the United Kingdom being benefit which, in the opinion of the Minister, is analogous to a benefit under the National Insurance Act 1946(d), the Minister may take the

(a) 2 & 3 Geo. 6. c. 82. (b) S.I. 1962/787 (1962 I, p. 795).
(c) There is no amendment which relates to the subject matter of the present amending Scheme.
(d) 9 & 10 Geo. 6. c. 67.

benefit into account against the allowance or increase in such manner and to such extent as he may think appropriate having regard to any adjustment which would be made if the person were eligible for the analogous benefit under the said Act."

Niall Macpherson,
Minister of Pensions and National Insurance.

18th December 1962.

We consent.

G. T. C. Campbell,
M. A. Hamilton,
Two of the Lords Commissioners of Her Majesty's Treasury.

18th December 1962.

SCHEDULE

PARAGRAPHS (1) AND (2) OF ARTICLE 17 OF THE PRINCIPAL SCHEME, AS AMENDED*

17.—(1) **Eligibility.** Where a disabled person is in receipt of a pension under Article 11 of this Scheme in respect of disablement so serious as to make him unemployable, he may be awarded allowances in accordance with such of the provisions of this Article as may be appropriate in his case:

Provided that—

(*a*) such a person may be deemed to be unemployable although in receipt of earnings which are, in the opinion of the Minister, unlikely to exceed £104 a year;

(*b*) such a person shall not be eligible for any award under this Article if he is in receipt of a retirement pension (not being contributory old age pension) under the National Insurance Act, 1946, or under any legislation in Northern Ireland corresponding to that Act.

(2) **Supplementation of pension.** A disabled person coming within paragraph (1) of this Article may be awarded an allowance, by way of supplement to his pension, at the rate of 63s. a week:

Provided that, in computing the said rate, account shall be taken, to such extent as the Minister may think fit, of a contributory old age pension or a widow's basic pension under the National Insurance Act, 1946, or under any legislation in Northern Ireland corresponding to that Act *for which the person may be eligible.*

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 1962, which provides for compensation to or in respect of civilians injured or killed in the 1939–1945 War. The existing provisions relating to the adjustment of allowances for unemployable pensioners having regard to benefits payable under social security legislation overseas are varied so as to permit the making of an adjustment closer in effect to that which would be made if the pensioner, or his dependant, were eligible for analogous benefits under the National Insurance Act 1946.

* The words substituted by this Scheme are shown in italics.