STATUTORY INSTRUMENTS

1963 No. 1909

PENSIONS

The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme 1963

Made - - - -	*26th November* 1963
Laid before Parliament	*30th November* 1963
Coming into Operation	*2nd December* 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 1963, 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 2nd December 1963.

Articles added to the principal Scheme

2.—(1) The following Article shall be added after Article 30 of the principal Scheme :—

" *Temporary allowances for widows and unmarried dependants living as wives of severely disabled persons*

30A.—(1) Where a disabled person dies on or after the 2nd December 1963 and an allowance under Article 14 or Article 17(2) was payable to him in respect of any period ending with his death, or an allowance under Article 14 ceased to be payable within 13 weeks of his death following his entry as an in-patient into a hospital or other institution, his widow or unmarried dependant living as his wife may be awarded a personal allowance and additional allowances in respect of children in accordance with the following provisions of this Article.

(2) A personal allowance awarded under this Article to a widow shall be payable—

(*a*) for the period of 13 weeks commencing with the Wednesday next following the day of her husband's death, and

(*b*) at a weekly rate equal to the total amount of the pension or treatment allowances and any other allowances payable to her husband under this Scheme in respect of the 7 days next preceding the day of his death, with the exception of allowances under Article 16, 17(3)(*c*), 21(4) or 21(5) proviso (*a*) or any allowance in respect of a child:

(a) 2 & 3 Geo. 6. c. 82. (b) S.I. 1962/787 (1962 I, p. 795).
(c) S.I. 1962/1380, 2760, 1963/352 (1962 II, p. 1514 ; III, p. 3881 ;1963 I, p. 289).

Provided that a personal allowance shall not be payable for any period after the death of the widow.

(3) Where the widow was separated from her husband at the date of his death and the separation was not, in the opinion of the Minister, caused by her husband's mental instability arising from a qualifying injury, she may not be awarded a personal allowance under this Article unless the conditions set out in sub-paragraph (*a*) or (*b*) of Article 27(1) are satisfied in her case ; and the rate of any allowance payable to her shall be at the discretion of the Minister but shall not exceed the rate prescribed in sub-paragraph (*a*) or sub-paragraph (*b*) of Article 27(2), as the case may be, nor the rate appropriate in her case under paragraph (2) of this Article.

(4) Where the widow of a person, other than a widow to whom the last foregoing paragraph applies, is not in receipt of a personal allowance under this Article or a pension under Article 26, an unmarried dependant living as the wife of the person and having at the date of his death a child of his in her charge may be awarded a personal allowance under this Article as if she were the widow of the person:

Provided that the rate of the allowance payable to her shall be at the discretion of the Minister, but shall not in any case exceed the rate which, if she were the person's widow, would be appropriate in her case under paragraph (2) of this Article, and the allowance shall not be payable for any period after she ceases to have that child in her charge.

(5) Where the widow of a person or an unmarried dependant living as the wife of a person is awarded a personal allowance under this Article, she may be awarded an additional allowance in respect of any child for whom an allowance was payable to that person immediately before his death, and any such additional allowance shall be payable—

(*a*) for so long as the personal allowance is payable and the child is alive and has not attained the age of 15 years, or, if he has attained that age, is a student or an apprentice or is incapable of self-support by reason of an infirmity which arose before he attained that age and the circumstances are such, in the opinion of the Minister, as to justify the continuance of the award ; and

(*b*) at the weekly rate at which the allowance or allowances, other than an allowance under Article 13, for that child was or were payable to the person in respect of the 7 days next preceding the day of his death.

(6) Where the aggregate amount of any payments made to a person under this Article for any period is equal to or exceeds the aggregate amount of any pension, allowance (other than an allowance under this Article or Article 35) or grant which, apart from the provisions of this paragraph, might be awarded to that person for that period under this Part of this Scheme, no award of such pension, allowance or grant shall be made for that period ; but where the aggregate amount of any such payments is less than the aggregate amount of any such pension, allowance or grant, the said pension, allowance or grant may be awarded for that period and the said payments shall be treated as paid on account thereof:

Provided that where a widow, who, but for the provisions of this paragraph, would have been eligible for a pension under Article 26 or 27, re-marries, the provisions of Article 67(3) shall apply in her case as if that pension had been awarded to her."

(2) The following Article shall be added after Article 48 of the principal Scheme:—

"*Temporary allowances for widows of severely disabled persons*

48A. The provisions of Article 30A of this Scheme shall apply in relation to the widow of a disabled person in all respects as if he had been a gainfully occupied person subject to the modifications that any reference in that Article to a pension, allowance or grant payable under any provision of Part III or Part IV of this Scheme shall be construed as a reference to the pension, allowance or grant, if any, payable under that provision as applied by a provision of this Part of this Scheme, and that any reference to Article 26 or 35 shall be construed as a reference to Article 47 or 49 respectively."

Richard Wood,
Minister of Pensions and
National Insurance.

25th November 1963.

We consent.

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

26th November 1963.

EXPLANATORY NOTE

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

1. 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 1939-45 War.

2. Provision is made for the award of a temporary personal allowance and temporary allowances in respect of children to the widow or unmarried dependant who lived as the wife of a person to whom constant attendance allowance or unemployability supplement was payable before he died. The allowances are payable for 13 weeks following the disabled person's death at weekly rates related to the amount of disablement pension and allowances which were payable to him before death.