STATUTORY INSTRUMENTS

1968 No. 1206

PENSIONS

The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme 1968

Made - - -	*25th July* 1968
Laid before Parliament	*1st August* 1968
Coming into Operation	
Article 2 - -	*9th October* 1968
Article 3 - -	*14th October* 1968
Remainder - -	*5th August* 1968

The Minister of Social Security, with the consent of the Treasury, in exercise of the powers conferred upon her by section 2 of the Personal Injuries (Emergency Provisions) Act 1939(**a**), and of all other powers enabling her in that behalf, hereby makes the following Scheme :—

Citation, interpretation and commencement

1.—(1) This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) (No. 2) Scheme 1968, amends the Personal Injuries (Civilians) Scheme 1964(**b**), as amended (**c**), (hereinafter referred to as "the principal Scheme").

(2) Subject to the provisions of the next following paragraph, this Scheme shall come into operation on 5th August 1968.

(3) Article 2 of this Scheme shall come into operation on 9th October 1968, and Article 3 of this Scheme shall come into operation on 14th October 1968.

Amendment of Schedule 3 to the principal Scheme, and transitional provisions

2.—(1) In Schedule 3 to the principal Scheme (rates of pension and allowances payable in respect of disablement) there shall be made the amendments set out in Part I of the Schedule hereto.

(2) Where, by virtue of the provisions of paragraph (1) of this Article, the aggregate rate of additional unemployability or treatment allowances and allowances, if any, under the Family Allowances Act 1965(**d**) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act, payable in respect of the children of a disabled person who qualify therefor at 7th October 1968 is, upon the coming into operation of the said paragraph, less than it was according to the rates in force on the said 7th October, then for the period for which the said aggregate rate in respect of those children or any remaining number of them continues to be less than it would have been had

(**a**) 2 & 3 Geo. 6.c.82. (**b**) S.I. 1964/2077 (1964 III, p. 5187).
(**c**) The relevant amending Schemes are S.I. 1967/1250, 1968/176 (1967 II, p. 3617; 1968 I, p. 425).
(**d**) 1965 c. 53.

the said rates remained in force, the rate of additional unemployability or treatment allowances payable in respect of those children may be varied to the extent required to exclude the reduction in the said aggregate rate.

Amendment of Schedule 4 to the principal Scheme

3. In Schedule 4 to the principal Scheme (rates of pensions and allowances payable in respect of death) there shall be made the amendments set out in Part II of the Schedule hereto.

Amendment of Article 19 of the principal Scheme, and consequential amendment

4. In the principal Scheme, in Article 19 (allowance for lowered standard of occupation) there shall be made the amendment set out in paragraph 1 of Part III of the Schedule hereto, and in Article 31 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled persons) there shall be made the amendments set out in paragraph 2 of the said Part.

Article added to the principal Scheme

5. In the principal Scheme, after Article 63 there shall be added the Article set out in paragraph 3 of Part III of the Schedule hereto.

Amendment of Article 64 of the principal Scheme

6. In Article 64 of the principal Scheme (payment of public claims out of pensions) there shall be made the amendment set out in paragraph 4 of the said Part.

Judith Hart,

Minister of Social Security.

23rd July 1968.

We consent.

E. Alan Fitch,

J. McCann,

Two of the Lords Commissioners of Her Majesty's Treasury.

25th July 1968.

SCHEDULE

PART I

Amendment of Schedule 3 to the principal Scheme

1. In Schedule 3 paragraph 6 (unemployability allowances) for head (iii) of sub-paragraph (*b*) there shall be substituted the following head:—

"(iii) increased allowance under Article 17(4)(*f*)—

(*a*) in respect of the child, or the elder or eldest of the children, of a disabled person	28s. per week
(*b*) in respect of the second child of a disabled person	10s. per week
(*c*) in respect of each other child of a disabled person ..	8s. per week"

2. In Schedule 3 paragraph 10 (treatment allowances) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph:—

"(*d*) increased additional allowance under Article 21(4) proviso (*b*)—

(i) in respect of the child, or the elder or eldest of the children, of a disabled person	28s. per week
(ii) in respect of the second child of a disabled person	10s. per week
(iii) in respect of each other child of a disabled person	8s. per week"

PART II

Amendment of Schedule 4 to the principal Scheme

In Schedule 4—

(*a*) for paragraph (6) (allowance under Article 33 in respect of a child under the age of 15) there shall be substituted the following paragraph:—

"6. Allowances under Article 33 in respect of children under the age of 15—

(*a*) in respect of the child, or the elder or eldest of the children, of a deceased person	49s. 6d. per week
(*b*) in respect of each other child of a deceased person—	
(i) where the child qualifies for a family allowance under the Family Allowances Act 1965 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	39s. 6d. per week
(ii) where the child does not so qualify ..	46s. 6d. per week"

(*b*) for paragraph 7 (pension under Article 34(1) to a motherless or fatherless child under the age of 15) there shall be substituted the following paragraph:—

"7. Pensions under Article 34(1) to motherless or fatherless children under the age of 15—

(*a*) in respect of the child, or the elder or eldest of the children, of a deceased person, and in respect of each other child of a deceased person who does not qualify for a family allowance as aforesaid	49s. 6d. per week
(*b*) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid	39s. 6d. per week"

PART III

1. *Amendment of Article 19 of the principal Scheme*

In Article 19 (allowance for lowered standard of occupation) for paragraph (2) there shall be substituted the following paragraph:—

"(2) An allowance under this Article shall not be payable to a disabled person for any period in respect of which an allowance under Article 17(1)(i) is payable to him."

2. *Amendment of Article 31 of the principal Scheme*

In Article 31 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled persons) in paragraph (1) after the words "an allowance under Article 14 or Article 17(1)(i)" there shall be inserted the words "or, in the case of a disabled person who was concurrently eligible for an allowance under Article 17(1)(i), Article 19", and for the proviso to paragraph (2) there shall be substituted the following proviso:—

"Provided that—

(i) a personal allowance shall not be payable for any period after the death of the widow;

(ii) in calculating the weekly rate of allowances for the purposes of the foregoing provisions of this Article, a disabled person who, being concurrently eligible for an allowance under Article 17(1)(i), was in receipt of an allowance under Article 19 shall be deemed in lieu thereof to have been in receipt of an allowance under Article 17(1)(i)."

3. *Article to be added to the principal Scheme*

"Abatement of awards in respect of National Insurance and Industrial Injuries Benefits

63A. Where a pension is awarded to or in respect of a person for any past period for which benefit under the National Insurance Acts 1965 to 1968 or the National Insurance (Industrial Injuries) Acts 1965 to 1968 or any legislation in Northern Ireland corresponding to those Acts has been paid to or in respect of that person, the total amount of pension so awarded may be abated by the amount by which the amount of benefit so paid exceeds what would have been payable for that period had the pension been concurrently payable."

4. *Amendment of Article 64 of the principal Scheme*

In Article 64 (payment of public claims out of pensions) for paragraph (2) there shall be substituted the following paragraph:—

"(2) Where payment in respect of a pension is in arrears for any period and benefit under the Ministry of Social Security Act 1966(a) or benefit similar to the aforesaid benefit under any legislation in Northern Ireland or the Isle of Man corresponding to that Act has been paid for that period by reference to the requirements of the person to whom the payment is due, the amount by which the amount of benefit paid exceeds what would have been paid had the said payment not fallen into arrears shall be deemed to have been an overpayment for the purposes of paragraph (1) of this Article, and in the case of benefit paid under legislation in Northern Ireland or the Isle of Man as aforesaid shall for the purposes of that paragraph be repayable to the authority administering that benefit."

(a) 1966 c. 20.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme further amends the Personal Injuries (Civilians) Scheme 1964, which provides for compensation to or in respect of civilians injured or killed in the 1939-45 War.

Articles 2 and 3 make amendments which take account of the increases in family allowances made by the Family Allowances and National Insurance Act 1968 from 8th October 1968 and have the effect of adjusting the rates of children's pensions and allowances so that the pensions or allowances and (where payable) family allowances together will normally continue to provide the same total rate for each child as was payable immediately before the aforesaid increases came into force. Transitional provisions secure that the aggregate rate of existing awards will be maintained where this is more advantageous.

Article 4 makes amendments which enable an award of an allowance for lowered standard of occupation in payment to a pensioner who becomes unemployable to be continued if, exceptionally, it would be to his financial disadvantage, having regard to any national insurance benefit concurrently payable, to transfer to unemployability supplement, and extend entitlement to an award of temporary allowances, at the rate which would have been payable had the pensioner been in receipt of unemployability supplement, to the widow, or unmarried dependent who lived as a wife, of such a pensioner.

Article 5 makes provision for the prevention of overlapping payments of war pension or allowances and national insurance benefit.

Article 6 extends the provisions for preventing overlapping payments of war pension or allowances and supplementary benefit, to Northern Ireland and the Isle of Man.