1978 No. 1426

PENSIONS

WAR INJURIES (CIVILIANS)

The Personal Injuries (Civilians) Amendment (No. 2) Scheme 1978

Made - - - -	*3rd October* 1978
Laid before Parliament	*9th October* 1978
Coming into Operation	*13th November* 1978

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of powers conferred by section 2 of the Personal Injuries (Emergency Provisions) Act 1939(**a**) and now vested in him(**b**), and of all other powers enabling him 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 1978, shall, except so far as the context otherwise requires, be read as one with the Personal Injuries (Civilians) Scheme 1976(**c**), as amended(**d**) (hereinafter referred to as "the principal Scheme") and, subject to the provisions of the next succeeding paragraph, shall come into operation on 13th November 1978.

(2) In relation to any award payable weekly the foregoing reference to 13th November 1978 shall, where that date is not that of the normal weekly pay day for that award, be construed as a reference to the date of the first weekly pay day for that award following 13th November 1978.

Amendment of article 9 of the principal Scheme

2. To article 9 of the principal Scheme (general conditions applicable to awards under Part III of Scheme) there shall be added the following two paragraphs:—

"(2) No award of an allowance shall be made under article 13 or 18(4)(d) of this Scheme, nor under article 23(4A) thereof (education, unemployability and treatment allowances in respect of a dependent child) shall be made, continued or continue to have effect in respect of a child who has attained the age of 15 unless he is—

(*a*) a student or an apprentice; or

(**a**) 1939 c. 82.
(**b**) See Transfer of Functions (Ministry of Pensions) Order 1953 (S.I. 1953/1198) Article 2, Ministry of Social Security Act 1966 (c. 20) section 2, and Secretary of State for Social Services Order 1968 (S.I. 1968/1699) Article 2.
(**c**) S.I. 1976/585.
(**d**) S.I. 1976/1167; 1977/404, 1640; 1978/384.

(*b*) incapable of self-support by reason of an infirmity which arose before he attained the age of 15; and

(*c*) in either case the circumstances are, in the opinion of the Secretary of State, such as to justify the award or its continuance.

(3) For the purposes of articles 13, 18(4)(*d*) and 23(4A) an award, continuance and amount of any allowance under those articles in respect of a child who is living apart from the disabled member shall be at the discretion of the Secretary of State."

Amendment of article 12 *of the principal Scheme*

3. In article 12 of the principal Scheme (allowances for eligible members of the family)—

(*a*) for the table in paragraph (2) there shall be substituted the following table: —

"TABLE

Eligible member of the family	Maximum weekly rate
	p.
(*a*) wife or dependent husband ...	60
(*b*) the first dependent child where an allowance under (*a*) is not being paid	60

,,

(*b*) for paragraphs (5) and (6) there shall be substituted the following paragraphs: —

"(5) No award of an allowance under this article shall be made, continued or continue to have effect in respect of a child who has attained the age of 15 unless he is undergoing full-time education and is under the age of 19 years.

(6) For the purposes of item (*b*) of the Table in paragraph (2) of this article the expression "the first dependent child" means the eldest dependent child of the disabled person after disregarding any child in respect of whom, by virtue of the last foregoing paragraph, no award of an allowance may be made, continued or continue to have effect."

Amendment of article 13(1)(*a*) *of the principal Scheme*

4. In article 13(1) of the principal Scheme (education allowance), for subparagraph (*a*) there shall be substituted the following subparagraph: —

"(*a*) the child is a dependent child of the disabled person or by virtue of article 18(4)(*e*) is treated as a child of that person and is dependent on him."

Amendment of article 18 *of the principal Scheme*

5. In article 18 of the principal Scheme (unemployability allowances)—

(*a*) in paragraph (2) for the sum of "£520" there shall be substituted the sum of "£572";

(*b*) in paragraph (4)—

(i) all the words in subparagraph (*a*) following the words "eligible member of the family" shall be deleted;

(ii) for subparagraphs (*d*) and (*e*) there shall be substituted the following subparagraphs: —

"(*d*) an allowance may be awarded in respect of any child who is an eligible member of the disabled person's family at the appropriate rate specified in paragraph 7(*b*)(iii) of Schedule 3 to this Scheme;

(*e*) where a child is not an eligible member of the disabled person's family, but in the opinion of the Secretary of State, having regard to the child's relationship to or connection with that person and the other circumstances of the case, the child should be so treated for the purposes of the last preceding subparagraph, that child shall be so treated for those purposes."

Amendment of article 23 *of the principal Scheme*

6. In article 23 of the principal Scheme (treatment allowances)—

(*a*) in paragraph (4)—

(i) after the words "in respect of an eligible dependant" there shall be inserted the words "(not being a dependent child)"; and

(ii) proviso (*b*) shall be deleted:

(*b*) after paragraph (4) there shall be inserted the following new paragraph: —

"(4A) Subject to the provisions of article 9(2) and (3) of this Scheme (general conditions applicable to awards under Part III of the Scheme) an additional allowance may also be awarded in respect of any child who is an eligible member of the family at the rate specified in paragraph 12(*e*) of Schedule 3 to this Scheme."

Amendment of article 37 *of the principal Scheme*

7. In article 37 of the principal Scheme (awards to or in respect of ineligible members of families of unemployable pensioners), after the expression "article 18(4)(*d*)" there shall be inserted the words "by virtue of article 18(4)(*e*)".

Substitution of Schedules to the principal Scheme

8. For Schedules 3 and 4 to the principal Scheme (rates of pensions and allowances payable in respect of disablement and death) there shall be substituted the Schedules set out in the Schedule hereto and numbered 3 and 4 respectively.

David Ennals,
Secretary of State for Social Services.

28th September 1978.

We consent,

A. W. Stallard,
T. M. Cox,
Two of the Lords Commissioners of Her Majesty's Treasury.

3rd October 1978.

SCHEDULE

Article 8

Schedules to be substituted in the principal Scheme

SCHEDULE 3

RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

Description of Pension or Allowance	*Rate*
1. Pension for 100 per cent. disablement under Article 11	£31.90 per week
2. Education allowance under Article 13 ...	£120.00 per annum (maximum)
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	£25.40 per week (maximum)
(*b*) in any other case under that Article ...	£12.70 per week (maximum)
4. Exceptionally severe disablement allowance under Article 15	£12.70 per week
5. Severe disablement occupational allowance under Article 16	£6.35 per week
6. Allowance for wear and tear of clothing—	
(*a*) under Article 17(1)(*a*)	£27.00 per annum
(*b*) under Article 17(1)(*b*) and 17(2)	£43.00 per annum
7. Unemployability allowances—	
(*a*) personal allowance under Article 18(1)(i) ...	£20.75 per week
(*b*) additional allowances for dependants by way of—	
(i) increase of allowance in respect of a wife or dependent husband under Article 18(4)(*b*)	£11.70 per week (maximum)
(ii) allowance in respect of an adult dependant under Article 18(4)(*c*)	£11.70 per week (maximum)
(iii) increase of allowance in respect of each child under Article 18(4)(*d*)	£6.35 per week
8. Invalidity allowance payable under Article 19	
(*a*) if on the relevant date the disabled person was under the age of 35 or if that date fell before 5th July 1948	£4.15 per week
(*b*) if head (*a*) does not apply and on the relevant date the disabled person was under the age of 45	£2.60 per week
(*c*) if heads (*a*) and (*b*) do not apply and on the relevant date the disabled person was a man under the age of 60 or a woman under the age of 55	£1.30 per week

9. Comforts allowance—	
(*a*) under Article 20(1)(*a*)	£5.40 per week
(*b*) under Article 20 (1)(*b*) or 45(1)	£2.70 per week
10. Allowance for lowered standard of occupation under Article 21	£12.76 per week (maximum)
11. Age allowance under Article 22 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	£2.20 per week
(*b*) 60 or 70 per cent.	£3.40 per week
(*c*) 80 or 90 per cent.	£4.80 per week
(*d*) 100 per cent.	£6.80 per week
12. Treatment allowances—	
(*a*) increase of personal allowance under Article 23(2)	£6.80 per week (maximum)
(*b*) increase of personal allowance under Article 23(3)(*a*)—	
(i) if the disabled person has reached 65 years (60 if a woman) or if not eligible for invalidity pension and allowance solely because of failure to satisfy the contribution conditions	£19.50 per week
(ii) in any other case	£15.75 per week
(*c*) increase of personal allowance under Article 23(3)(*c*)—	
(i) if on the relevant date the disabled person was under the age of 35 or if that date fell before 5th July 1948 ...	£4.15 per week
(ii) if head (i) does not apply and on the relevant date the disabled person was under the age of 45	£2.60 per week
(iii) if heads (i) and (ii) do not apply and on the relevant date the disabled person was a man under the age of 60, or a woman under the age of 55	£1.30 per week
(*d*) increase of additional allowance under Article 23(4), proviso (*a*)	£9.75 per week
(*e*) increase of additional allowance under Article 23(4A) in respect of each child of a disabled person	£1.85 per week
(*f*) additional allowance under Article 23(5)...	£9.75 per week
(*g*) higher rate of increase of additional allowance (or of additional allowance, as the case may be) under Article 23(6)—	
(i) in respect of the wife, husband or adult dependant of a disabled person ...	£11.70 per week
(ii) in respect of each child of a disabled person	£6.35 per week
13. Part-time treatment allowance under Article 25	£10.75 per day (maximum)

SCHEDULE 4

RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

Description of Pension or Allowance	*Rate*
1. Pension to widow—	
(*a*) under Article 27(1)	£25.30 per week
(*b*) under Article 27(2)	£5.85 per week
2. Rent allowance under Article 28	£9.60 per week (maximum)
3. Allowance under Article 29 or 49 to an elderly widow—	
(*a*) if age 65 but under age 70	£2.40 per week
(*b*) if age 70 or over	£4.80 per week
4. Pension under Article 30 to unmarried dependant who lived as wife	£1.00 per week (maximum)
5. Pension to dependent widower under Article 32	£25.30 per week (maximum)
6. Allowances under Article 33 in respect of each child under the age of 15	£7.95 per week
7. Pensions under Article 34(1) to motherless or fatherless children under the age of 15	£8.90 per week
8. Pension or allowance under Article 35(3) to or in respect of a child over the age of 15—	
(*a*) where the child has attained the age of 18 and is incapable of self-support by reason of an infirmity which arose before he attained the age of 15	£19.50 per week (maximum)
(*b*) any other case	£8.90 per week (maximum)
9. Education allowance under Article 36 ...	£120.00 per annum (maximum)
10. Pensions to parents—	
(*a*) minimum rate under Article 38(4) ...	£0.25 per week
(*b*) maximum rate under Article 38(4)—	
(i) where there is only one eligible parent ...	£1.00 per week
(ii) where there is more than one eligible parent	£1.38 per week
(*c*) increase under the proviso to Article 38(4)—	
(i) where there is only one eligible parent ...	£0.38 per week (maximum)
(ii) where there is more than one eligible parent	£0.62 per week (maximum)
11. Pensions to other dependants—	
(*a*) for each juvenile dependant under Article 39(4)	£0.30 per week (maximum)
(*b*) aggregate rate under Article 39(4) ...	£1.00 per week (maximum)
(*c*) under Article 39(5)	£1.00 per week (maximum)
12. Funeral Grant under Article 40(1)	£30.00 (maximum)

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme further amends the Personal Injuries (Civilians) Scheme 1976.

The Scheme increases the rates of retired pay, pensions, gratuities and allowances in respect of disablement and death in the 1939–45 war. It also revokes the provisions for an allowance under article 12 of those instruments (allowances for eligible members of the family) for children who are eligible members of a pensioner's family save in so far as the allowance is in respect of the first dependent child within the meaning of article 12 and no allowance under that article is in issue to the pensioner in respect of his spouse.

It further raises the maximum amount of annual earnings which may be received by a disabled person while deemed to be unemployable for the purposes of an award of unemployability allowance.

The other amendments are consequential to the above.

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