STATUTORY INSTRUMENTS

1979 No. 1232

PENSIONS

WAR INJURIES (CIVILIANS)

The Personal Injuries (Civilians) Amendment (No. 2) Scheme 1979

Made - - - -	1*st October* 1979
Laid before Parliament	22*nd October* 1979
Coming into Operation	12*th November* 1979

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, commencement and interpretation

1.—(1) This Scheme may be cited as the Personal Injuries (Civilians) Amendment (No. 2) Scheme 1979 and, subject to the provisions of paragraph (3) below, shall come into operation on 12th November 1979.

(2) In this Scheme the expression "the principal Scheme" means the Personal Injuries (Civilians) Scheme 1976**(c)**.

(3) In relation to any award under the principal Scheme payable weekly the foregoing reference to 12th November 1979 shall, where that date is not 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 12th November 1979.

Amendment of articles 18 *and* 23 *of the principal Scheme*

2. Articles 18 and 23 of the principal Scheme (unemployability and treatment allowances) shall be amended as follows—

(*a*) in article 18(2) for the amount "£572" there shall be substituted the amount "£676";

(*b*) in article 18(3)(*c*), (3A) and (5), and article 23(7)—

(i) for the reference to the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974 there shall be substituted a reference to the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979**(d)**, and

(ii) for the reference to regulation 14, wherever that reference appears, there shall be substituted a reference to regulation 18.

(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; relevant amending instruments are S.I. 1978/384, 1426, 1979/270.

(d) S.I. 1979/643.

Substitution for article 28(2) *of the principal Scheme*

3. For article 28(2) of the principal Scheme (rent allowance to widows who have children) there shall be substituted the following paragraph:—

"(2) Where, but for this provision, an allowance under this article would cease by reason of the household ceasing to include a child, the allowance may be continued for the period of 26 weeks from the date on which the household so ceases to include that child, notwithstanding that the widow is no longer in receipt of a pension under the said article 27 for the whole or any part of that period unless that pension has ceased by virtue of the provisions of article 71 hereof."

Substitution for article 74 *of the principal Scheme*

4. In article 74 of the principal Scheme (commencing dates of awards)—

(*a*) for paragraph (*b*) there shall be substituted the following paragraph:—

"(*b*) in the case of an appeal under section 3 or 4 of the Pensions Appeal Tribunals Act 1943**(a)** or a review under article 76 below as a result of which appeal or review a pension is awarded or, as the case may be, restored—

(i) the day following the date on which a disabled person ceases to give whole-time service as a member of the armed forces of the Crown where the application for the award of pension was made within the time limit specified in article 54(2) and the appeal against the rejection of that application or against the withholding or reduction of the award under article 6 is commenced or, as the case may be, the review is applied for within three months of the date of the notification of such rejection, withholding or reduction, or

(ii) the day following the date of death where the application, being an application for the award of a pension in respect of a person's death, was made within the time limit specified in article 54(3) and the appeal against the rejection of that application or against the withholding or reduction of the award under article 6 is commenced or, as the case may be, the review is applied for within three months of the date of the notification of the rejection, withholding or reduction, or

(iii) the date of the commencement of such appeal or, as the case may be, of the application for such review;"

(*b*) after paragraph (*c*) there shall be added the following paragraph:—

"(*d*) in the case of an application under article 76 for a review of an assessment as a result of which the rate of the pension is increased—

(i) the date of the commencement of the assessment of the degree of disablement where the application for review is made within three months of the date of an interim assessment, or twelve months in the case of a final assessment, or

(ii) in any other case the date of the application for the review."

(a) 1943 c. 39.

Substitution for Schedules 3 *and* 4 *to the principal Scheme*

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

Patrick Jenkin,
Secretary of State for Social Services.

24th September 1979.

We consent,

John MacGregor,
David Waddington,
Two of the Lords Commissioners
of Her Majesty's Treasury.

1st October 1979.

SCHEDULE *Article 5*

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	£38·00 per week
2. Education allowance under article 13 ...	£120·00 per annum (maximum)
3. Constant attendance allowance—	
(*a*) under the proviso to article 14	£30·40 per week (maximum)
(*b*) in any other case under that article ...	£15·20 per week (maximum)
4. Exceptionally severe disablement allowance under article 15	£15·20 per week
5. Severe disablement occupational allowance under article 16	£7·60 per week
6. Allowance for wear and tear of clothing—	
(*a*) under article 17(1)(*a*)	£32·00 per annum
(*b*) under article 17(1)(*b*) and 17(2)	£51·00 per annum
7. Unemployability allowances—	
(*a*) personal allowance under article 18(1)(i)	£24·70 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*)	£14·00 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(4)(*c*)	£14·00 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(4)(*d*)	£7·10 per week
8. Invalidity allowance payable under article 19	
(*a*) if—	
(i) the relevant date fell before 5th July 1948; or (ii) on the relevant date the disabled person was under the age of 35; or (iii) on the relevant date the disabled person was under the age of 40 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£4·90 per week
(*b*) if—	
(i) on the relevant date the disabled person was under the age of 45; or (ii) on the relevant date the disabled person was under the age of 50 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£3·10 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	£1·55 per week
9. Comforts allowance—	
(*a*) under article 20(1)(*a*)	£6·60 per week
(*b*) under article 20(1)(*b*) or 45(1)	£3·30 per week
10. Allowance for lowered standard of occupation under article 21	£15·20 per week (maximum)
11. Age allowance under article 22 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	£2·65 per week
(*b*) 60 or 70 per cent.	£4·10 per week
(*c*) 80 or 90 per cent.	£5·90 per week
(*d*) 100 per cent.	£8·20 per week
12. Treatment allowances—	
(*a*) increase of personal allowance under article 23(2)	£8·20 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	£23·30 per week
(ii) in any other case	£18·50 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; or	
(ii) if head (i) does not apply and on the relevant date the disabled person was under the age of 40 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£4·90 per week
(iii) if heads (i) and (ii) do not apply and on the relevant date the disabled person was under the age of 45; or	
(iv) if heads (i) to (iii) do not apply and on the relevant date the disabled person was under the age of 50 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£3·10 per week
(v) in any other case	£1·55 per week
(*d*) increase of additional allowance under article 23(4), proviso (*a*)	£11·45 per week
(*e*) increase of additional allowance under article 23(4A) in respect of each child of a disabled person	£1·70 per week

(*f*) additional allowance under article 23(5)	£11·45 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 ...	£14·00 per week
(ii) in respect of each child of a disabled person	£7·10 per week
13. Part-time treatment allowance under article 25	£12·40 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)	£30·20 per week
(*b*) under article 27(2)	£6·99 per week
2. Rent allowance under article 28	£11·50 per week (maximum)
3. Allowance under article 29 or 50 to an elderly widow—	
(*a*) if age 65 but under age 70	£2·95 per week
(*b*) if age 70 or over	£5·90 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	£30·20 per week (maximum)
6. Allowances under article 33 in respect of each child under the age of 15	£10·00 per week
7. Pensions under article 34(1) to motherless or fatherless children under the age of 15	£10·60 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	£23·30 per week (maximum)
(*b*) any other case	£10·60 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 amends the Personal Injuries (Civilians) Scheme 1976 ("the principal Scheme").

The Scheme provides for the payment of rent allowance to widows to be continued for a period of 26 weeks from the date upon which any child by reason of whose presence in the household the rent allowance was being paid ceases to be a member of that household. Previously provision had been made to extend the payment of rent allowance for a period of only 13 weeks and only in the case of the death of the child.

Further the Scheme amends article 74 of the principal Scheme to make specific provision for the commencement of payment of awards made following the review of assessments and following successful appeals against the reduction or withholding of an award.

This Scheme increases the rates of retired pay, pensions, gratuities and allowances in respect of disablement and death in the 1939-45 war. It also 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 Scheme also amends articles 18 and 23 of the principal Scheme by substituting for the references at present appearing in them to a set of regulations which have now been revoked and replaced references to the replacing regulations.

SI 1979/1232
ISBN 0-11-094232-9

