STATUTORY INSTRUMENTS

1980 No. 1103

PENSIONS

WAR INJURIES (CIVILIANS)

The Personal Injuries (Civilians) Amendment (No. 2) Scheme 1980

Made - - - -	28*th July* 1980
Laid before Parliament	6*th August* 1980
Coming into Operation	
articles 1 *and* 3	14*th September* 1980
remainder	24*th November* 1980

The Secretary of State for Social Services with the consent of the Treasury, in exercise of the 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 1980 and, subject to the provisions of paragraph (3) below, shall come into operation, as to articles 1 and 3 on 14th September 1980 and, as to articles 2, 4 and 5 on 24th November 1980.

(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 which is payable weekly and to which any provision of this Scheme relates, the foregoing reference to 24th November 1980 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 immediately following 24th November 1980.

Amendment of article 18 *of the principal Scheme*

2. For the amount "£676" in paragraph (2) of article 18 of the principal Scheme (earnings allowed in relation to unemployability allowance) there shall be substituted the amount "£780".

Amendment of article 19 *of the principal Scheme*

3. For the period "13 weeks" in paragraph (3) of article 19 of the principal Scheme (unemployability allowance linking provision in relation to invalidity allowance) there shall be substituted the period "8 weeks".

(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; Secretary of State for Social Services Order 1968 (S.I. 1968/1699) article 2.

(c) S.I. 1976/585, as amended by S.I. 1976/1167; 1977/404 1640; 1978/384 1426; 1979/270 1232; 1980/1102.

Amendment of article 25 of the principal Scheme

4. For the proviso to article 25 of the principal Scheme (amount of allowance for part-time treatment) there shall be substituted the following proviso:—

"Provided that the amount of an allowance awarded to a disabled person under this article in respect of any period of a week shall not exceed three times the said specified rate."

Substitution of 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.

22nd July 1980.

We consent

Carol Mather,
J. A. Douglas-Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

28th July 1980.

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	£44·30 per week
2. Education allowance under article 13	£120·00 per annum (maximum)
3. Constant attendance allowance—	
(*a*) under the proviso to article 14	£35·40 per week (maximum)
(*b*) in any other case under that article	£17·70 per week (maximum)
4. Exceptionally severe disablement allowance under article 15	£17·70 per week
5. Severe disablement occupational allowance under article 16	£8·85 per week
6. Allowance for wear and tear of clothing—	
(*a*) under article 17(1)(*a*)	£37·00 per annum
(*b*) under article 17(1)(*b*) and 17(2)	£59·00 per annum
7. Unemployability allowances—	
(*a*) personal allowance under article 18(1)(i)	£28·80 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*)	£16·30 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(4)(*c*)	£16·30 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(4)(*d*)	£7·50 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	£5·70 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	£3·60 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	£1·80 per week
9. Comforts allowance—	
(*a*) under article 20(1)(*a*)	£7·70 per week
(*b*) under article 20(1)(*b*) or 45(1)	£3·85 per week
10. Allowance for lowered standard of occupation under article 21	£17·70 per week (maximum)
11. Age allowance under article 22 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	£3·10 per week
(*b*) 60 or 70 per cent.	£4·80 per week
(*c*) 80 or 90 per cent.	£6·85 per week
(*d*) 100 per cent.	£9·60 per week
12. Treatment allowances—	
(*a*) increase of personal allowance under article 23(2)	£9·60 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	£27·15 per week
(ii) in any other case	£20·65 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	£5·70 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	£3·60 per week
(v) in any other case	£1·80 per week
(*d*) increase of additional allowance under article 23(4), proviso (*a*)	£12·75 per week
(*e*) increase of additional allowance under article 23(4A) in respect of each child of a disabled person	£1·25 per week

(*f*) additional allowance under article 23(5) ..	£12·75 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	£16·30 per week
(ii) in respect of each child of a disabled person..	£7·50 per week
13. Part-time treatment allowance under article 25	£14·00 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)	£35·30 per week
(*b*) under article 27(2)	£8·15 per week
2. Rent allowance under article 28	£13·40 per week (maximum)
3. Allowance under article 29 or 50 to an elderly widow—	
(*a*) if age 65 but under age 70	£3·45 per week
(*b*) if age 70 or over	£6·90 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	£35·30 per week (maximum)
6. Allowances under article 33 in respect of each child under the age of 15	£10·60 per week
7. Pensions under article 34(1) to motherless or fatherless children under the age of 15	£11·30 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	£27·15 per week (maximum)
(*b*) any other case	£11·30 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 raises the maximum amount of annual earnings which may be received by a disabled person while deemed to be unemployable for the purposes of unemployability allowance.

The Scheme amends article 19 of the principal Scheme by reducing the maximum break which may separate two periods of entitlement to an unemployability allowance under article 18 of the principal Scheme and which is to be ignored in determining the first date of an award of the said allowance for the purposes of an award of invalidity allowance.

The Scheme amends article 25 of the principal Scheme by substituting for the existing provision for calculating the amount of part-time treatment allowance payable, by reference to the amount of treatment allowance which would have been payable if the recipient had been eligible under article 23 of the principal Scheme, a new provision for calculating the amount of part-time treatment allowance payable (by reference to the maximum daily rate for that allowance).

The Scheme also increases the rates of pensions and allowances in respect of disablement and death in the 1939–45 war.