STATUTORY INSTRUMENTS

1982 No. 1047

PENSIONS

WAR INJURIES (CIVILIANS)

The Personal Injuries (Civilians) Amendment (No. 2) Scheme 1982

Made - - - - -	23*rd July* 1982
Laid before Parliament	9*th August* 1982
Coming into Operation	30*th August* 1982

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 in exercise 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 1982 and shall come into operation on 30th August 1982.

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

Amendment of Article 74 of the principal Scheme

2.—(1) Article 74 of the principal Scheme (commencing dates of awards) shall be amended in accordance with the provisions of this Article.

(2) There shall be inserted at the beginning of paragraph (1)(*b*) the words "subject to paragraph (1A) of this Article,".

(3) After paragraph (1) there shall be inserted the following paragraph—

"(1A) Except in so far as the Secretary of State may otherwise direct with respect to any particular case or class of case, in a case referred to in paragraph (1)(*b*) of this Article, where following—

(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, 1103, 1950, 1981/1143, 1678, 1982/810.

(*a*) an appeal under section 6(2) of the Pensions Appeal Tribunals Act 1943 (appeal from Pensions Appeal Tribunal), or

(*b*) an order under section 6(2A) of that Act (joint application), or

(*c*) an order for a rehearing of an appeal made on directions given under rules made under paragraph 5 of the Schedule to that Act,

an appeal under section 3 or 4 of that Act has been reheard, the payment of a pension shall not be made in respect of any period preceding the date 6 years prior to the date (as the case may be) of the successful application for leave to appeal under section 6(2), the application under section 6(2A) which resulted in the order under that section, or the application for directions which resulted in the order for a rehearing."

(4) There shall be inserted at the end of paragraph (2) the words—

"so however that, except in so far as the Secretary of State may otherwise direct with respect to any particular case or class of case, the payment of a pension shall not be made in respect of any period preceding the date 6 years prior to the date of the successful application for leave to appeal under section 6(2)."

(5) After paragraph (2) there shall be inserted the following paragraph—

"(3) In the case of a review under section 6(2C) of the Pensions Appeal Tribunals Act 1943 (review following order under section 6(2A) of that Act for a rehearing by a Pensions Appeal Tribunal), as a result of which a pension is awarded or restored, paragraph (1)(*b*) of this Article shall apply as if references to review were omitted and as if the first two references to appeal under section 3 or 4 of that Act were references to a review under section 6(2C) of that Act but as if the other references to appeal in that sub-paragraph, which shall apply in such a case, were references to an appeal under the said section 3 or 4 of that Act made before the order under the said section 6(2A) and review under the said section 6(2C), so however that, except in so far as the Secretary of State may otherwise direct with respect to any particular case or class of case, the payment of a pension shall not be made in respect of any period preceding the date 6 years prior to the date of the application which resulted in the order under section 6(2A)."

Signed by authority of the Secretary of State for Social Services.

Hugh Rossi,
Minister for Social Security,
Department of Health and Social Security.

21st July 1982.

We consent.

Alastair Goodlad,
Robert Boscawen,
Two of the Lords Commissioners of
Her Majesty's Treasury.

23rd July 1982.

EXPLANATORY NOTE

(*This Note is not part of the Scheme.*)

This Scheme amends the Personal Injuries (Civilians) Scheme 1976 ("the principal Scheme").

The Scheme amends Article 74 of the principal Scheme (commencing dates of awards) by making provision for commencing dates in cases in which the Secretary of State reviews a decision on entitlement under section 6(2C) of the Pensions Appeal Tribunals Act 1943 (c. 39) following an order for a rehearing of an appeal by a Pensions Appeal Tribunal under section 6(2A) of that Act (joint application) where the appeal is not reheard, as a result of which a pension is awarded or restored, by applying the provisions of paragraph (1)(*b*) of the said Article to such cases.

The Scheme also amends Article 74 by making provision that payment of a pension, subject to exercise of discretion by the Secretary of State, is not to be made in respect of any period preceding the date 6 years prior to specified dates in cases referred to in the preceding paragraph and in cases in which a pension has been awarded or restored following an order for a rehearing of an appeal by a Pensions Appeal Tribunal under the said section 6(2A), or under the rules made under the Schedule to the said 1943 Act, or following an appeal under section 6(2) of the said Act (appeal from Pensions Appeal Tribunals), where in any such case the appeal is reheard, and also in cases of appeals under section 6(2) where a decision on entitlement to a pension is given at the hearing of that appeal.

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