STATUTORY INSTRUMENTS

1975 No. 1518

PENSIONS

The Personal Injuries (Civilians) (Amendment) (No.2) Scheme 1975

Made - - - -	*16th September* 1975
Laid before Parliament	*24th September* 1975
Coming into Operation	*17th November* 1975

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 her**(b)**, and of all other powers enabling her in that behalf, hereby makes the following Scheme:—

Citation, interpretation and commencement

1. This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) (No. 2) Scheme 1975, amends the Personal Injuries (Civilians) Scheme 1964**(c)**, as amended**(d)** (hereinafter referred to as "the principal Scheme"), and shall come into operation on 17th November 1975, so, however, that in relation to any award payable weekly the foregoing reference to 17th November 1975, where this is not the normal weekly pay day for that award, shall be construed as a reference to the first normal weekly pay day for that award following 17th November 1975.

Higher rates of pensions and allowances under the principal Scheme

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

Amendment of Article 75 of the principal Scheme

3. In paragraph (1) of Article 75 (power to dispense with probate) of the principal Scheme for the sum "£500" there shall be substituted the sum "£1,500".

Barbara Castle,

Secretary of State for Social Services.

10th September 1975.

We consent,

M. Cocks,

Donald R. Coleman,

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

16th September 1975.

(a) 1939 c. 82.

(b) *See* Transfer of Functions (Ministry of Pensions) Order 1953 (S.I. 1953/1198; 1953 I, p. 1228) 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; 1968 III, p. 4585) Article 2.

(c) S.I. 1964/2077 (1964 III, p. 5187).

(d) S.I. 1966/163, 648, 935, 1967/1250, 1968/176, 1206, 1969/1035, 1970/143, 1971/1178, 1972/1177, 1973/1369, 1974/1044, 1975/392 (1966 I, p. 299; II, pp. 1454, 2269; 1967 II, p. 3617; 1968 I, p. 425; II, p. 3228; 1969 II, p. 3055; 1970 I, p. 625; 1971 II, p. 3468; 1972 II, p. 3491; 1973 II, p. 4224; 1974 II, p. 3890; 1975 I, p. 1202).

SCHEDULE

Schedules to be substituted in the principal Scheme by Article 2 of this 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	£21·80 per week
2. Education allowance under Article 13	£120·00 per annum (maximum)
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	£17·40 per week (maximum)
(*b*) in any other case under that Article	£8·70 per week (maximum)
3A. Exceptionally severe disablement allowance under Article 14A	£8·70 per week
4. Severe disablement occupational allowance under Article 15	£4·40 per week
5. Allowance for wear and tear of clothing—	
(*a*) under Article 16(1)(*a*)	£21·00 per annum
(*b*) under Article 16(1)(*b*) and 16(2)	£32·00 per annum
6. Unemployability allowances—	
(*a*) personal allowance under Article 17(1)(i)	£14·20 per week
(*b*) additional allowances for dependants by way of—	
(i) increase of allowance in respect of a wife or dependent husband under Article 17(4)(*b*)	£7·90 per week (maximum)
(ii) allowance in respect of an adult dependant under Article 17(4)(*c*)	£7·90 per week (maximum)
(iii) increase of allowance under Article 17(4)(*e*)—	
(*a*) in respect of the child, or the elder or eldest of the children, of a disabled person	£6·50 per week
(*b*) in respect of each other child of a disabled person	£5·00 per week
6A. Invalidity allowance payable under Article 17A—	
(*a*) if on the relevant date the disabled person was under the age of 35 or if that date fell before 5th July 1948	£2·80 per week
(*b*) if head (*a*) does not apply and on the relevant date the disabled person was under the age of 45	£1·70 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	£0·85 per week
7. Comforts allowance—	
(*a*) under Article 18(1)(*a*)	£3·70 per week
(*b*) under Article 18(1)(*b*) or 44(1)	£1·85 per week
8. Allowance for lowered standard of occupation under Article 19	£8·72 per week (maximum)
9. Age allowance under Article 20 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	£1·60 per week
(*b*) 60 or 70 per cent.	£2·40 per week
(*c*) 80 or 90 per cent.	£3·40 per week
(*d*) 100 per cent.	£4·80 per week
10. Treatment allowances—	
(*a*) increase of personal allowance under Article 21(2)	£4·80 per week (maximum)
(*b*) increase of personal allowance under Article 21(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	£13·30 per week
(ii) in any other case	£11·10 per week
(*c*) increase of personal allowance under Article 21(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 ..	£2·80 per week
(ii) if head (i) does not apply and on the relevant date the disabled person was under the age of 45	£1.70 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	£0·85 per week
(*d*) increase of additional allowance under Article 21(4), proviso (*a*)	£6·90 per week
(*e*) increase of 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	£3·50 per week
(ii) in respect of each other child of a disabled person	£2·00 per week

(*f*) additional allowance under Article 21(5) ..	£6·90 per week
(*g*) higher rate of increase of additional allowance (or of additional allowance, as the case may be) under Article 21(5A)—	
(i) in respect of the wife, husband or adult dependant of a disabled person ..	£7·90 per week
(ii) in respect of the child, or the elder or eldest of the children, of a disabled person	£6·50 per week
(iii) in respect of each other child of a disabled person	£5·00 per week
11. Part-time treatment allowance under Article 23	£6·70 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 26(1)(*a*)	£17·20 per week
(*b*) under Article 26(1)(*b*)	£3·99 per week
2. Rent allowance under Article 28	£6·70 per week (maximum)
3. Allowance under Article 29 or 49 to an elderly widow—	
(*a*) if age 65 but under age 70	£1·70 per week
(*b*) if age 70 or over	£3·40 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	£17·20 per week (maximum)
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 ..	£6·70 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(a) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£5·70 per week
(ii) where the child does not so qualify ..	£6·55 per week

(a) 1965 c. 53.

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	£6·70 per week
(*b*) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid	£5·70 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	£13·30 per week (maximum)
(*b*) any other case	£8·20 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 (maximum)

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.

Article 1 is formal and relates to citation, interpretation and commencement of this Scheme.

Article 2 increases rates of pensions and allowances payable in respect of disablement or death by substituting in the said Scheme of 1964 new Tables contained in Schedules 3 and 4 for those set out in the Schedule to the Personal Injuries (Civilians) (Amendment) Scheme 1975 (S.I. 1975/392).

Article 3 increases from £500 to £1,500 the limit of unpaid pension or allowance which may be paid to the personal representative of a deceased person without probate or other proof of title or which may be otherwise distributed on death.

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