5. PERSONAL INJURIES (CIVILIANS) SCHEME

The Personal Injuries (Civilians) (Amendment) Scheme, 1948

1948 No. 202

Made - - - -	*6th February*, 1948
Laid before Parliament	*10th February*, 1948
Coming into Operation	*16th February*, 1948

With the consent of the Treasury, the Minister of Pensions, in exercise of the powers conferred upon him by Sections 1 and 2 of the Personal Injuries (Emergency Provisions) Act, 1939(a), hereby makes the following Scheme:—

1.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(2) In this Scheme the expression " the principal Scheme " means the Personal Injuries (Civilians) Scheme, 1947(c).

(3) Subject as hereinafter appears, the principal Scheme and this Scheme shall be construed as one.

2. In the proviso to Article 1 (20) of the principal Scheme (which relates to the extension of the period of the emergency beyond the 19th March, 1946, as respects war service injuries sustained by members of the National Fire Service of Great Britain) there shall be inserted, after the words " Emergency Laws (Transitional Provisions) Act, 1946 "(d), the words " (as extended by section 39 of, and the Fifth Schedule to, the Fire Services Act, 1947(e)) ".

3. Paragraph (2) of Article 2 of the principal Scheme (which provides that there shall be no onus on any claimant under that Scheme to prove that incapacity for work or disablement was caused by, or that death was the direct result of, the relevant qualifying injury, and that the benefit of any reasonable doubt on those questions shall be given to the claimant) shall be deleted and there shall be substituted therefor the following paragraphs:—

" (2) Subject to the provisions of the next following paragraph, in no case shall there be an onus on any claimant under this Scheme to prove that incapacity for work or disablement was caused by, or that death was the direct result of, the relevant qualifying injury, and the benefit of any reasonable doubt on those questions shall be given to the claimant.

" (2A) Where—

(*a*) a claim is made within the time limit specified in Article 51 (4) of this Scheme in respect of the death of a person, such death having occurred more than seven years after the material date; or

(*b*) the Minister in any case or class of case has made a direction pursuant to Article 51 (1) of this Scheme in respect of any time limit referred to in that Article and the claim—

(i) is made more than seven years after the material date in respect of incapacity for work or disablement, or

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(a) 2 & 3 Geo. 6. c. 82. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1947 (No. 183) I, p. 1589. (d) 9 & 10 Geo. 6. c. 26.
(e) 10 & 11 Geo. 6. c. 41.

(ii) is made in respect of the death of a person, such death having occurred more than seven years after the material date, and, upon reliable evidence, a reasonable doubt exists whether the incapacity for work or disablement was caused by, or whether the death was the direct result of, the relevant qualifying injury, the benefit of that reasonable doubt shall be given to the claimant."

4. Article 26 of the principal Scheme (which provides that, subject to regulations made with the approval of the Treasury, an award in respect of the death of a person shall not be made unless his death takes place within seven years from the date of the qualifying injury of which his death is the direct result) shall be deleted and there shall be substituted therefor the following Article:—

" 26.—(1) An award under this Part of this Scheme in respect of the death of a person shall not be made where his death takes place more than seven years after the date of the qualifying injury in respect of which the application for the award is made unless at the date of his death he then was, or at any time previously thereto had been, in receipt of a pension awarded by the Minister in respect of a qualifying injury of which his death was the direct result.

" (2) For the purposes of this Article, the expression " pension " includes an injury allowance, a lump sum payment or an allowance in respect of a period of approved treatment."

5. The Second Schedule to the principal Scheme shall be deleted and there shall be substituted therefor the following:—

" SECOND SCHEDULE

ASSESSMENT OF DISABLEMENT CAUSED BY SPECIFIED INJURIES AND OF CERTAIN OTHER DISABLEMENTS

Description of Injury	Assessment
Amputation Cases—Upper Limbs	*per cent.*
Loss of both hands or amputation at higher sites	100
	Either Arm
Amputation through shoulder joint	90
Amputation below shoulder with stump less than 8 inches from tip of acromion	80
Amputation from 8 inches from tip of acromion to less than 4½ inches below tip of olecranon	70
From 4½ inches below tip of olecranon	60
Loss of thumb	30
Loss of thumb and its metacarpal bone	40
Loss of 4 fingers	50
Loss of 3 fingers	30
Loss of 2 fingers	20
Loss of terminal phalanx of thumb	20

Amputation Cases—Lower Limbs	*per cent.*
Double amputation through thigh, or through thigh on one side and loss of other foot, or double amputation below thigh to 5 inches below knee	100
Double amputation through leg lower than 5 inches below knee	100
Amputation of one leg lower than 5 inches below knee and loss of other foot	100
Amputation of both feet resulting in end-bearing stumps	90
Amputation through both feet proximal to the metatarso-phalangeal joint	80
Loss of all toes of both feet through the metatarso-phalangeal joint	40
Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
Loss of all toes of both feet distal to the proximal interphalangeal joint	20
Amputation through hip joint	90
Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	80
Amputation below hip with stump exceeding 5 inches in length measured from tip of great trochanter, but not beyond middle thigh	70
Below middle thigh to 3½ inches below knee	60
Below knee with stump exceeding 3½ inches but not exceeding 5 inches	50
Below knee with stump exceeding 5 inches	40
Amputation of one foot resulting in end-bearing stump	30
Amputation through one foot proximal to the metatarso-phalangeal joint	30
Loss of all toes of one foot proximal to the proximal interphalangeal joint, including amputations through the metatarso-phalangeal joint	20

Other Specific Injuries	*per cent.*
Loss of a hand and a foot	100
Loss of one eye, without complications, the other being normal	40
Loss of vision of one eye, without complications or disfigurement of the eyeball, the other being normal	30
Loss of sight	100

Other Disablements	*per cent.*
Very severe facial disfigurement	100
Absolute deafness	100

NOTE.—Where the scheduled assessment for a specified injury involving multiple losses differs from the sum of the assessments for the separate injuries, the former is the appropriate assessment."

6. Each of the foregoing Articles of this Scheme shall be deemed to have come into operation on the commencing date specified in the following Table in relation to that Article, so, however, that no payment shall be made by virtue of any of the said Articles in respect of any period before the commencing date as specified in relation to the Article.

TABLE

Article of this Scheme	Commencing date
1, 3 & 4	3rd September, 1946
5	1st April, 1947
2	1st January, 1948

7. This Scheme may be cited as the Personal Injuries (Civilians) (Amendment) Scheme, 1948, and shall come into operation on 16th February, 1948.

Dated this 6th day of February, 1948.

George Buchanan,
Minister of Pensions.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

1. The Scheme amends the Personal Injuries (Civilians) Scheme, 1947, and incorporates in that Scheme the improvements announced by the Minister of Pensions in the House of Commons on the 25th March, 1947, and the 1st April, 1947.

2. The " period of the emergency " has been further extended for the purposes of war service injuries sustained by members of the National Fire Service of Great Britain (Article 2).

3. An award may now be made under the Personal Injuries (Civilians) Scheme, 1947, in respect of the death of a person where his death occurs more than seven years after the date of the qualifying injury, provided the deceased person was at the date of his death, or had been at any time previously, in receipt of a pension or allowance in respect of disablement caused by the qualifying injury of which his death was the direct result (Articles 3 and 4).

4. Provision is made for higher assessments of disablement in the case of certain specified injuries (Article 5).

6. PROBATION OFFICERS

The Probation Officers (Superannuation) Order, 1948

1948 No. 1220

Made - - - -	*9th June,* 1948
Laid before Parliament	*9th June,* 1948
Coming into Operation	*1st July,* 1948

In pursuance of the powers conferred upon me by section one of the Probation Officers (Superannuation) Act, 1947(**a**), as extended by section thirteen of the Superannuation (Miscellaneous Provisions) Act, 1948(**b**), I hereby, with the consent of the Treasury, make the following Order:—

PART I

Application of the Act of 1937 and local superannuation enactments

1. On and after the appointed day and subject respectively to the adaptations, modifications and exceptions contained in the First, Second and Third Schedules to this Order—

(*a*) the Act of 1937 shall apply to—

(i) whole-time probation officers and whole-time clerks;

(**a**) 10 & 11 Geo. 6. c. 38. (**b**) 11 & 12 Geo. 6. c. 33.