STATUTORY INSTRUMENTS

1961 No. 99

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme, 1961

Made - - - -	19*th January*, 1961
Laid before Parliament	27*th January*, 1961
Coming into Operation	1*st April*, 1961

The Minister of Pensions and National Insurance, with the consent of the Treasury, 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) This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) Scheme, 1961, shall be read as one with the Personal Injuries (Civilians) Scheme, 1949(b), as amended(c), (hereinafter referred to as "the principal Scheme").

(2) This Scheme shall come into operation on the 1st April, 1961, so, however, that in relation to any award payable weekly the foregoing reference to the 1st April, 1961, shall be construed as a reference to the first normal weekly pay day for that award following the 1st April, 1961.

2. In Article 1 of the principal Scheme (which contains definitions) for paragraph (4) there shall be substituted the following paragraph:—

"(4) "apprentice" means a person undergoing full-time training for any trade, business, profession, office, employment or vocation, and not in receipt of earnings which provide him, wholly or substantially, with a livelihood: "

3. In Article 10 of the principal Scheme, as amended(d), (which provides for the award of pensions for disablement) for the figures 85s., wherever the same appear, 63s. 9d. and 42s. 6d. there shall be substituted the figures 97s. 6d., 73s. 2d. and 48s. 9d. respectively.

4. In paragraph (2) of Article 12 of the principal Scheme (which provides for the award of education allowances in respect of children of disabled persons) for the figures £80 there shall be substituted the figures £120.

5. In Article 13 of the principal Scheme, as amended(d), (which provides for the award of allowances for constant attendance on disabled persons) for the words and figures "100 per cent.", there shall be substituted the words and figures "not less than 80 per cent." and for the figures 35s. and 70s. there shall be substituted the figures 40s. and 80s. respectively.

(a) 2 & 3 Geo. 6. c. 82. (b) S.I. 1949/2025 (1949 I, p. 3115).
(c) S.I. 1951/938, 1952/874, 1351, 1953/894, 1955/49, 1956/1070, 1957/116, 1993, 1959/877, 1960/679 (1951 II, p. 143; 1952 II, pp. 2418, 2419; 1953 II, p. 1546; 1955 II, p. 1837; 1956 II, p. 1741; 1957 II, pp. 1826, 1829; 1959 II, p. 2067; 1960 II, p. 2686).
(d) S.I. 1957/1993 (1957 II, p. 1829).

6. After Article 13 of the principal Scheme there shall be inserted the following Article:—

"**13A. Severe disablement occupational allowance.**—Where a disabled person is in receipt of an allowance for constant attendance at a rate increased under the proviso to Article 13 of this Scheme, or would be in receipt of such an allowance if he were not in a hospital or other institution, he may for any period during which he is, in the opinion of the Minister, ordinarily employed in a gainful occupation, be awarded an allowance at the rate of 20s. a week:

Provided that no allowance shall be payable under this Article to a person for any period in respect of which he—

(*a*) is eligible for an award under Article 15 (2) of this Scheme; or

(*b*) is in receipt of any such benefit as is mentioned in paragraph (6) of Article 17 of this Scheme or a treatment allowance increased under paragraph (3) of that Article."

7. In Article 14 of the principal Scheme, as amended(**a**), (which provides for the award of allowances for wear and tear of clothing) for the figure £6 there shall be substituted the figures £7 10s. and for the figures £10, wherever the same appear, the figures £12 10s.

8. In Article 15 of the principal Scheme, as amended (**b**), (which provides for the award of allowances to unemployable pensioners)—

(*a*) in paragraph (2), for the figures 55s. there shall be substituted the figures 63s.;

(*b*) in paragraph (3) (*c*), for the figures 20s. there shall be substituted the figures 25s.;

(*c*) in paragraph (3) (*d*), for the figures 30s. there shall be substituted the figures 35s.;

(*d*) for subparagraph (*f*) of paragraph (3), there shall be substituted the following subparagraph:—

"(*f*) Where an allowance has been awarded under Article 11 of this Scheme or subparagraph (*e*) of this paragraph in respect of the child or children of a disabled person, the rate thereof in respect of that child or the elder or eldest of those children may be increased to 17s. 6d. a week and in respect of each other of those children to 9s. 6d. a week."

9. For subparagraph (*a*) of paragraph (1) of Article 15A of the principal Scheme(**c**), (which provides for the award of allowances for comforts) there shall be substituted the following subparagraph:—

"(*a*) at the rate of 20s. a week where that person is in receipt of an allowance under Article 13 of this Scheme and is—

(i) in receipt of an allowance under Article 15 of this Scheme; or

(ii) in receipt of a pension in respect of disablement the degree of which is 100 per cent. and which has been awarded in respect of multiple injuries, which, in the opinion of the Minister, render his disablement so severe as to justify the award of an allowance at the aforementioned rate;"

10. In paragraph (1) of Article 16 of the principal Scheme, as amended(**b**), (which provides for the award of allowances for lowered standard of occupation) for the figures 34s. and 85s. there shall be substituted the figures 39s. and 97s. 6d. respectively.

(**a**) S.I. 1955/49 (1955 II, p. 1837).

(**b**) S.I. 1957/1993 (1957 II, p. 1829). (**c**) *See* S.I. 1957/116 (1957 II, p. 1826).

11. In Article 17 of the principal Scheme, as amended(**a**), (which provides for the award of personal and additional allowances to disabled persons during periods of approved treatment)—

(*a*) to paragraph (*b*) of the proviso to paragraph (1) there shall be added the words and figures " or, subject to the provisions of paragraph (*b*) of the proviso to Article 13A of this Scheme, under that Article." ;

(*b*) in paragraph (3), for the figures 50s., wherever the same appear, there shall be substituted the figures 57s. 6d. ;

(*c*) in paragraph (*a*) of the proviso to paragraph (4), for the figures 30s. there shall be substituted the figures 35s. ;

(*d*) for paragraph (*b*) of the proviso to paragraph (4) there shall be substituted the following paragraph:—

" (*b*) where an increased allowance has been awarded under paragraph (3) of this Article, the rate of the allowance awarded under the foregoing provisions of this paragraph in respect of the child or children of a disabled person may, in respect of that child or the elder or eldest of those children, be increased to 17s. 6d. a week and in respect of each other of those children to 9s. 6d. a week ; "

(*e*) in paragraph (5), for the figures 30s. there shall be substituted the figures 35s.

12. In Article 19 of the principal Scheme, (which provides for the award of allowances for part-time treatment) for the words and figures " Article 12, 13, 14, 15 (2), 15A or 16A " in the proviso, as amended(**b**), there shall be substituted the words and figures " Article 12, 13, 13A, 14, 15 (2), 15A or 16A ".

13. In paragraph (1) of Article 22 of the principal Scheme, as amended(**c**), (which provides for the award of pensions to widows) for the figures 66s. there shall be substituted the figures 76s.

14. In paragraph (1) of Article 24 of the principal Scheme, as amended(**d**), (which provides for the award of rent allowances to certain widows) for the figures 25s. there shall be substituted the figures 29s.

15. In Article 26 of the principal Scheme, as amended(**d**), (which provides for the award of pensions to dependent widowers) for the figures 66s. there shall be substituted the figures 76s.

16. In Article 27 of the principal Scheme, as amended(**d**), (which provides for the award of allowances in respect of children under the age of 15 years)—

(*a*) in paragraphs (2) and (3), for the figures 25s. there shall be substituted the figures 29s. ;

(*b*) in paragraph (5), for the figures 30s. there shall be substituted the figures 34s. 6d.

17. In Article 28 of the principal Scheme, as amended(**d**), (which provides for the award of pensions to motherless or fatherless children under the age of 15 years) for the figures 30s., wherever the same appear, there shall be substituted the figures 34s. 6d.

18. In paragraph (2) of Article 29 of the principal Scheme, as amended(**d**), (which provides for awards to or in respect of children over the age of

(**a**) S.I. 1951/938, 1957/1993 (1951 II, p. 143; 1957 II, p. 1829).
(**b**) S.I. 1957/116 (1957 II, p. 1826). (**c**) S.I. 1955/49, 1957/1993 (1955 II, p. 1837; 1957 II, p. 1829). (**d**) S.I. 1957/1993 (1957 II, p. 1829).

15 years) for the figures 40s. and 50s. there shall be substituted the figures 46s. and 57s. 6d. respectively.

19. In paragraph (2) of Article 30 of the principal Scheme, (which provides for the award of education allowances in respect of children of deceased persons) for the figures £80 there shall be substituted the figures £120.

20. In Article 37A of the principal Scheme(**a**), (which provides for the award of allowances for comforts) for the words and figures "100 per cent." there shall be substituted the words and figures "not less than 80 per cent.".

Dated this seventeenth day of January, 1961.

John Boyd-Carpenter,
Minister of Pensions and
National Insurance.

We consent.
Dated this nineteenth day of January, 1961.

Michael Hughes-Young,
David Gibson-Watt,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

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

1. This Scheme further amends the Personal Injuries (Civilians) Scheme, 1949, which provides for compensation to or in respect of civilians who were injured or killed in the 1939-1945 War. Similar amendments have been made to the instruments which provide for compensation in respect of disablement or death due to service in the Armed Forces.

2. The rate of pensions or allowances is increased—

(*a*) for 100 per cent. disablement, from 85s. a week to 97s. 6d. a week with proportionate increases where the degree of disablement is less than 100 per cent. (Article 3);

(*b*) for certain widows and dependent widowers, from 66s. a week to 76s. a week (Articles 13 and 15);

(*c*) for children in the care of widows, from 25s. a week to 29s. a week (Article 16);

(*d*) for motherless or fatherless children and children not under the control of their widowed mothers, from 30s. or 40s. a week to 34s. 6d. or 46s. a week according to the age of the child (Articles 16, 17 and 18);

(*e*) for motherless or fatherless children who, having attained the age of 18 years, are incapable of self-support by reason of an infirmity which arose before they became 15 years of age, from 50s. a week to 57s. 6d. (Article 18).

(**a**) *See* S.I. 1957/116 (1957 II, p. 1826).

3. The rates of allowances are increased—

(*a*) for education from a maximum of £80 a year to a maximum of £120 a year (Articles 4 and 19);

(*b*) for constant attendance, from the normal maximum of 35s. a week to 40s. a week and from the exceptional maximum for cases of very severe disablement from 70s. a week to 80s. a week (Article 5);

(*c*) for wear and tear of clothing from £6 and £10 a year to £7 10s. and £12 10s. a year respectively (Article 7);

(*d*) for unemployable pensioners from 55s. a week to 63s. a week (Article 8);

(*e*) for the wife or adult dependant of an unemployable pensioner from 30s. a week to 35s. a week and for the first child from 15s. a week to 17s. 6d. a week and for any other child from 7s. 6d. a week to 9s. 6d. a week (Article 8);

(*f*) for lowered standard of occupation from a maximum of 34s. a week to a maximum of 39s. a week (Article 10);

(*g*) for the pensioner who, during a course of approved treatment, is not entitled to sickness benefit under National Insurance provisions, from 50s. a week to 57s. 6d. a week, for such a pensioner's wife (or adult dependant) from 30s. a week to 35s. a week, for the first child from 15s. a week to 17s. 6d. a week and for each other child from 7s. 6d. a week to 9s. 6d. a week (Article 11);

(*h*) for widows eligible for allowances for rent from a maximum of 25s. a week to a maximum of 29s. a week (Article 14).

4. The degree of pensioned disablement required as one of the conditions for an award of constant attendance allowance is reduced from 100 per cent. to not less than 80 per cent. Consequential amendments are made in the conditions for eligibility for an allowance for comforts (Articles 5, 9 and 20).

5. An allowance at the rate of 20s. a week is introduced for certain pensioners who are in receipt of constant attendance allowance at a rate above the normal maximum and who are ordinarily in employment (Article 6).