STATUTORY INSTRUMENTS

1967 No. 1250

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme 1967

Made - - -	16*th August* 1967
Laid before Parliament	31*st August* 1967
Coming into Operation -	
Article 3 - -	1*st November* 1967
Remainder - -	30*th October* 1967

The Minister of Social Security, with the consent of the Treasury, in exercise of the powers conferred upon her by Section 2 of the Personal Injuries (Emergency Provisions) Act 1939(a), and of all other powers enabling her in that behalf, hereby makes the following Scheme:—

Citation, interpretation and commencement

1.—(1) This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) Scheme 1967, amends the Personal Injuries (Civilians) Scheme 1964(b), as amended (c), (hereinafter referred to as "the principal Scheme").

(2) Subject to the provisions of the next following paragraph, this Scheme shall come into operation on 30th October 1967 so, however, that in relation to any award payable weekly the foregoing reference to 30th October 1967, 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 30th October 1967.

(3) Article 3 of this Scheme shall come into operation on 1st November 1967.

Higher rates of pensions and allowances under the principal Scheme

2. For the rates of pension and allowances set out in paragraphs 1, 2, 3, 3A, 4, 6, 7, 8, 9, 10 and 11 of Schedule 3 to the principal Scheme (rates of pension and allowances, other than rates of allowance for wear and tear of clothing, payable in respect of disablement) there shall be substituted the rates set out in the corresponding paragraphs of Part I of the Schedule hereto.

3. For the rates of allowance for wear and tear of clothing set out in paragraph 5 of Schedule 3 to the principal Scheme there shall be substituted the rates set out in Part II of the Schedule hereto.

4. For the rates of pensions and allowances set out in paragraphs 1 to 12 of Schedule 4 to the principal Scheme (rates of pensions and allowances payable in respect of death) there shall be substituted the rates set out in the corresponding paragraphs of Part III of the Schedule hereto.

(a) 2 & 3 Geo. 6. c. 82. (b) S.I. 1964/2077 (1964 III, p. 5187).
(c) S.I. 1966/163, 648, 935 (1966 I, p. 299; II, pp. 1454, 2269).

Amendment of Articles of the principal Scheme

5. In Articles 2, 23, 27, 28, 31, 36 and 64 of the principal Scheme there shall be made the amendments set out in Part IV of the Schedule hereto.

Judith Hart,
Minister of Social Security.

14th August 1967.

We consent.

B. K. O'Malley,
Harry Gourlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

16th August 1967.

SCHEDULE

PART I

Rates of pension and allowances (other than rates of allowance for wear and tear of clothing) to be substituted in Schedule 3 to the principal Scheme

Description of Pension or Allowance	*Rate*
1. Pension for 100 per cent. disablement under Article 11	152s. per week.
2. Education allowance under Article 13... ...	£120 per annum (maximum).
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	120s. per week (maximum).
(*b*) in any other case under that Article ...	60s. per week (maximum).
3A. Exceptionally severe disablement allowance under Article 14A	60s. per week.
4. Severe disablement occupational allowance under Article 15	20s. per week.
6. Unemployability allowances—	
(*a*) personal allowance under Article 17(1)(i)	97s. 6d. per week.
(*b*) additional allowances for dependants by way of—	
(i) increase or further increase of allowance in respect of a wife or dependent husband under Article 17(4)(*c*) ...	46s. per week.
(ii) allowance in respect of an adult dependant under Article 17(4)(*d*) ...	56s. per week.
(iii) increased allowance under Article 17(4)(*f*)—	
(*a*) in respect of the child, or the elder or eldest of the children, of a disabled person	25s. per week.
(*b*) in respect of the second child and the third child of a disabled person, each child	17s. per week.
(*c*) in respect of each other child of a disabled person	12s. per week.
7. Comforts allowance—	
(*a*) under Article 18(1)(*a*)	25s. per week.
(*b*) under Article 18(1)(*b*) or 44(1)	12s. 6d. per week.
8. Allowance for lowered standard of occupation under Article 19	61s. per week (maximum).

Description of Pension or Allowance	*Rate*
9. Age allowance under Article 20 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	7s. 6d. per week.
(*b*) 60 or 70 per cent.	10s. per week.
(*c*) 80 or 90 per cent.	15s. per week.
(*d*) 100 per cent.	20s. per week.
10. Treatment allowances—	
(*a*) increase of personal allowance under Article 21(2)	20s. per week (maximum).
(*b*) increase of personal allowance under Article 21(3)(*a*)	90s. per week.
(*c*) increased additional allowance under Article 21(4) proviso (*a*)	56s. per week.
(*d*) increased 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	25s. per week.
(ii) in respect of the second child and the third child of a disabled person, each child	17s. per week.
(iii) in respect of each other child of a disabled person...	12s. per week.
(*e*) additional allowance under Article 21(5)...	56s. per week.
11. Part-time treatment allowance under Article 23	65s. per day (maximum).

PART II

Rates of allowance for wear and tear of clothing to be substituted in paragraph 5 of Schedule 3 to the principal Scheme

Description of Allowance	*Rate*
Allowance for wear and tear of clothing—	
(*a*) under Article 16(1)(*a*)	£9 per annum.
(*b*) under Article 16(1)(*b*) and 16(2)	£14 per annum.

PART III

Rates of pensions and allowances to be substituted in Schedule 4 to the principal Scheme

Description of Pension or Allowance	*Rate*
1. Pension to widow—	
(*a*) under Article 26(1)(*a*)	117s. per week.
(*b*) under Article 26(1)(*b*)	30s. per week.
2. Rent allowance under Article 28	45s. per week (maximum).
3. Allowance under Article 29 or 49 to elderly widow	15s. per week.
4. Pension under Article 30 to unmarried dependant who lived as wife	20s. per week (maximum).
5. Pension to dependent widower under Article 32	117s. per week.
6. Allowance under Article 33 in respect of a child under the age of 15	46s. 6d. per week, less 5s. per week in respect of each child who qualifies for family allowance under the Family Allowances Act 1965 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act at the rate of 15s. per week.
7. Pension under Article 34(1) to a motherless or fatherless child under the age of 15	46s. 6d. per week, less 5s. per week in respect of each child who qualifies for family allowance as aforesaid.
8. Pension or allowance under Article 35(3) to or in respect of a child over the age of 15	(i) where the child has attained the age of 18 and is incapable of self-support by reason of

Description of Pension or Allowance	*Rate*
	an infirmity which arose before he attained the age of 15—90s. per week (maximum). (ii) any other case—69s. 6d. per week (maximum).
9. Education allowance under Article 36... ...	£120 per annum (maximum).
10. Pension to parents—	
(*a*) minimum rate under Article 38(4)... ...	5s. per week.
(*b*) maximum rate under Article 38(4)—	
(i) where there is only one eligible parent	20s. per week.
(ii) where there is more than one eligible parent	27s. 6d. per week.
(*c*) increase under the proviso to Article 38(4)	(i) where there is only one eligible parent—7s. 6d. per week (maximum). (ii) where there is more than one eligible parent—12s. 6d. per week (maximum).
11. Pensions to other dependants—	
(*a*) for each juvenile dependant under Article 39(4)	6s. per week (maximum).
(*b*) aggregate rate under Article 39(4)	20s. per week (maximum).
(*c*) under Article 39(5)	20s. per week (maximum).
12. Funeral grant under Article 40(1)	£30 (maximum).

PART IV

Amendments of Articles of the principal Scheme

1. In Article 2 for paragraph (4) (definition of apprentice) 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 receiving not more than nominal wages:".

2. In Article 23 (allowance for part-time treatment) in the proviso for the words "Article 13, 14, 15, 16, 17(1)(i), 18 or 20" there shall be substituted the words "Article 13, 14, 14A, 15, 16, 17(1)(i), 18 or 20".

3. In Article 27 (pensions to widows who were separated) in paragraph (2) for the words "shall be at the discretion of the Minister, but shall not exceed" there shall be substituted the words "shall be such rate as the Minister may think fit having regard to".

4. Paragraph (2) of Article 28 (rent allowance to widows who have children) is hereby revoked.

5. In Article 31 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled persons) in paragraph (3) for the words from "at the discretion of the Minister" to the end of the paragraph there shall be substituted the words "such rate as the Minister may think fit having regard to the provisions of sub-paragraph (*a*) or (*b*) of Article 27(2), as the case may require, but shall not exceed the rate appropriate in her case under paragraph (2) of this Article.".

6. In Article 36 (education allowance) in paragraph (1) for the words "an award has been made" there shall be substituted the words "an award has or, but for the provisions of Article 31, would have been made".

7. In Article 64 (payment of public claims out of pensions) for paragraph (2) there shall be substituted the following paragraph:—

"(2) Where payment in respect of a pension is in arrears for any period and benefit under the Ministry of Social Security Act 1966(a) has been paid for that period by reference to the requirements of the person to whom the payment is due, the amount by which the benefit paid exceeds what would have been paid had the said payment not fallen into arrears shall be deemed to have been an over-payment for the purposes of paragraph (1) of this Article.".

(a) 1966 c. 20.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

1. 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.

2. Articles 2, 3 and 4 make amendments relating to the rates of pensions or allowances, which are increased as follows:—

(*a*) for 100 per cent. disablement, from 135s. a week to 152s. a week with proportionate increases where the degree of disablement is less than 100 per cent.;

(*b*) for certain widows, from 105s. a week to 117s. a week, or from a maximum of 20s. a week to a maximum of 30s. a week, and for dependent widowers, from a maximum of 105s. a week to a maximum of 117s. a week;

(*c*) for children in the care of widows, from 44s. a week to 46s. 6d. a week, but this increased rate will be reduced by 5s. a week in the case of those children who qualify for family allowances at the rate of 15s. a week;

(*d*) for motherless or fatherless children, from 44s. or a maximum of 62s. a week to 46s. 6d. or a maximum of 69s. 6d. a week according to the age of the child, but reductions as in (*c*) above will be made;

(*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 a maximum of 80s. a week to a maximum of 90s. a week;

(*f*) for constant attendance, from the normal maximum of 55s. a week to 60s. a week and from the exceptional maximum for cases of very severe disablement from 110s. a week to 120s. a week;

(*g*) for wear and tear of clothing from £7 10s. and £12 10s. a year to £9 and £14 a year respectively;

(*h*) for unemployable pensioners from 87s. 6d. a week to 97s. 6d. a week;

(*i*) for the wife or adult dependant of an unemployable pensioner from 50s. a week to 56s. a week and for the first child from 22s. 6d. a week to 25s. a week and for any other child from 14s. 6d. a week to 17s. a week, but for the fourth and subsequent children in the family the increased rate will be reduced by 5s. a week;

(*j*) for comforts from 20s. and 10s. a week to 25s. and 12s. 6d. a week respectively;

(*k*) for lowered standard of occupation from a maximum of 54s. a week to a maximum of 61s. a week;

(*l*) for pensioners who have attained the age of 65 years and whose pensioned disablement is assessed at 40 per cent. or over from between 5s. and 15s. a week to between 7s. 6d. and 20s. a week;

(*m*) for the pensioner who is receiving treatment as defined in Article 21(8) and who has attained the age of 65 years, from a maximum of 15s. a week to a maximum of 20s. a week;

(*n*) for the pensioner who, during a course of treatment as aforesaid, is not entitled to full sickness benefit under National Insurance provisions, from a maximum of 80s. a week to a maximum of 90s. a week;

(*o*) for the wife or adult dependant of a pensioner receiving treatment as aforesaid from 50s. a week to 56s. a week, for the first child from

22s. 6d. a week to 25s. a week and for each other child from 14s. 6d. a week to 17s. a week, but reductions as in (*i*) above will be made;

(*p*) for certain widows, in respect of rent from a maximum of 40s. a week to a maximum of 45s. a week;

(*q*) for elderly widows, at the age of 70 years or over, from 10s. a week to 15s. a week;

(*r*) for funeral expenses, from a maximum of £25 to a maximum of £30.

3. Article 5 makes amendments which—

(*a*) provide for the rate of maintenance payable under a Court Order or being paid by a husband before death to be regarded as a guide in determining the rate of pension or temporary personal allowance payable to a separated widow and not, as hitherto, as the upper limit;

(*b*) remove a restriction on the amount of rent allowance payable to a separated widow;

(*c*) amend the definition of apprentice;

(*d*) substitute for references to assistance under the National Assistance Act 1948, references to benefit under the Ministry of Social Security Act 1966;

(*e*) correct minor errors of omission.