STATUTORY INSTRUMENTS

1969 No. 1035

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme 1969

Made - - -	*28th July* 1969
Laid before Parliament	*6th August* 1969
Coming into Operation—	
Article 3	*3rd November* 1969
Articles 4(1) *and* 5	*15th February* 1971
Remainder	*1st November* 1969

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred upon him by section 2 of the Personal Injuries (Emergency Provisions) Act 1939(**a**), and of all other powers enabling him 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 1969, amends the Personal Injuries (Civilians) Scheme 1964(**b**), as amended (**c**), (hereinafter referred to as "the principal Scheme"), and, subject to the provisions of the next following paragraphs, shall come into operation on 1st November 1969.

(2) Article 3 of this Scheme shall come into operation on 3rd November 1969 so, however, that in relation to any award payable weekly the foregoing reference to 3rd November 1969, 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 3rd November 1969.

(3) Articles 4(1) and 5 of this Scheme shall come into operation on the appointed day.

Definitions

2. In this Scheme—

(1) "the appointed day" means 15th February 1971 (the day appointed under section 1 of the Decimal Currency Act 1967(**d**)) ;

(2) "the new currency" means the new currency of the United Kingdom provided for by the Decimal Currency Act 1967 ;

(3) "the old currency" means the currency of the United Kingdom in force before the appointed day.

(**a**) 1939 c.82.

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

(**c**) S.I. 1966/163, 648, 935, 1967/1250, 1968/176, 1206 (1966 I, p. 299; II, pp. 1454, 2269); 1967 II, p. 3617; 1968 I, p. 425; II, p. 3228).

(**d**) 1967 c.47.

Substitution of Schedules to the principal Scheme and transitional provisions

3.—(1) 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 Part I of the Schedule hereto and numbered 3 and 4 respectively (hereinafter referred to as "the old currency Schedules").

(2) On the appointed day, for the old currency Schedules there shall be substituted the Schedules in the new currency set out in Part II of the Schedule hereto and numbered 3 and 4 respectively.

(3) Where, by virtue of the provisions of paragraph (1) of this Article, the aggregate rate of additional unemployability or treatment allowances and allowances, if any, under the Family Allowances Act 1965(**a**) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act, payable in respect of the children of a disabled person is, upon the coming into operation of the said paragraph, less than it was according to the rates in payment on 31st October 1969, then for the period for which the said aggregate rate in respect of those children or any remaining number of them continues to be less than it would have been had the said rates remained in payment, the rate of additional unemployability or treatment allowances payable in respect of those children may be varied to the extent required to exclude the reduction in the said aggregate rate.

Amendment of Articles of the principal Scheme

4.—(1) In Articles 12 (allowances for eligible members of the family) and 73 (payment of pensions) there shall be made the amendments set out in Part III of the Schedule hereto.

(2) In Articles 17 (unemployability allowances), 59 (injuries sustained outside the United Kingdom) and 65 (administration of pensions, etc.) there shall be made the amendments set out in Part IV of the Schedule hereto.

Payments on or after the appointed day

5. The amount of any payment of pension under the principal Scheme falling to be paid on or after the appointed day shall, in so far as it relates to any period to which the old currency Schedules apply, be calculated in accordance with the provisions of the Schedules in force on the appointed day.

R. H. S. Crossman,
Secretary of State for Social Services.

28th July 1969.

We consent.

Joseph Harper,
E. Alan Fitch,
Two of the Lords Commissioners of Her Majesty's Treasury.

28th July 1969.

(**a**) 1965 c.53.

SCHEDULE

PART I

Schedules to be substituted in the principal Scheme by Article 3 (1) 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	168s. per week.
2. Education allowance under Article 13 ...	£120 per annum (maximum).
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	132s. per week (maximum).
(*b*) in any other case under that Article ...	66s. 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.
5. 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.
6. Unemployability allowances—	
(*a*) personal allowance under Article 17(1)(i)	109s. 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) ...	52s. per week.
(ii) allowance in respect of an adult dependant under Article 17(4)(*d*) ...	62s. 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	31s. per week.
(*b*) in respect of the second child of a disabled person	13s. per week.
(*c*) in respect of each other child of a disabled person	11s. 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	67s. per week (maximum).

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*)	100s. per week.
(*c*) increased additional allowance under Article 21(4) proviso (*a*)	62s. 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	31s. per week.
(ii) in respect of the second child of a disabled person	13s. per week.
(iii) in respect of each other child of a disabled person	11s. per week.
(*e*) additional allowance under Article 21(5)	62s. per week.
11. Part-time treatment allowance under Article 23	65s. 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*)	130s. per week.
(*b*) under Article 26(1)(*b*)	30s. per week.
2. Rent allowance under Article 28	50s. 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	130s. 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	53s. 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 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	43s. per week.
(ii) where the child does not so qualify	50s. per week.

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	53s. per week.
(*b*) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid	43s. 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	100s. per week (maximum).
(*b*) any other case	78s. 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 II

Schedules to be substituted in the principal Scheme by Article 3(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	£8·40 per week.
2. Education allowance under Article 13... ...	£120 per annum (maximum).
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	£6·60 per week (maximum).
(*b*) in any other case under that Article ...	£3·30 per week (maximum).

3A. Exceptionally severe disablement allowance under Article 14A	£3 per week.
4. Severe disablement occupational allowance under Article 15	£1 per week.
5. 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.
6. Unemployability allowances—	
(*a*) personal allowance under Article 17(1)(i)	£5·45 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*) ...	£2·60 per week.
(ii) allowance in respect of an adult dependant under Article 17(4)(*d*) ...	£3·10 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	£1·55 per week.
(*b*) in respect of the second child of a disabled person	65p per week.
(*c*) in respect of each other child of a disabled person	55p per week.
7. Comforts allowance—	
(*a*) under Article 18(1)(*a*)	£1·25 per week.
(*b*) under Article 18(1)(*b*) or 44(1)	63p per week.
8. Allowance for lowered standard of occupation under Article 19	£3·35 per week (maximum).
9. Age allowance under Article 20 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent.	38p per week.
(*b*) 60 or 70 per cent.	50p per week.
(*c*) 80 or 90 per cent.	75p per week.
(*d*) 100 per cent.	£1 per week.
10. Treatment allowances—	
(*a*) increase of personal allowance under Article 21(2)	£1 per week (maximum).
(*b*) increase of personal allowance under Article 21(3)(*a*)	£5 per week.
(*c*) increased additional allowance under Article 21(4) proviso (*a*)	£3·10 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	£1·55 per week.
(ii) in respect of the second child of a disabled person	65p per week.

(iii) in respect of each other child of a disabled person	55p per week.
(*e*) additional allowance under Article 21(5)	£3·10 per week.
11. Part-time treatment allowance under Article 23	£3·25 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)	£6·50 per week.
(*b*) under Article 26(1)(b)	£1·50 per week.
2. Rent allowance under Article 28	£2·50 per week (maximum).
3. Allowance under Article 29 or 49 to elderly widow	75p per week.
4. Pension under Article 30 to unmarried dependant who lived as wife	£1 per week (maximum).
5. Pension to dependent widower under Article 32	£6·50 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	£2·65 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 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act ...	£2·15 per week.
(ii) where the child does not so qualify ...	£2·50 per week.
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	£2·65 per week.
(*b*) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid	£2·15 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	£5 per week (maximum).
(*b*) any other case	£3·90 per week (maximum).
9. Education allowance under Article 36 ...	£120 per annum (maximum).

10. Pension to parents—

(*a*) minimum rate under Article 38(4) ...	25p per week.
(*b*) maximum rate under Article 38(4)—	
(i) where there is only one eligible parent	£1 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—38p per week (maximum).
	(ii) where there is more than one eligible parent—62p per week (maximum).

11. Pensions to other dependants—

(*a*) for each juvenile dependant under Article 39(4)	30p per week (maximum).
(*b*) aggregate rate under Article 39(4) ...	£1 per week (maximum).
(*c*) under Article 39(5)	£1 per week (maximum).

12. Funeral grant under Article 40(1) ... ... £30 (maximum).

PART III

Amendment of Articles 12 *and* 73 *of the principal Scheme*

1. In Article 12 (allowances for eligible members of the family) for the Table in paragraph (2) there shall be substituted the following Table:—

"TABLE

Eligible member of the family	Maximum weekly rate
	p.
(a) wife or dependent husband	50
(b) dependent children:—	
(i) where an allowance under (*a*) is being paid—	
each child	37½
(ii) where an allowance under (*a*) is not being paid—	
first child	50
each other child	37½"

2. Article 73 (payment of pensions) shall be numbered 73 (1) and at the end thereof there shall be added the following paragraph:—

"(2) Where payment of an amount which includes a fraction of a new penny falls to be made under this Scheme that amount shall in the case of pension, allowance or other continuing benefit be rounded up to the next new penny, and in any other case shall be rounded to the nearest new penny."

PART IV

Amendment of Articles 17, 59 and 65 of the principal Scheme

1. In Article 17 (unemployability allowances) for paragraph (3) there shall be substituted the following paragraph:—

"(3) A disabled person shall not be eligible for any award under this Article if he is in receipt of a retirement pension (not being contributory old age pension) or graduated retirement benefit under the National Insurance Acts 1965 to 1969 or under any legislation in Northern Ireland corresponding to those Acts."

2. In Article 59 (injuries sustained outside the United Kingdom) in the proviso to paragraph (3)(*e*) the words "or continued" shall be deleted.

3. In Article 65 (administration of pensions, etc.) in paragraph (1)(*a*) for the words "the age of 21" there shall be substituted the words "the age of 18".

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. Article 3 substitutes new Tables for those contained in Schedules 3 and 4 to the principal Scheme and has the effect of increasing—

(*a*) the rates of pensions in respect of 100 per cent. disablement from 152s. a week to 168s. a week with proportionate increases where the degree of disablement is less than 100 per cent.;

(*b*) the rates of pensions for certain widows from 117s. a week to 130s. a week, and for dependent widowers from a maximum of 117s. a week to a maximum of 130s. a week;

(*c*) the normal maximum rate of an allowance payable for constant attendance from 60s. a week to 66s. a week and the maximum rate for exceptional cases of very severe disablement from 120s. a week to 132s. a week;

(*d*) the allowance for unemployable pensioners from 97s. 6d. a week to 109s. a week;

(*e*) the total additional allowance payable in respect of the wife or adult dependant of an unemployable pensioner and of a pensioner receiving treatment as defined in Article 21(8) from 56s. a week to 62s. a week;

(*f*) the allowances payable in respect of children of unemployable pensioners or of pensioners receiving treatment as defined in Article 21(8) in respect of the first or only child from 28s. a week to 31s. a week, in respect of the second child from 10s. a week to 13s. a week, and in respect of any other child from 8s. a week to 11s. a week; in the case of existing awards, transitional provisions provide for the aggregate rate of these allowances and (where payable) family allowances to be maintained where, exceptionally, it would be reduced by the application of the new rates;

(*g*) the maximum allowance for lowered standard of occupation from 61s. a week to 67s. a week;

(*h*) the maximum of the additional personal treatment allowance payable to a pensioner who is not entitled to full sickness benefit under national insurance provisions from 90s. a week to 100s. a week;

(*i*) the maximum rent allowance payable to certain widows from 45s. a week to 50s. a week ;

(*j*) the allowances payable in respect of children in the care of widows in respect of the first or only child from 49s. 6d. a week to 53s. a week, and in respect of each other child from 39s. 6d. a week to 43s. a week where the child qualifies for a family allowance, and from 46s. 6d. a week to 50s. a week where the child does not so qualify ;

(*k*) the rates of pensions and allowances payable for motherless or fatherless children in respect of the first or only child or any other child who does not qualify for a family allowance from 49s. 6d. or a maximum of 72s. 6d. a week to 53s. or a maximum of 78s. a week according to the age of the child, and in respect of each other child under the age of 15 who qualifies for a family allowance from 39s. 6d. a week to 43s. a week ;

(*l*) the maximum rates of pensions payable to motherless or fatherless children who, having attained the age of 18 years, are incapable of self-support by reason of infirmity which arose before they became 15 years of age, from 90s. a week to 100s. a week.

3. Article 3 also substitutes Tables in decimal currency and Articles 4 and 5 contain further provisions incidental to the introduction of the new currency on 15th February 1971.

4. Article 4 also makes amendments providing—

(*a*) for a disabled person in receipt of national insurance graduated retirement benefit to be ineligible for an award of unemployability allowances, as in the case of national insurance retirement pension ;

(*b*) for certain awards hitherto discontinued upon the beneficiaries becoming resident outside the United Kingdom to be continued at the discretion of the Secretary of State ;

(*c*) for a pension or gratuity to be administered on behalf of a minor up to the age of 18 years instead of 21 years.