STATUTORY INSTRUMENTS

# 1971 No. 1178

# PENSIONS

## The Personal Injuries (Civilians) (Amendment) Scheme 1971

| | |
|---|---|
| *Made* - - - | *20th July* 1971 |
| *Laid before Parliament* | *28th July* 1971 |
| *Coming into Operation* — | |
| *Article* 3 | *1st October* 1971 |
| *Remainder* | *20th September* 1971 |

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 1971, 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 20th September 1971 so, however, that in relation to any award payable weekly the foregoing reference to 20th September 1971, 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 20th September 1971.

(3) Article 3 of this Scheme shall come into operation on 1st October 1971.

*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 paragraphs 1, 2, 3, 3A, 4, 6, 6A, 7, 8, 9, 10 and 11 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.

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(a) 2 & 3 Geo. 6. c. 82. (b) S.I. 1964/2077 (1964 III, p. 5187).
(c) S.I. 1966/163, 648, 935, 1967/1250, 1968/176, 1206, 1969/1035, 1970/143 (1966 I, p. 299; II, pp. 1454, 2269; 1967 II, p. 3167; 1968 I, p. 425; II, p. 3228; 1969 II, p. 3055; 1970 I, p. 625).

*Amendment of Articles of the principal Scheme*

**5.** In Articles 17 (unemployability allowances), 21 (treatment allowances), 29 and 49 (allowance to elderly widows), and 66 (forfeiture of pensions) of the principal Scheme there shall be made the amendments set out in Part IV of the Schedule hereto.

*Article added to the principal Scheme, and consequential amendments*

**6.** After Article 17 of the principal Scheme there shall be added the Article set out in paragraph 1 of Part V of the Schedule hereto, and in Article 17 and Article 23 (allowance for part-time treatment) there shall be made the amendments set out in paragraphs 2 and 3 of the said Part respectively.

*Keith Joseph,*
Secretary of State for Social Services.

19th July 1971.

We consent.

*V. H. Goodhew,*
*H. S. P. Munro,*
Two of the Lords Commissioners of Her Majesty's Treasury.

20th July 1971.

## 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. | £10·00 per week |
| 2. Education allowance under Article 13. | £120·00 per annum (maximum) |
| 3. Constant attendance allowance— | |
| (*a*) under the proviso to Article 14 | £8·00 per week (maximum) |
| (*b*) in any other case under that Article | £4·00 per week (maximum) |
| 3A. Exceptionally severe disablement allowance under Article 14A. | £4·00 per week |
| 4. Severe disablement occupational allowance under Article 15. | £2·00 per week |
| 6. Unemployability allowances— | |
| (*a*) personal allowance under Article 17(1) (i) | £6·55 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*) | £3·20 per week (maximum) |
| (ii) allowance in respect of an adult dependant under Article 17(4)(*d*) | £3·70 per week (maximum) |
| (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 | £2·95 per week |
| (*b*) in respect of the second child of a disabled person | £2·05 per week |
| (*c*) in respect of each other child of a disabled person | £1·95 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 | £1·00 per week |
| (*b*) if head (*a*) does not apply and on the relevant date the disabled person was under the age of 45 | £0·60 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 | £0·30 per week |

| *Description of Pension or Allowance* | *Rate* |
|---|---|
| 7. Comforts allowance— | |
| (*a*) under Article 18(1)(*a*) | £1·70 per week |
| (*b*) under Article 18(1)(*b*) or 44(1) | £0·85 per week |
| 8. Allowance for lowered standard of occupation under Article 19. | £4·00 per week (maximum) |
| 9. Age allowance under Article 20 where the degree of pensioned disablement is— | |
| (*a*) 40 or 50 per cent. | £0·50 per week |
| (*b*) 60 or 70 per cent. | £0·70 per week |
| (*c*) 80 or 90 per cent. | £1·00 per week |
| (*d*) 100 per cent. | £1·40 per week |
| 10. Treatment allowances— | |
| (*a*) increase of personal allowance under Article 21(2) | £1·40 per week (maximum) |
| (*b*) increase of personal allowance under Article 21(3)— | |
| (i) under sub-paragraph (*a*) | £6·00 per week |
| (ii) under sub-paragraph (*c*)— | |
| (*a*) if on the relevant date the disabled person was under the age of 35 or if that date fell before 5th July 1948 | £1·00 per week |
| (*b*) if head (*a*) does not apply and on the relevant date the disabled person was under the age of 45 | £0·60 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. | £0·30 per week |
| (*c*) increased additional allowance under Article 21(4) proviso (*a*) | £3·70 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 | £1·85 per week |
| (ii) in respect of the second child of a disabled person | £0·95 per week |
| (iii) in respect of each other child of a disabled person | £0·85 per week |
| (*e*) higher rate of additional allowance under Article 21(4A)— | |
| (i) in respect of the child, or the elder or eldest of the children, of a disabled person | £2·95 per week |
| (ii) in respect of the second child of a disabled person | £2·05 per week |
| (iii) in respect of each other child of a disabled person | £1·95 per week |
| (*f*) additional allowance under Article 21(5) | £3·70 per week |
| 11. Part-time treatment allowance under Article 23 | £4·00 a day (maximum) |

## PART II

*Rates of allowance for wear and tear of clothing to be substituted in paragragh 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*) | £12·00 per annum |
| (*b*) under Article 16(1)(*b*) and 16(2) | £19·00 per annum |

## PART III

*Rates of pension 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*) | £7·80 per week |
| (*b*) under Article 26(1)(*b*) | £1·80 per week |
| 2. Rent allowance under Article 28 | £3·00 per week (maximum) |
| 3. Allowance under Article 29 or 49 to an elderly widow— | |
| (*a*) if age 65 but under age 70 | £0·50 per week |
| (*b*) if age 70 or over | £1·00 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 | £7·80 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 | £3·15 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 | £2·65 per week |
| (ii) where the child does not so qualify | £3·00 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 | |

| *Description of Pension or Allowance* | *Rate* |
|---|---|
| child of a deceased person who does not qualify for a family allowance as aforesaid | £3·15 per week |
| (*b*) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid | £2·65 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 | £6·00 per week (maximum) |
| (*b*) any other case | £4·65 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)<br>(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) | £30·00 (maximum) |

## PART IV

*Amendments of Articles of the principal Scheme*

1. In Article 17 (unemployability allowances) the following amendments shall be made:—

(1) 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 age addition) or graduated retirement benefit under the National Insurance Acts 1965 to 1971, or under any legislation in Northern Ireland corresponding to those Acts."

(2) In paragraph (4) the following amendments shall be made:—

(i) In sub-paragraph (*c*) for the words "by the appropriate amount" there shall be substituted the words "by an amount not exceeding the appropriate amount".

(ii) In sub-paragraph (*d*) for the words "at the appropriate rate" there shall be substituted the words "at a rate not exceeding the appropriate rate".

2. In Article 21 (treatment allowances) the following amendments shall be made:—

(1) For sub-paragraph (*b*) of the proviso to paragraph (1) there shall be substituted the following sub-paragraph—

"(*b*) Where a disabled person is in receipt of a treatment allowance under this Article in respect of any period, no payment shall be made in respect of that period of any other award under the foregoing provisions of this Part of this Scheme except—

(i) an award under Article 13, 14A, 16, 17(1)(i), 17A or 18; or

(ii) an award under Article 14 but, in the case of treatment in a hospital or similar institution the whole or part of the cost of which is paid out of public funds, for the first four weeks thereof only; or

(iii) where the disabled person is not in receipt of an increase of his personal allowance under paragraph (3) of this Article, an award under Article 15."

(2) For paragraph (3) there shall be substituted the following paragraph—

"(3) Except where a disabled person is in receipt of an allowance under Article 17(1)(i) or is receiving treatment in a hospital or similar institution and is not entitled to an additional allowance in respect of a dependant under the following provisions of this Article, he may be awarded an increase of his personal allowance—

(*a*) if he is not eligible for any such benefit as is mentioned in paragraph (6) of this Article, at the appropriate rate specified in Schedule 3 paragraph 10(*b*)(i);

(*b*) if he is eligible for such benefit at a rate lower than the appropriate rate specified in the said paragraph 10(*b*)(i), at a rate equal to the difference between the lower rate and the rate so specified;

(*c*) if he is not eligible for invalidity pension and allowance solely by reason of his failure to satisfy the contribution conditions of the National Insurance Acts 1965 to 1971, at the appropriate rate specified in Schedule 3 paragraph 10(*b*)(ii);

(*d*) for the purpose of determining the appropriate rate in paragraph 10(*b*)(ii) the relevant date shall be such date as would have been the qualifying date had he been eligible for invalidity pension and allowance."

(3) After paragraph (4) there shall be inserted the following new paragraph—

"(4A) The rate of an additional allowance awarded under paragraph (4) of this Article in respect of a child or children of a disabled person who is in receipt of an increase of his personal allowance under paragraph (3)(*c*) of this Article may be further increased to the appropriate rate specified in Schedule 3 paragraph 10(*e*)."

(4) In paragraph (5) for the words "Schedule 3 paragraph 10(*e*)" there shall be substituted the words "Schedule 3 paragraph 10(*f*)".

(5) In paragraph (6) for the words from "National Insurance (Industrial Injuries) Acts" to "National Insurance Acts 1946 to 1964" there shall be substituted the words—

"National Insurance (Industrial Injuries) Acts 1965 to 1971, sickness benefit, retirement pension, invalidity pension and allowance or contributory old age pension under the National Insurance Acts 1965 to 1971".

3. In Articles 29 and 49 (allowance to elderly widows) for the words from "has attained the age of 70 years" to the end of the Article there shall be substituted the words—

"has attained the age of 65 years or the age of 70 years, as the case may be,

she may be awarded an allowance at whichever of the rates specified in Schedule 4, paragraph 3 is appropriate."

4. In Article 66 (forfeiture of pensions) in paragraph (1)(*a*) there shall be substituted for the words "approved school or remand home" the words "or Young Offenders Institution."

## PART V

*Article to be added to the principal Scheme, and consequential amendments*

1. After Article 17 there shall be inserted the following Article:—

"*Invalidity allowance*

17A.—(1) Where a disabled person is awarded an allowance under Article 17(1)(i) in respect of unemployability and has not on the relevant date (whether before or after the coming into operation of this Article) attained the age of 60 or, in the case of a woman, the age of 55, he may be awarded an additional allowance at the appropriate rate specified in Schedule 3 paragraph 6A.

(2) Subject to the following provisions of this Article the relevant date for the purposes of paragraph (1) of this Article shall be the commencing date of the period in respect of which an allowance under Article 17(1)(i) is awarded and, if there have been two or more such periods, the commencing date of the latter or last of them.

(3) For the purposes of paragraph (2) of this Article where a break between two periods in respect of which an allowance under Article 17(1)(i) has been awarded does not exceed 13 weeks those periods shall not be treated as separate periods.

(4) If the unemployability in respect of which an allowance is awarded forms part of a period of interruption of employment for the purposes of the National Insurance Acts 1965 to 1971 which has continued without a break from a date earlier than the date fixed under paragraphs (2) and (3) of this Article, the relevant date shall be the first day of incapacity for work for those purposes in that period.

(5) Notwithstanding anything in the foregoing provisions of this Article, the relevant date may be such other date as the Secretary of State may determine if in his opinion the circumstances of any particular case so require.

(6) This Article shall not apply if on the date on which it comes into operation the disabled person is a man over the age of 65 or a woman over the age of 60.

(7) The provisions of paragraph (5) of Article 17, in so far as they provide for taking into account any benefit payable out of public funds under the law of any place outside the United Kingdom, shall apply to an allowance awarded under this Article as they apply to a personal allowance awarded under that Article."

2. In paragraph (5) of Article 17 for the reference to the National Insurance Act 1946 there shall be substituted a reference to the National Insurance Act 1965, and for the reference to the National Insurance Acts 1946 to 1964 there shall be substituted a reference to the National Insurance Acts 1965 to 1971.

3. In Article 23 (allowance for part-time treatment) for the words in the proviso "Article 13, 14, 14A, 15, 16, 17(1)(i), 18 or 20" there shall be substituted the words "Article 13, 14, 14A, 15, 16, 17(1)(i), 17A, 18 or 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 in the principal Scheme which are increased as follows:—

(*a*) the rates of pensions in respect of 100 per cent disablement from £8·40 a week to £10·00 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 £6·50 a week to £7·80 a week, and for dependent widowers from a maximum of £6·50 a week to a maximum of £7·80 a week;

(*c*) the normal maximum rate of an allowance payable for constant attendance from £3·30 a week to £4·00 a week and the maximum rate for exceptional cases of very severe disablement from £6·60 a week to £8·00 a week;

(*d*) the exceptionally severe disablement allowance from £3·00 a week to £4·00 a week;

(*e*) the severe disablement occupational allowance from £1·00 a week to £2·00 a week;

(*f*) the allowance for unemployable pensioners from £5·45 a week to £6·55 a week;

(*g*) 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 £3·10 a week to £3·70 a week;

(*h*) the allowances payable in respect of children of unemployable pensioners in respect of the first or only child from £1·55 a week to £2·95 a week, in respect of the second child from £0·65 a week to £2·05 a week, and in respect of any other child from £0·55 a week to £1·95 a week;

(*i*) the allowances for comforts from £1·25 a week and £0·63 a week to £1·70 a week and £0·85 a week respectively;

(*j*) the maximum allowance for lowered standard of occupation from £3·35 a week to £4·00 a week;

(*k*) the allowances payable in respect of children of pensioners receiving treatment as defined in Article 21(8) in respect of the first or only child from £1·55 a week to £1·85 a week, in respect of the second child from £0·65 a week to £0·95 a week, and in respect of any other child from £0·55 a week to £0·85 a week;

(*l*) the allowances payable to pensioners who have attained the age of 65 and whose pensioned disablement is assessed at 40 per cent or over from between £0·38 a week and £1·00 a week to between £0·50 a week and £1·40 a week respectively;

(*m*) the maximum of the additional personal treatment allowance payable to a pensioner who is not entitled to full sickness benefit or invalidity pension and allowance under national insurance provisions from £5·00 a week to £6·00 a week;

(*n*) the allowances for wear and tear of clothing from £9·00 a year and £14·00 a year to £12·00 a year and £19·00 a year respectively;

(*o*) the allowance for elderly widows age 70 or over from £0·75 a week to £1·00 a week ;

(*p*) the maximum rent allowance payable to certain widows from £2·50 a week to £3·00 a week ;

(*q*) the allowances payable in respect of children in the care of widows in respect of the first or only child from £2·65 a week to £3·15 a week, and in respect of each other child from £2·15 a week to £2·65 a week where the child qualifies for a family allowance, and from £2·50 a week to £3·00 a week where the child does not so qualify ;

(*r*) 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 £2·65 a week or a maximum of £3·90 a week to £3·15 a week or a maximum of £4·65 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 £2·15 a week to £2·65 a week ;

(*s*) 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 £5·00 a week to £6·00 a week.

Article 5 makes amendments, the effects of which are :—

(*a*) to prevent a disabled person being rendered ineligible for unemployability allowance by the receipt of national insurance age addition, and to make the rate of increase of a wife's allowance payable with unemployability allowance adjustable to her financial circumstances ;

(*b*) to enable constant attendance allowance to be paid for the first four weeks of treatment in a hospital or similar institution the cost of which is payable wholly or partly out of public funds, to provide for an increase of treatment allowance to be awarded to a disabled person who is not eligible for national insurance invalidity pension and allowance, at a rate appropriate to his age, and to increase the rate of additional allowance payable for his children in these circumstances ;

(*c*) to provide for an allowance to be made to elderly widows, at the age of 65 ;

(*d*) to modify the provisions for forfeiture to take account of changes in the law relating to children.

Article 6 brings into force provisions granting a new invalidity allowance to be paid with unemployability allowances, and makes consequential amendments.