STATUTORY INSTRUMENTS

1972 No. 1177

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme 1972

Made - - -	*2nd August* 1972
Laid before Parliament	*15th August* 1972
Coming into Operation	*2nd October* 1972

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. This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) Scheme 1972, amends the Personal Injuries (Civilians) Scheme 1964(**b**), as amended (**c**), (hereinafter referred to as "the principal Scheme"), and shall come into operation on 2nd October 1972 so, however, that in relation to any award payable weekly the foregoing reference to 2nd October 1972, 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 2nd October 1972.

Higher rates of pensions and allowances under the principal Scheme

2. 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.

Amendment of Articles of the principal Scheme

3. In Articles 17 (unemployability allowances), 21 (treatment allowances) and 28 (rent allowance to widows who have children) of the principal Scheme there shall be made the amendments set out in Part II of the Schedule hereto.

(**a**) 2 & 3 Geo. 6. c. 82. (**b**) S.I. 1964/2077 (1964 III, p. 5187).
(**c**) The relevant amending Schemes are S.I. 1966/163, 648, 1967/1250, 1968/1206, 1969/1035, 1971/1178 (1966 I, p. 299; II, p. 1454; 1967 II, p. 3617; 1968 II, p. 3228; 1969 II, p. 3055; 1971 II, p. 3468).

Revocation of Article 25 of the principal Scheme

4. Article 25 of the principal Scheme (general condition applicable to awards under Part IV) is hereby revoked.

Substitution of Article 63 of the principal Scheme

5. For Article 63 of the principal Scheme (pensioners admitted to institutions) there shall be substituted the Article set out in Part III of the Schedule hereto.

Keith Joseph,
Secretary of State for Social Services.

31st July 1972.

We consent.

P. L. Hawkins,
Oscar Murton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

2nd August 1972.

SCHEDULE

PART I

Schedules to be substituted in the principal Scheme by Article 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.	£11·20 per week
2. Education allowance under Article 13.	£120·00 per annum (maximum)
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	£9·00 per week (maximum)
(*b*) in any other case under that Article	£4·50 per week (maximum)
3A. Exceptionally severe disablement allowance under Article 14A.	£4·50 per week
4. Severe disablement occupational allowance under Article 15.	£2·00 per week
5. 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
6. Unemployability allowances—	
(*a*) personal allowance under Article 17(1)(*i*)	£7·35 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*)	£3·65 per week (maximum)
(ii) allowance in respect of an adult dependant under Article 17(4)(*d*)	£4·15 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	£3·30 per week
(*b*) in respect of the second child of a disabled person	£2·40 per week
(*c*) in respect of each other child of a disabled person	£2·30 per week

Description of Pension or Allowance	*Rate*
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	£1·15 per week
(*b*) if head (*a*) does not apply and on the relevant date the disabled person was under the age of 45	£0·70 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	£0·35 per week
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	£4·48 per week (maximum)
9. Age allowance under Article 20 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent	£0·55 per week
(*b*) 60 or 70 per cent	£0·80 per week
(*c*) 80 or 90 per cent	£1·15 per week
(*d*) 100 per cent	£1·60 per week
10. Treatment allowances—	
(*a*) increase of personal allowance under Article 21(2)	£1·60 per week (maximum)
(*b*) increase of personal allowance under Article 21(3)—	
(i) under sub-paragraph (*a*)	£6·75 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	£1·15 per week
(*b*) if head (*a*) does not apply and on the relevant date the disabled person was under the age of 45	£0·70 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	£0·35 per week
(*c*) increased additional allowance under Article 21(4) proviso (*a*)	£4·15 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	£2·10 per week

Description of Pension or Allowance	*Rate*
(ii) in respect of the second child of a disabled person	£1·20 per week
(iii) in respect of each other child of a disabled person	£1·10 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	£3·30 per week
(ii) in respect of the second child of a disabled person	£2·40 per week
(iii) in respect of each other child of a disabled person	£2·30 per week
(*f*) additional allowance under Article 21(5)	£4·15 per week
11. Part-time treatment allowance under Article 23	£4·75 a 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*)	£8·80 per week
(*b*) under Article 26(1)(*b*)	£2·03 per week
2. Rent allowance under Article 28	£3·40 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	£8·80 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	£3·50 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	£3·00 per week
(ii) where the child does not so qualify	£3·35 per week

Description of Pension or Allowance	*Rate*
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	£3·50 per week
(*b*) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid	£3·00 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	£6·75 per week (maximum)
(*b*) any other case	£5·00 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) (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 II

Amendment of Articles of the principal Scheme

1. In Article 17 (unemployability allowances) in paragraph (2) for the words "£104 a year" there shall be substituted the words "£234 a year".

2. In Article 21 (treatment allowances) for paragraph (4A) there shall be substituted the following 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 may be further increased to the appropriate rate specified in Schedule 3 paragraph 10(*e*) if the disabled person—

(*a*) is in receipt of an increase of his personal allowance under paragraph (3)(*c*) of this Article or, but for his age on the relevant date, would be in receipt of such an increase; or

(*b*) is in receipt of an allowance under Article 17(1)(*i*); or

(*c*) having reached the age of 65 years or, in the case of a woman, 60 years is not eligible for retirement pension under the National Insurance Acts 1965 to 1972, or any benefit similar thereto as is referred to in paragraph (6) of this Article, solely by reason of his failure to satisfy any contribution conditions.".

3. In Article 28 (rent allowance to widows who have children) in paragraph (1) for the words "having regard to the amount by which her weekly rent and rates exceed 6s." there shall be substituted the words "having regard to her weekly rent and rates".

PART III

Substitution of Article 63 of the principal Scheme

For Article 63 (pensioners admitted to institutions) there shall be substituted the following Article:—

"63. *Maintenance in hospital or an institution.*—(1) Where any person to or in respect of whom a pension or gratuity may be or has been awarded is receiving or has received free in-patient treatment, or is being or has been maintained in an institution (otherwise than for the purpose of undergoing medical or other treatment) which is supported wholly or partly out of public funds, or in which he is being or has been maintained pursuant to arrangements made by the Secretary of State, the Secretary of State may deduct such amount as he may think fit having regard to all the circumstances of the case from the pension or gratuity payable in respect of the period during which such treatment is received or during which the person is being so maintained, as the case may be, and may apply the amount so deducted, or any part thereof, in such proportions and subject to such conditions as he may determine having regard to all the circumstances of the case, in a payment or payments to the person upon his discharge following a period of free in-patient treatment, or in or towards paying or repaying the cost of maintaining the person incurred by any appropriate authority.

(2) For the purposes of this Article, a person shall be regarded as receiving or having received free in-patient treatment for any period for which he is or has been maintained free of charge while undergoing medical or other treatment as an in-patient—

(*a*) in a hospital or similar institution maintained or administered under the National Health Service Acts 1946 to 1968, the National Health Service (Scotland) Acts 1947 to 1968 or the Health Services Act (Northern Ireland) 1971, or by or on behalf of the Secretary of State, or by or on behalf of the Defence Council; or

(*b*) pursuant to arrangements made by the Secretary of State or by a Hospital Board or a Regional Hospital Board constituted under the National Health Service Acts 1946 to 1968, the National Health Service (Scotland) Acts 1947 to 1968 or the Health Services Act (Northern Ireland) 1971 in a hospital or similar institution not so maintained or administered;

and, for this purpose, a person shall only be regarded as not being maintained free of charge in a hospital or similar institution for any period if he is paying or has paid, in respect of his maintenance, charges which are designed to cover the whole cost of the accommodation or services (other than services by way of treatment) provided for him in the hospital or similar institution for that period."

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 2 makes 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 £10·00 a week to £11·20 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 £7·80 a week to £8·80 a week, and for dependent widowers from a maximum of £7·80 a week to a maximum of £8·80 a week;

(*c*) the normal maximum rate of an allowance payable for constant attendance from £4·00 a week to £4·50 a week and the maximum rate for exceptional cases of very severe disablement from £8·00 a week to £9·00 a week;

(*d*) the exceptionally severe disablement allowance from £4·00 a week to £4·50 a week;

(*e*) the allowance for unemployable pensioners from £6·55 a week to £7·35 a week;

(*f*) 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 £3·70 a week to £4·15 a week;

(*g*) the allowances payable in respect of children of unemployable pensioners in respect of the first or only child from £2·95 a week to £3·30 a week, in respect of the second child from £2·05 a week to £2·40 a week, and in respect of any other child from £1·95 a week to £2·30 a week;

(*h*) the maximum allowance for lowered standard of occupation from £4·00 a week to £4·48 a week;

(*i*) 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 £1·85 a week to £2·10 a week, in respect of the second child from £0·95 a week to £1·20 a week, and in respect of any other child from £0·85 a week to £1·10 a week;

(*j*) 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 £0·50 a week and £1·40 a week to between £0·55 a week and £1·60 a week respectively;

(*k*) 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 £6·00 a week to £6·75 a week;

(*l*) the maximum rent allowance payable to certain widows from £3·00 a week to £3·40 a week;

(*m*) the allowances payable in respect of children in the care of widows in respect of the first or only child from £3·15 a week to £3·50 a week, and in respect of each other child from £2·65 a week to £3·00 a week where the child qualifies for a family allowance, and from £3·00 a week to £3·35 a week where the child does not so qualify;

(*n*) 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 £3·15 a week or a maximum of £4·65 a week to £3·50 a week or a maximum of £5·00 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 £2·65 a week to £3·00 a week;

(*o*) 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 £6·00 a week to £6·75 a week.

3. Article 3 makes amendments the effects of which are:—

(*a*) to raise the maximum amount of earnings which may be received by a disabled person while deemed to be unemployable for the purposes of an award of unemployability allowance from £104 a year to £234 a year;

(*b*) to enable the maximum rate of additional allowances payable in respect of the children of a disabled person receiving treatment as defined in Article 21(8) to be awarded in cases where the disabled person would not otherwise qualify for such an award solely by reason of his age, in cases where the disabled person is in receipt of an unemployability allowance and in certain cases where the disabled person is not eligible for retirement pension;

(*c*) to enable the rate of rent allowance to be determined by reference to the amount of weekly rent and rates instead of as hitherto the amount by which the weekly rent and rates exceed 30p.

4. Article 4 removes a restriction under which no award could be made in respect of the death of a person, occurring more than 7 years after the date of the qualifying injury, unless he had been in receipt of a pension in respect of disablement.

5. Article 5 extends the Secretary of State's discretionary power to make deductions from awards in respect of maintenance in an institution supported out of public funds to all cases where the pensioner is maintained free of charge in a National Health Service hospital or similar institution for the purpose of receiving treatment and provides for payments out of such deductions to be made to the pensioner for his resettlement following a period of such treatment.

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