STATUTORY INSTRUMENTS

1973 No. 1369

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme 1973

Made - - - -	*27th July* 1973
Laid before Parliament	*7th August* 1973
Coming into Operation	*1st October* 1973

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of powers conferred by section 2 of the Personal Injuries (Emergency Provisions) Act 1939**(a)** and now vested in him**(b)**, 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 1973, amends the Personal Injuries (Civilians) Scheme 1964**(c)**, as amended**(d)** (hereinafter referred to as "the principal Scheme"), and shall come into operation on 1st October 1973, so, however, that in relation to any award payable weekly the foregoing reference to 1st October 1973, 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 1st October 1973.

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.—(1) In Articles 15 (severe disablement occupational allowance), 17 (unemployability allowances) and 21 (treatment allowances) of the principal Scheme there shall be made the amendments set out in Part II of the Schedule hereto.

(a) 1939 c. 82.

(b) *See* Transfer of Functions (Ministry of Pensions) Order 1953, Article 2, S.I. 1953/1198 (1953 I, p. 1228), Ministry of Social Security Act 1966, section 2 (1966 c. 20) and Secretary of State for Social Services Order 1968, Article 2, S.I. 1968/1699 (1968 III, p. 4585).

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

(d) The relevant amending Schemes are S.I. 1966/163, 648, 1967/1250, 1968/1206, 1969/1035, 1971/1178, 1972/1177 (1966 I, p. 299; II, p. 1454; 1967 II, p. 3617; 1968 II, p. 3228; 1969 II, p. 3055; 1971 II, p. 3468; 1972 II, p. 3491).

(2) Notwithstanding anything in the foregoing provisions of this Article, sub-paragraph (*a*) of paragraph (4) of the said Article 17 shall continue to apply in relation to an award made thereunder before 1st October 1973 as it would have applied had this Scheme not been made in all cases where the rate of allowance payable under such award was not, having regard to the financial circumstances of the person in respect of whom the allowance had been granted, further increased under sub-paragraph (*c*) of the said paragraph (4):

Provided that if, in any case, the rate of allowance in respect of a wife or dependent husband should be increased, after the coming into operation of this Scheme, under paragraph (4)(*b*) of Article 17 of the principal Scheme, as substituted by the foregoing provisions of this Article, the provisions of this paragraph shall cease to apply to that case.

Keith Joseph,
Secretary of State for Social Services.

26th July 1973.

We consent,

Hugh Rossi,

Oscar Murton,

Two of the Lords Commissioners of
Her Majesty's Treasury.

27th July 1973.

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	£12·80 per week
2. Education allowance under Article 13	£120·00 per annum (maximum)
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	£10·30 per week (maximum)
(*b*) in any other case under that Article	£5·15 per week (maximum)
3A. Exceptionally severe disablement allowance under Article 14A	£5·15 per week
4. Severe disablement occupational allowance under Article 15	£2·60 per week
5. Allowance for wear and tear of clothing—	
(*a*) under Article 16(1)(*a*)	£14·00 per annum
(*b*) under Article 16(1)(*b*) and 16(2)	£22·00 per annum
6. Unemployability allowances—	
(*a*) personal allowance under Article 17(1)(i)	£8·40 per week
(*b*) additional allowances for dependants by way of—	
(i) increase of allowance in respect of a wife or dependent husband under Article 17(4)(*b*)	£4·75 per week (maximum)
(ii) allowance in respect of an adult dependant under Article 17(4)(*c*)	£4·75 per week (maximum)
(iii) increased allowance under Article 17(4)(*e*)—	
(*a*) in respect of the child, or the elder or eldest of the children, of a disabled person	£3·80 per week
(*b*) in respect of the second child of a disabled person	£2·90 per week
(*c*) in respect of each other child of a disabled person	£2·80 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	£1·60 per week
(*b*) if head (*a*) does not apply and on the relevant date the disabled person was under the age of 45	£1·00 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	£0·50 per week
7. Comforts allowance—	
(*a*) under Article 18(1)(*a*)	£2·20 per week
(*b*) under Article 18(1)(*b*) or 44(1)	£1·10 per week
8. Allowance for lowered standard of occupation under Article 19	£5·12 per week (maximum)
9. Age allowance under Article 20 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	£0·60 per week
(*b*) 60 or 70 per cent.	£0·90 per week
(*c*) 80 or 90 per cent.	£1·30 per week
(*d*) 100 per cent.	£1·80 per week
10. Treatment allowances—	
(*a*) increase of personal allowance under Article 21(2)	£1·80 per week (maximum)
(*b*) increase of personal allowance under Article 21(3)(*a*)—	
(i) if the disabled person has reached 65 years (60 if a woman) or if not eligible for invalidity pension and allowance solely because of failure to satisfy the contribution conditions	£7·75 per week
(ii) in any other case	£7·35 per week
(*c*) increase of personal allowance under Article 21(3)(*c*)—	
(i) if on the relevant date the disabled person was under the age of 35 or if that date fell before 5th July 1948	£1·60 per week
(ii) if head (i) does not apply and on the relevant date the disabled person was under the age of 45	£1·00 per week
(iii) if heads (i) and (ii) 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	£0·50 per week
(*d*) increase of additional allowance under Article 21(4) proviso (*a*)	£4·55 per week
(*e*) increase of 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	£2·30 per week
(ii) in respect of the second child of a disabled person	£1·40 per week
(iii) in respect of each other child of a disabled person	£1·30 per week

(*f*) additional allowance under Article 21(5)	£4·55 per week
(*g*) higher rate of increase of additional allowance (or of additional allowance as the case may be) under Article 21(5A)—	
(i) in respect of the wife, husband or adult dependant of a disabled person	£4·75 per week
(ii) in respect of the child, or the elder or eldest of the children, of a disabled person	£3·80 per week
(iii) in respect of the second child of a disabled person	£2·90 per week
(iv) in respect of each other child of a disabled person	£2·80 per week
11. Part-time treatment allowance under Article 23	£5·50 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*)	£10·10 per week
(*b*) under Article 26(1)(*b*)	£2·33 per week
2. Rent allowance under Article 28	£3·90 per week (maximum)
3. Allowance under Article 29 or 49 to an elderly widow—	
(*a*) if age 65 but under age 70	£0·65 per week
(*b*) if age 70 or over	£1·30 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	£10·10 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	£4·00 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	£3·50 per week
(ii) where the child does not so qualify	£3·85 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	£4·00 per week
(*b*) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid	£3·50 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	£7·75 per week (maximum)
(*b*) any other case	£5·50 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 15 (severe disablement occupational allowance) the words "or would be in receipt of such an allowance if he were not in a hospital or other institution," shall be omitted, and there shall be added to the Article the words "other than injury benefit or sickness benefit.".

2. For paragraph (4) of Article 17 (unemployability allowances) there shall be substituted the following paragraph:—

"(4) Where a disabled person is awarded an allowance under paragraph (1)(i) of this Article, he may also be awarded additional allowances for dependants in accordance with the following provisions of this paragraph—

(*a*) where the disabled person is a married woman, an allowance may be awarded in respect of a husband (being a husband who would be a dependent husband if, for the references in Article 2(8) to the material date, there were substituted references to the date on which the disabled person became unemployable) at the rate and subject to the conditions which would be appropriate under Article 12 if the husband were an eligible member of the family, and any such allowance shall be treated as an allowance under (*a*) of the Table in Article 12(2) for the purpose of determining the rate of any allowance for a child under Article 12 or under sub-paragraph (*d*) of this paragraph;

(*b*) where an allowance has been awarded under Article 12 in respect of a wife or dependent husband, or where an allowance for a dependent husband has been awarded under sub-paragraph (*a*) of this paragraph, the rate of the allowance may be increased by an amount not exceeding the appropriate amount in Schedule 3, paragraph 6(*b*)(i), if the Secretary of State thinks fit having regard to the financial circumstances of the wife or dependent husband in respect of whom the allowance has been granted;

(*c*) where the disabled person is not in receipt of an allowance under Article 12 or under sub-paragraph (*a*) of this paragraph in respect of a wife or husband, an allowance may be awarded in respect of an adult dependant at a rate not exceeding the appropriate rate specified in Schedule 3, paragraph 6(*b*)(ii) if the Secretary of State thinks fit having regard to the financial circumstances of the adult dependant in respect of whom the allowance is claimed:

Provided that an allowance shall not be awarded in respect of more than one adult dependant;

(*d*) an allowance may be awarded in respect of any child, not being an eligible member of the family, who should, in the opinion of the Secretary of State, be treated as such having regard to the child's relationship to or connection with the disabled person and the other circumstances of the case:

Provided that any such allowance shall be at the rate and subject to the conditions which would be appropriate under Article 12 if the child were an eligible member of the family;

(*e*) where an allowance has been awarded under Article 12 or sub-paragraph (*d*) of this paragraph in respect of the child or children of a disabled person, the rate thereof in respect of that child or those children may be increased by the appropriate rate or rates specified in Schedule 3, paragraph 6(*b*)(iii).".

3. In Article 21 (treatment allowances)—

(*a*) In sub-paragraphs (*a*) and (*b*) of paragraph (3), for the words "paragraph 10(*b*)(i)" there shall be substituted the words "paragraph 10(*b*)", and in sub-paragraphs (*c*) and (*d*) of the said paragraph (3), for the words "paragraph 10(*b*)(ii)" there shall be substituted the words "paragraph 10(*c*)".

(*b*) In proviso (*a*) to paragraph (4), for the words "may be increased to the rate specified in Schedule 3, paragraph 10(*c*)" there shall be substituted the words "may be increased by the rate specified in Schedule 3, paragraph 10(*d*)", and in proviso (*b*) to the said paragraph (4), for the words "may be increased to the appropriate rate" there shall be substituted the words "may be increased by the appropriate rate", and for the words "paragraph 10(*d*)" there shall be substituted the words "paragraph 10(*e*)".

(*c*) Paragraph (4A) is hereby revoked and there shall be added after paragraph (5) the following paragraph:—

"(5A) The rate of any increase awarded under the proviso to paragraph (4) to an additional allowance awarded under such paragraph, or an additional allowance awarded under paragraph (5), of this Article may be further increased or increased, as the case may be, to the appropriate rate specified in Schedule 3, paragraph 10(*g*), 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 1973 or any benefit similar thereto as is referred to in paragraph (6) of this Article.".

(*d*) For paragraph (8) there shall be substituted the following paragraph:—

"(8) In this Article "treatment" means—

(*a*) any treatment as an in-patient of a hospital or similar institution; or

(*b*) a course of medical, surgical or rehabilitative treatment of a remedial nature;

which in either case the Secretary of State is satisfied that a disabled person should receive in consequence of a qualifying injury but does not include any treatment which involves no or only occasional interruptions of the disabled person's normal employment.".

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 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 £11·20 a week to £12·80 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 £8·80 a week to £10·10 a week, and for dependent widowers from a maximum of £8·80 a week to a maximum of £10·10 a week;

(*c*) the normal maximum rate of an allowance payable for constant attendance from £4·50 a week to £5·15 a week and the maximum rate for exceptional cases of very severe disablement from £9·00 a week to £10·30 a week;

(*d*) the exceptionally severe disablement allowance from £4·50 a week to £5·15 a week;

(*e*) the severe disablement occupational allowance from £2·00 a week to £2·60 a week;

(*f*) the allowance for unemployable pensioners from £7·35 a week to £8·40 a week;

(*g*) the additional allowance payable in respect of the wife of an unemployable pensioner from £3·65 a week to £4·75 a week and for an adult dependant from £4·15 a week to £4·75 a week;

(*h*) the allowances payable in respect of children of unemployable pensioners in respect of the first or only child from £3·30 a week to £3·80 a week, in respect of a second child from £2·40 a week to £2·90 a week, and in respect of any other child from £2·30 a week to £2·80 a week;

(*i*) the invalidity allowance payable with unemployability allowance from £1·15 a week, £0·70 a week and £0·35 a week to £1·60 a week, £1·00 a week and £0·50 a week respectively;

(*j*) the allowances for comforts from £1·70 a week and £0·85 a week to £2·20 a week and £1·10 a week respectively;

(*k*) the maximum allowance for lowered standard of occupation from £4·48 a week to £5·12 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 £0·55 a week and £1·60 a week to between £0·60 a week and £1·80 a week respectively;

(*m*) the allowance payable in respect of the wife or adult dependant of a pensioner receiving treatment as defined in Article 21(8) from £4·15 a week to £4·55 a week and to increase further that allowance where the said pensioner has reached 65 years (60 if a woman) or is not entitled to invalidity pension and allowance under national insurance provisions solely because of failure to satisfy the contribution conditions, to £4·75 a week;

(*n*) the allowances payable in respect of children of a pensioner receiving treatment as defined in Article 21(8) in respect of the first or only child from £2·10 a week to £2·30 a week, in respect of the second child from £1·20 a week to £1·40 a week, and in respect of any other child from £1·10 a week to £1·30 a week and to increase further those allowances where the said pensioner has reached 65 years (60 if a woman) or is not entitled to invalidity pension and allowance under national insurance provisions solely because of failure to satisfy the contribution conditions, to £3·80 a week; £2·90 a week; and £2·80 a week respectively;

(*o*) the maximum of the additional personal treatment allowance payable under Article 21(3)(*a*) to a pensioner who is not entitled to full sickness benefit under national insurance provisions from £6·75 a week to £7·35 a week and to a pensioner who has reached 65 years (60 if a woman) or who is not entitled to invalidity pension and allowance solely because of failure to satisfy the contribution conditions, from £6·75 a week to £7·75 a week;

(*p*) the rates of the additional personal treatment allowance payable under Article 21(3)(*c*) to a pensioner who is not entitled to invalidity pension and allowance solely because of failure to satisfy the contribution conditions, from £1·15 a week to £1·60 a week, from £0·70 a week to £1·00 a week and from £0·35 a week to £0·50 a week, depending in all cases upon the qualifying date;

(*q*) the maximum rate of the allowance payable to certain persons having regard to any remunerative time lost as a result of receiving part-time treatment for their pensioned disablement from £4·75 a day to £5·50 a day;

(*r*) the allowance for wear and tear of clothing from £12·00 a year and £19·00 a year to £14·00 a year and £22·00 a year respectively;

(*s*) the allowance to elderly widows between age 65 and 70 from £0·50 a week to £0·65 a week and to those aged 70 or over from £1·00 a week to £1·30 a week;

(*t*) the maximum rent allowance payable to certain widows from £3·40 a week to £3·90 a week;

(*u*) the allowances payable in respect of children in the care of widows in respect of the first or only child from £3·50 a week to £4·00 a week, and in respect of each other child from £3·00 a week to £3·50 a week where the child qualifies for a family allowance, and from £3·35 a week to £3·85 a week where the child does not so qualify;

(*v*) 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 £3·50 a week or a maximum of £5·00 a week to £4·00 a week or a maximum of £5·50 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 £3·00 a week to £3·50 a week;

(*w*) 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 £6·75 a week to £7·75 a week.

Article 3 makes amendments to the principal Scheme which—

(*a*) enable a severe disablement occupational allowance awarded under Article 15 to continue in payment during any period notwithstanding that a disabled person becomes in receipt of injury benefit or sickness benefit during such period;

(*b*) enable the increased allowances payable in respect of the wife, husband or child of an unemployable pensioner to be awarded in addition to, rather than in lieu of, the basic allowances payable in respect of such dependants with disablement pensions;

(*c*) clarify the grounds upon which a treatment allowance may be awarded;

(*d*) enable the increased additional allowances payable in respect of the wife, husband or child of a pensioner receiving treatment as defined in Article 21(8) to be awarded in addition to, rather than in lieu of, the basic allowances payable in respect of such dependants;

(*e*) increase further the allowances in respect of the wife or adult dependant of a pensioner receiving treatment as aforesaid where such pensioner is not entitled to invalidity pension and allowance under national insurance provisions solely by reason of failure to satisfy the contribution conditions, or where the pensioner has attained 65 years of age (60 if a woman) and is not entitled to a retirement pension under the last mentioned provisions;

(*f*) extend the provisions relating to a child or children of a pensioner receiving treatment as aforesaid so that the conditions for a further increase of allowance in respect of such child or children correspond to those for an adult dependant outlined above.

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