STATUTORY INSTRUMENTS

1977 No. 1640

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme 1977

Made - - - -	10*th October* 1977
Laid before Parliament	19*th October* 1977
Coming into Operation	14*th November* 1977

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, commencement and interpretation

1. This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) Scheme 1977, amends the Personal Injuries (Civilians) Scheme 1976**(c)**, as amended **(d)** (hereinafter referred to as "the principal Scheme"), and shall come into operation on 14th November 1977, so, however, that in relation to any award payable weekly the foregoing reference to 14th November 1977, 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 14th November 1977.

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 the Schedule hereto and numbered 3 and 4 respectively.

Amendment of Articles 18 *and* 71 *of the principal Scheme*

3.—(1) In paragraph (2) of Article 18 (unemployability allowances) of the principal Scheme for the sum "£468" there shall be substituted the sum "£520".

(2) In Article 71 (marriage of female persons) of the principal Scheme—

(*a*) in paragraph (1) of that Article for the word "cohabits" there shall be substituted the word "lives";

(*b*) in paragraphs (3), (4) and (5) of that Article for the word "cohabiting" there shall be substituted the word "living";

(a) 1939 c. 82.

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

(c) S.I. 1976/585 (1976 I, p. 1647).

(d) S.I. 1976/1167, 1977/404 (1976 II, p. 3218; 1977 I, p. 1284).

(*c*) in paragraph (4) of that Article for the word "cohabit" there shall be substituted the words "live with a man as his wife".

David Ennals,
Secretary of State for Social Services.

29th September 1977.

We consent,

T. E. Graham,
David Stoddart,
Two of the Lords Commissioners of Her Majesty's Treasury.

10th October 1977.

SCHEDULE

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	£28·60 per week
2. Education allowance under Article 13 ...	£120·00 per annum (maximum)
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14 ...	£22·80 per week (maximum)
(*b*) in any other case under that Article ...	£11·40 per week (maximum)
4. Exceptionally severe disablement allowance under Article 15	£11·40 per week
5. Severe disablement occupational allowance under Article 16	£5·70 per week
6. Allowance for wear and tear of clothing—	
(*a*) under Article 17(1)(*a*)	£25·00 per annum
(*b*) under Article 17(1)(*b*) and 17(2) ...	£40·00 per annum
7. Unemployability allowances—	
(*a*) personal allowance under Article 18(1)(i)	£18·60 per week
(*b*) additional allowances for dependants by way of—	
(i) increase of allowance in respect of a wife or dependent husband under Article 18(4)(*b*)	£10·50 per week (maximum)
(ii) allowance in respect of an adult dependant under Article 18(4)(*c*) ...	£10·50 per week (maximum)
(iii) increase of allowance under Article 18(4)(*e*)—	
(*a*) in respect of the child, or the elder or eldest of the children, of a disabled person	£7·40 per week
(*b*) in respect of each other child of a disabled person	£6·90 per week
8. Invalidity allowance payable under Article 19—	
(*a*) if on the relevant date the disabled person was under the age of 35 or if that date fell before 5th July 1948	£3·70 per week
(*b*) if head (*a*) does not apply and on the relevant date the disabled person was under the age of 45	£2·30 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	£1·15 per week
9. Comforts allowance—	
(*a*) under Article 20(1)(*a*)	£4·90 per week
(*b*) under Article 20(1)(*b*) or 45(1) ...	£2·45 per week

Description of Pension or Allowance	*Rate*
10. Allowance for lowered standard of occupation under Article 21	£11·44 per week (maximum)
11. Age allowance under Article 22 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	£2·00 per week
(*b*) 60 or 70 per cent.	£3·10 per week
(*c*) 80 or 90 per cent.	£4·40 per week
(*d*) 100 per cent.	£6·20 per week
12. Treatment allowances—	
(*a*) increase of personal allowance under Article 23(2)	£6·20 per week (maximum)
(*b*) increase of personal allowance under Article 23(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	£17·50 per week
(ii) in any other case	£14·70 per week
(*c*) increase of personal allowance under Article 23(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 ...	£3·70 per week
(ii) if head (i) does not apply and on the relevant date the disabled person was under the age of 45	£2·30 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	£1·15 per week
(*d*) increase of additional allowance under Article 23(4), proviso (*a*)	£9·10 per week
(*e*) increase of additional allowance under Article 23(4), proviso (*b*)—	
(i) in respect of the child, or the elder or eldest of the children, of a disabled person	£3·50 per week
(ii) in respect of each other child of a disabled person	£3·00 per week
(*f*) additional allowance under Article 23(5)	£9·10 per week
(*g*) higher rate of increase of additional allowance (or of additional allowance, as the case may be) under Article 23(6)—	
(i) in respect of the wife, husband or adult dependant of a disabled person	£10·50 per week
(ii) in respect of the child, or the elder or eldest of the children, of a disabled person	£7·40 per week
(iii) in respect of each other child of a disabled person	£6·90 per week
13. Part-time treatment allowance under Article 25	£9·80 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 27(1)	£22·70 per week
(*b*) under Article 27(2)	£5·25 per week
2. Rent allowance under Article 28	£8·60 per week (maximum)
3. Allowance under Article 29 or 50 to an elderly widow—	
(*a*) if age 65 but under age 70	£2·20 per week
(*b*) if age 70 or over	£4·40 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	£22·70 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	£8·40 per week
(*b*) in respect of each other child of a deceased person	£8·00 per week
7. Pensions under Article 34(1) to motherless or fatherless children under the age of 15 ...	£9·15 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	£17·50 per week (maximum)
(*b*) any other case	£9·15 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)

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme further amends the Personal Injuries (Civilians) Scheme 1976 which provides for compensation to or in respect of civilians injured or killed in the 1939-45 war.

Article 1 is formal and relates to citation, commencement and interpretation of this Scheme.

Article 2 increases rates of pensions and allowances payable in respect of disablement or death and (paragraph 7 of Schedule 4) provides for a single rate of pension to motherless or fatherless children under the age of 15.

Article 3 raises the maximum amount of annual earnings which may be received by a disabled person while deemed to be unemployable for the purposes of an award of unemployability allowance and makes provision for phrases such as cohabiting with a man as his wife to be replaced by such phrases as living with a man as his wife.

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