STATUTORY INSTRUMENTS

1979 No. 270

PENSIONS

WAR INJURIES (CIVILIANS)

The Personal Injuries (Civilians) Amendment Scheme 1979

Made - - - -	*9th March* 1979
Laid before Parliament	*12th March* 1979
Coming into Operation articles 1, 3, 4, 5(*a*), (*c*) *and* (*d*), 6 *and* 7	*2nd April* 1979
articles 2 *and* 5(*b*) -	*6th April* 1979

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.—(1) This Scheme, which may be cited as the Personal Injuries (Civilians) Amendment Scheme 1979, shall, except in so far as the context otherwise requires, be read as one with the Personal Injuries (Civilians) Scheme 1976(**c**) (hereinafter referred to as "the principal Scheme") and, subject to the provisions of the next succeeding paragraph, shall come into operation, as to articles 1, 3, 4, 5(*a*), (*c*) and (*d*), 6 and 7, on 2nd April 1979 and, as to articles 2 and 5(*b*), on 6th April 1979.

(2) In relation to any award under the principal Scheme which is payable weekly and to which any provision of this Scheme relates, the date prescribed in the last foregoing paragraph as the date on which that provision shall come into operation shall, where that date is not the normal weekly pay day for that award, be construed as a reference to the date of the first weekly pay day for that award immediately following the said prescribed date.

Substitution for article 18(3) *of the principal Scheme*

2. For paragraph (3) of article 18 of the principal Scheme (ineligibility for award of unemployability allowance while in receipt of certain statutory retirement pensions) there shall be substituted the following paragraphs:—

"(3) Subject to the provisions of paragraph (3A) below, a disabled person

(**a**) 1939 c. 82.
(**b**) *See* Transfer of Functions (Ministry of Pensions) Order 1953 (S.I. 1953/1198), 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), article 2.
(**c**) S.I. 1976/585, as amended by S.I. 1976/1167; 1977/404 and 1640; 1978/384 and 1426.

shall not be eligible for any award under this article if he is in receipt of a retirement pension under Chapter I or Chapter II of Part II of the Social Security Act 1975(**a**) except in so far as that retirement pension consists of—

(*a*) an increase of such pension by way of—

(i) age addition under section 40 of that Act; or

(ii) graduated retirement benefit under the National Insurance Act 1965(**b**); or

(*b*) an additional component within the meaning of section 6(1)(*b*) of the Social Security Pensions Act 1975(**c**); or

(*c*) a category A or B retirement pension as provided by regulation 14 of the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974(**d**).

(3A) The last foregoing paragraph shall apply to Northern Ireland as if the references therein to the Social Security Act 1975, the Social Security Pensions Act 1975, the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974 and the National Insurance Act 1965 were references to the corresponding provisions of or under the legislation of Northern Ireland.".

Amendment of article 19(4) *of the principal Scheme*

3. In article 19(4) of the principal Scheme (invalidity allowance) after the words "Social Security Act 1975" there shall be inserted the words "or the corresponding provisions of the Social Security (Northern Ireland) Act 1975(**e**)".

Amendment of article 23(3)(*c*) *of the principal Scheme*

4. In article 23(3)(*c*) of the principal Scheme (treatment allowances) after the words "Social Security Act 1975" there shall be inserted the words "or, as the case may be, the Social Security (Northern Ireland) Act 1975".

Amendment of paragraphs 7(*b*)(iii), 8(*a*) *and* (*b*), 12(*c*), (*e*) *and* (*g*)(ii) *and* 13 *of Schedule* 3 *to the principal Scheme*

5. In Schedule 3 to the principal Scheme (rates of pensions and allowances payable in respect of disablement)—

(*a*) in paragraph 7(*b*)(iii) (increase of unemployability allowance in respect of disabled person's children) for the amount "£6·35" there shall be substituted the amount "£5·35";

(*b*) for subparagraphs (*a*) and (*b*) of paragraph 8 (invalidity allowance) and subparagraph (*c*) of paragraph 12 (increase of a personal allowance element of treatment allowances) there shall respectively be substituted the provisions set out in Parts I and II of the Schedule hereto;

(*c*) in paragraphs 12(*e*) and (*g*)(ii) (treatment allowances—increase of an additional allowance in respect of each child of a disabled person and

(**a**) 1975 c. 14.
(**b**) 1965 c. 51 (as modified by the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 (S.I. 1978/393)).
(**c**) 1975 c. 60. (**d**) S.I. 1974/1757. (**e**) 1975 c. 15 (N.I.).

higher rate of increase of an additional allowance in respect of such child) for the amounts "£1·85" and "£6·35" there shall respectively be substituted the amounts "£0·85" and "£5·35";

(*d*) in paragraph 13 (part-time treatment allowance) for the amount "£10·75" there shall be substituted the amount "£12·40".

Amendment of paragraphs 6, 7 *and* 8(*b*) *of Schedule* 4 *to the principal Scheme*

6. In Schedule 4 to the principal Scheme (rates of pensions and allowances payable in respect of death)—

(*a*) in paragraph 6 (allowances for children under the age of 15) for the amount "£7·95" there shall be substituted the amount "£8";

(*b*) in paragraph 7 (allowances to parentless children under the age of 15) for the amount "£8·90" there shall be substituted the amount "£8·95";

(*c*) in paragraph 8(*b*) (pension or allowance to or in respect of children over the age of 15) for the amount "£8·90" there shall be substituted the amount "£8·95".

Transitional provisions

7. Where—

(*a*) immediately before the date on which substitution is made under article 5 of this Scheme for paragraphs 7(*b*)(iii) and 12(*e*) and (*g*)(ii) of Schedule 3 to the principal Scheme a person was qualified to receive an allowance in respect of a child at a rate prescribed immediately before that date by the said paragraph 7(*b*)(iii), 12(*e*) or, as the case may be, 12(*g*)(ii) (hereinafter called "the old rate"); and

(*b*) in respect of any period beginning on that date that person would, but for the said substitution, continue to be so qualified to receive payment of that allowance at the old rate in respect of that child; and

(*c*) there is no entitlement, in respect of that child, to child benefit under the Child Benefit Act 1975(**a**) or under any legislation in Northern Ireland or in any place outside the United Kingdom corresponding to that Act or, as the case may be, to payment of that benefit;

that person may receive in respect of the aforesaid period payment of the allowance at the old rate.

David Ennals,
Secretary of State for Social Services.

5th March 1979.

We consent

Peter Snape,
J. Dormand,
Two of the Lords Commissioners of
Her Majesty's Treasury.

9th March 1979.

(**a**) 1975 c. 61.

SCHEDULE article 5(*b*)

Substitution for subparagraphs (*a*) and (*b*) of paragraph 8 and subparagraph (*c*) of paragraph 12 of Schedule 3 to the principal Scheme

(The headings of the columns below are for the purposes only of identifying the columns to be amended in Schedule 3 to the principal Scheme.)

PART I

(Substitution for subparagraphs (*a*) and (*b*) of paragraph 8)

(Description of Pension or Allowance)	*(Rate)*
(*a*) if— (i) the relevant date fell before 5th July 1948; or (ii) on the relevant date the disabled person was under the age of 35; or (iii) on the relevant date the disabled person was under the age of 40 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£4·15 per week
(*b*) if— (i) on the relevant date the disabled person was under the age of 45; or (ii) on the relevant date the disabled person was under the age of 50 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£2·60 per week

PART II

(Substitution for paragraph 12(*c*))

(*Description of Pension or Allowance*)	(*Rate*)
(*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; or	
(ii) if head (i) does not apply and on the relevant date the disabled person was under the age of 40 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£4·15 per week
(iii) if heads (i) and (ii) do not apply and on the relevant date the disabled person was under the age of 45; or	
(iv) if heads (i) to (iii) do not apply and on the relevant date the disabled person was under the age of 50 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£2·60 per week
(v) in any other case	£1·30 per week

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme further amends the Personal Injuries (Civilians) Scheme 1976 ("the principal Scheme") which makes provision for compensation to or in respect of civilians who were injured or killed during the 1939-1945 War due to war injuries.

The Scheme provides for the receipt of an additional component within the meaning of section 6(1)(*b*) of the Social Security Pensions Act 1975 or of a graduated retirement benefit under the National Insurance Act 1965 (or the receipt of either such benefit under corresponding provisions of Northern Ireland legislation) no longer to render a disabled person ineligible for an award of unemployability allowance under article 18 of the principal Scheme. Also, for the purposes of invalidity and treatment allowances under that Scheme, it modifies, in their application to Northern Ireland, the provisions of articles 19(4) and 23(3)(*c*) of the principal Scheme relating to periods of interruption of employment in the one case and satisfaction of contribution conditions in the other.

The Scheme also down-rates in respect of a disabled person's children the increase of unemployability allowance and the additional element of treatment allowances under the principal Scheme; but it increases part-time treatment allowance.

Also the Scheme rebands the rates of invalidity allowance and the personal allowance element of treatment allowances.

The Scheme also up-rates allowances payable on the death of a member in respect of the member's children.

Lastly the Scheme makes transitional provision for persons, who immediately before the above-mentioned down-rating were qualified to receive payment at the old rate and who, but for the down-rating, would thereafter have continued to be entitled to receive payment at that rate and are not entitled to child benefit under the Child Benefit Act 1975 or any legislation corresponding thereto, to be able to continue receiving payment at the old rate.

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