STATUTORY INSTRUMENTS

1980 No. 1102

PENSIONS

WAR INJURIES (CIVILIANS)

The Personal Injuries (Civilians) Amendment Scheme 1980

Made - - - -	*28th July* 1980
Laid before Parliament	*6th August* 1980
Coming into Operation	*1st September* 1980

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 in exercise of all other powers enabling him in that behalf, hereby makes the following Scheme:—

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Personal Injuries (Civilians) Amendment Scheme 1980 and shall come into operation on 1st September 1980.

(2) In this Scheme the expression "the principal Scheme" means the Personal Injuries (Civilians) Scheme 1976**(c)**.

Insertion of new article in the principal Scheme

2. After article 76 of the principal Scheme there shall be inserted the following article:—

"*Posthumous Awards*

76A.—(1) In this article—

(*a*) "claimant" means a person who has made a claim for an award under this Scheme;

(*b*) "designated person" means the person who after due enquiry appears to the Secretary of State to be—

(i) the claimant's widow or, as the case may be, widower; or if it appears to the Secretary of State that there is no such person,

(ii) the claimant's unmarried dependant who lived as a wife; or, if it so appears that there are no such persons as aforesaid,

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(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, 1640; 1978/384, 1426; 1979/270, 1232.

(iii) the claimant's children; or, if it so appears that there are no such persons as aforesaid,

(iv) the claimant's parents; or, if it so appears that there are no such persons as aforesaid,

(v) the claimant's other dependants; or, if it so appears that there are no such persons as aforesaid,

(vi) the claimant's personal representatives.

(2) Where there is no grant of probate or letters of administration or other proof of title in respect of a deceased claimant's estate, the expression "personal representatives" in the last foregoing head means the person or persons appearing to the Secretary of State to be beneficially entitled to the estate of the deceased claimant.

(3) Subject to the following provisions of this article, where after making a claim for an award under this Scheme the claimant dies before an award has been made in the first instance or, as the case may be, consequent upon an appeal under the Pensions Appeal Tribunals Act 1943**(a)**, the Secretary of State may, notwithstanding the claimant's death, make an award in accordance with the provisions of this Scheme.

(4) Any such award shall be made to the designated person whose receipt shall be a good discharge to the Secretary of State for any award so made in respect of that claim.

(5) No award shall be made in respect of any period after the claimant's death."

Patrick Jenkin,
Secretary of State for Social Services.

22nd July 1980.

We consent,

Carol Mather,
J. A. Douglas-Hamilton,

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

28th July 1980.

(a) 1943 c. 39.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme amends the Personal Injuries (Civilians) Scheme 1976 ("the principal Scheme") by inserting into the principal Scheme a new article 76A making provisions for awards to be made under the principal Scheme after the death of the claimant in respect of any period before his death, whether the award is in the first instance or consequent upon an appeal from a rejection of a claim.