STATUTORY INSTRUMENTS

1981 No. 1143

PENSIONS

WAR INJURIES (CIVILIANS)

The Personal Injuries (Civilians) Amendment Scheme 1981

Made - - - -	31*st July* 1981
Laid before Parliament	10*th August* 1981
Coming into Operation	23*rd November* 1981

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred by section 2 of the Personal Injuries (Emergeny 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 1981 and shall come into operation on 23rd November 1981.

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

(3) In relation to any award under the principal Scheme which is payable weekly and to which any provision of this Scheme relates, the foregoing reference to 23rd November 1981 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 23rd November 1981.

Amendment of Article 2 of the principal Scheme

2. Article 2(3) of the principal Scheme (definition of " adult dependant ") shall be amended as follows:—

(*a*) in paragraph (3) for the words " Articles 18 and 23 " there shall be substituted the words " Article 18 ";

(*b*) in sub-paragraph (*b*) for the words " Article 12, 18 or 23 " there shall be substituted the words " Article 12 or 18 ".

Amendment of Article 9 of the principal Scheme

3. Article 9 of the principal Scheme (general conditions for disablement awards) shall be amended as follows:—

(*a*) in paragraph (2) for the words " nor under Article 23(4A) thereof (education, unemployability and treatment allowances in respect of a dependent child) " there shall be substituted the words " (education and unemployability allowances in respect of a dependent child) ";

(**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; 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, 1980/1102, 1103 and 1950.

(*b*) in paragraph (3) for the words " Articles 13, 18(4)(*d*) and 23(4A) " there shall be substituted the words " Articles 13 and 18(4)(*d*) ".

Amendment of Article 16 *of the principal Scheme*

4. In Article 16 of the principal Scheme (severe disablement occupational allowance) for the words " a treatment allowance increased under Article 23(3) or of any such benefit as is mentioned in Article 23(7), other than injury benefit or sickness benefit " there shall be substituted the words " any personal benefit under Chapters I to III of Part II of the Social Security Act 1975(**a**) or the corresponding provisions of the Social Security (Northern Ireland) Act 1975(**b**), by way of retirement pension, invalidity pension and allowance, non-contributory invalidity pension, invalid care allowance, or Category A or B retirement pension as provided for by regulation 18 of the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979(**c**) or by corresponding regulations made in Northern Ireland, or any benefits similar to the aforesaid benefits under the law of any place outside the United Kingdom which in the opinion of the Secretary of State is analogous to the first-mentioned Act of 1975 ".

Amendment of Article 18 *of the principal Scheme*

5. For the amount " £780 " in paragraph (2) of Article 18 of the principal Scheme (earnings allowed in relation to unemployability allowances) there shall be substituted the amount " £858 ".

Amendment of Article 23 *of the principal Scheme*

6. Article 23 of the principal Scheme (treatment allowances) shall be amended as follows:—

(*a*) in paragraph (1)(i) for the words " paragraphs (2) and (3) " there shall be substituted the words " paragraph (2) ";
(*b*) for paragraph (1)(ii) there shall be substituted the following:—
" (ii) an additional allowance for a dependant in accordance with paragraph (4) of this Article ";
(*c*) in head (iii) of paragraph (1)(*b*) there shall be deleted the words " where the disabled person is not in receipt of an increase of his personal allowance under paragraph (3) of this Article ";
(*d*) paragraphs (3) and (4A) to (7) are hereby revoked;
(*e*) in paragraph (4) there shall be deleted the words " (not being a dependent child) " and the proviso to that paragraph.

Amendment of Article 31(2)(*b*) *of the principal Scheme*

7. In Article 31(2)(*b*) of the principal Scheme (temporary allowances following death) there shall be deleted the reference " 23(3) or 23(4) proviso (*a*) ".

Substitution of Schedules 3 *and* 4 *to the principal Scheme*

8. For Schedules 3 and 4 to the principal Scheme (rates of pensions and allowances payable in respect of disablement and death) there shall respectively be substituted the Schedules set out in Schedule 1 hereto and numbered 3 and 4.

(**a**) 1975 c. 14.
(**b**) 1975 c. 15.
(**c**) S.I. 1979/643.

Revocations

9. The Schemes specified in column 1 of Schedule 2 to this Scheme are hereby revoked to the extent specified in column 3 of that Schedule.

Patrick Jenkin,
Secretary of State for Social Services.

21st July 1981.

We consent,

John Wakeham,
J. A. Cope,
Two of the Lords Commissioners of
Her Majesty's Treasury.

31st July 1981.

ARTICLE 8

SCHEDULE 1

Schedules to be substituted in the principal 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	£48·30 per week
2. Education allowance under Article 13...	£120·00 per annum (maximum)
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	£38·80 per week (maximum)
(*b*) in any other case under that Article	£19·40 per week (maximum)
4. Exceptionally severe disablement allowance under Article 15	£19·40 per week
5. Severe disablement occupational allowance under Article 16	£9·70 per week
6. Allowance for wear and tear of clothing—	
(*a*) under Article 17(1)(*a*)	£41·00 per annum
(*b*) under Article 17(1)(*b*) and 17(2)	£65·00 per annum
7. Unemployability allowances—	
(*a*) personal allowance under Article 18(1)(i)	£31·40 per week
(*b*) additional allowances for dependants by way of—	
(i) increase of allowance in respect of a wife or dependent husband under Article 18(4)(*b*) ...	£17·75 per week (maximum)
(ii) allowance in respect of an adult dependant under Article 18(4)(*c*)	£17·75 per week (maximum)
(iii) increase of allowance in respect of each child under Article 18(4)(*d*)	£7·70 per week
8. Invalidity allowance payable under Article 19	
(*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	£6·20 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	£4·00 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	£2·00 per week
9. Comforts allowance—	
(*a*) under Article 20(1)(*a*)	£8·40 per week
(*b*) under Article 20(1)(*b*) or 45(1)	£4·20 per week
10. Allowance for lowered standard of occupation under Article 21	£19·32 per week (maximum)
11. Age allowance under Article 22 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	£3·35 per week
(*b*) 60 or 70 per cent.	£5·25 per week

(*c*) 80 or 90 per cent.	£7·50 per week
(*d*) 100 per cent.	£10·50 per week
12. Treatment allowances— increase of personal allowance under Article 23(2) ...	£10·50 per week (maximum)
13. Part-time treatment allowance under Article 25 ...	£17·00 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)	£38·45 per week
(*b*) under Article 27(2)	£8·88 per week
2. Rent allowance under Article 28	£14·65 per week (maximum)
3. Allowance under Article 29 or 50 to an elderly widow—	
(*a*) if age 65 but under age 70	£3·75 per week
(*b*) if age 70 or over	£7·50 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 ...	£38·45 per week (maximum)
6. Allowances under Article 33 in respect of each child under the age of 15	£10·85 per week
7. Pensions under Article 34(1) to motherless or fatherless children over the age of 15	£11·65 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 ...	£29·60 per week (maximum)
(*b*) any other case	£11·65 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)"

SCHEDULE 2 ARTICLE 9

REVOCATIONS

Column 1 Schemes revoked	Column 2 References	Column 3 Extent of revocation
1. The Personal Injuries (Civilians) Scheme 1977	S.I. 1977/404	Article 2(2)
2. The Personal Injuries (Civilians) (Amendment) Scheme 1978	S.I. 1978/384	Article 5(2)
3. The Personal Injuries (Civilians) Amendment Scheme 1979	S.I. 1979/270	Article 7

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme amends the Personal Injuries (Civilians) Scheme 1976 (" the principal Scheme ") and revokes the Schemes specified in Schedule 2 to this Scheme (which amended the principal Scheme) to the extent mentioned in that Schedule.

The Scheme raises the maximum amount of annual earnings which may be received by a disabled person while deemed to be unemployable for the purposes of unemployability allowances under Article 18 of the principal Scheme.

The Scheme amends Article 23 of the principal Scheme (which makes provision for the award of allowances payable to a disabled person who receives treatment in a hospital or similar institution) by revoking the provisions for making an increase of such allowances where such a person is ineligible, or eligible at a reduced rate, for specified social security benefits, a separate allowance for children, and increases and additional increases for certain dependants, and the Scheme also removes the limitation in the said article which prevents payment of an additional allowance to a child as an eligible dependant under Article 23(4).

The Scheme makes amendments to the principal Scheme consequential upon the amendments to Article 23 of the principal Scheme save that the amendment to Article 16 of the principal Scheme (which makes provision for severe disablement occupational allowance) also corrects the reference to specified social security benefits so as to include non-contributary invalidity pension and invalid care allowance.

The Scheme revokes the transitional provisions in the Schemes specified in the said Schedule 2 consequential upon the amendments to the said Article 23 and also revokes the said transitional provisions (which specify the rates of increase of allowances in respect of, or pensions or allowances to or in respect of a child) which no longer apply.

The Scheme also increases the rates of pensions and allowances in respect of disablement and death in the 1939/45 War.

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