STATUTORY INSTRUMENTS

1962 No. 787

PENSIONS

The Personal Injuries (Civilians) Scheme, 1962

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The Minister of Pensions and National Insurance, with the approval of the Treasury, in exercise of the powers conferred upon him by Sections 1 and 2 of the Personal Injuries (Emergency Provisions) Act, 1939(a), and of all other powers enabling him in that behalf, hereby makes the following Scheme :—

PART 1

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. This Scheme may be cited as the Personal Injuries (Civilians) Scheme, 1962, and shall come into operation on 24th April, 1962.

Definitions

2. In this Scheme, unless the context otherwise requires—

(1) " the Act " means the Personal Injuries (Emergency Provisions) Act, 1939 ;

(2) " adopted " means adopted in pursuance of an adoption order made under the Adoption Act, 1958(b), or any enactment repealed by that Act or by the Adoption Act, 1950(c), or under any corresponding enactment of the Parliament of Northern Ireland, or under any law in force outside the United Kingdom which, in the opinion of the Minister, is analogous to any of those enactments, and " adoption " shall be construed accordingly ;

(3) " adult dependant ", in relation to a person who has sustained a qualifying injury, for the purposes of Articles 17 and 21 of this Scheme, means—

(*a*) a person residing in the injured person's home who is related to the injured person in any of the following ways and fulfils the following conditions, namely—

(i) a grandfather or a father (including a stepfather) who is incapable of self-support ;

(ii) a grandmother or a mother (including a stepmother) who is a widow or has never been married or is married to a husband who is incapable of self-support ;

(iii) a daughter (including a stepdaughter) or sister (including a half-sister or stepsister) who has attained the age of 18 years and has never been married or is a widow or is married to a husband who is incapable of self-support ;

(a) 2 & 3 Geo. 6. c. 82. (b) 7 & 8 Eliz. 2. c. 5. (c) 14 Geo. 6. c. 26.

(iv) a brother (including a half-brother or stepbrother) who has attained the age of 18 years and is incapable of self-support; or

(*b*) a female person who has attained the age of 18 years and who, in the injured person's home, looks after any dependent child of the injured person in respect of whom an allowance under Article 12, 17 or 21 of this Scheme is being paid;

being, in each case, a person who is in receipt of regular and substantial support or benefit from the injured person;

(4) "apprentice" means a person undergoing full-time training for any trade, business, profession, office, employment or vocation, and not in receipt of earnings which provide him, wholly or substantially, with a livelihood;

(5) "approved institutional treatment", in relation to a person who has sustained a qualifying injury, means approved treatment in a hospital or similar institution;

(6) "approved treatment", in relation to a person who has sustained a qualifying injury, means a course of medical, surgical or rehabilitative treatment which, in the opinion of the Minister, the injured person should receive in consequence of the injury, but does not include any treatment which involves no or only occasional interruptions of the injured person's normal employment;

(7) "civil defence organisation" means an organisation which is declared by Article 4 of this Scheme to be a civil defence organisation for the purposes of the Act and this Scheme;

(8) "civil defence volunteer", in relation to an injury, means a person certified by a responsible officer of a civil defence organisation to have been a member of that organisation at the time when the injury was sustained;

(9) "dependent child", in relation to a person who has sustained a qualifying injury, means—

(*a*) a legitimate or legitimated child of the injured person;

(*b*) a stepchild of the injured person;

(*c*) an adopted child of the injured person;

(*d*) an illegitimate child of the injured person, who did not become legitimated upon the marriage of the injured person to the child's mother or father;

(*e*) where the person who has sustained the qualifying injury is a male person, an illegitimate child of his whose mother is, or was at the date of her marriage to that person or of her death, an unmarried dependant living as a wife of that person;

being a child who, if the injured person is alive, is dependent on that person or, if the injured person is dead, was so dependent at the date of his death, or is a legitimate child coming within subparagraph (*a*) of this definition and was born after the injured person's death;

(*f*) an illegitimate child of the injured person, not being a child who comes within subparagraphs (*d*) or (*e*) of this definition, who was born not later than nine months after the material date and who—

(i) having been born before the material date, was dependent on the injured person on that date and, if the injured person is

alive, remains so dependent or, if the injured person is dead, was so dependent at the date of his death;

(ii) was born on or after the material date and, if the injured person is alive, is dependent on that person or, if the injured person is dead, either was dependent on him at the date of his death or was born after his death;

(g) a foster child of the injured person who—

(i) was, throughout the period of six months (or such lesser period as the Minister may determine in the exceptional circumstances of any case) expiring on the material date, being brought up and wholly or mainly maintained by that person as his child; and

(ii) where the injured person is alive, is being so brought up and maintained by him or, where the injured person is dead, was up to the date of his death being so brought up and maintained by him;

(10) "dependent husband", in relation to a female person who has sustained a qualifying injury, means a husband who was married to the injured person not later than the material date and is not separated from her, and who was in receipt of regular and substantial support or benefit from her throughout the period beginning (unless the Minister otherwise determines in the exceptional circumstances of any case) not less than six months before the material date, and who continues to receive such support or benefit from her and is incapable of self-support and in need, and "dependent widower" means a person who was the dependent husband of his wife at the date of her death and is incapable of self-support and in need;

(11) "eligible member of the family", in relation to a person who has sustained a qualifying injury, means a person who is the wife, dependent husband, or a dependent child of that person, and "eligible dependant", in relation to a course of approved treatment, means a person who is an eligible member of the family or who would be an eligible member of the family if, for the references in paragraphs (9) and (10) of this Article to the material date, there were substituted references to the date of the commencement of the treatment;

(12) "father", in relation to a dependent child of a female person, means a male person of whom the child is a legitimate, legitimated, illegitimate or adopted child or a step-child, and includes, where the female person is alive and has an illegitimate child, a male person who, not being such a person as aforesaid, is married to the female person, and "fatherless" shall be construed accordingly;

(13) "gainfully occupied", in relation to a person who has sustained a qualifying injury, means engaged on the material date in any trade, business, profession, office, employment or vocation and wholly or substantially dependent thereon for a livelihood, or, though temporarily unemployed on that date, normally so engaged and dependent;

(14) "incapable of self-support", in relation to any person, means incapable of supporting himself solely by reason of physical or mental infirmity of a permanent or prolonged nature or of old age;

(15) "material date", in relation to any claim to an award under this Scheme in respect of a qualifying injury, means the date of the qualifying injury on which the claim to the award is based;

(16) "the Minister" means the Minister of Pensions and National Insurance;

(17) "old age" shall be deemed to be any age not less than 65 years, in the case of a man, and 60 years, in the case of a woman;

(18) "other dependant", in relation to a deceased person, means a grand-parent, step-parent, brother, sister, half-brother, half-sister, step-brother, stepsister or grandchild of that person;

(19) "parent", in relation to a deceased person, means—

(*a*) a person of whom the deceased person was a legitimate, legitimated or illegitimate child; or

(*b*) a person who had adopted the deceased person; or

(*c*) a person who for a period of five years (or such lesser period as the Minister may determine in the exceptional circumstances of any case) during the minority of the deceased person brought up and wholly or mainly maintained the deceased person as his child; or

(*d*) a person who, for such period as is mentioned in sub-paragraph (*c*) of this definition, was the spouse (not being a separated spouse) of a person fulfilling the conditions set out in that subparagraph;

(20) "period of the emergency" means the period beginning with the 3rd September, 1939, and ending with the 19th March, 1946:

Provided that, in relation to war service injuries sustained—

(*a*) by members of the National Fire Service of England and Wales, it means the period beginning with the 3rd September, 1939, and ending with the 31st March, 1948;

(*b*) by members of the National Fire Service of Scotland, it means the period beginning with the 3rd September, 1939, and ending with the 15th May, 1948;

(21) "physical injury" includes tuberculosis and any other organic disease, and the aggravation thereof;

(22) "public funds" means moneys provided by Parliament or the Parliament of Northern Ireland, moneys the payment whereof is a charge on the Consolidated Fund of the United Kingdom or of Northern Ireland, moneys provided by any general or local rate or by a fund established under or by virtue of any public, general or local Act, and moneys payable under any enactment, ordinance, regulation or other instrument forming part of the law of any place outside the United Kingdom;

(23) "qualifying injury" means a war injury or a war service injury;

(24) "student" means a person who is receiving full-time instruction at a university, college, secondary school or technical school, or at any other establishment which, in the opinion of the Minister, is a comparable educational establishment;

(25) "unmarried dependant living as a wife", in relation to a person who has sustained a qualifying injury, means—

(*a*) where the injured person is alive, a female person who, six months before the material date, was being wholly or substantially maintained by him on a permanent bona fide domestic basis and who has been continuously thereafter and is still being maintained by him on such a basis;

(*b*) where the injured person is dead, a female person who was wholly or substantially maintained by him on a permanent bona fide domestic basis continuously throughout the period beginning six months before the material date and ending with the date of his death;

(26) "war injury" means a physical injury—

(*a*) caused by—

(i) the discharge of any missile (including liquids and gas); or

(ii) the use of any weapon, explosive or other noxious thing; or

(iii) the doing of any other injurious act;

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(*b*) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft;

(27) "war service injury", in relation to a civil defence volunteer, means a physical injury which is, or, by virtue of section 3 (2) of the Pensions Appeal Tribunals Act, 1943(a), is to be deemed to have been, certified by the Minister to have been shown to his satisfaction to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time when the injury was sustained and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity.

Interpretation

3.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament, and as if this Scheme and the Schemes hereby revoked were Acts of Parliament.

(2) Except for the purposes of Article 59 (4) of this Scheme, references in this Scheme to any enactment or order shall, unless the context otherwise requires, be construed as references to that enactment or order, as amended by or under any other enactment or order, and to any other enactment or order substituted therefor.

(3) Any condition or requirement laid down in this Scheme for an award, or the continuance of an award, or relating to the rate or amount of an award, shall, unless the context otherwise requires, be construed as a continuing condition or requirement, and accordingly the award, rate or amount shall cease to have effect if and when the condition or requirement ceases to be fulfilled and shall be subject to variation from time to time in accordance with the condition or requirement.

(4) Any reference in this Scheme to an award in respect of a person's disablement or death shall be construed as a reference to an award in respect of the qualifying injury which has caused his disablement or of which his death is the direct result.

(5) Any reference in this Scheme to a child shall, unless the context otherwise requires, be construed as connoting relationship, whether natural or assumed, without any implication as to age.

(a) 6 & 7 Geo. 6. c. 39. (b) 52 & 53 Vict. c. 63.

(6) Any reference in this Scheme to a member of the armed forces of the Crown shall be construed as including a reference to a person employed in the nursing service or any other auxiliary service of any of those forces, and any reference to service as a member of the armed forces of the Crown shall be construed accordingly.

(7) Any condition or requirement in this Scheme that a child shall have been dependent on another person on a date specified in the condition or requirement shall be construed as a condition or requirement that the child shall, throughout such period expiring on that date as the Minister may consider appropriate, have been regularly maintained by that other person or have had regular support or benefit provided for him by that other person:

Provided that if the child was on that date residing with that other person, the condition or requirement may be treated as being fulfilled in relation to that child.

(8) For the purposes of this Scheme, a person shall be treated as having attained the age of 15 years at the commencement of the fifteenth anniversary of the day of his birth and similarly with respect to any other age.

(9) For the purposes of this Scheme—

(*a*) a person may be treated as being in receipt of a pension, allowance or other continuing benefit awarded to him under this Scheme notwithstanding that the pension, allowance or other benefit, or any part thereof, is by virtue of any provision of this Scheme being administered or otherwise applied for any purpose or paid to some other person; and

(*b*) where an allowance under this Scheme awarded in respect of a child is withheld or reduced under Article 66 of this Scheme, a widow who has the child residing with her or under her control may be treated as being in receipt of the allowance notwithstanding that it is so withheld or reduced.

(10) For the purposes of this Scheme, any question as to whether a person—

(*a*) is an adopted child, or is a parent by virtue of having adopted a child, shall be determined as if any adoption effected by a person who at the date of the adoption had a spouse and was not separated from that spouse, had been effected by those two spouses, jointly; or

(*b*) is a grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, stepsister, daughter or grandchild shall be determined as if—

(i) any person adopted jointly by two persons who at the date of the adoption were spouses, or by a person who at that date had a spouse and was not separated from that spouse, were the legitimate child of those spouses;

(ii) any person adopted by a person who at the date of the adoption had no spouse or was separated from his spouse, were the legitimate child of that person;

(iii) any person born illegitimate had been born the legitimate child of his father and mother.

Declaration of civil defence organisations

4. It is hereby declared that any organisation established in the United Kingdom for civil defence purposes which is described or named in the First Schedule to this Scheme shall be a civil defence organisation for the purpose of the Act and this Scheme:

Provided that this Article shall not apply as regards the Auxiliary Fire Service, the Police War Reserve and the Women's Auxiliary Police Corps beyond the periods specified in relation thereto in paragraph 17 of the First Schedule to this Scheme.

PART II

GENERAL SCOPE OF THE SCHEME

Entitlement

5.—(1) Under this Scheme awards may be made in respect of the following classes of injuries sustained during the period of the emergency, namely—

(*a*) war injuries sustained by gainfully occupied persons ;

(*b*) war injuries sustained by persons not gainfully occupied ;

(*c*) war service injuries sustained by civil defence volunteers.

(2) Where a claim other than one specified in the following paragraph of this Article is made, there shall be no onus on the claimant to prove that disablement was caused by, or that death was the direct result of, the relevant qualifying injury, and the benefit of any reasonable doubt on those questions shall be given to the claimant.

(3) Where—

(*a*) a claim is made within the time limit specified in Article 51 (3) of this Scheme in respect of the death of a person, such death having occurred more than seven years after the material date ; or

(*b*) the Minister in any case or class of case has made a direction pursuant to Article 51 (1) of this Scheme in respect of any time limit referred to in that Article and the claim—

(i) is made more than seven years after the material date in respect of disablement, or

(ii) is made in respect of the death of a person, such death having occurred more than seven years after the material date ;

and, upon reliable evidence, a reasonable doubt exists whether the disablement was caused by, or whether the death was the direct result of, the relevant qualifying injury, the benefit of that reasonable doubt shall be given to the claimant.

Serious negligence or misconduct

6. The Minister may withhold, cancel or reduce any award which may be or has been made under this Scheme in respect of the disablement or death of any person in any case in which the qualifying injury or the death on which the claim to the award is based was caused or contributed to by the serious negligence or misconduct of that person.

War injuries sustained by children, students and apprentices

7.—(1) This Article applies to any person not gainfully occupied who on the material date—

(*a*) had not attained the age of 15 years ; or

(*b*) having attained the age of 15 years, was a student or apprentice ;

being in either case a person who was not, immediately before the material date, suffering from physical or mental infirmity to such an extent as to preclude the likelihood of his ever being able to earn his living.

(2) Where a person to whom this Article applies has sustained a war injury (not being a war service injury), he shall be treated for the purposes

of this Scheme, in all respects, subject to the provisions of paragraph (3) of this Article, as though he were a gainfully occupied person and any reference in Part III or IV of this Scheme to a gainfully occupied person shall, subject as aforesaid, be construed as including a reference to a person to whom this Article applies.

(3) An award under Part III of this Scheme in respect of a war injury (not being a war service injury) sustained by a person to whom this Article applies shall not be made in respect of any period before he has attained the age of 15 years, and shall only be made on his attaining that age if the conditions governing the making of the award are then fulfilled.

PART III

AWARDS IN RESPECT OF DISABLEMENT OF GAINFULLY OCCUPIED PERSONS AND CIVIL DEFENCE VOLUNTEERS

Application and interpretation of Part III

8.—(1) Under this Part of this Scheme awards may be made in respect of disablement caused by war injuries to gainfully occupied persons and war service injuries to civil defence volunteers:

Provided that an award under this Part of this Scheme in respect of a person's disablement shall not be made unless the disablement is serious and prolonged.

(2) In this Part of this Scheme, unless the context otherwise requires—

(*a*) "disablement", in relation to a gainfully occupied person who has sustained a war injury or a civil defence volunteer who has sustained a war service injury, means physical or mental injury or damage, or loss of physical or mental capacity, caused by that injury, and "disabled" shall be construed accordingly;

(*b*) "degree", in relation to disablement, means the degree of that disablement as assessed under Article 10 of this Scheme.

General conditions applicable to awards under Part III

9.—(1) An award under this Part of this Scheme of a pension in respect of a person's disablement shall not be made unless his disablement is of a degree of not less than 20 per cent.

(2) For the purposes of an award in respect of disablement (which may be made provisionally or upon any other basis), the degree of that disablement shall be assessed on an interim basis, unless the person's condition permits a final settlement of the extent, if any, of that disablement.

Determination of degree of disablement

10.—(1) Subject to the following provisions of this Article, the degree of a person's disablement shall be assessed by making a comparison between the condition of the person as so disabled and the condition of a normal healthy person of the same age and sex, without taking into account the earning capacity of the disabled person in his own or any other specific trade or occupation and so that the extent to which the disablement has been aggravated by individual factors or extraneous circumstances shall not be included in the degree at which the disablement is assessed:

Provided that, where the disablement has been caused by more than one qualifying injury, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all the qualifying injuries.

(2) The degree of disablement assessed as aforesaid shall be expressed in the form of a percentage, total disablement being expressed as 100 per cent. (which shall be the maximum assessment) and a lesser degree of disablement being expressed as 90, 80, 70, 60, 50, 40, 30 or 20 per cent., or less than 20 per cent., as may be appropriate having regard to the proportion which that lesser degree of disablement bears to total disablement.

(3) Where the disablement has been caused by an injury specified in the Second Schedule to this Scheme or is a disablement so specified and, in either case, has reached a settled condition, the degree of the disablement shall, in the absence of any special features, be assessed at the percentage specified in that Schedule as appropriate to that injury or to that disablement.

(4) Where disablement which falls to be assessed under this Article (hereinafter in this Article referred to as "the relevant disablement") is disablement of a person who has been awarded a pension or other grant payable out of public funds (otherwise than under this Scheme) in respect of some other disablement however caused, the degree of the relevant disablement shall not exceed the difference between—

(*a*) the degree of the other disablement determined by reference to the assessment on which payment of the said pension or other grant is being made or, where that payment is not based on any specific assessment, the assessment which, in the opinion of the Minister, having regard to the regulations under which that payment is made, is appropriate to that other disablement; and

(*b*) the degree at which the relevant disablement and the other disablement, determined as aforesaid, would together have been assessed on a composite assessment if both disablements had fallen to be assessed under this Article:

Provided that, where an award may be made under this Scheme in respect of a member of the disabled person's family in respect of whom an award is not comprised in the said pension or other grant, the provisions of this paragraph shall not apply in relation to that award.

(5) The provisions of paragraph (4) of this Article shall not apply where the disabled person to whom an award in respect of the relevant disablement may be made has been awarded a pension or other grant payable, in respect of some other disablement however caused, under the National Insurance (Industrial Injuries) Act, 1946(a), or under any legislation in Northern Ireland corresponding to that Act, or under the law of any place outside the United Kingdom which in the opinion of the Minister is analogous to that Act.

Pensions for disablement

11.—(1) Subject to the following provisions of this Article, a disabled person may be awarded a pension in respect of his disablement at the weekly rate of 97s. 6d. where the degree of his disablement is 100 per cent. or, where the degree of his disablement is less than 100 per cent., at the weekly rate which bears to 97s. 6d. the same proportion as the degree of his disablement bears to 100 per cent.

(2) In relation to a person who has not attained the age of 18 years and is not married, the provisions of paragraph (1) of this Article shall

(a) 9 & 10 Geo. 6. c. 62.

have effect as if for the figure 97s. 6d. there were substituted whichever of the following figures is appropriate, namely—

(*a*) where the disabled person has attained the age of 17 years, 73s. 2d.;

(*b*) where the disabled person has attained the age of 15 years but has not attained the age of 17 years, 48s. 9d.

Allowances for eligible members of the family

12.—(1) Where a pension under Article 11 of this Scheme is awarded to a disabled person, allowances in respect of the eligible members of the family of that person may be awarded in accordance with the following provisions of this Article.

(2) Subject to the following provisions of this Article, an allowance under this Article in respect of an eligible member of the family shall be at such proportion of the weekly rates set out in the following Table as corresponds to the degree of disablement in relation to which that member is an eligible member of the family:

TABLE

Eligible member of the family	Maximum weekly rate
	s. d.
(*a*) wife or dependent husband	10 0
(*b*) dependent children:—	
(i) where an allowance under (*a*) is being paid—each child	7 6
(ii) where an allowance under (*a*) is not being paid—	
first child	10 0
each other child	7 6

(3) Subject to the following provisions of this Article, the award, continuance and amount of any allowance under this Article in respect of an eligible member of the family who is living apart from the disabled person shall be at the discretion of the Minister, so, however, that the amount of the allowance shall not exceed the amount which would have been appropriate in respect of that member under paragraph (2) of this Article if he had not been living apart from the disabled person.

(4) Where the disabled person is a married woman residing with her husband, an allowance shall not be awarded under this Article in respect of a dependent child of hers unless her husband is in need and incapable of self-support.

(5) Subject to the provisions of paragraph (6) of this Article, an award of an allowance under this Article shall not be made or continued in respect of a dependent child who has attained the age of 15 years.

(6) An award of an allowance under this Article may be made or continued in respect of a dependent child who has attained the age of 15 years where the child—

(*a*) is a student or an apprentice; or

(*b*) is incapable of self-support by reason of an infirmity which arose before he attained that age;

and the circumstances of the case are, in the opinion of the Minister, such as to justify the award or its continuance.

Education allowances

13.—(1) A disabled person who is in receipt of a pension under Article 11 of this Scheme may be awarded an allowance in respect of a dependent child for the purpose of his education if—

(*a*) the child has attained the age of 5 years ; and

(*b*) the circumstances of the family are such as to require it ; and

(*c*) the Minister is satisfied that the type of education which the child is receiving, or is to receive, is suitable for the child.

(2) The amount of an education allowance shall be determined by the Minister, but the total payments made in respect of any period of twelve months shall not exceed £120 in respect of any one child.

Allowances for constant attendance

14. Where a disabled person is in receipt of a pension under Article 11 of this Scheme in respect of disablement the degree of which is not less than 80 per cent., and it is shown to the satisfaction of the Minister that constant attendance on the disabled person is necessary on account of the disablement, he may be awarded an allowance at a rate not exceeding 40s. a week:

Provided that in an exceptional case of very severe disablement the allowance may, subject to such conditions as the Minister may determine, be increased to a rate not exceeding 80s. a week.

Severe disablement occupational allowance

15. Where a disabled person is in receipt of an allowance for constant attendance at a rate increased under the proviso to Article 14 of this Scheme, or would be in receipt of such an allowance if he were not in a hospital or other institution, he may for any period during which he is, in the opinion of the Minister, ordinarily employed in a gainful occupation, be awarded an allowance at the rate of 20s. a week:

Provided that no allowance shall be payable under this Article to a person for any period in respect of which he—

(*a*) is eligible for an award under Article 17 (2) of this Scheme ; or

(*b*) is in receipt of any such benefit as is mentioned in paragraph (7) of Article 21 of this Scheme or a treatment allowance increased under paragraph (4) of that Article.

Allowances for wear and tear of clothing

16.—(1) Where a disabled person who is in receipt of a pension under Article 11 of this Scheme in respect of an amputation regularly wears an artificial limb, he may be awarded an allowance in respect of wear and tear of clothing at whichever of the following rates is applicable, namely—

(*a*) where he wears a single artificial limb (other than a tilting-table limb), £7 10s. a year ; or

(*b*) where he wears a tilting-table limb or more than one artificial limb, £12 10s. a year.

(2) In any other case in which the Minister is satisfied that as a result of a pensioned disablement there is exceptional wear and tear of the disabled person's clothing, an allowance not exceeding £12 10s. a year may be awarded to that person.

Allowances for unemployable pensioners

17.—(1) *Eligibility.* Where a disabled person is in receipt of a pension under Article 11 of this Scheme in respect of disablement so serious as to make him unemployable, he may be awarded allowances in accordance with such of the provisions of this Article as may be appropriate in his case:

Provided that—

(*a*) such a person may be deemed to be unemployable although in receipt of earnings which are, in the opinion of the Minister, unlikely to exceed £104 a year;

(*b*) such a person shall not be eligible for any award under this Article if he is in receipt of a retirement pension (not being contributory old age pension) under the National Insurance Act, 1946(a), or under any legislation in Northern Ireland corresponding to that Act or under the law of any place outside the United Kingdom which, in the opinion of the Minister, is analogous to that Act.

(2) *Supplementation of pension.* A disabled person coming within paragraph (1) of this Article may be awarded an allowance, by way of supplement to his pension, at the rate of 63s. a week:

Provided that, in computing the said rate, account shall be taken, to such extent as the Minister may think fit, of any of the following benefits for which the person may be eligible—

(*a*) sickness or disablement benefit under the law of any place outside the United Kingdom which, in the opinion of the Minister, is analogous to benefits under the National Insurance Act, 1946, or under any corresponding legislation in Northern Ireland;

(*b*) a contributory old age pension or a widow's basic pension under the National Insurance Act, 1946, or under any legislation in Northern Ireland corresponding to that Act or under the law of any place outside the United Kingdom which, in the opinion of the Minister, is analogous to that Act.

(3) *Additional allowances for dependants.* Where a disabled person is awarded an allowance in accordance with paragraph (2) of this Article, there may also be awarded to that person additional allowances in accordance with the following provisions of this paragraph—

(*a*) Where an allowance has been awarded under Article 12 of this Scheme in respect of a wife or dependent husband, and the degree of the disablement of the person is less than 100 per cent., that allowance may be increased to the rate which would be appropriate under that Article if the degree of the disablement of the person were 100 per cent.

(*b*) 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 (10) of this Scheme 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 of this Scheme if the husband were an eligible member of the family and the degree of disablement of the disabled person were 100 per cent., and any such allowance shall be treated as an allowance under (*a*) of

(a) 9 & 10 Geo. 6. c. 67.

the Table in Article 12 (2) of this Scheme for the purposes of determining the rate of any allowance for a child under Article 12 of this Scheme or under subparagraph (*e*) of this paragraph.

(*c*) Where an allowance has been awarded under Article 12 of this Scheme in respect of a wife or dependent husband, and the degree of the disablement of the disabled person is 100 per cent., or where an allowance for such a wife or dependent husband has been increased or awarded under subparagraph (*a*) or (*b*) of this paragraph, the rate of the allowance may be increased, or further increased, as the case may be, by 25s. a week, if the Minister thinks fit having regard to the financial circumstances of the wife or dependent husband in respect of whom the allowance has been granted.

(*d*) Where the disabled person is not in receipt of an allowance under Article 12 of this Scheme or under subparagraph (*b*) of this paragraph in respect of a wife or husband, an allowance may be awarded in respect of an adult dependant at the rate of 35s. a week, if the Minister thinks fit having regard to the financial circumstances of the adult dependant in respect of whom the allowance is claimed:

Provided that the disabled person shall not be awarded an allowance in respect of more than one adult dependant.

(*e*) (i) Where an allowance has been awarded under Article 12 of this Scheme in respect of a dependent child and the degree of disablement of the disabled person is less than 100 per cent., that allowance may be increased to the rate which would be appropriate under that Article if the degree of the disablement of the disabled person were 100 per cent.;

(ii) 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 Minister, 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 of this Scheme if the child were an eligible member of the family and the degree of disablement of the disabled person were 100 per cent.

(*f*) Where an allowance has been awarded under Article 12 of this Scheme or subparagraph (*e*) of this paragraph in respect of the child or children of a disabled person, the rate thereof in respect of that child or the elder or eldest of those children may be increased to 17s. 6d. a week and in respect of each other of those children to 9s. 6d. a week.

Allowances for comforts

18.—(1) A disabled person in receipt of a pension under Article 11 of this Scheme may be awarded an allowance for the provision of comforts—

(*a*) at the rate of 20s. a week where that person is in receipt of an allowance under Article 14 of this Scheme and is—

(i) in receipt of an allowance under Article 17 of this Scheme; or

(ii) in receipt of a pension in respect of disablement the degree of which is 100 per cent. and which has been awarded in respect of multiple injuries, which, in the opinion of the Minister, render his

disablement so severe as to justify the award of an allowance at the aforementioned rate;

(*b*) at the rate of 10s. a week if he does not qualify for an award under subparagraph (*a*) of this paragraph but is in receipt of an allowance under Article 14 or Article 17 of this Scheme.

(2) For the purposes of this Article, a disabled person who would be in receipt of an allowance under Article 14 of this Scheme if he were not in a hospital or other institution shall be deemed to be in receipt of an allowance under that Article.

Allowances for lowered standard of occupation

19.—(1) Where a disabled person is in receipt of a pension under Article 11 of this Scheme in respect of disablement the degree of which is less than 100 per cent. or has been awarded a lump sum under Article 68 of this Scheme, and in either case the disablement is such as to render him incapable, and likely to remain permanently incapable, of following the occupation which was his regular occupation—

(*a*) in the case of a whole-time paid member of a civil defence organisation, before becoming such a member of such an organisation; or

(*b*) in any other case, before the material date;

and incapable of following any other occupation which is of an equivalent standard and is suitable in his case, he may be awarded an allowance at a rate not exceeding 39s. a week, so, however, that the aggregate rate of his pension under Article 11 of this Scheme together with the allowance under this Article shall not exceed 97s. 6d. a week.

(2) This Article shall not apply to a disabled person who is eligible for an allowance under Article 17 (2) of this Scheme.

Age allowances

20.—(1) Where a disabled person who is in receipt of a pension under Article 11 of this Scheme in respect of disablement the degree of which is 40 per cent. or over has attained the age of 65 years, he may be awarded an allowance in accordance with the following Table—

TABLE

Degree of pensioned disablement	Rate of allowance
	s. d.
40 or 50 per cent.	5 0
60 or 70 per cent.	7 6
80 or 90 per cent.	10 0
100 per cent.	15 0

(2) Where a disabled person who is in receipt of a pension under Article 11 of this Scheme is also in receipt of retired pay or pension payable out of moneys provided by Parliament under any Scheme, other than this Scheme, or under any Royal Warrant, Order in Council or Order by His Majesty administered by the Minister, or of any payment analogous thereto made by him with the consent of the Treasury, the allowance under this Article may, if it is to the disabled person's advantage, be awarded at the rate appropriate to the degree of disablement which, in the opinion

of the Minister, represents the combined effect of his pensioned disablements:

Provided that an allowance awarded by virtue of this paragraph and an age allowance awarded under any other Scheme or any Royal Warrant, Order in Council or Order by His Majesty shall not be payable for the same period.

Treatment allowances

21.—(1) A disabled person may be awarded in respect of any period during which he receives approved treatment, a treatment allowance consisting of a personal allowance in respect of himself and any additional allowance which may be appropriate in his case in accordance with the following provisions of this Article:

Provided that—

(*a*) a treatment allowance shall be subject to such deductions or adjustments as the Minister may think appropriate having regard to all the circumstances of the case;

(*b*) where a disabled person is in receipt of a treatment allowance under this Article in respect of any period, no payment shall be made in respect of that period of any award under the foregoing provisions of this part of this Scheme except—

(i) an award under Article 13, 16, 17 (2) or 18; or

(ii) in the case of treatment other than approved institutional treatment, an award under Article 14; or

(iii) subject to the provisions of paragraph (*b*) of the proviso to Article 15, an award under that Article.

(2) The personal allowance in respect of the disabled person shall be awarded at the rate of pension which would be appropriate under Article 11 of this Scheme if the degree of that person's disablement were 100 per cent.

(3) Where the disabled person has attained the age of 65 years he may be awarded an increase of the allowance under paragraph (2) of this Article—

(*a*) at a rate equal to that of the allowance which he would be receiving under Article 20 but for proviso (*b*) to paragraph (1) of this Article or at such higher rate as the Minister may determine having regard to the circumstances of the case; or

(*b*) at such rate as the Minister may determine, if in his opinion an award should be made to a person who is not eligible for an award under the preceding subparagraph:

Provided that the rate of any increase under this paragraph shall not exceed 15s. a week.

(4) The allowance under paragraph (2) of this Article may be increased by whichever of the following amounts is appropriate, namely—

(*a*) if he is not eligible for any such benefit as is mentioned in paragraph (7) of this Article, 57s. 6d. a week;

(*b*) if he is eligible for such benefit at a lower rate than 57s. 6d. a week, the amount of the difference between that lower rate and 57s. 6d. a week:

Provided that this paragraph shall not apply to—

(i) a disabled person who is in receipt of an allowance under Article 17 (2) of this Scheme; or

(ii) a disabled person who is receiving approved institutional treatment and is not entitled to an allowance under the following provisions of this Article.

(5) An additional allowance may be awarded in respect of an eligible dependant at the rate and subject to the conditions which would be appropriate under Article 12 of this Scheme if that dependant were an eligible member of the family and the degree of the disabled person's disablement were 100 per cent.:

Provided that—

(*a*) where that eligible dependant is a wife or a husband, the rate of the additional allowance in respect of that eligible dependant may be increased to the rate of 35s. a week, if the Minister thinks fit having regard to the financial circumstances of that eligible dependant;

(*b*) where an increased allowance has been awarded under paragraph (4) of this Article, the rate of the allowance awarded under the foregoing provisions of this paragraph in respect of the child or children of a disabled person may, in respect of that child or the elder or eldest of those children, be increased to 17s. 6d. a week and in respect of each other of those children to 9s. 6d. a week.

(6) Where a disabled person is not in receipt of an allowance under paragraph (5) of this Article in respect of a wife or a husband, an additional allowance may be awarded in respect of an adult dependant at the rate of 35s. a week, if the Minister thinks fit having regard to the financial circumstances of that adult dependant:

Provided that the disabled person shall not be awarded an additional allowance in respect of more than one adult dependant.

(7) The benefit referred to in paragraph (4) of this Article is personal benefit by way of injury benefit under the National Insurance (Industrial Injuries) Act, 1946, sickness benefit, retirement pension or contributory old age pension under the National Insurance Act, 1946, or any benefits similar to the aforesaid benefits under any legislation in Northern Ireland corresponding to that legislation, or under the law of any place outside the United Kingdom which in the opinion of the Minister is analogous to that legislation.

Allowances where prolonged abstention from work is necessary following approved institutional treatment

22.—(1) Where it is certified that a disabled person should on completion of a course of approved institutional treatment abstain from work for a prolonged period in consequence of the condition which necessitated that treatment, he may be treated as if he were eligible throughout that period for a treatment allowance under Article 21 of this Scheme.

(2) This Article shall not apply to a disabled person who is in receipt of an allowance under Article 17 (2) of this Scheme.

Allowances for part-time treatment

23. Where a disabled person receives treatment which would be approved treatment but for the fact that it involves only occasional interruptions of the person's normal employment, a treatment allowance may be awarded to him at such rate, not exceeding 40s. in respect of any one day (subject to a maximum payment of 65s. in respect of any one week), as the

Minister may consider appropriate having regard to any loss of remunerative time by that person as a result of those interruptions :

Provided that the rate of a treatment allowance awarded to a disabled person under this Article in respect of any period of a week or less shall not exceed the amount by which the weekly value of that person's existing award under this Part of this Scheme (excluding any award under Article 13, 14, 15, 16, 17 (2), 18 or 20) falls short of the weekly value of the award which would have been appropriate in the case of that person under Article 21 of this Scheme (excluding any award under paragraph (3) of that Article) if he had been eligible for an award under that Article.

PART IV

AWARDS IN RESPECT OF THE DEATH OF GAINFULLY OCCUPIED PERSONS AND CIVIL DEFENCE VOLUNTEERS

Application of Part IV

24. Under this Part of this Scheme awards may be made in respect of the death of gainfully occupied persons where death is the direct result of war injuries, and in respect of the death of civil defence volunteers where death is the direct result of war service injuries.

General condition applicable to awards under Part IV

25.—(1) An award under this Part of this Scheme in respect of the death of a person shall not be made where his death takes place more than seven years after the date of the qualifying injury in respect of which the application for the award is made unless at the date of his death he then was, or at any time previously thereto had been, in receipt of a pension awarded by the Minister in respect of a qualifying injury of which his death was the direct result.

(2) For the purposes of this Article, the expression " pension " includes an injury allowance which has been paid under any previous Scheme, a lump sum payment or an allowance in respect of a period of approved treatment.

Pensions to widows

26.—(1) A widow may be awarded a pension in respect of her husband's death—

(*a*) at the weekly rate of 76s. in any of the following cases, namely—

(i) where she has attained the age of 40 years ; or

(ii) where she is in receipt of an allowance awarded in respect of a child of her husband under Article 32, 34 or 36 of this Scheme ; or

(iii) where she was in receipt of an allowance awarded in respect of a child of her husband under Article 32 of this Scheme of whom she is the mother—or was being treated under Article 3 (9) (*b*) of this Scheme as if she were in receipt of such an allowance for such a child—until the date, in either case, upon which the child attained the age of 15 years, or where, in the opinion of the Minister in any other case, she should be so treated ; or

(iv) where the child in respect of whom she was awarded an allowance under Article 32 or 36 dies before attaining the age of 15 years, for a period of thirteen weeks beginning with the date of the child's death ; or

(v) where she is incapable of self-support ;

(*b*) at the weekly rate of 20s. in any other case.

(2) A widow shall only be eligible for a pension under this Article if she was not separated from her husband at the date of his death or if, being then separated from him, the separation was, in the opinion of the Minister, caused by his mental instability arising from a qualifying injury sustained by him.

Pensions to widows who were separated

27.—(1) A widow, not being a widow eligible for a pension under Article 26 of this Scheme, may be awarded a pension in respect of her husband's death where—

(*a*) she was entitled to periodical payments from her husband under a maintenance or separation order and was, throughout the period of six months expiring on the date of his death or such other period as the Minister may determine in the exceptional circumstances of any case, either receiving those payments or taking reasonable steps to obtain them; or

(*b*) her husband was, throughout any such period as is mentioned in sub-paragraph (*a*) of this paragraph, contributing to a reasonable extent to her support.

(2) The rate of a pension awarded to a widow under this Article shall be at the discretion of the Minister, but shall not exceed—

(*a*) where the conditions specified in paragraph (1) (*a*) of this Article are fulfilled, the average weekly rate of the periodical payments which she was entitled to receive from her husband throughout any such period as is mentioned in paragraph (1) (*a*) of this Article; or

(*b*) where the conditions specified in paragraph (1) (*b*) of this Article are fulfilled the average weekly amount which her husband was contributing to her support throughout any such period as is mentioned in paragraph (1) (*a*) of this Article;

and shall not in either case exceed the rate of the pension under Article 26 of this Scheme of which she would be in receipt if she were a widow eligible for a pension under that Article.

Rent allowances to widows who have children

28.—(1) Where a widow is in receipt of a pension under Article 26 or 27 of this Scheme and the household of the widow includes a child, the widow may be awarded an allowance in accordance with the following provisions of this Article at such weekly rate not exceeding 29s. as the Minister may consider appropriate having regard to the amount by which her weekly rent and rates exceed 6s.

(2) An allowance under this Article to a widow in receipt of a pension under Article 27 of this Scheme shall not exceed the amount by which the pension, together with any allowances awarded to her under the following provisions of this Part of this Scheme in respect of children, falls short of the average weekly amount which her husband was, throughout any such period as is mentioned in Article 27 (1) (*a*) of this Scheme, contributing, or required by a maintenance or separation order to contribute, to her support and that of her children.

(3) Where an allowance under this Article would cease by reason of the death of a child before attaining the age of 15 years, the allowance shall be continued for the period of thirteen weeks from the date of the child's death.

(4) In this Article—

(*a*) "child" means a child who has not attained the age of 15 years or who, having attained that age, is a student or an apprentice or is incapable of self-support by reason of an infirmity which arose before he attained that age and who is—

(i) a dependent child of the widow's deceased husband; or

(ii) a child who should, in the opinion of the Minister, having regard to the child's relationship to or connection with the widow's deceased husband and the other circumstances of the case, be treated as included in this subparagraph;

(*b*) "weekly rent and rates" means such sum as the Minister may, after taking into account all relevant factors and making all necessary apportionments, consider to be the weekly amount in respect of rent or the equivalent thereof and rates which the widow is paying or providing either directly or indirectly for accommodation for the benefit of herself and the child;

(*c*) "accommodation" means living accommodation without any service or benefit not ordinarily provided by the landlord to the tenant of an unfurnished dwelling house, but may, if the Minister thinks fit, include accommodation reasonably required for the storage of furniture.

Grants to elderly widows

29. Where a widow who is in receipt of a pension awarded under Article 26 or 27 of this Scheme has attained the age of 70 years, she may be awarded a grant at the rate of 10s. a week.

Pensions to unmarried dependants living as wives

30.—(1) An unmarried dependant living as a wife of a person at the date of his death may be awarded a pension in accordance with the following provisions of this Article, if the widow of the deceased person is not in receipt of a pension under Article 26 of this Scheme.

(2) Where an unmarried dependant of a deceased person has in her charge a child of the deceased person and is in receipt of an allowance awarded in respect of that child under the following provisions of this Part of this Scheme, a pension may be paid to her until she ceases to have the child in her charge or to be in receipt of such allowance.

(3) The rate of a pension to the unmarried dependant of a deceased person shall be at the discretion of the Minister but shall not exceed 20s. a week.

(4) For the purposes of this Article, an unmarried dependant of a deceased person who has in her charge a child of the deceased person and is in receipt of an allowance awarded in respect of that child under the following provisions of this Part of this Scheme shall, where the child dies before attaining the age of 15 years, be treated for the period of thirteen weeks from the date of the child's death as though she still had that child in her charge and were still in receipt of that allowance.

Pensions to dependent widowers

31. A dependent widower may be awarded a pension at such rate, not exceeding 76s. a week, as the Minister may consider appropriate in the circumstances of the case.

Allowances in respect of children under the age of 15 years

32.—(1) Where a dependent child of a deceased person has not attained the age of 15 years, an allowance under this Article may be awarded in respect of that child unless a pension is awarded to that child under Article 33 of this Scheme.

(2) Subject to the following provisions of this Article, an allowance under this Article in respect of a dependent child shall be at the rate of 29s. a week.

(3) Where a dependent child of a deceased male person is a child to whom Article 2 (9) (*f*) of this Scheme applies, an allowance under this Article in respect of that child shall be at such rate as the Minister may consider appropriate in the circumstances of the case, but shall not exceed 29s. a week.

(4) An allowance under this Article in respect of a dependent child of a deceased male person shall, where that child was living apart from the deceased person on the material date, be at such weekly rate as the Minister may consider appropriate in the circumstances of the case, but shall not exceed the rate which would have been appropriate under the foregoing provisions of this Article in the case of that child if he had not been living apart from the deceased person on that date.

(5) Where—

(*a*) in the case of a deceased male person, a dependent child of his is not under the control of the child's mother or of a person who is or has been in receipt of a pension under Article 26, 27 or 30 of this Scheme in respect of the death of that person ; or

(*b*) in the case of a deceased female person, a dependent child of hers is not under the control of the child's father ;

an allowance under this Article in respect of the child may, if the Minister thinks fit, be awarded at, or, if already awarded, increased to, a rate not exceeding 34s. 6d. a week.

Pensions to motherless or fatherless children under the age of 15 years

33.—(1) Where a dependent child of a deceased male person is or becomes motherless, or a dependent child of a deceased female person is or becomes fatherless, and in either case the child has not attained the age of 15 years, a pension may be awarded to the child at the rate, subject to the following provisions of this Article, of 34s. 6d. a week.

(2) Where a dependent child of a deceased male person—

(*a*) is a child to whom Article 2 (9) (*f*) of this Scheme applies ; or

(*b*) was living apart from the deceased person on the date of the death of that person ;

the pension awarded to that child shall be at such rate not exceeding 34s. 6d. a week as the Minister may consider appropriate in the circumstances of the case.

Awards in respect of children over the age of 15 years

34.—(1) An allowance in respect of, or a pension to, a dependent child of a deceased person may be awarded, or an award of such an allowance or pension may be continued, after the child has attained the age of 15 years where the child—

(*a*) is a student or an apprentice ; or

(*b*) is incapable of self-support by reason of an infirmity which arose before he attained that age;

and the circumstances are such, in the opinion of the Minister, as to justify the award or its continuance.

(2) An allowance or pension awarded or continued under this Article shall be at the rate and subject to the conditions which would have been appropriate under the foregoing provisions of this Part of this Scheme if the child had not attained the age of 15 years:

Provided that, in the case of a child in whose case the conditions of Article 32 (5) or 33 (1) of this Scheme are fulfilled, the allowance or pension may be awarded at or, if already awarded, increased to such rate as the Minister may consider appropriate in the circumstances of the case not exceeding 46s. a week or, where the child has attained the age of 18 years and is incapable of self-support by reason of an infirmity which arose before he attained the age of 15 years, 57s. 6d. a week.

Education allowances

35.—(1) An allowance in respect of a dependent child of a deceased person may be awarded for the purpose of that child's education if—

(*a*) the child has attained the age of 5 years; and

(*b*) the circumstances of the family are such as to require it; and

(*c*) the Minister is satisfied that the type of education which the child is receiving or is to receive is suitable for the child.

(2) The amount of an education allowance shall be determined by the Minister, but the total payments made in respect of any period of twelve months shall not exceed £120 in respect of any one child.

Awards for ineligible members of the families of unemployable pensioners

36. Where a deceased person was at the date of his death in receipt of an allowance in respect of a child under Article 17 (3) (*e*) (ii) of this Scheme or in respect of a husband under Article 17 (3) (*b*) of this Scheme, a pension to or an allowance in respect of the child and a pension to the widower may be awarded at the rate and subject to the conditions which would have been appropriate under the foregoing provisions of this Part if the child or widower had been an eligible member of the family.

Pensions to parents

37.—(1) A pension may be awarded to a parent of a deceased person in accordance with the following provisions of this Article where—

(*a*) the parent is in pecuniary need by reason of old age, or infirmity or other adverse condition which is not merely of a temporary character; and

(*b*) the deceased person had, throughout the period of six months expiring on the date of his death or throughout such other period as the Minister may determine in the exceptional circumstances of any case, regularly contributed to the support of the parent.

(2) Where there is no widow, unmarried dependant living as a wife or widower of the deceased person in receipt of a pension under this Part of this Scheme in respect of his death and the Minister considers it

likely that the deceased person would, if he had not died, have contributed to the support of a parent, an award may be made to that parent under this Article notwithstanding that the condition contained in paragraph (1) (*b*) of this Article is not fulfilled:

Provided that this paragraph shall not, unless the Minister in the exceptional circumstances of any case otherwise directs, have effect in any case where the deceased person was a person to whom Article 6 of this Scheme applies.

(3) In determining whether and to what extent a parent is in pecuniary need, the Minister shall take into account the extent to which the deceased person had been contributing to the support of the parent before his death and the extent to which that person, if he had not died, would have been likely, in the opinion of the Minister, to support the parent.

(4) A pension awarded under this Article shall be at such weekly rate as the Minister may consider appropriate in the circumstances of the case, being a weekly rate which is not less than 5s. and is not more than 20s. where there is only one eligible parent or 27s. 6d. where there is more than one eligible parent:

Provided that, where by reason of exceptional circumstances the Minister thinks fit, the weekly rate of a pension under this Article may be increased by a sum not exceeding 7s. 6d. where there is only one eligible parent, or 12s. 6d. where there is more than one eligible parent.

(5) A pension to the parent of a deceased person under this Article shall not be paid in respect of any period where the Minister does not consider it likely that the deceased person would have contributed to the support of that parent during that period.

(6) Where an award to a parent may be made under this Article in respect of the death of two or more persons—

(*a*) one pension only may be awarded under this Article in respect of the death of those persons; and

(*b*) paragraph (3) of this Article shall have effect as if it referred to the contributions of all those persons.

(7) Where the conditions for the award of a pension under this Article are fulfilled in the case of more than one parent of a deceased person, a pension may be awarded to whichever parent the Minister may select and, so long as the award to that parent is in force, a pension shall not be awarded to any other parent of that person:

Provided that, where the parents of the deceased person are living apart from each other, a pension may be awarded to each of them, so, however, that the aggregate weekly rate of the pensions awarded to the parents shall not exceed the maximum weekly rate at which a pension under this Article could be awarded if those parents were not living apart from each other.

Pensions to other dependants

38.—(1) Subject to the following provisions of this Article, any other dependant of a deceased person may be awarded a pension if he was, throughout the period beginning six months prior to the material date and ending with the death of the deceased person or throughout such other period as the Minister may determine in the exceptional circumstances of any case, dependent on the deceased person and is in pecuniary need and is either incapable of self-support or is a juvenile dependant of that person.

(2) Not more than one dependant shall be awarded a pension under this Article in respect of the death of a person except in the case of juvenile dependants, and where an award under this Article to any dependant ceases for any reason to have effect, no award shall be made under this Article to any other person unless that person is the wife or husband of that dependant.

(3) The decision of the Minister shall be final on any question as to which of two or more eligible dependants should receive a pension under this Article.

(4) A pension awarded under this Article to a juvenile dependant shall be at such rate as the Minister may determine, but shall not exceed 6s. a week for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed 20s. a week and shall not, in a case where a pension under Article 37 of this Scheme is in payment in respect of one eligible parent of the deceased person, exceed the maximum which, by virtue of paragraph (6) of this Article, is appropriate in such a case.

(5) A pension awarded under this Article to an other dependant who is not a juvenile dependant shall be at such rate as the Minister may determine, but shall not exceed 20s. a week and shall not, in a case where a pension under Article 37 of this Scheme is in payment in respect of one eligible parent of the deceased person, exceed the maximum which, by virtue of paragraph (6) of this Article, is appropriate in such a case.

(6) Where a pension under Article 37 of this Scheme is in payment in respect of one eligible parent of the deceased person, the rate of a pension under this Article to an other dependant of the deceased person, or, as the case may be, the aggregate rate of the pensions to the other dependants of that person, shall not exceed the difference between the rate of the pension of which the parent is in receipt and the maximum rate which would be appropriate in that case under paragraph (4) of Article 37 of this Scheme if there were two eligible parents and the case were treated as an exceptional case under the proviso to that paragraph.

(7) In this Article, "juvenile dependant" means an other dependant of the deceased person who is a brother, sister, half-brother, half-sister, step-brother, stepsister or grandchild of that person and who has not attained the age of 15 years:

Provided that a juvenile dependant who has attained the age of 15 years and was when he attained that age a student may be treated, for the purposes of this paragraph, as if he did not attain that age until whichever is the earlier of the following dates, namely—

(*a*) the date on which he ceases to be a student; or

(*b*) the 31st July which next follows the day on which he attains the age of 16 years, or, as the case may be, which is the day on which he attains that age.

Funeral grants

39.—(1) Subject to the following provisions of this Article, where a civil defence volunteer has died as the direct result of a war service injury and his funeral is carried out privately at the expense of any person, a funeral grant not exceeding £25 may be awarded in respect of the expense incurred by that person.

(2) Subject to the following provisions of this Article, where a gainfully occupied person has died as a direct result of a war injury and his funeral is carried out privately at the expense of the widow or dependent widower

of that person, or of a relative of that person who at the date of his death was wholly or mainly maintained by him in his home, a funeral grant not exceeding £25 may be awarded in respect of the expense incurred by the widow, dependent widower or relative.

(3) A funeral grant under this Article shall be reduced by the amount of any payment out of public funds which has been or will be made in respect of the expenses incurred in connection with the funeral.

(4) In this Article, "dependent widower" includes a person who would be a dependent widower if, for the references in Article 2 (10) of this Scheme to the material date there were substituted references to the date of the injured person's death.

PART V

AWARDS TO OR IN RESPECT OF PERSONS NOT GAINFULLY OCCUPIED

Application and interpretation of Part V

40.—(1) Under this Part of this Scheme awards may be made in respect of disablement caused by war injuries (not being war service injuries) to persons not gainfully occupied, other than persons to whom Article 7 of this Scheme applies, or in respect of the death of such persons where death is the direct result of such injuries:

Provided that an award under this Part of this Scheme in respect of a person's disablement shall not be made unless the disablement is serious and prolonged.

(2) An award under this Part of this Scheme in respect of a war injury (not being a war service injury) sustained by a person who has not attained the age of 15 years shall not be made in respect of any period before he has attained that age and shall only be made on his attaining that age if the conditions governing the making of the award are then fulfilled.

(3) The provisions of Article 9 of this Scheme shall apply to an award in respect of a person's disablement under this Part of this Scheme in like manner as they apply to such an award under Part III of this Scheme.

(4) In this Part of this Scheme, unless the context otherwise requires, the expressions "disablement" and "disabled", in relation to a person not gainfully occupied, have the like meaning as they have in relation to gainfully occupied persons by virtue of Article 8 (2) of this Scheme, and "degree", in relation to disablement, has the meaning assigned to it in Article 8 (2) of this Scheme.

Pensions for disablement

41. A disabled person may be awarded a pension in respect of his disablement at the rate and subject to the conditions which would have been appropriate in his case under Article 11 of this Scheme if he had been a gainfully occupied person.

Allowances for constant attendance

42. The provisions of Article 14 of this Scheme shall apply to a person in receipt of a pension under Article 41 of this Scheme in all respects as if he were in receipt of a pension under Article 11 of this Scheme.

Allowances for comforts

43.—(1) A person in receipt of a pension under Article 41 of this Scheme in respect of disablement the degree of which is not less than 80 per cent. and an allowance under Article 42 of this Scheme may be awarded an allowance for the provision of comforts at the rate of 10s. a week.

(2) An allowance awarded under this Article may be paid in addition to any allowance awarded under Article 46 of this Scheme.

Allowances for wear and tear of clothing

44. The provisions of Article 16 of this Scheme shall apply to a person in receipt of a pension under Article 41 of this Scheme in all respects as if he were in receipt of a pension under Article 11 of this Scheme.

Age allowances

45. The provisions of Article 20 of this Scheme shall apply to a person in receipt of a pension under Article 41 of this Scheme in all respects as if he were in receipt of a pension under Article 11 of this Scheme.

Treatment allowances

46.—(1) A disabled person may be awarded a treatment allowance in accordance with the following provisions of this Article.

(2) In the case of a person who, if he had sustained the qualifying injury immediately before the date of the commencement of the treatment, would have been a gainfully occupied person, a treatment allowance may be awarded at the rate and subject to the conditions which would have been appropriate in his case under Article 21, 22 or 23 of this Scheme if he had been a gainfully occupied person.

(3) In the case of a person who does not come within paragraph (2) of this Article, a treatment allowance may be awarded in respect of any period during which he receives approved institutional treatment, which allowance shall consist of a personal allowance at the rate and subject to the conditions which would have been appropriate in his case under Article 21 of this Scheme if he had been a gainfully occupied person, increased by an amount equal to the increase (if any) for which he would, in those circumstances, have been eligible under paragraph (3) of that Article.

Awards in respect of death

47.—(1) Subject to the following provisions of this Article, a pension based on pecuniary need may be awarded under this Article in respect of the death of a person—

(*a*) to a widow of that person who was residing with him or being maintained by him at the date of his death or to whose support he was at that date making regular contributions or, as the case may be, to a dependent widower of that person;

(*b*) where there is no such widow or dependent widower, to a dependent child of that person;

(*c*) where there is no such widow, dependent widower or dependent child and the Minister in the exceptional circumstances of any case so directs, to a parent of that person to whose support that person had regularly contributed throughout the period of six months expiring on the date of his death or throughout such other period as the Minister may determine.

(2) A pension under this Article shall only be awarded if the pecuniary need of the widow, dependent widower, dependent child or parent of the deceased person arises because, by reason of the death of that person, a pension, superannuation allowance, annuity or other income of which that person was in receipt at the date of his death is not available (otherwise than by virtue of a disposition made by that person) for the support of the widow, dependent widower, dependent child or parent.

(3) A pension under this Article shall be at such a weekly rate as may appear to the Minister to be justified by the circumstances of the case, but shall not exceed—

(*a*) in the case of a pension to a widow, the aggregate rate of the widow's pension, any allowances in respect of dependent children of her husband, and any other benefits in respect of her husband's death; and

(*b*) in the case of a pension to a dependent widower, the aggregate rate of the pension and any allowances in respect of dependent children of the deceased person; and

(*c*) in any other case, the rate of the pension;

which could have been awarded under Part IV of this Scheme (otherwise than under Article 35) to the widow, dependent widower, dependent child or parent, as the case may be, if the deceased person had been a gainfully occupied person.

(4) Subject to the foregoing provisions of this Article, a pension under this Article shall be subject to the conditions which would have been appropriate under Part IV of this Scheme if the deceased person had been a gainfully occupied person.

Grants to elderly widows

48. Where a widow who is in receipt of a pension awarded under Article 47 of this Scheme has attained the age of 70 years, she may be awarded a grant at the rate of 10s. a week.

Education allowances

49.—(1) Where there is a dependent child of a deceased person and, by reason of the death of that person, a pension, superannuation allowance, annuity or other income of which that person was in receipt at the date of his death is not available (otherwise than by virtue of a disposition made by that person) to provide for the education of the child, an allowance in respect of the child may be awarded for the purpose of the child's education.

(2) Subject to paragraph (1) of this Article, an allowance under this Article shall be subject to the conditions which would have been appropriate under Article 35 of this Scheme if the deceased person had been a gainfully occupied person.

PART VI

GENERAL PROVISIONS

Interpretation of Part VI

50. In this Part of this Scheme, unless the context otherwise requires, the expression "pension" means any pension, allowance or other benefit under this Scheme (other than a funeral grant) and includes a lump sum awarded under Article 68 of this Scheme, and the expression "funeral grant" means a funeral grant under Article 39 of this Scheme.

Time limits for applications

51.—(1) Except in so far as the Minister may otherwise direct with respect to any particular case or class of case, an award under this Scheme shall not be made unless an application for that award is made in such manner and within such period, if any, as may be required by the following provisions of this Article.

(2) An application for an award of a pension under Article 11, 41 or 68 of this Scheme in respect of disablement shall be made within three months from whichever is the latest of the following dates:—

(*a*) the date on which the qualifying injury causing the disablement was sustained;

(*b*) where the application is made in respect of disablement caused by a war injury sustained by a person not gainfully occupied who on the material date had not attained the age of 15 years, the date on which he attained that age;

(*c*) where the disabled person was on the material date a member of the armed forces of the Crown required to give whole-time service as such a member, the date on which he ceased to give such whole-time service.

(3) An application for an award in respect of a person's death of a pension under Article 26, 27, 30, 31, 32, 33, 34 or 36 of this Scheme or of a funeral grant shall be made within three months from the date on which the death occurred.

Notice required in the case of injuries sustained by young children

52. Except where the Minister in any special case otherwise directs, an award under this Scheme in respect of a war injury sustained by a person not gainfully occupied who on the material date had not attained the age of 15 years shall not be made unless, within three months from the date on which the injury was sustained, such notice of the fact that he sustained the injury, and such other particulars with respect thereto, have been given as may be required by the Minister.

Determination of medical questions

53. Any medical question arising under this Scheme shall be determined—

(*a*) where a Tribunal constituted under the Pensions Appeal Tribunals Acts, 1943 and 1949(a), has given a decision upon that question, in accordance with that decision, or, if an appeal from that decision is brought under those Acts, in accordance with the decision upon that appeal;

(*b*) where no such decision has been given, in accordance with a certificate on that question of a medical officer or board of medical officers appointed or recognised by the Minister for the purpose, so, however, that where that question appears to the Minister to raise a serious doubt or difficulty he may obtain the opinion thereon of one or more of a panel of independent medical experts nominated by the President of the Royal College of Physicians, the Royal College of Surgeons or the Royal College of Obstetricians and Gynaecologists, and in that case that question shall be determined in accordance with that opinion.

(a) 6 & 7 Geo. 6. c. 39 and 12, 13 & 14 Geo. 6. c. 12.

Power to relax conditions of Scheme

54.—(1) Any condition or requirement in Article 2 (9), 2 (10) or 2 (11) of this Scheme to the effect that a person who has sustained a qualifying injury must, at any date or throughout any period, have maintained or supported to any extent another person, may be waived if the Minister is satisfied that—

(*a*) the injured person was prevented for any reason from maintaining or supporting the other person to that extent; and

(*b*) the circumstances of the case are such as to justify the waiver of the condition or requirement.

(2) Where a condition or requirement is waived under this Article in any case, such award may be made in that case as the Minister may consider appropriate, so, however, that the rate or amount thereof shall not exceed the rate or amount which would have been appropriate if the condition or requirement had been fulfilled.

Members of the armed forces of the Crown

55.—(1) Where a person to whom or in respect of whose death an award may be made under this Scheme was on the material date a member of the armed forces of the Crown required to give whole-time service as such a member, no pension awarded under this Scheme in respect of his qualifying injury shall be paid—

(*a*) where he is disabled, in respect of any period during which he continues to give such whole-time service; or

(*b*) where he is dead, in respect of any period during which any service allowances are paid:

Provided that where in respect of the period mentioned in subparagraph (*b*) of this paragraph the aggregate amount of any benefits (other than a funeral grant) under Part IV of this Scheme which might, but for the provisions of this paragraph, have been paid in respect of his death, and, in the case of his widow, any other benefits for which she would have been eligible in respect of his death under Part IV of this Scheme if she had been in receipt of a widow's pension under Article 26 or 27 of this Scheme, exceeds the aggregate amount of the service allowances, an amount equal to the excess may be paid.

(2) In this Article, "service allowances", in relation to a deceased person, means any allowance, grant or other payment made out of moneys provided by Parliament at weekly or other periodical intervals to any person after the death of the deceased person in continuation of any payments made during the lifetime of the deceased person in respect of his service as a member of the armed forces of the Crown.

Members of visiting and allied forces, etc.

56. This Scheme does not apply to any injury sustained by a person who on the material date—

(*a*) was a member of a visiting force within the meaning of the Visiting Forces (British Commonwealth) Act, 1933(**a**); or

(*b*) was, or was to be deemed by virtue of section 2 of the United States of America (Visiting Forces) Act, 1942(**b**), to have been, a member of the naval, military or air forces of any allied power or foreign authority mentioned in section 1 of the Allied Forces Act, 1940(**c**); or

(**a**) 23 & 24 Geo. 5. c. 6. (**b**) 5 & 6 Geo. 6. c. 31. (**c**) 3 & 4 Geo. 6. c. 51.

(*c*) was a member of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom.

Injuries sustained outside the United Kingdom

57.—(1) Except in so far as the Minister may otherwise direct with respect to any particular case or class of case and subject to the provisions of paragraph (3) of this Article, an award under this Scheme shall not be made in respect of a qualifying injury sustained in the Isle of Man.

(2) Subject to the following provisions of this Article, an award under this Scheme shall not be made in respect of a qualifying injury sustained outside the United Kingdom by—

(*a*) a person ordinarily resident outside the United Kingdom; or

(*b*) a person ordinarily resident in the United Kingdom while absent from the United Kingdom for personal, domestic or pleasure purposes.

(3) Nothing in the foregoing provisions of this Article shall preclude the making of an award under this Scheme in respect of—

(*a*) a war service injury sustained by a civil defence volunteer;

(*b*) a war injury sustained by a person ordinarily resident in the United Kingdom while travelling by sea or by air from or to any place in the United Kingdom to or from any other place in the United Kingdom or any place in the Irish Republic or in the Isle of Man;

(*c*) a war injury sustained outside the United Kingdom and the Isle of Man by an overseas volunteer—

(i) in the course of a journey which he made for the purpose of undertaking a war occupation; or

(ii) in the course of a journey which he made for the purpose of leaving any place to which he had made any such journey as aforesaid or for the purpose of leaving any country in which he had carried on a war occupation, being a journey made at the expense of public funds;

(*d*) a war injury sustained by an overseas volunteer ordinarily resident in the Irish Republic in the course of a journey which he made from or to the said Republic to or from the United Kingdom if he made the journey while he was on leave or holiday from a war occupation in which he was engaged or the journey was the first journey to the said Republic which he had made since he was last engaged in a war occupation;

(*e*) a war injury sustained in enemy territory or in territory which was, at the material date, occupied by the enemy—

(i) by a British subject who was born in the United Kingdom or by the wife of such a British subject or by a woman who was born in the United Kingdom and would have been a British subject but for her marriage to a person not of British nationality;

(ii) by a person whose death has occurred as the direct result of the injury if the claimant is *either* his widow who was born in the United Kingdom and is a British subject or but for her marriage to the deceased person would be a British subject, *or*, where that widow has also died, is his dependent child:

Provided that an award which can be made only by virtue of this subparagraph shall be at the discretion of the Minister and shall not be made or continued unless the person to whom or for whose benefit it may be made is residing in the United Kingdom.

(4) In this Article—

(*a*) "overseas volunteer" means a person ordinarily resident outside the United Kingdom who had in accordance with arrangements made by or on behalf of His Majesty's Government in the United Kingdom, volunteered or been required to undertake a war occupation; and

(*b*) "war occupation", in relation to an overseas volunteer, means service as a member of the armed forces of the Crown raised or established in the United Kingdom, work which might be selected for that volunteer by or on behalf of His Majesty's Government in the United Kingdom, or any other work which the Minister considers it was in the national interest for the volunteer to perform during the period of the emergency.

Persons ordinarily resident outside the United Kingdom

58. Where any person who has sustained a qualifying injury, or any person in respect of whom an award may be or has been made under this Scheme to such a person, or any person to or in respect of whom an award may be or has been made under this Scheme in respect of the death of another person, is or becomes ordinarily resident outside the United Kingdom, the Minister may withhold or cancel any award of a pension under this Scheme to or in respect of that person or may, if he so thinks fit having regard to the circumstances of the case, including the standard of living in the place where that person is or has become ordinarily resident, reduce the amount of the award.

Prevention of double payments

59.—(1) Where the Minister is satisfied that a payment (not being a payment in respect of the expenses incurred in connection with a funeral) has been or will be made under an appropriate provision in respect of an injury (whether resulting in disablement or death), an award of a pension in respect of that injury shall not be made under Part III, IV or V or Article 68 of this Scheme and any such award which has been made shall be cancelled:

Provided that where payments have been or are being made under an appropriate provision specified in subparagraph (*a*) of paragraph (3) of this Article in respect of a qualifying injury sustained in the actual discharge of duty or under an appropriate provision specified in subparagraph (*e*) or (*f*) of paragraph (3) of this Article in respect of a war injury sustained in the execution of duty, the Minister may make such awards under Part III, IV or V or Article 68 of this Scheme in respect of that injury as he may consider appropriate for the purpose of securing that the aggregate weekly value of—

(*a*) the payments made to or for the benefit of any person in respect of the injury under those awards; and

(*b*) the payments made under that appropriate provision by reason of the retirement from service or death of the injured person whether made in respect of the injury or not;

is not less than the aggregate weekly value of—

(i) the payments which would, if the same injury had been sustained otherwise than in the execution of duty, have been made to or for the benefit of the same person in respect of that injury under Part III, IV or V or Article 68 of this Scheme; and

(ii) the payments, if any, which would in the same event have been made under that appropriate provision by reason of the retirement from service or death of the injured person.

(2) For the purposes of this Article—

(*a*) any compensation granted in respect of a war injury shall, if granted by an authority responsible for the making of grants under an appropriate provision, be deemed to be granted under that appropriate provision in respect of that injury; and

(*b*) references to a war injury sustained in the execution of duty shall include references to a war injury which is for the purposes of any relevant appropriate provision to be deemed to have been sustained in the execution of duty.

(3) In this Article, "appropriate provision" means any of the following enactments, provisions or instruments, that is to say—

(*a*) section 1 of the Superannuation Act, 1887(a), as amended by section 11 of the Superannuation Act, 1935(b), or by section 9 of the Superannuation Act (Northern Ireland), 1935(c);

(*b*) section 41 or 56 of the Superannuation Act, 1949(d);

(*c*) any of the enactments mentioned in the first column of Parts I and II of the Schedule to the Superannuation (Various Services) Act, 1938(e), as extended by that Act;

(*d*) section 20 of the Greenwich Hospital Act, 1865(f), as extended by section 8 of the Greenwich Hospital Act, 1872(g), and section 1 of the Greenwich Hospital Act, 1942(h);

(*e*) any public or local Act (other than the Local Government Superannuation Act, 1937(i), the Local Government Superannuation (Scotland) Act, 1937(j), and the Local Government Superannuation Act, 1953(k), charter or scheme for the grant of pensions, allowances or gratuities for professional firemen and their widows, children and dependants;

(*f*) the Police Pensions Act, 1921(l), the Police Pensions Act, 1948(m), section 2 of the Constabulary Act (Northern Ireland), 1922(n), the Special Constables Order, 1923(o), the Special Constables (Scotland) Order, 1923(p), and the Ulster Special Constabulary Pensions Regulations, 1950(q), or any Orders revoked by those Regulations;

(*g*) any provision contained in any enactment, Warrant, Order in Council or Order, being a provision relating to the death or disablement of members of the armed forces of the Crown, or of persons employed in connection with any of those forces;

(*h*) any Order in Council relating to pensions for men serving on Admiralty Yard Craft, or officers of the Royal Fleet Auxiliaries;

(*i*) subsection (1) of section 2 of the Coastguard Act, 1925(r);

(*j*) any scheme made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939(s), as amended by the Pensions (Mercantile Marine) Act, 1942(t), or under the Injuries in War (Compensation) Act, 1914(u), or under the Injuries in War Compensation Act, 1914 (Session 2)(v);

(a) 50 & 51 Vict. c. 67. (b) 25 & 26 Geo. 5. c. 23. (c) 26 Geo. 5 & 1 Edw. 8. c. 2. (N.I.).
(d) 12, 13 & 14 Geo. 6. c. 44. (e) 1 & 2 Geo. 6. c. 13. (f) 28 & 29 Vict. c. 89.
(g) 35 & 36 Vict. c. 67. (h) 5 & 6 Geo. 6. c. 35. (i) 1 Edw. 8 & 1 Geo. 6. c. 68.
(j) 1 Edw. 8 & 1 Geo. 6. c. 69. (k) 1 & 2 Eliz. 2. c. 25. (l) 11 & 12 Geo. 5. c. 31.
(m) 11 & 12 Geo. 6. c. 24. (n) 12 & 13 Geo. 5. c. 8. (N. I.).
(o) S.R. & O. 1923/905 (Rev. XVIII, p. 180: 1923, p. 147).
(p) S.R. & O. 1923/1232 (Rev. XVIII, p. 254: 1923, p. 152).
(q) S.R. & O. (N.I.) 1950/97 (p. 617). (r) 15 & 16 Geo. 5. c. 88.
(s) 2 & 3 Geo. 6. c. 83. (t) 5 & 6 Geo. 6. c. 26. (u) 4 & 5 Geo. 5. c. 30.
(v) 5 & 6 Geo. 5. c. 18.

(*k*) any enactment relating to persons in the service of a local lighthouse authority within the meaning of the Merchant Shipping Acts, 1894 to 1949;

(*l*) any enactment, ordinance, regulation or other instrument whatsoever forming part of the law of any place outside the United Kingdom and analogous, in the opinion of the Minister, to any of the aforesaid provisions.

(4) In subparagraph (*e*) of paragraph (3) of this Article, "professional fireman" means a member of the National Fire Service who, immediately prior to his becoming a member of the National Fire Service, was—

(*a*) a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925(**a**), or

(*b*) a constable to whom the Police Pensions Act, 1921, applied; or

(*c*) a person mentioned in section 1 of the Police and Firemen (War Service) Act, 1939(**b**) (as amended or extended by or under any enactment); or

(*d*) a person mentioned in section 1 of the Local Government Staffs (War Service) Act, 1939(**c**), if he had since the beginning of September, 1939, been a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925; or

(*e*) a member of a fire brigade maintained by a fire authority within the meaning of the Fire Brigades Act, 1938(**d**), or by the London County Council, who previously to joining or rejoining the brigade had been a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925, or a member of a police force within the meaning of the Police Pensions Act, 1921.

Adjustment of awards in respect of other compensation

60.—(1) Where the Minister is satisfied that compensation has been or will be paid to or in respect of a person to or in respect of whom a pension or funeral grant is being or may be paid or that any compensation which has been or will be paid will benefit such a person, the Minister may take the compensation into account against the pension or funeral grant in such manner and to such extent as he may think fit and may withhold or reduce the pension or funeral grant accordingly.

(2) Where the Minister in any case considers that it is by reason of some act or omission by or on behalf of a person to or in respect of whom a pension or funeral grant is being or may be paid that—

(*a*) there is no compensation to be taken into account against that pension or funeral grant under paragraph (1) of this Article; or

(*b*) the amount of compensation so to be taken into account against that pension or funeral grant is less than it would otherwise have been;

and the Minister is of the opinion that such act or omission was unreasonable, the Minister may assess the amount of the compensation which, in his opinion, would have fallen to be taken into account as aforesaid but for such act or omission, and may, for the purpose of paragraph (1) of this Article, treat the amount so assessed as if it were compensation which could be taken into account under that paragraph against that pension or funeral grant.

(**a**) 15 & 16 Geo. 5. c. 47.
(**b**) 2 & 3 Geo. 6. c. 103.
(**c**) 2 & 3 Geo. 6. c. 94.
(**d**) 1 & 2 Geo. 6. c. 72.

(3) In this Article "compensation" means—

(*a*) any periodical or lump sum payment in respect of the disablement or death of any person, or in respect of any injury, disease or incapacity sustained or suffered by any person, being a payment—

(i) for which provision is made by or under any enactment, Warrant, Order in Council, Order, Scheme (including this Scheme), ordinance, regulation or other instrument; or

(ii) which is recoverable as damages at common law; or

(*b*) any periodical or lump sum payment which, in the opinion of the Minister, is recoverable or payable—

(i) under any enactment, scheme, ordinance, regulation or other instrument whatsoever promulgated or made in any place outside the United Kingdom; or

(ii) under the law of any such place;

and is analogous to any payment falling within subparagraph (*a*) of this paragraph; or

(*c*) any periodical or lump sum payment made in settlement or composition of, or to avoid the making of, any claim to any payment falling within subparagraph (*a*) or (*b*) of this paragraph, whether liability on any such claim is or is not admitted.

Pensioners admitted to institutions

61. Where any person to or in respect of whom a pension or gratuity may be or has been awarded is being maintained in an institution which is supported wholly or partly out of public funds, otherwise than for the purpose of receiving medical, surgical or rehabilitative treatment for a qualifying injury, the Minister may deduct from the pension or gratuity such amount in respect of the maintenance of the person in the institution as he may think fit having regard to all the circumstances of the case, and may pay the amount so deducted to the authority responsible for the management of the institution.

Payment of public claims out of pensions

62. Where the Minister is satisfied that a sum is due to the Crown, the Secretary of State, a Minister or a Government Department from a person to or in respect of whom a pension or funeral grant may be or has been awarded, or that an overpayment has been made to or in respect of any such person by the Crown, the Secretary of State, a Minister or a Government Department, the Minister may deduct from the pension or funeral grant in respect of that sum or overpayment such amounts and at such times as he may think fit and may apply the amounts so deducted in or towards paying or repaying that sum or overpayment.

Administration of pensions, etc.

63.—(1) A pension or funeral grant awarded to or in respect of any person may be administered by the Minister if that person—

(*a*) has not attained the age of 21 years; or

(*b*) is, in the opinion of the Minister, incapable of managing his own affairs by reason of mental infirmity; or

(*c*) is being maintained in an institution to which Article 61 of this Scheme applies; or

(*d*) is a person in whose case the award can be forfeited or has been restored under Article 64 of this Scheme;

or if, in any other case, the Minister considers that it is in the interests of that person that it should be so administered.

(2) A pension or funeral grant which is being administered under this Article may, as to the whole or such part thereof as the Minister thinks fit and at such times as he thinks fit, be applied for the benefit of the person to or in respect of whom it has been awarded or be paid to any person whom the Minister considers a fit and proper person so to apply the same.

(3) Where a pension administered under this Article has not, when it ceases to be so administered, been wholly paid or applied, payment in respect of the part not paid or applied may be made either in a lump sum or by instalments of such amount and at such intervals as the Minister thinks fit, so, however, that the amount of any lump sum or of the aggregate of any such instalments, as the case may be, shall not exceed £50.

Forfeiture of pensions

64.—(1) Where a person to or in respect of whom, or in respect of whose death, a pension may be or has been awarded, is or at the date of his death was—

(*a*) in pursuance of a sentence or order of a Court upon his being found guilty of an offence, serving a term of imprisonment, detention, preventive detention or corrective training, or detained in a Borstal institution, approved school or remand home; or

(*b*) an enemy alien and, as such, interned, detained or expelled from the United Kingdom; or

(*c*) under any enactment detained, deported from, required to leave, or prohibited from entering the United Kingdom, Great Britain or Northern Ireland, or detained under any Defence Regulation made, or continued in force, under any enactment, or a person whose certificate of naturalisation has been revoked;

the Minister may withhold the award of the pension or, if it has been awarded, may direct that it shall be forfeited as from such date (including any past date) as he may think fit.

(2) The Minister may, upon such terms and as from such date (including any past date) as he thinks fit, restore, either in whole or in part, a pension forfeited under this Article or under the provisions relating to unworthiness to receive a grant from public funds of any previous Scheme made under the Act.

Refusal of treatment

65.—(1) Where the Minister is satisfied that a person who has sustained a qualifying injury should in his own interest receive medical, surgical or rehabilitative treatment for that injury, and that person refuses or neglects to receive the treatment, the Minister may, if he considers that such refusal or neglect is unreasonable, withhold or cancel any award of a pension in respect of that injury which may be or has been made or may reduce the amount of any such pension.

(2) For the purpose of this Article any misconduct on the part of a person which, in the opinion of the Minister, renders it necessary for any treatment that he is receiving to be discontinued, may be treated as a refusal of the person to receive the treatment.

Provisions with respect to dependent children

66.—(1) A pension which may be or has been awarded to or in respect of a dependent child of a person who has sustained a qualifying injury may be withheld, or reduced to such an extent as the Minister may think fit,—

(*a*) where periodical payments out of public funds are being made to or in respect of the child (not being payments in respect of an injury made under any provision specified in Article 59 (3) (*e*) or (*f*) of this Scheme); or

(*b*) where the child is being maintained in the Navy, Army or Air Force or in any institution wholly or mainly supported out of public funds.

(2) A pension which may be or has been awarded to or in respect of a dependent child of a female person may be reduced by an amount equal to the weekly value of any payments for the support of the child which are made by, or which it is reasonably practicable to obtain from, the father of the child.

(3) Where a dependent child is living apart from a person to whom a pension in respect of the child may be or has been awarded, and the weekly value of the contributions which that person is making to the support of the child is less than the amount of the pension, the amount of the pension may be reduced to an amount equal to that weekly value.

(4) In this Article "dependent child" includes any person to or in respect of whom a pension may be or has been awarded as being, for the purposes of any provisions of this Scheme, a child of a person who has sustained a qualifying injury.

Re-marriage of widows, etc.

67.—(1) An award of a pension under this Scheme to a female person in respect of the death of a person other than a pension to his parent shall not be made or, if made, shall cease to have effect where, after the death of the deceased person, she marries or cohabits with a man as his wife:

Provided that an allowance awarded under this Scheme in respect of a child of a deceased person shall not be affected by the cessation under this Article of the award of a pension to any other person.

(2) If the Minister having regard to the special circumstances of the case so directs, paragraph (1) of this Article shall not apply to a child of a deceased person who, being in receipt of a pension under Article 34 or 47 of this Scheme, marries after the 30th September, 1961.

(3) On the marriage—

(*a*) after the 4th July, 1948, of a widow in receipt of a pension under Article 26, 27 or 47 of this Scheme, or

(*b*) after the 30th September, 1961, of a widow who would have been in receipt of such a pension immediately before that marriage had that pension not ceased or been withheld in consequence of her cohabiting with a man as his wife—

she may be awarded a gratuity equal to one year's pension.

(4) An award of a pension which has been withheld or has ceased to have effect under paragraph (1) of this Article in consequence of a person cohabiting with a man as his wife may be made or restored by the

Minister, either in whole or in part, upon such terms and from such date (not being a date before the 1st October, 1961, or that on which she ceases so to cohabit, whichever is the later) as he thinks fit.

(5) The Minister may award or restore, either in whole or in part and in respect of any period after the 30th September, 1961, any parent's pension which was withheld or ceased, under the provisions of any previous Scheme made under the Act, in consequence of the marriage of the parent or of her cohabiting with a man as his wife if the circumstances of the parent are, in the Minister's opinion, such as to justify the making of the award or the restoration.

Power to award lump sums

68. Where the Minister is satisfied, in the case of a person in relation to whose disablement the conditions of Article 8 (1) or 40 (1) of this Scheme are fulfilled but whose degree of disablement is assessed at less than 20 per cent., that a payment of a lump sum in respect of his disablement would be appropriate having regard to the nature of his disablement, that person may be awarded in respect of his disablement a lump sum of such an amount as the Minister may think fit.

Failure to draw pension

69. Where a person fails for a continuous period of twelve months to draw a pension, the award of that pension may be cancelled and payment of any arrears thereof may be withheld :

Provided that the Minister may, in any particular case, restore the award and pay the whole or such part as he may think fit of the arrears thereof, so, however, that the amount which may be paid in respect of any such arrears shall not exceed £50.

Arrears

70. Except in so far as the Minister may otherwise direct with respect to any particular case or class of case, payment of a pension shall not be made in respect of any period preceding the date of the application or appeal as a result of which the claim to the award of the pension, or as the case may be, to the continuance or resumption of the payment of the pension, is accepted.

Payment of pensions

71. Payment of a pension under this Scheme may be made provisionally or upon any other basis and for such period as the Minister may think fit and, except as the Minister may direct either generally or in any particular case or class of case, a pension may be paid weekly in advance.

Review of awards, etc.

72.—(1) Where the Minister makes a final assessment of the degree or nature of the disablement of any person or a final decision that the disablement is not or is no longer serious and prolonged, any award under Article 11, 41 or 68 of this Scheme, or any such final decision, shall not, subject to any decision given by a Tribunal under the Pensions Appeal Tribunals Acts, 1943 and 1949, and to the provisions of this Part of this Scheme, be reviewed unless—

(*a*) in the case of a final assessment, there is a substantial increase in the degree of disablement which is due to the qualifying injury in respect of which the award was made ; or

(*b*) in the case of a final decision, there is a substantial degree of disablement which is due to the qualifying injury ; or

(*c*) the rate of the pension or other grant has by error been fixed at a figure which is not appropriate under this Scheme to the assessment of the degree or nature of the disablement ; or

(*d*) the award of the pension or other grant has been made by error ; or

(*e*) the Minister is satisfied that the award has been obtained by improper means.

(2) Any award under this Scheme (other than an award made on the basis of such a final assessment as aforesaid) may, subject to any decision given by a Tribunal under the Pensions Appeal Tribunals Acts, 1943 and 1949, be reviewed at any time on any of the grounds specified in paragraph (1) of this Article, or on any other ground which, in the opinion of the Minister, having regard to the provisions of this Scheme, necessitates its review.

(3) On any review under this Article the Minister may continue or vary the award, or make a fresh award in place of it, or cancel it, or in the case of such a final decision as is mentioned in paragraph (1) of this Article, may make such an award as may be appropriate having regard to the provisions of this Scheme.

Power to dispense with probate

73.—(1) Where a person to whom any payment could have been made under this Scheme before his death dies before the payment is made, and the amount unpaid does not exceed £100 the amount so unpaid may be paid to the personal representative of the deceased person without probate or other proof of title, or may be paid or distributed to or among the persons appearing to the Minister to be the persons beneficially entitled to the personal estate of the deceased person or to or among any one or more of those persons, and, in determining the persons to whom and the proportions in which the amount so unpaid shall be paid or distributed, the Minister may have regard to any payments made or expenses incurred by any such person for or on account of the funeral of the deceased person.

(2) Where a deceased person has died intestate and he was, or any child of his was or is, illegitimate, the deceased person and any such child shall, for the purposes of this Article, be treated as legitimate.

Declarations and certificates

74.—(1) Any person to whom a pension or funeral grant under this Scheme has been awarded, and any person to whom payment of that pension or funeral grant is to be made, shall, if and when required by the Minister so to do, subscribe such declaration as the Minister may from time to time direct.

(2) Where a declaration is subscribed under paragraph (1) of this Article by a person who is not the person to whom the pension or funeral grant has been awarded, there shall be furnished, if and when required by the Minister, such certificate as the Minister may from time to time direct.

(3) If such a declaration or certificate as may have been required by the Minister under this Article to be subscribed or furnished is not subscribed or furnished, payment of the pension or funeral grant shall be withheld until the requirements of the Minister under this Article have been satisfied.

Administration of this Scheme

75.—(1) This Scheme shall be administered by the Minister or, as to any particular part or provision thereof which he may select, by such other person or body as he may direct.

(2) The Minister may make Regulations for giving effect to the purposes of this Scheme.

Revocation of previous Schemes

76.—(1) The Schemes (hereinafter called "the old Schemes") specified in the Third Schedule hereto are hereby revoked.

(2) Any application, award, assessment, decision or determination made, any certificate issued, any notice or direction given, any forfeiture incurred or any other thing done under the old Schemes and of effect immediately before the coming into operation of this Scheme shall continue to have effect as if made, issued, given, incurred or done under the corresponding provisions of this Scheme.

Dated this Tenth day of April, 1962.

John Boyd-Carpenter,
Minister of Pensions and
National Insurance.

We approve.

Dated this Eleventh day of April, 1962.

John Peel,
Michael Noble,
Two of the Lords Commissioners of
Her Majesty's Treasury.

Article 4

FIRST SCHEDULE

Civil Defence Organisations

1. Any organisation established and maintained by a Government Department or a local authority for the purpose of carrying out any specified service in connection with any of the civil defence functions of that Department or authority.

2. Any organisation established and maintained by a Government Department or a local authority for the purpose of—

(*a*) giving assistance in connection with the transport of members of the civil population who were transferred in pursuance of an evacuation plan; or

(*b*) assisting to secure accommodation for members of the civil population who were, or were proposed to be, transferred in pursuance of an evacuation plan or who were rendered homeless as a result of enemy action or who left their homes in consequence or apprehension of enemy action;

being, in the case of an organisation established and maintained for the purpose mentioned in subparagraph (*b*) of this paragraph, an organisation consisting only of unpaid members.

3. Any organisation—

(*a*) established and maintained by a Government Department or a local authority (including a police authority) or by the Receiver for the Metropolitan Police District for the purpose of assisting in the carrying on of canteens for the benefit of members of any organisation described in paragraph 1 of this Schedule or named in subparagraphs (1) to (8) inclusive of paragraph 17 of this Schedule; and

(*b*) consisting only of unpaid members.

4. Any organisation established and maintained by a Government Department or a local authority for the purpose of assisting during an emergency resulting from enemy action or the apprehension of enemy action to provide food, clothing, shelter, information or other necessities for which there was a need as the result of that emergency, being an organisation consisting only of unpaid members.

5. Any organisation established and maintained by a local authority for the purpose of collecting, decontaminating, identifying or disposing of the bodies of persons killed as a result of enemy action.

6. Any organisation—

(*a*) established and maintained by a Government Department, public utility undertakers, an employer, a group of employers, or by a person who had an interest in, or the control or management of, any general premises; and

(*b*) established for the purpose of carrying out any specified service in connection with a protective scheme, and maintained for that purpose, or for the purpose of assisting any organisation described in paragraph 1 of this Schedule, the National Fire Service or any other organisation described in this paragraph, to carry out the purpose of that organisation; and

(*c*) comprising amongst its members persons (the number of whom was ordinarily not less than six) who were or were being effectively trained and equipped to perform between them the duties of giving first aid treatment, dealing with the effects of gas and fighting fires.

7. Any organisation established and maintained for the purpose of providing a fire guard service—

(*a*) in accordance with arrangements in force under the Fireguard (Business and Government Premises) Order, 1943, or under any order revoked by that Order; or

(*b*) for any premises to which that Order did not apply, other than residential premises;

being, in a case coming within subparagraph (*b*), an organisation consisting only of members who were registered with a local authority.

8. Any organisation established and maintained—

(*a*) by any body or person having the management of any hospital for the purpose of carrying out duties in connection with the work of that hospital; or

(*b*) by a Government Department, a local authority or any such body or person as aforesaid for the purpose of giving assistance in connection with the transference of patients in pursuance of arrangements made by the Minister of Health or the Secretary of State under section 50 (1) (*a*) of the Civil Defence Act, 1939;

being in either case an organisation consisting only of unpaid members.

9. Any organisation established and maintained by public utility undertakers (being undertakers carrying on a water undertaking) for the purpose of assisting to provide the public, during an emergency resulting from enemy action or the apprehension of enemy action, with emergency supplies of drinking water, being an organisation consisting only of unpaid members.

10. Any organisation—

(*a*) established by public utility undertakers for the purpose of carrying out, in the event of damage being caused by enemy action to any part of their undertaking, such temporary or emergency measures as might be necessary to protect persons or property from danger resulting from that damage; and

(*b*) maintained by those undertakers for that purpose or for the purpose of assisting any other organisation described in this paragraph to carry out the purpose of that other organisation.

11. Any organisation established and maintained by or with the approval of the Minister of Health or the Secretary of State for the purpose of providing a blood transfusion service for the benefit of casualties from enemy action, being an organisation consisting only of unpaid members.

12. Any organisation established and maintained by or with the approval of the Minister of Health or the Secretary of State for the purpose of securing that persons should become qualified for membership of the Civil Nursing Reserve and consisting only of members who were being trained to become so qualified.

13. Any organisation established and maintained by or with the approval of a Government Department for the purpose of detecting and rendering harmless, or of assisting to detect and render harmless, unexploded bombs or other noxious things used by or against the enemy.

14. Any organisation established and maintained by a Government Department for the purpose of providing escorts for, or assisting in the transference of, civilians who were transferred by sea in consequence or apprehension of enemy action.

15. Any organisation of car drivers or messengers established and maintained by a Government Department in connection with any civil defence purpose and consisting only of unpaid members.

16. Any organisation established and maintained by the National Air Raid Precautions Animals Committee for the purpose of protecting the public from animals becoming panic-stricken or contaminated with gas as a result of enemy action.

17. The organisations known as—

(1) The Auxiliary Fire Service (for the period prior to the establishment of the National Fire Service).

(2) The National Fire Service.

(3) The Civil Defence Reserve.

(4) The Kent County Civil Defence Mobile Reserve.

(5) The West Sussex County Civil Defence Mobile Reserve.

(6) The Police War Reserve (up to and including the 31st March, 1945).

(7) The Women's Auxiliary Police Corps (up to and including the 31st March, 1945).

(8) The Police Auxiliary Messenger Service.

(9) The Royal Marine Police Special Reserve.

(10) The Royal Observer Corps.

(11) The Emergency Medical Service.

(12) The Civil Nursing Reserve.

(13) The Port of London Authority River Emergency Service.

18.—(1) In this Schedule, unless the context otherwise requires—

(*a*) " civil defence functions ", in relation to a local authority, means any functions in connection with civil defence which were conferred or imposed on that authority in their capacity as such by the Civil Defence Acts, 1937 and 1939, or by any regulation made under the Emergency Powers (Defence) Acts, 1939 and 1940, or which were or could have been conferred or imposed on that authority in that capacity under the Civil Defence Acts, 1937 and 1939, or under any such regulation;

(*b*) " commercial building ", " factory premises " and " mine " have the same meanings respectively as they have in section 23 of the Civil Defence Act, 1939;

(*c*) " employer " means any person who employed more than thirty persons in any commercial building or factory premises or in or about any mine, and " group of employers " means any persons who between them employed more than thirty persons in the same commercial building or in adjacent premises which either were factory premises or would have been factory premises if more than thirty persons worked therein;

(*d*) " evacuation plan " means a plan prepared by or on behalf of a Government Department for the transference in the event of enemy action or the apprehension of enemy action of members of the civil population from one area to another;

(*e*) " general premises " means any premises but does not include premises which were wholly or mainly used or, so far as unoccupied, intended to be used, for the purposes of private residence unless they were so designed as to accommodate at least fifty residents;

(*f*) " hospital " means any hospital comprised in any arrangements made by the Minister of Health or the Secretary of State under section 50 (1) (*a*) of the Civil Defence Act, 1939;

(*g*) " maintained " means maintained at any time during the period of the emergency;

(*h*) " protective scheme ", in relation to any organisation, means a scheme for protecting from enemy action or from the consequences of enemy action, the following premises or persons, that is to say—

(i) in the case of an organisation established by a Government Department, the premises occupied by or for the purposes of that Department, or any persons in or about those premises;

(ii) in the case of an organisation established by public utility undertakers, the premises of those undertakers or any persons in or about those premises;

(iii) in the case of an organisation established by an employer or by a group of employers, the building, premises or mine, in or about which more than thirty persons were employed by that employer or group of employers, or any persons in or about that building, those premises or that mine;

(iv) in the case of an organisation established by any person having an interest in, or the control or management of, any general premises, those premises or any persons in or about those premises;

(*i*) " public utility undertakers " has the meaning assigned to it by section 90 (1) of the Civil Defence Act, 1939;

(*j*) " residential premises " means any premises occupied wholly or mainly for residential purposes including premises occupied as a hotel, boarding house or lodging house:

Provided that the expression shall not be deemed to include—

(i) any premises occupied partly as a shop or farm; or

(ii) any premises occupied as a hotel, boarding house or lodging house in which more than five persons, including the occupier and members of his family, were employed or occupied in the business of the hotel, boarding house or lodging house;

(*k*) " specified service ", in relation to any such organisation as is described in paragraph 1 of this Schedule, means any of the following services—

(i) control and report service;

(ii) air-raid warden (including shelter warden) service;

(iii) fire guard service;

(iv) first aid, casualty or ambulance service;

(v) rescue service;

(vi) gas identification service;

(vii) decontamination service;

(viii) messenger service;

(ix) instructor service;

(x) medical and nursing service for public air-raid shelters;

and, in relation to any such organisation as is described in paragraph 6 of this Schedule, means any of the services mentioned in subparagraphs (i) to (viii) inclusive of this subparagraph and, in addition—

(xi) fire service;

(xii) raid spotter service; and

(xiii) key-men service, that is to say, the service performed by persons who, in the event of enemy action, were charged with the duty of turning off gas, electricity or water or attending to boilers or other vital plant or machinery.

(2) For the purposes of this Schedule, members of an organisation shall be treated as unpaid notwithstanding that, in consideration of the performance of their duties as members of that organisation, they were provided with their board and lodging or received a subsistence allowance or had their expenses or insurance contributions paid or any loss of wages or other emoluments made good to them.

(3) For the purposes of paragraph 6 of this Schedule, a local education authority shall be deemed to have had an interest in the premises of a public elementary school maintained by them, whether provided by them or not.

(4) The reference in paragraph 7 of this Schedule to a fire guard service shall, in relation to such arrangements as are mentioned in subparagraph (*a*) of that paragraph, be construed as including a reference to any service included in those arrangements under Part III of the Fireguard (Business and Government Premises) Order, 1943.

19. In the application of this Schedule to Northern Ireland—

(*a*) any reference to a Government Department shall be construed as including a reference to a Department of the Government of Northern Ireland;

(*b*) any reference to the Minister of Health or the Secretary of State shall be construed as a reference to the Ministry of Public Security or the Ministry of Home Affairs;

(*c*) any reference to the Civil Defence Acts, 1937 and 1939, shall be construed as a reference to the Civil Defence Acts (Northern Ireland), 1938 and 1939;

(*d*) references to section 23, 50 (1) (*a*) and 90 (1) of the Civil Defence Act, 1939, shall be construed respectively as references to section 21, 43 (1) (*a*) and 74 (1) of the Civil Defence Act (Northern Ireland), 1939;

(*e*) the reference in paragraph 16 to any organisation established and maintained by the National Air Raid Precautions Animals Committee shall be construed as a reference to any organisation established and maintained in Northern Ireland with the approval of the Ministry of Public Security or the Ministry of Home Affairs for the purpose set out in paragraph 16;

(*f*) references to the Emergency Medical Service, the Civil Nursing Reserve and the National Fire Service shall be construed respectively as references to the Emergency Medical Service for Northern Ireland, the Civil Nursing Reserve for Northern Ireland and the National Fire Service (Northern Ireland);

(*g*) in paragraph 18 (1) (*c*) and (*h*) for the word " thirty " in every place where it appears there shall be substituted the word " twenty ";

(*h*) in paragraph 18 (3) for the words " a local education authority " there shall be substituted the words " an education authority ".

SECOND SCHEDULE

Article 10

ASSESSMENT OF DISABLEMENT CAUSED BY SPECIFIED INJURIES AND OF CERTAIN OTHER DISABLEMENTS

Description of Injury	Assessment
Amputation Cases—Upper Limbs	*per cent.*
Loss of both hands or amputation at higher sites	100
Amputation through shoulder joint	90
Amputation below shoulder with stump less than 8 inches from tip of acromion	80
Amputation from 8 inches from tip of acromion to less than 4½ inches below tip of olecranon	70
From 4½ inches below tip of olecranon	60
Loss of thumb	30
Loss of thumb and its metacarpal bone	40
Loss of 4 fingers	50
Loss of 3 fingers	30
Loss of 2 fingers	20
Loss of terminal phalanx of thumb	20
Amputation Cases—Lower Limbs	*per cent.*
Double amputation through thigh, or through thigh on one side and loss of other foot, or double amputation below thigh to 5 inches below knee	100
Double amputation through leg lower than 5 inches below knee	100
Amputation of one leg lower than 5 inches below knee and loss of other foot	100
Amputation of both feet resulting in end-bearing stumps	90
Amputation through both feet proximal to the metatarso-phalangeal joint	80
Loss of all toes of both feet through the metatarso-phalangeal joint	40
Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
Loss of all toes of both feet distal to the proximal interphalangeal joint	20
Amputation through hip joint	90
Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	80
Amputation below hip with stump exceeding 5 inches in length measured from tip of great trochanter, but not beyond middle thigh	70
Below middle thigh to 3½ inches below knee	60
Below knee with stump exceeding 3½ inches but not exceeding 5 inches	50
Below knee with stump exceeding 5 inches	40
Amputation of one foot resulting in end-bearing stump	30
Amputation through one foot proximal to the metatarso-phalangeal joint	30
Loss of all toes of one foot proximal to the proximal interphalangeal joint, including amputations through the metatarso-phalangeal joint	20
Other Specific Injuries	*per cent.*
Loss of a hand and a foot	100
Loss of one eye, without complications, the other being normal	40
Loss of vision of one eye, without complications or disfigurement of the eyeball, the other being normal	30
Loss of sight	100

Description of Injury	Assessment
Other Disablements	*per cent.*
Very severe facial disfigurement	100
Absolute deafness	100

Note.—Where the scheduled assessment for a specified injury involving multiple losses differs from the sum of the assessments for the separate injuries, the former is the appropriate assessment.

Article 76

THIRD SCHEDULE

SCHEMES REVOKED

Statutory Instrument	Citation
S.I. 1949/2025 (1949 I, p. 3115)	The Personal Injuries (Civilians) Scheme, 1949.
S.I. 1951/938 (1951 II, p. 143) ...	The Personal Injuries (Civilians) (Amendment) Scheme, 1951.
S.I. 1952/874 (1952 II, p. 2418)	The Personal Injuries (Civilians) (Amendment) Scheme, 1952.
S.I. 1952/1351 (1952 II, p. 2419)	The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme, 1952.
S.I. 1953/894 (1953 II, p. 1546)	The Personal Injuries (Civilians) (Amendment) Scheme, 1953.
S.I. 1955/49 (1955 II, p. 1837)...	The Personal Injuries (Civilians) (Amendment) Scheme, 1955.
S.I. 1956/1070 (1956 II, p. 1741)	The Personal Injuries (Civilians) (Amendment) Scheme, 1956.
S.I. 1957/116 (1957 II, p. 1826) ...	The Personal Injuries (Civilians) (Amendment) Scheme, 1957.
S.I. 1957/1993 (1957 II, p. 1829)	The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme, 1957.
S.I. 1959/877 (1959 II, p. 2067)	The Personal Injuries (Civilians) (Amendment) Scheme, 1959.
S.I. 1960/679 (1960 II, p. 2686)	The Personal Injuries (Civilians) (Amendment) Scheme, 1960.
S.I. 1961/99 (1961 I, p. 153) ...	The Personal Injuries (Civilians) (Amendment) Scheme, 1961.
S.I. 1961/1801 (1961 III, p. 3425)	The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme, 1961.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme, which provides for compensation to or in respect of civilians who were injured or killed in the 1939–1945 War, consolidates the Personal Injuries (Civilians) Scheme, 1949, and subsequent amending Schemes which are set out in the Third Schedule and are revoked by Article 76.

No amendments other than those of a drafting nature have been made.