STATUTORY INSTRUMENTS

1964 No. 2077

PENSIONS

The Personal Injuries (Civilians) Scheme 1964

Made - - - -	*23rd December* 1964
Laid before Parliament	*31st December* 1964
Coming into Operation	
Articles 1 *and* 78(2) -	*27th January* 1965
Remainder - -	*29th March* 1965

CONTENTS

PART I—CITATION, COMMENCEMENT AND INTERPRETATION

		Page
Article 1.	Citation and commencement	5189
Article 2.	Definitions	5189
Article 3.	Interpretation	5193
Article 4.	Declaration of civil defence organisations	5194

PART II—GENERAL SCOPE OF THE SCHEME

Article 5.	Entitlement	5195
Article 6.	Serious negligence or misconduct	5195
Article 7.	War injuries sustained by children, students and apprentices	5195

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

Article 8.	Application and interpretation of Part III	5196
Article 9.	General conditions applicable to awards under Part III ...	5196
Article 10.	Determination of degree of disablement	5196
Article 11.	Pension for disablement	5198
Article 12.	Allowances for eligible members of the family	5198
Article 13.	Education allowance	5199
Article 14.	Constant attendance allowance	5199
Article 15.	Severe disablement occupational allowance	5199
Article 16.	Allowance for wear and tear of clothing	5199
Article 17.	Unemployability allowances	5200
Article 18.	Comforts allowance	5201
Article 19.	Allowance for lowered standard of occupation	5202
Article 20.	Age allowance	5202
Article 21.	Treatment allowances	5202
Article 22.	Allowance where abstention from work is necessary following treatment in a hospital or similar institution ...	5204
Article 23.	Allowance for part-time treatment	5204

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

Article 24.	Application of Part IV	5205
Article 25.	General condition applicable to awards under Part IV ...	5205
Article 26.	Pensions to widows	5205
Article 27.	Pensions to widows who were separated	5206

		Page
Article 28.	Rent allowance to widows who have children	5206
Article 29.	Allowance to elderly widows	5207
Article 30.	Pensions to unmarried dependants who lived as wives ...	5207
Article 31.	Temporary allowances to widows and unmarried dependants who lived as wives of severely disabled persons	5207
Article 32.	Pensions to dependent widowers	5209
Article 33.	Allowances in respect of children under the age of 15 ...	5209
Article 34.	Pensions to motherless or fatherless children under the age of 15	5209
Article 35.	Awards to or in respect of children over the age of 15 ...	5209
Article 36.	Education allowance	5210
Article 37.	Awards to or in respect of ineligible members of the families of unemployable pensioners	5210
Article 38.	Pensions to parents	5210
Article 39.	Pensions to other dependants	5211
Article 40.	Funeral grants	5212

PART V—AWARDS TO OR IN RESPECT OF PERSONS NOT GAINFULLY OCCUPIED

Article 41.	Application and interpretation of Part V	5213
Article 42.	Pension for disablement	5213
Article 43.	Constant attendance allowance	5213
Article 44.	Comforts allowance	5213
Article 45.	Allowance for wear and tear of clothing	5213
Article 46.	Age allowance	5213
Article 47.	Treatment allowances	5214
Article 48.	Awards in respect of death	5214
Article 49.	Allowance to elderly widows	5215
Article 50.	Temporary allowances to widows of severely disabled persons	5215
Article 51.	Education allowance	5215

PART VI—GENERAL PROVISIONS

Article 52.	Interpretation of Part VI	5215
Article 53.	Time limits for applications	5215
Article 54.	Notice required in the case of injuries sustained by young children	5216
Article 55.	Determination of medical questions	5216
Article 56.	Power to relax conditions of Scheme	5216
Article 57.	Members of the armed forces of the Crown	5217
Article 58.	Members of visiting and allied forces, etc.	5217
Article 59.	Injuries sustained outside the United Kingdom	5217
Article 60.	Persons ordinarily resident outside the United Kingdom ...	5219
Article 61.	Prevention of double payments	5219
Article 62.	Adjustment of awards in respect of other compensation ...	5221
Article 63.	Pensioners admitted to institutions	5222
Article 64.	Payment of public claims out of pensions	5222
Article 65.	Administration of pensions, etc.	5222
Article 66.	Forfeiture of pensions	5223
Article 67.	Refusal of treatment	5223
Article 68.	Provisions with respect to dependent children	5224
Article 69.	Marriage of female persons	5224
Article 70.	Power to award lump sums	5225

		Page
Article 71.	Failure to draw pension	5225
Article 72.	Commencing date of awards	5225
Article 73.	Payment of pensions	5225
Article 74.	Review of decisions, assessments and awards	5225
Article 75.	Power to dispense with probate	5226
Article 76.	Declarations and certificates	5226
Article 77.	Administration of this Scheme	5227
Article 78.	Revocation of previous Schemes and transitional provisions	5227

SCHEDULES

Schedule 1.	Civil defence organisations	5228
Schedule 2.	Assessment of disablement caused by specified injuries and of certain other disablements	5232
Schedule 3.	Rates of pensions and allowances payable in respect of disablement	5234
Schedule 4.	Rates of pensions and allowances payable in respect of death	5235
Schedule 5.	Schemes revoked	5236

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

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1.—(1) This Scheme may be cited as the Personal Injuries (Civilians) Scheme 1964, and, subject to the provisions of the next following paragraph, shall come into operation on 29th March 1965.

(2) This Article and Article 78(2) of this Scheme shall come into operation on 27th January 1965.

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, means—

(*a*) a person who resides in the injured person's home and who is his—

(i) grandfather or father (including stepfather) and 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.

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

(iii) son (including stepson, adopted son or illegitimate son) or brother (including half-brother or stepbrother) and has attained the age of 18 and is incapable of self-support;

(iv) daughter (including stepdaughter, adopted daughter or illegitimate daughter) or sister (including half-sister or step-sister) and has attained the age of 18 and has never been married or is a widow or is married to a husband who is incapable of self-support;

or

(*b*) a female person who has attained the age of 18 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 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) "civil defence organisation" means an organisation which is declared by Article 4 to be a civil defence organisation for the purposes of the Act and this Scheme:

(6) "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:

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

(*a*) legitimate or legitimated child;

(*b*) stepchild;

(*c*) adopted child;

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

(*e*) illegitimate child, whose mother is, or was at the date of her marriage to the injured 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 sub-paragraph (*a*) of this definition and was born after the injured person's death;

(*f*) illegitimate child, not being a child who comes within sub-paragraphs (*d*) or (*e*) of this definition, who was born not later than 9 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*) foster-child, that is to say, a child who—

(i) was, throughout the period of 6 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:

(8) "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 6 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:

(9) "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 treatment as defined in Article 21(8), 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 (7) and (8) of this Article to the material date, there were substituted references to the date of the commencement of the treatment:

(10) "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 stepchild, 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:

(11) "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:

(12) "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:

(13) "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:

(14) "the Minister" means the Minister of Pensions and National Insurance:

(15) " other dependant " means a grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild :

(16) " 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 5 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 sub-paragraph :

(17) " period of the emergency " means the period beginning with 3rd September 1939 and ending with 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 3rd September 1939 and ending with 31st March 1948 ;

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

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

(19) " 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 :

(20) " qualifying injury " means a war injury or a war service injury :

(21) " 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 :

(22) " 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, 6 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 6 months before the material date and ending with the date of his death ;

and " unmarried dependant who lived as a wife " shall be construed accordingly :

(23) " 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:

(24) " 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 rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b), shall apply in relation to this Scheme and in relation to the revocations effected by it as if this Scheme and the Schemes revoked by it were Acts of Parliament, and as if each revocation were a repeal.

(2) Except for the purposes of Article 61(4), 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, or 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.

(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

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

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 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;

(*b*) where an allowance under this Scheme awarded in respect of a child is withheld or reduced under Article 68, 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;

(*c*) a condition for the award of any pension, allowance or grant under this Scheme that a person is, or, as the case may be, was, in receipt of pension, allowance or other award under this Scheme may be treated as satisfied if that person is, or, as the case may be, was, in receipt of any payment, made by the Minister with the consent of the Treasury, which is analogous to that pension, allowance or other award.

(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 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

Schedule 1 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 Schedule 1, paragraph 17.

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 53(3) in respect of the death of a person, such death having occurred more than 7 years after the material date ; or

(*b*) the Minister in any case or class of case has made a direction pursuant to Article 53(1) in respect of any time limit referred to in that Article and the claim—

(i) is made more than 7 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 7 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 ; or

(*b*) having attained the age of 15, 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, 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.

General conditions applicable to awards under Part III

9. 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., and may be made provisionally or upon any other basis.

Determination of degree of disablement

10.—(1) The following provisions of this Article shall apply for the purposes of the assessment of the degree of a person's disablement.

(2) Subject to the following provisions of this Article—

(*a*) 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 without taking into account the effect of any individual factors or extraneous circumstances:

Provided that where the qualifying injury is the aggravation of an injury or disease which existed before the material date—

(i) in assessing the degree of disablement existing immediately after the material date account shall be taken of the total disablement due to that injury or disease and existing immediately after that date; and

(ii) in assessing the degree of disablement existing at any subsequent date, account shall be taken of any increase in the degree of disablement which has occurred since the material date only in so far as that increase is due to the qualifying injury;

(*b*) where such 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 such qualifying injuries;

(*c*) the degree of disablement shall be assessed on an interim basis unless the person's condition permits a final assessment of the extent, if any, of that disablement.

(3) 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.

(4) Where the disablement has been caused by an injury specified in Schedule 2 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.

(5) 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.

(6) The provisions of paragraph (5) 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) Acts 1946 to 1964, or under any legislation in Northern

Ireland corresponding to those Acts, or under the law of any place outside the United Kingdom which in the opinion of the Minister is analogous to those Acts.

Pension for disablement

11. A disabled person may be awarded a pension in respect of his disablement at the appropriate rate specified in Schedule 3, paragraph 1 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 rate which bears to the rate specified as aforesaid the same proportion as the degree of his disablement bears to 100 per cent.

Allowances for eligible members of the family

12.—(1) Where a pension under Article 11 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.

(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 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 allowance

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

(*a*) an award has been made in respect of the child under Article 12 or Article 17(4)(*e*)(ii) ; and

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

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

(*d*) 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 allowance under this Article shall be determined by the Minister, but the total payments made in respect of any period of 12 months for any one child shall not exceed the amount specified in Schedule 3, paragraph 2.

Constant attendance allowance

14. Where a disabled person is in receipt of a pension under Article 11 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 the rate specified in Schedule 3, paragraph 3(*b*):

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 the rate specified in paragraph 3(*a*) of the said Schedule.

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, or would be in receipt of such an allowance if he were not in a hospital or other institution, he may be awarded an allowance at the rate specified in Schedule 3, paragraph 4 for any period during which he is, in the opinion of the Minister, ordinarily employed in a gainful occupation, not being a period in respect of which he is eligible for an award under Article 17(1)(i) or is in receipt of a treatment allowance increased under Article 21(3) or of any such benefit as is mentioned in Article 21(6).

Allowance for wear and tear of clothing

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

(*a*) where he wears a single artificial limb (other than a tilting-table limb), at the rate specified in Schedule 3, paragraph 5(*a*) ; or

(*b*) where he wears a tilting-table limb or more than one artificial limb, at the rate specified in paragraph 5(*b*) of the said Schedule.

(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 the rate specified in paragraph 5(*b*) of the said Schedule may be awarded to that person.

Unemployability allowances

17.—(1) Subject to the provisions of this Article, where a disabled person is in receipt of a pension under Article 11 in respect of disablement so serious as to make him unemployable, he may be awarded—

(i) a personal allowance by way of supplement to his pension at the rate specified in Schedule 3, paragraph 6(*a*) ; and

(ii) additional allowances for dependants in accordance with such of the provisions of paragraph (4) of this Article as may be appropriate in his case.

(2) For the purposes of this Article a disabled 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.

(3) A disabled 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 Acts 1946 to 1964, or under any legislation in Northern Ireland corresponding to those Acts.

(4) Where a disabled person is awarded an allowance under paragraph (1)(i) of this Article, he may also be awarded additional allowances for dependants in accordance with the following provisions of this paragraph—

(*a*) where an allowance has been awarded under Article 12 in respect of a wife or dependent husband, and the degree of the 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. ;

(*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(8) 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 if the husband were an eligible member of the family and the degree of the disablement of the disabled person were 100 per cent., and any such allowance shall be treated as an allowance under (*a*) of the Table in Article 12(2) for the purpose of determining the rate of any allowance for a child under Article 12 or under sub-paragraph (*e*) of this paragraph ;

(*c*) where an allowance has been awarded under Article 12 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 sub-paragraph (*a*) or (*b*) of this paragraph, the rate of the allowance may be increased, or further increased, as the case may be, by the amount specified in Schedule 3, paragraph 6(*b*)(i) 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 or under sub-paragraph (*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 specified in Schedule 3, paragraph 6(*b*)(ii) 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 an allowance shall not be awarded in respect of more than one adult dependant ;

(*e*) (i) where an allowance has been awarded under Article 12 in respect of a dependent child and the degree of the 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 if the child were an eligible member of the family and the degree of the disablement of the disabled person were 100 per cent. ;

(*f*) where an allowance has been awarded under Article 12 or sub-paragraph (*e*) of this paragraph in respect of the child or children of a disabled person, the rate thereof in respect of that child or those children may be increased to the appropriate rate specified in Schedule 3, paragraph 6(*b*)(iii).

(5) Where a disabled person to whom a personal allowance may be or has been awarded under the foregoing provisions of this Article is eligible for 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 where a person to or in respect of whom a personal allowance or an additional allowance may be or has been so awarded is eligible for benefit payable out of public funds under the law of any place outside the United Kingdom being benefit which, in the opinion of the Minister, is analogous to benefit under the National Insurance Acts 1946 to 1964, the Minister may take into account any such pension against the personal allowance and any such benefit against the personal allowance and the additional allowance in such manner and to such extent as he may think appropriate having regard, in the case of any such benefit, to any adjustment which would be made if the person were eligible for the analogous benefit under the said Acts.

Comforts allowance

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

(*a*) at the rate specified in Schedule 3, paragraph 7(*a*) where that person is in receipt of an allowance under Article 14 and is—

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

(ii) in receipt of a pension in respect of disablement the degree of which is 100 per cent. resulting from multiple injuries which, in the opinion of the Minister, render his disablement so severe as to justify an award under this sub-paragraph ;

(*b*) at the rate specified in paragraph 7(*b*) of the said Schedule if he does not qualify for an award under sub-paragraph (*a*) of this paragraph but is in receipt of an allowance under Article 14 or Article 17.

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

Allowance for lowered standard of occupation

19.—(1) Where a disabled person is in receipt of a pension under Article 11 in respect of disablement the degree of which is less than 100 per cent. or has been awarded a lump sum under Article 70, 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 the rate specified in Schedule 3, paragraph 8 so, however, that the aggregate rate of his pension under Article 11 together with the allowance under this Article shall not exceed the rate of pension which would have been appropriate in his case if the degree of his disablement had been 100 per cent.

(2) This Article shall not apply to a disabled person who is eligible for an allowance under Article 17(1)(i).

Age allowance

20.—(1) Where a disabled person who is in receipt of a pension under Article 11 in respect of disablement the degree of which is 40 per cent. or over has attained the age of 65, he may be awarded an allowance at the appropriate rate specified in Schedule 3, paragraph 9.

(2) Where a disabled person who is in receipt of a pension under Article 11 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 Her Majesty administered by the Minister, or of any payment analogous thereto made by him with the consent of the Treasury, an 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 Her Majesty shall not be payable for the same period.

Treatment allowances

21.—(1) Subject to the provisions of this Article, a disabled person may be awarded, in respect of any period during which he receives treatment, a treatment allowance consisting of—

(i) a personal allowance at the rate of pension which would be payable if the degree of his disablement were 100 per cent., increased, where appropriate, in accordance with paragraphs (2) and (3) of this Article ;

(ii) additional allowances for dependants in accordance with paragraphs (4) and (5) 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 other award under the foregoing provisions of this Part of this Scheme except—

(i) an award under Article 13, 16, 17(1)(i) or 18; or

(ii) in the case of treatment other than treatment in a hospital or similar institution the whole or part of the cost of which is paid out of public funds, an award under Article 14; or

(iii) where the disabled person is not in receipt of an increase of his personal allowance under paragraph (3) of this Article, an award under Article 15.

(2) Where a disabled person has attained the age of 65, he may be awarded an increase of his personal allowance under paragraph (1)(i) of this Article—

(*a*) at a rate equal to that of the allowance which he would be receiving under Article 20 but for paragraph (*b*) of the proviso 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 sub-paragraph:

Provided that the rate of any increase under this paragraph shall not exceed the rate specified in Schedule 3, paragraph 10(*a*).

(3) Except where a disabled person is in receipt of an allowance under Article 17(1)(i) or is receiving treatment in a hospital or similar institution and is not entitled to an additional allowance in respect of a dependant under the following provisions of this Article, he may be awarded an increase of his personal allowance—

(*a*) if he is not eligible for any such benefit as is mentioned in paragraph (6) of this Article, at the rate specified in Schedule 3, paragraph 10(*b*);

(*b*) if he is eligible for such benefit at a rate lower than the rate specified in the said paragraph 10(*b*), at a rate equal to the difference between the lower rate and the rate so specified.

(4) 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 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 allowance in respect of that dependant may be increased to the rate specified in Schedule 3, paragraph 10(*c*) if the Minister thinks fit having regard to the financial circumstances of that dependant;

(*b*) the rate of an allowance awarded under the foregoing provisions of this paragraph in respect of the child or children of a disabled person may be increased to the appropriate rate specified in Schedule 3, paragraph 10(*d*).

(5) Where a disabled person is not in receipt of an allowance under paragraph (4) 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 specified in Schedule 3, paragraph 10(*e*) if the Minister thinks fit having regard to the financial circumstances of that adult dependant:

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

(6) The benefit referred to in paragraph (3) of this Article is personal benefit by way of injury benefit under the National Insurance (Industrial Injuries) Acts 1946 to 1964, sickness benefit, retirement pension or contributory old age pension under the National Insurance Acts 1946 to 1964, or any benefits similar to the aforesaid benefits under any legislation in Northern Ireland corresponding to those Acts, or under the law of any place outside the United Kingdom which in the opinion of the Minister is analogous to those Acts.

(7) For the purposes of Article 13, 14, 16, 17(1)(i) or 18, personal allowance shall be deemed to be pension under Article 11.

(8) In this Article "treatment" means a course of medical, surgical or rehabilitative treatment which the Minister is satisfied that a disabled person should receive in consequence of a qualifying injury but does not include any treatment which involves no or only occasional interruptions of the disabled person's normal employment.

Allowance where abstention from work is necessary following treatment in a hospital or similar institution

22.—(1) Where the Minister is satisfied that a disabled person should on completion of a course in a hospital or similar institution of treatment as defined in Article 21(8) abstain from work in consequence of the condition which necessitated that treatment, he may be treated as if he were eligible for such period as the Minister may think fit for a treatment allowance under Article 21.

(2) This Article shall not apply to a disabled person who is in receipt of an allowance under Article 17(1)(i).

Allowance for part-time treatment

23. A disabled person who receives treatment which would be treatment as defined in Article 21(8) but for the fact that it involves only occasional interruptions of the person's normal employment may be awarded an allowance at such rate, not exceeding the rate specified in Schedule 3, paragraph 11, as the Minister may think fit having regard to any loss of remunerative time by that person as a result of those interruptions:

Provided that the amount of an 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(1)(i), 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 (excluding any award under paragraph (2) 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 7 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.

(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 treatment as defined in Article 21(8).

Pensions to widows

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

(*a*) at the rate specified in Schedule 4, paragraph 1(*a*) in any of the following cases, namely—

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

(ii) where she is in receipt of an allowance awarded in respect of a child of her husband under Article 33, 35 or 37 ; or

(iii) where she was in receipt of an allowance awarded in respect of a child of her husband under Article 33 of whom she is the mother—or was being treated under Article 3(9)(*b*) 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, 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 33 or 37 dies before attaining the age of 15, for a period of 13 weeks beginning with the date of the child's death ; or

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

(*b*) at the rate specified in paragraph 1(*b*) of the said Schedule 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, 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 6 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 which she would be in receipt if she were a widow eligible for a pension under that Article.

Rent allowance to widows who have children

28.—(1) Where a widow is in receipt of a pension under Article 26 or 27 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 rate, not exceeding the rate specified in Schedule 4, paragraph 2, 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 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*), 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, the allowance may be continued for the period of 13 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 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 sub-paragraph;

(*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.

Allowance to elderly widows

29. Where a widow who is in receipt of a pension awarded under Article 26 or 27 has attained the age of 70, she may be awarded a grant by way of an allowance at the rate specified in Schedule 4, paragraph 3.

Pensions to unmarried dependants who lived 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.

(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:

Provided that, where the child dies before attaining the age of 15, the unmarried dependant may be treated for the period of 13 weeks from the date of the child's death as if she still had that child in her charge and were still in receipt of an allowance in respect of him.

(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 the rate specified in Schedule 4, paragraph 4.

Temporary allowances to widows and unmarried dependants who lived as wives of severely disabled persons

31.—(1) Where a disabled person dies on or after 2nd December 1963 and an allowance under Article 14 or Article 17(1)(i) was payable to him in respect of any period ending with his death, or an allowance under Article 14 ceased to be payable within 13 weeks of his death following his entry as an in-patient into a hospital or other institution, his widow or unmarried dependant who lived as his wife may be awarded a personal allowance and additional allowances in respect of children in accordance with the following provisions of this Article.

(2) A personal allowance awarded under this Article to a widow shall be payable—

(*a*) for the period of 13 weeks commencing with the Wednesday next following the day of her husband's death; and

(*b*) at a weekly rate equal to the total amount of the pension or treatment allowances and any other allowances payable to her husband under

this Scheme in respect of the 7 days next preceding the day of his death, with the exception of allowances under Article 16, 17(4)(*c*), 21(3) or 21(4) proviso (*a*) or any allowance in respect of a child:

Provided that a personal allowance shall not be payable for any period after the death of the widow.

(3) Where the widow was separated from her husband at the date of his death and the separation was not, in the opinion of the Minister, caused by her husband's mental instability arising from a qualifying injury, she may not be awarded a personal allowance under this Article unless the conditions set out in sub-paragraph (*a*) or (*b*) of Article 27(1) are satisfied in her case; and the rate of any allowance payable to her shall be at the discretion of the Minister but shall not exceed the rate prescribed in sub-paragraph (*a*) or sub-paragraph (*b*) of Article 27(2), as the case may be, or the rate appropriate in her case under paragraph (2) of this Article.

(4) Where the widow of a person, other than a widow to whom the last foregoing paragraph applies, is not in receipt of a personal allowance under this Article or a pension under Article 26, an unmarried dependant who lived as the wife of the person and who had at the date of his death a child of his in her charge may be awarded a personal allowance under this Article as if she were the widow of the person:

Provided that the rate of the allowance payable to her shall be at the discretion of the Minister, but shall not in any case exceed the rate which, if she were the person's widow, would be appropriate in her case under paragraph (2) of this Article, and the allowance shall not be payable for any period after she ceases to have that child in her charge.

(5) Where the widow of a person or an unmarried dependant who lived as the wife of a person is awarded a personal allowance under this Article, she may be awarded an additional allowance in respect of any child for whom an allowance was payable to that person immediately before his death, and any such additional allowance shall be payable—

(*a*) for so long as the personal allowance is payable and the child is alive and has not attained the age of 15, or, if he has 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 the circumstances are such, in the opinion of the Minister, as to justify the continuance of the award; and

(*b*) at the weekly rate at which the allowance or allowances, other than an allowance under Article 13, for that child was or were payable to the person in respect of the 7 days next preceding the day of his death.

(6) Where the aggregate amount of any payments made to a person under this Article for any period is equal to or exceeds the aggregate amount of any pension, allowance (other than an allowance under this Article or Article 36) or grant which, apart from the provisions of this paragraph, might be awarded to that person for that period under this Part of this Scheme, no award of such pension, allowance or grant shall be made for that period; but where the aggregate amount of any such payments is less than the aggregate amount of any such pension, allowance or grant, the said pension, allowance or grant may be awarded for that period and the said payments shall be treated as paid on account thereof:

Provided that where a widow, who, but for the provisions of this paragraph, would have been eligible for a pension under Article 26 or 27, re-marries, the provisions of Article 69(3) shall apply in her case as if that pension had been awarded to her.

Pensions to dependent widowers

32. A dependent widower may be awarded a pension at such rate, not exceeding the rate specified in Schedule 4, paragraph 5, as the Minister may consider appropriate in the circumstances of the case.

Allowances in respect of children under the age of 15

33. Where a dependent child of a deceased person has not attained the age of 15 and is not eligible for an award of pension under Article 34, an allowance may be awarded in respect of that child, subject to the provisions of this Article, at the rate specified in Schedule 4, paragraph 6:

Provided that where a dependent child of a deceased male person is a child to whom Article 2(7)(*f*) applies, or was living apart from the deceased person on the material date, 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 the rate specified in the said paragraph 6.

Pensions to motherless or fatherless children under the age of 15

34.—(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, a pension may be awarded to the child at the rate, subject to the following provisions of this Article, specified in Schedule 4, paragraph 7.

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

(*a*) is a child to whom Article 2(7)(*f*) 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 the rate specified in the said paragraph 7, as the Minister may consider appropriate in the circumstances of the case.

Awards to or in respect of children over the age of 15

35.—(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 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) Subject to paragraph (3) of this Article, an allowance or pension so awarded or continued 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.

(3) 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 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 ; or

(*c*) the conditions of Article 34(1) are fulfilled in respect of a child;

the allowance in respect of or the pension to the child 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 the appropriate rate specified in Schedule 4, paragraph 8.

Education allowance

36.—(1) An allowance in respect of a child to or in respect of whom an award has been made under Article 33, 34, 35 or 37 may be awarded for the purpose of that child's education if—

(*a*) the child has attained the age of 5; 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 12 months for any one child shall not exceed the amount specified in Schedule 4, paragraph 9.

Awards to or in respect of ineligible members of the families of unemployable pensioners

37. Where a deceased person was at the date of his death in receipt of an allowance in respect of a child under Article 17(4)(*e*)(ii) or in respect of a husband under Article 17(4)(*b*), a pension to or an allowance in respect of the child and a pension to the husband 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 husband had been an eligible member of the family.

Pensions to parents

38.—(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 having reached the age of not less than 65 in the case of a man, or 60 in the case of a woman, or infirmity or other adverse condition which is not merely of a temporary character; and

(*b*) the deceased person had, throughout the period of 6 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 who lived as a wife or widower of the decreased 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 7 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 rate as the Minister may consider appropriate in the circumstances of the case, being a rate which is not less than the rate specified in Schedule 4, paragraph 10(*a*), and is not more than the appropriate rate specified in paragraph 10(*b*) of the said Schedule:

Provided that, where by reason of exceptional circumstances the Minister thinks fit, the rate of a pension under this Article may be increased by a sum not exceeding the appropriate amount specified in paragraph 10(*c*) of the said Schedule.

(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 rate of the pensions awarded to the parents shall not exceed the maximum 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

39.—(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 6 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 the rate specified in Schedule 4, paragraph 11(*a*) for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed the

rate specified in paragraph 11(*b*) of the said Schedule and shall not, in a case where a pension under Article 38 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 the rate specified in Schedule 4, paragraph 11(*c*) and shall not, in a case where a pension under Article 38 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 38 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 38 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:

Provided that a juvenile dependant who has attained the age of 15 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, or, as the case may be, which is the day on which he attains that age.

Funeral grants

40.—(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 the amount specified in Schedule 4, paragraph 12 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 the amount specified as aforesaid 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(8) 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

41.—(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 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 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 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), and " degree ", in relation to disablement, has the meaning assigned to it in Article 8(2).

Pension for disablement

42. 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 if he had been a gainfully occupied person.

Constant attendance allowance

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

Comforts allowance

44.—(1) A person in receipt of a pension under Article 42 in respect of disablement the degree of which is not less than 80 per cent. and an allowance under Article 43 may be awarded an allowance for the provision of comforts at the rate specified in Schedule 3, paragraph 7(*b*).

(2) An allowance awarded under this Article may be paid in addition to any allowance awarded under Article 47.

Allowance for wear and tear of clothing

45. The provisions of Article 16 shall apply to a person in receipt of a pension under Article 42 in all respects as if he were in receipt of a pension under Article 11.

Age allowance

46. The provisions of Article 20 shall apply to a person in receipt of a pension under Article 42 in all respects as if he were in receipt of a pension under Article 11.

Treatment allowances

47.—(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 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 treatment as defined in Article 21(8) in a hospital or similar institution, 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 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 (2) of that Article.

Awards in respect of death

48.—(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 6 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 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 36) 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.

Allowance to elderly widows

49. Where a widow who is in receipt of a pension awarded under Article 48 has attained the age of 70, she may be awarded an allowance at the rate specified in Schedule 4, paragraph 3.

Temporary allowances to widows of severely disabled persons

50. The provisions of Article 31 shall apply in relation to the widow of a disabled person in all respects as if he had been a gainfully occupied person subject to the modifications that any reference in that Article to a pension, allowance or grant payable under any provision of Part III or Part IV of this Scheme shall be construed as a reference to the pension, allowance or grant, if any, payable under that provision as applied by a provision of this Part of this Scheme, and that any reference to Article 26 or 36 shall be construed as a reference to Article 48 or 51 respectively.

Education allowance

51.—(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 36 if the deceased person had been a gainfully occupied person.

PART VI

GENERAL PROVISIONS

Interpretation of Part VI

52. 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 70, and the expression " funeral grant " means a funeral grant under Article 40.

Time limits for applications

53.—(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, 42 or 70 in respect of disablement shall be made within 3 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, 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, 32, 33, 34, 35 or 37 or of a funeral grant shall be made within 3 months from the date on which the death occurred.

Notice required in the case of injuries sustained by young children

54. 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 shall not be made unless, within 3 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

55. 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 and the question does not arise under Article 21, 22, 23 or 67, 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.

Power to relax conditions of Scheme

56.—(1) Any condition or requirement in Article 2(7), 2(8) or 2(9) 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

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

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

57.—(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 sub-paragraph (*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, 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.

58. 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

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

Injuries sustained outside the United Kingdom

59.—(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

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

(*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 sub-paragraph 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

60. 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

61.—(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 70 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 sub-paragraph (*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 sub-paragraph (*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 70 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 70 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*) section 2(1) 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**);

(*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.

(**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.

(4) In paragraph (3)(*e*) 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

62.—(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.

(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

(**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.

(*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 sub-paragraph (*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 sub-paragraph (*a*) or (*b*) of this paragraph, whether liability on any such claim is or is not admitted.

Pensioners admitted to institutions

63. 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 appropriate authority.

Payment of public claims out of pensions

64.—(1) 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.

(2) Where payment in respect of a pension is in arrears for any period and assistance grants under the National Assistance Act 1948(a) have been made for that period by reference to the requirements of the person to whom the payment is due, the amount by which the sum of those assistance grants exceeds what would have been their sum if the said payment had not fallen into arrears shall be deemed to have been an overpayment for the purposes of paragraph (1) of this Article.

Administration of pensions, etc.

65.—(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 ; 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 63 applies ; or

(*d*) is a person in whose case the award can be forfeited or has been restored under Article 66 ;

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

(a) 11 & 12 Geo. 6. c. 29.

(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.

Forfeiture of pensions

66.—(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, or 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

67.—(1) Where the Minister is satisfied that a person who has sustained a qualifying injury should in his own interests 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

68.—(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 61(3)(*e*) or (*f*); 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.

Marriage of female persons

69.—(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 35 or 48, marries after 30th September 1961.

(3) On the marriage—

(*a*) after 4th July 1948, of a widow in receipt of a pension under Article 26, 27 or 48, or

(*b*) after 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 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 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

70. Where the Minister is satisfied, in the case of a person in relation to whose disablement the conditions of Article 8(1) or 41 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

71.—(1) Where a person fails to draw his pension for a continuous period of not less than 12 months, the award may be cancelled and payment of any arrears may be withheld.

(2) The Minister may, in any particular case, make such further award as may be appropriate, and may pay the arrears in whole or in part.

Commencing date of awards

72. 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

73. 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 decisions, assessments and awards

74.—(1) Subject to the provisions of paragraph (4) of this Article, any decision accepting or rejecting a claim made under Article 5 or any assessment of the degree or nature of the disablement of any person or any final decision that the disablement is not or is no longer serious or prolonged may be reviewed by the Minister at any time if he is satisfied that the decision or assessment was made or given in consequence of ignorance of, or a mistake as to, a material fact, or of a mistake as to the law, or—

(*a*) in the case of a final assessment or such a final decision as aforesaid, that there is a substantial increase in the degree, or that there is a substantial degree, of disablement which is due to the qualifying injury;

(*b*) in the case of an interim assessment, that there has been a change in the degree of disablement which is due to the qualifying injury since the assessment was made.

(2) Subject as aforesaid, any award under this Scheme may be reviewed by the Minister at any time if the Minister is satisfied that—

(*a*) the award was made in consequence of ignorance of, or a mistake as to, a material fact, or of a mistake as to the law;

(*b*) there has been any relevant change of circumstances since the award was made;

(*c*) the award was based on a decision or assessment to which paragraph (1) of this Article applies, and that decision or assessment has been revised.

(3) On a review under this Article the Minister may maintain, continue, vary or cancel the decision, assessment or award and any revised decision, assessment or award shall be such as may be appropriate having regard to the provisions of this Scheme:

Provided that, where a decision accepting a claim under Article 5 is revised, the Minister may, if in any case he sees fit, continue any award based on that decision at a rate not exceeding that which may be from time to time appropriate to the assessment of the degree of disablement existing immediately before the date of the revision.

(4) Nothing in this Article shall be taken to authorise the review of any assessment or decision made, given or upheld under the Pensions Appeal Tribunals Acts 1943 and 1949.

Power to dispense with probate

75.—(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 £500, 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

76.—(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

77.—(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 and transitional provisions

78.—(1) The Schemes (hereinafter called " the previous Schemes ") specified in Schedule 5 hereto are hereby revoked.

(2) The Personal Injuries (Civilians) Scheme 1962(a) as amended(b) shall have effect during the period from 27th January 1965 to the date of its revocation as if for the provisions of Article 17 thereof there were substituted the provisions of Article 17 of and paragraph 6 of Schedule 3 to this Scheme and as if for the provisions of Article 21 thereof there were substituted the provisions of Article 21 of and paragraph 10 of Schedule 3 to this Scheme.

(3) Any thing made or done under or in pursuance of any provision of the previous Schemes shall be deemed to have been made or done under or in pursuance of the corresponding provision of this Scheme, and anything begun under any provision of the previous Schemes may be continued under this Scheme as if begun under this Scheme.

Margaret Herbison,
Minister of Pensions and
National Insurance.

22nd December 1964.

We approve.

G. H. R. Rogers,
Harriet Slater,
Two of the Lords Commissioners of
Her Majesty's Treasury.

23rd December 1964.

(a) S.I. 1962/787 (1962 I, p. 795). (b) The relevant amending Schemes are S.I. 1962/2760, 1963/352 (1962 III, p. 3881; 1963 I, p. 289).

Article 4 SCHEDULE 1

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 sub-paragraph (*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 sub-paragraphs (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 6) 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 sub-paragraph (*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 31st March 1945).

(7) The Women's Auxiliary Police Corps (up to and including 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 30 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 30 persons in the same commercial building or in adjacent premises which either were factory premises or would have been factory premises if more than 30 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 50 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 30 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 5 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 sub-paragraphs (i) to (viii) inclusive of this sub-paragraph 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 sub-paragraph (*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 sections 23, 50(1)(*a*) and 90(1) of the Civil Defence Act 1939 shall be construed respectively as references to sections 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 figures "30" in every place where they appear there shall be substituted the figures "20";

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

Article 10

SCHEDULE 2

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
Amputation 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

Description of Injury	Assessment
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
Amputation below middle thigh to 3½ inches below knee	60
Amputation below knee with stump exceeding 3½ inches but not exceeding 5 inches	50
Amputation 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
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.

SCHEDULE 3

RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

Description of Pension or Allowance	*Rate*
1. Pension for 100% disablement under Article 11	(i) where the disabled person is under the age of 18 and is not married:— (*a*) where he is over 15 and under 17—67s. 6d. per week; (*b*) where he is over 17—101s. 3d. per week. (ii) any other case—135s. per week.
2. Education allowance under Article 13 ...	£120 per annum (maximum).
3. Constant attendance allowance—	
(*a*) under the proviso to Article 14	110s. per week (maximum).
(*b*) in any other case under that Article ...	55s. per week (maximum).
4. Severe disablement occupational allowance under Article 15	20s. per week.
5. Allowance for wear and tear of clothing—	
(*a*) under Article 16(1)(*a*)	£7 10s. per annum.
(*b*) under Article 16(1)(*b*) and 16(2)	£12 10s. per annum.
6. Unemployability allowances—	
(*a*) personal allowance under Article 17(1)(i)...	87s. 6d. per week.
(*b*) additional allowances for dependants by way of—	
(i) increase or further increase of allowance in respect of a wife or dependent husband under Article 17(4)(*c*)	40s. per week.
(ii) allowance in respect of an adult dependant under Article 17(4)(*d*)	50s. per week.
(iii) increased allowance under Article 17(4)(*f*)—	
(*a*) in respect of the child, or the elder or eldest of the children, of a disabled person	22s. 6d. per week.
(*b*) in respect of each other child of a disabled person	14s. 6d. per week.
7. Comforts allowance—	
(*a*) under Article 18(1)(*a*)	20s. per week.
(*b*) under Article 18(1)(*b*) or 44(1)	10s. per week.
8. Allowance for lowered standard of occupation under Article 19	54s. per week (maximum).
9. Age allowance under Article 20 where the degree of pensioned disablement is—	
(*a*) 40 or 50 per cent.	5s. per week.
(*b*) 60 or 70 per cent.	7s. 6d. per week.
(*c*) 80 or 90 per cent.	10s. per week.
(*d*) 100 per cent.	15s. per week.

10. Treatment allowances—	
(*a*) increase of personal allowance under Article 21(2)	15s. per week (maximum).
(*b*) increase of personal allowance under Article 21(3)(*a*)...	80s. per week.
(*c*) increased additional allowance under Article 21(4) proviso (*a*)	50s. per week.
(*d*) increased additional allowance under Article 21(4) proviso (*b*)—	
(i) in respect of the child, or the elder or eldest of the children, of a disabled person	22s. 6d. per week.
(ii) in respect of each other child of a disabled person	14s. 6d. per week.
(*e*) additional allowance under Article 21(5) ...	50s. per week.
11. Part-time treatment allowance under Article 23	50s. per day (maximum).

SCHEDULE 4

RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

Description of Pension or Allowance	*Rate*
1. Pension to widow—	
(*a*) under Article 26(1)(*a*)	105s. per week.
(*b*) under Article 26(1)(*b*)	20s. per week.
2. Rent allowance under Article 28	40s. per week (maximum).
3. Allowance under Article 29 or 49 to elderly widow	10s. per week.
4. Pension under Article 30 to unmarried dependant who lived as wife	20s. per week (maximum).
5. Pension to dependent widower under Article 32	105s. per week (maximum).
6. Allowance under Article 33 in respect of a child under the age of 15	44s. per week.
7. Pension under Article 34(1) to a motherless or fatherless child under the age of 15	44s. per week.
8. Pension or allowance under Article 35(3) to or in respect of a child over the age of 15	(i) where the child has attained the age of 18 and is incapable of self-support by reason of an infirmity which arose before he attained the age of 15—80s. per week (maximum). (ii) any other case—62s. per week (maximum).
9. Education allowance under Article 36 ...	£120 per annum (maximum).
10. Pension to parents—	
(*a*) minimum rate under Article 38(4) ...	5s. per week.
(*b*) maximum rate under Article 38(4)—	
(i) where there is only one eligible parent...	20s. per week.
(ii) where there is more than one eligible parent	27s. 6d. per week.

(*c*) increase under the proviso to Article 38(4)	(i) where there is only one eligible parent—7s. 6d. per week (maximum). (ii) where there is more than one eligible parent—12s. 6d. per week (maximum).
11. Pensions to other dependants—	
(*a*) for each juvenile dependant under Article 39(4)	6s. per week (maximum).
(*b*) aggregate rate under Article 39(4) ...	20s. per week (maximum).
(*c*) under Article 39(5)	20s. per week (maximum).
12. Funeral grant under Article 40(1)	£25 (maximum).

Article 78

SCHEDULE 5

REVOCATIONS

Schemes revoked	References
The Personal Injuries (Civilians) Scheme 1962 ...	S.I. 1962/787 (1962 I, p. 795).
The Personal Injuries (Civilians) (Amendment) Scheme 1962.	S.I. 1962/1380 (1962 II, p. 1514).
The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme 1962.	S.I. 1962/2760 (1962 III, p. 3881).
The Personal Injuries (Civilians) (Amendment) Scheme 1963.	S.I. 1963/352 (1963 I, p. 289).
The Personal Injuries (Civilians) (Amendment) (No. 2) Scheme 1963.	S.I. 1963/1909 (1963 III, p. 3755).
The Personal Injuries (Civilians) (Amendment) Scheme 1964.	S.I. 1964/283 (1964 I, p. 503).

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, with amendments, the Personal Injuries (Civilians) Scheme 1962 and subsequent amending Schemes which are set out in Schedule 5 and are revoked by Article 78.

The main amendments relate to the rates of pensions or allowances, which are increased as follows:—

(*a*) for 100 per cent. disablement, from 115s. a week to 135s. a week with proportionate increases where the degree of disablement is less than 100 per cent.;

(*b*) for certain widows and dependent widowers, from 90s. a week to 105s. a week;

(*c*) for children in the care of widows, from 41s. 6d. a week to 44s. a week;

(*d*) for motherless or fatherless children, from 41s. 6d. or 54s. a week to 44s. or 62s. a week according to the age of the child;

(*e*) for motherless or fatherless children who, having attained the age of 18 years, are incapable of self-support by reason of an infirmity which arose before they became 15 years of age, from 67s. 6d. a week to 80s. a week;

(*f*) for constant attendance, from the normal maximum of 50s. a week to 55s. a week and from the exceptional maximum for cases of very severe disablement from 100s. a week to 110s. a week;

(*g*) for unemployable pensioners from 74s. a week to 87s. 6d. a week;

(*h*) for the wife or adult dependant of an unemployable pensioner from 41s. 6d. a week to 50s. a week and for the first child from 20s. a week to 22s. 6d. a week and for any other child from 12s. a week to 14s. 6d. a week;

(*i*) for lowered standard of occupation from a maximum of 46s. a week to a maximum of 54s. a week;

(*j*) for the pensioner who, during a course of treatment as defined in Article 21(8), is not entitled to full sickness benefit under National Insurance provisions, from a maximum of 67s. 6d. a week to a maximum of 80s. a week;

(*k*) for the wife or adult dependant of a pensioner receiving treatment as aforesaid from 41s. 6d. a week to 50s. a week, for the first child from 20s. a week to 22s. 6d. a week and for each other child from 12s. a week to 14s. 6d. a week;

(*l*) for widows eligible for allowances for rent from a maximum of 34s. a week to a maximum of 40s. a week.

The new Scheme will come into operation and the old Schemes will be revoked on 29th March 1965, but the new rates of unemployability supplement and certain additional treatment allowances will be payable under the old Scheme from 27th January 1965.

No other amendments, except those of a drafting nature or designed to remove minor doubts and inconsistencies, have been made.