STATUTORY INSTRUMENTS

1977 No. 404

PENSIONS

The Personal Injuries (Civilians) Scheme 1977

Made - - - -	3*rd March* 1977
Laid before Parliament	14*th March* 1977
Coming into Operation	4*th April* 1977

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of powers conferred by section 2 of the Personal Injuries (Emergency Provisions) Act 1939**(a)** and now vested in him **(b)**, and of all other powers enabling him in that behalf, hereby makes the following Scheme:—

Citation, interpretation and commencement

1. This Scheme, which may be cited as the Personal Injuries (Civilians) Scheme 1977, shall, save so far as the context otherwise requires, be read as one with the Personal Injuries (Civilians) Scheme 1976**(c)**, as amended **(d)** (hereinafter referred to as "the principal Scheme"), and shall come into operation on 4th April 1977, so, however, that in relation to any award payable weekly the foregoing reference to 4th April 1977, where this is not the normal weekly pay day for that award, shall be construed as a reference to the first normal weekly pay day for that award following 4th April 1977.

Amendment of Schedules 3 *and* 4 *to the principal Scheme, and transitional provisions*

2.—(1) Subject to the provisions of paragraph (2) of this Article, in Schedules 3 and 4 to the principal Scheme (rates of pensions and allowances payable in respect of disablement or death) there shall be made the amendments respectively set out in Parts I and II of the Schedule hereto.

(2) Where in respect of any period a person who, immediately before the date on which this Scheme comes into operation, was entitled to a pension or allowance in respect of a child specified in paragraph 7(*b*)(iii)(*a*), paragraph 12(*e*)(i) or, as the case may be, paragraph 12(*g*)(ii) of Schedule 3 to the principal Scheme or in paragraph 6, paragraph 7 or paragraph 8(*b*) of Schedule 4 to that Scheme at the rate specified in that paragraph before that date—

(a) 1939 c. 82.

(b) *See* Transfer of Functions (Ministry of Pensions) Order 1953 (S.I. 1953/1198 (1953 I, p. 1228)) Article 2, Ministry of Social Security Act 1966 (c. 20) section 2, and Secretary of State for Social Services Order 1968 (S.I. 1968/1699 (1968 III, p. 4585)) Article 2.

(c) S.I. 1976/585 (1976 I, p. 1647). **(d)** S.I. 1976/1167 (1976 II, p. 3218).

(*a*) would, on or after that date, continue to be so entitled at that rate but for the provisions of paragraph (1) of this Article; and

(*b*) is not entitled, in respect of that child, to child benefit under the Child Benefit Act 1975(**a**) or, as the case may be, to payment of that benefit;

that person shall be entitled in respect of that period to payment of the pension or allowance either at the rate specified as aforesaid under the principal Scheme immediately before the date on which this Article comes into operation or at the rate specified in that paragraph on and after that date, whichever rate is the higher.

Amendment of Articles of the principal Scheme

3. In Articles 13 and 36 (education allowance) of the principal Scheme there shall be made the amendments set out in Part III of the Schedule hereto.

David Ennals,
Secretary of State for Social Services.

25th February 1977.

We consent,

T. E. Graham,
David Stoddart,
Two of the Lords Commissioners
of Her Majesty's Treasury.

3rd March 1977.

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

SCHEDULE

PART I

Amendment of Schedule 3 to the principal Scheme

1. In Schedule 3 paragraph 7 (unemployability allowances) in sub-paragraph (*b*)(iii)(*a*) of that paragraph for the sum "£7·45" there shall be substituted the sum "£6·45".

2. In Schedule 3 paragraph 12 (treatment allowances) there shall be substituted—

(*a*) in sub-paragraph (*e*)(i) for the sum "£4·05" the sum "£3·05";

(*b*) in sub-paragraph (*g*)(ii) for the sum "£7·45" the sum "£6·45".

3. In Schedule 3 paragraph 13 (part-time treatment allowance) for the sum "£8·00" there shall be substituted the sum "£9·80".

PART II

Amendment of Schedule 4 to the principal Scheme

1. In Schedule 4 for paragraph 6 (allowances in respect of children) there shall be substituted in the first and second columns respectively, the following paragraph:—

"6. Allowances under Article 33 in respect of children under the age of 15—

(*a*) in respect of the child, or the elder or eldest of the children, of a deceased person	£7·35 per week
(*b*) in respect of each other child of a deceased person	£7·00 per week".

2. In Schedule 4 for paragraph 7 (pensions to motherless or fatherless children) there shall be substituted in the first and second columns respectively, the following paragraph:—

"7. Pensions under Article 34(1) to motherless or fatherless children under the age of 15—

(*a*) in respect of the child, or the elder or eldest of the children, of a deceased person	£7·35 per week
(*b*) in respect of each other child of a deceased person	£7·00 per week".

3. In Schedule 4 paragraph 8 (pension or allowance to or in respect of children) in sub-paragraph (*b*) of that paragraph for the sum "£9·15" there shall be substituted the sum "£8·15".

PART III

Amendment of Articles of the principal Scheme

1. After Articles 13(1) and 36(1) of the principal Scheme there shall in each case be inserted the following new paragraph:—

"(1A) Notwithstanding the foregoing provisions of this Article, where the child begins school before the age of 5 years an allowance under this Article may be awarded from the beginning of the school term in the course of which the child attains the age of 5 years.".

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme further amends the Personal Injuries (Civilians) Scheme 1976 which provides for compensation to or in respect of civilians injured or killed in the 1939-45 war.

Article 1 is formal and relates to citation, interpretation and commencement of this Scheme.

Article 2 amends rates of pensions and allowances in respect of children of civilians injured or killed in the 1939-45 war taking account of the introduction of benefit under the Child Benefit Act 1975 and makes provision, in a case where that benefit is not payable, for such pensions and allowances to be paid at the rates in force immediately before the coming into operation of Article 2 or at the amended rate, whichever is the higher.

Article 2 also increases the maximum daily rate of allowance for part-time treatment.

Article 3 makes provision, by amendment of Articles 13 and 36 of the 1976 Scheme, for education allowance to be awarded from the beginning of the school term in which a child attains the age of 5 years instead of from the fifth birthday.

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