STATUTORY INSTRUMENTS

2022 No. 294

PENSIONS

The Personal Injuries (Civilians) Scheme (Amendment) Order 2022

Made - - - -	*10th March 2022*
Laid before Parliament	*17th March 2022*
Coming into force - -	*11th April 2022*

The Secretary of State, with the approval of the Treasury, makes the following Order in exercise of the powers conferred by sections 1 and 2 of the Personal Injuries (Emergency Provisions) Act 1939(**a**).

Citation and commencement

1. This Order may be cited as the Personal Injuries (Civilians) Scheme (Amendment) Order 2022 and comes into force on 11th April 2022.

Amendment of the Personal Injuries (Civilians) Scheme 1983

2.—(1) The Personal Injuries (Civilians) Scheme 1983(**b**) ("the Scheme") is amended as follows.

(2) For the table in Schedule 3 to the Scheme (rates of pensions and allowances payable in respect of disablement and earnings or income thresholds), substitute—

"Table

Description of Pension or Allowance	*Rate*
1. Pension for 100 per cent disablement under article 11	£200.00 per week
2. Education allowance under article 13	£120.00 per annum(*)
3. Constant attendance allowance under article 14	
A. For decisions made before 9th April 2001—	
(a) under the proviso to article 14	£151.00 per week(*)
(b) in any other case under article 14	£75.50 per week(*)
B. For decisions made on or after 9th April 2001—	

(**a**) 1939 c. 82. Sections 1 and 2 of the 1939 Act confer power to make a scheme, and orders amending a scheme, on "the Minister"; functions of the Minister now sit with the Secretary of State by virtue (successively) of article 2 of the Transfer of Functions (Ministry of Pensions) Order 1953 (S.I. 1953/1198), section 2 of the Ministry of Social Security Act 1966 (c. 20) and article 2 of the Secretary of State for Social Services Order 1968 (S.I. 1968/1699).

(**b**) S.I. 1983/686: relevant amending instruments are S.I. 1983/1164, 1983/1540, 1984/1289, 1984/1675, 1985/1313, 1986/628, 1987/191, 1988/367, 1989/415, 1990/1300, 1991/708, 1992/702, 1993/480, 1994/715, 1994/2021, 1995/445, 1996/502, 1997/812, 1998/278, 1999/262, 2000/301, 2001/420, 2002/672, 2003/637, 2004/717, 2005/655, 2005/1639, 2005/3031, 2006/765, 2007/646, 2008/592, 2009/438, 2010/283, 2011/811, 2012/670, 2013/707, 2014/444, 2015/555, 2017/149, 2018/290, 2019/420, 2020/212 and 2021/292.

(a) the part day rate of constant attendance allowance under article 14(2)	£37.75 per week
(b) the full day rate of constant attendance allowance under article 14(3)	£75.50 per week
(c) the intermediate rate of constant attendance allowance under article 14(4)	£113.25 per week
(d) the exceptional rate of constant attendance allowance under article 14(5)	£151.00 per week
4. Exceptionally severe disablement allowance under article 15	£75.50 per week
5. Severe disablement occupational allowance under article 16	£37.75 per week
6. Allowance for wear and tear of clothing under article 17(1)	£258.00 per annum
7. Unemployability allowances—	
(a) personal allowance under article 18(1)(i)	£123.60 per week
(b) additional allowances for dependants by way of—	
(i) increase of allowance in respect of a spouse, civil partner or adult dependant under 18(5)(b)	£68.70 per week(*)
(ii) increase of allowance under article 18(5)(d)—	
(aa) in respect of the only, elder or eldest child	£16.00 per week
(bb) in respect of each other child	£18.75 per week
(cc) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992(**a**) or under any legislation in Northern Ireland or the Isle of Man correspondence to that Act.	£18.75 per week
For decisions made on or after 9th April 2001—	
(c) the annual earnings figure for the purposes of article 18(2) is £7,904.00	
(d) the weekly income figure for the purposes of article 18(5)(b) is £77.00	
8. Invalidity allowance payable under article 19	
(a) if—	
(i) the relevant date fell before 5th July 1948;	
(ii) on the relevant date the disabled person was under the age of 35; or	£24.45 per week
(iii) on the relevant date the disabled person was under the age of 40 and had not attained the age of 65, in the case of a disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	
(b) if—	
(i) on the relevant date the disabled person was aged 35 or over but under the age of 45;	
(ii) on the relevant date the disabled person was aged 40 or over but under the age of 50 and had not attained the age of 65, in the case of a disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£16.00 per week

(**a**) 1992 c. 4.

(c)	if sub-paragraph (a) or (b) does not apply and on the relevant date the disabled person was under the age of 60	£8.00 per week
9. Comforts Allowance—		
(a)	under article 20(1)(a)	£32.50 per week
(b)	under article 20(1)(b) or 45(1)	£16.25 per week
10. Allowance for lowered standard of occupation under article 21		£75.44 per week(*)
11. Age Allowance under article 22 where the degree of pensioned disablement is—		
(a)	40 or 50 per cent.	£13.35 per week
(b)	60 or 70 per cent.	£20.60 per week
(c)	80 or 90 per cent.	£29.30 per week
(d)	100 per cent.	£41.20 per week
12. For decisions made before 9th April 2001 Treatment allowance–increase of personal allowance under article 23(2)(1)		£41.20 per week(*)
13. Part-time treatment allowance under article 25		£91.80 per day(*)
14. Mobility supplement under article 25A		£72.00 per week

(*) Maximum amount payable.

(1) The reference to article 23(2) is a reference to the Scheme in force prior to 9 April 2001."

(3) For the table in Schedule 4 to the Scheme (rates of pensions and allowances payable in respect of death), substitute—

"**Table**

Description of Pension or Allowance		*Rate*
1. Pension to surviving spouses and surviving civil partners—		
(a)	under article 27(1)	£151.70 per week
(b)	under article 27(2)	£36.34 per week
(c)	under article 27(3)	£101.49 per week
2. Rent allowance under article 28		£57.10 per week(*)
3. Allowance under article 29 or 50 to an elderly surviving spouse and elderly surviving civil partner—		
(a)	if aged 65 or over but under 70	£17.30 per week
(b)	if aged 70 or over but under 80	£33.25 per week
(c)	if aged 80 or over	£49.35 per week
4. Pension under article 30 to dependants who lived as spouses and dependants who lived as civil partners		£1.00 per week(*)
5. Allowance under article 33 in respect of each child under the age of 15—		
(a)	in respect of the only, elder or eldest child	£23.80 per week
(b)	in respect of each other child	£26.50 per week
(c)	where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£26.50 per week
6. Pension under article 34(1) where the decision is made before 9th April 2001, to a motherless or fatherless child under the age of 15 and, where the decision is made on or after that date, under article 34(2) to a child under the age of 15 with no parents living—		
(a)	in respect of the only, or elder or eldest child	£27.25 per week
(b)	in respect of each other child	£29.80 per week

(c)	where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£29.80 per week
7. Pension or allowance where the decision is made before 9th April 2001, under article 35(3)[(1)] and, where the decision is made on or after that date, under article 35(2) to or in respect of a child aged 15 or over—		
(a)	where the child has attained the age of 18 and is incapable of self-support by reason of an infirmity which arose before he or she attained the age of 15	£116.60 per week[(*)]
(b)	any other case—	
	(i) in respect of the only, elder or eldest child	£27.25 per week[(*)]
	(ii) in respect of each other child	£29.80 per week[(*)]
	(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£29.80 per week[(*)]
8. Education allowance under article 36		£120.00 per annum[(*)]
9. Pensions to parents—		
(a)	minimum rate under article 38(4)	£0.25 per week
(b)	maximum rate under article 38(4)	
	(i) where there is only one eligible parent	£1.00 per week
	(ii) where there is more than one eligible parent	£1.38 per week
(c)	Increase under the proviso to article 38(4)—	
	(i) where there is only one eligible parent	£0.38 per week[(*)]
	(ii) where there is more than one eligible parent	£0.62 per week[(*)]
10. Pensions to other dependants—		
(a)	for each juvenile dependant under article 39(4)	£0.30 per week[(*)]
(b)	aggregate rate under article 39(4)	£1.00 per week[(*)]
(c)	under article 39(5)	£1.00 per week[(*)]

[(*)] Maximum amount payable.

[(1)] The reference to article 35(3) is a reference to the Scheme in force prior to 9th April 2001."

Leo Doherty
Parliamentary Under Secretary of State
Ministry of Defence

8th March 2022

Rebecca Harris
Michael Tomlinson
Two of the Lords Commissioners of Her Majesty's Treasury

10th March 2022

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Personal Injuries (Civilians) Scheme 1983 ("the Scheme"), which makes provision for the payment of pensions and allowances to, or in respect of, civilians who were killed or injured during the 1939-1945 World War.

Paragraphs (2) and (3) of article 2 of this Order substitute the tables in Schedules 3 and 4 to the Scheme respectively, in order to adjust the rates prescribed for pensions and allowances in respect of disablement or death.

A full impact assessment has not been produced for this instrument as no, or no significant, impact of the private, voluntary or public sectors is foreseen.

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