EXPLANATORY MEMORANDUM TO

THE PERSONAL INJURIES (CIVILIANS) SCHEME (AMENDMENT) ORDER

2022 No. 294

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Defence ("the MOD") and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The Personal Injuries (Civilians) Scheme 1983 ("the PI(C)S") makes provision for the payment of pensions and allowances to or in respect of civilians who were killed or injured during World War Two as a result of actions by the enemy or in the performance of civil defence duties.

2.2 The instrument provides for the increase of the rates of retired pay, pensions, gratuities and allowances payable under the Order establishing the PI(C)S ("the principal Order"). The rates which are to be increased appear in Schedules 3 and 4 of the principal Order.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Joint Committee on Statutory Instruments reported S.I. 2021/292 for defective drafting of the footnote to the preamble in the First Report of Session 2021-2022 dated 12 May 2021. This error has been corrected in the instrument.

The Committee has previously expressed concern as to when the PI(C)S will be consolidated. This is addressed at paragraph 9 of this memorandum.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the whole of the United Kingdom

4.2 The territorial application of this instrument is the whole of the United Kingdom.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

6.1 The PI(C)S is related to the Order for the main War Pension Scheme (The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006), otherwise known as the SPO. The SPO makes provision for the payment of pensions and other awards to or in respect of service personnel who have died or have been injured as a result of service in the naval, military or air forces before 6 April 2005.

Compensation is payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 ("AFCS") where the death or injury occurs on or after this date.

6.2 The uprating of the SPO and AFCS are covered by two separate instruments.

6.3 Pensions and allowances are traditionally uprated each year and the rates in this instrument have been approved by HM Treasury.

7. Policy background

What is being done and why?

7.1 The instrument provides for the annual increase in rates of pension and allowances payable under the principal Order. There are no amendments to any of the articles. Uprating is discretionary but the long-established practice is to increase the rates annually in April, applying the same principle that the Department for Work and Pensions uses for uprating social security disability benefits. The basic war pension and war widow(er)s pension will therefore rise by 3.1 per cent together with all of the allowances payable with effect from 11 April 2022. The scheme provides for a very small cohort of elderly recipients.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 The PI(C)S, made under the Personal Injuries (Emergency Provisions) Act 1939, applies only to injuries arising from World War Two. As at 31 March 2021 there were only 382 disabled pensioners receiving compensation under the PI(C)S. Given previous years' statistics, this number is forecast to drop at a rate of around ten per cent a year. The scheme is exceptional amongst war pension instruments in that not only is it restricted to injuries during a specific time in history but there was also a time limit of three months for making first claims under the scheme, although there is power within the scheme rules for the waiving of these time limits. MOD recognises the desirability of consolidating the PI(C)S Order but, in view of the small and reducing number of beneficiaries under the scheme and other demands on limited resources, it is unable to prioritise undertaking this extensive piece of work.

10. Consultation outcome

10.1 No consultation was required, as MOD is not seeking to amend any articles in the PI(C)S Order this year.

11. Guidance

11.1 All persons in receipt of a pension or allowance will be notified of the annual increase in the rates by letter.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because there is no significant impact on business, charities or voluntary bodies.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 These provisions are subject to continued monitoring and review.

15. Contact

15.1 Sereine Bara at the Ministry of Defence Telephone: 07866191605 or email: afcompensation-policy@mod.gov.uk can answer any queries regarding the instrument.

15.2 James Greenrod, Head of Armed Forces People Support at the Ministry of Defence can confirm that this Explanatory Memorandum meets the required standard. Email: afcompensation-policy@mod.gov.uk

15.3 Leo Docherty MP, Minister of Defence People and Veterans at the Ministry of Defence can confirm that this Explanatory Memorandum meets the required standard.