EXPLANATORY MEMORANDUM TO

THE PERSONAL INJURIES (CIVILIANS) SCHEME (AMENDMENT) ORDER 2024

2024 No. 345

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Rt Hon Dr Andrew Murrison, Minister for Defence People and Families at the Ministry of Defence confirms that this Explanatory Memorandum meets the required standard.

2.2 James Greenrod, Head of Armed Forces People Support at the Ministry of Defence confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Jennifer Regis at the Ministry of Defence Telephone: 07816219956 or email: AFCompensation-Policy@mod.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 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.

4.2 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.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 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 6.7 per cent together with all of the allowances payable with effect from 8 April 2024. The scheme provides for a very small cohort of elderly recipients.

What was the previous policy, how is this different?

5.2 The previous policy hasn't changed, but the instrument seeks to ensure that the relevant pensions and allowances payable under the PI(C)S are uprated in line with inflation and similar DWP benefits – and these figures have increased since the previous annual uprating.

6. Legislative and Legal Context

How has the law changed?

6.1 The instrument substitutes the tables in Schedules 3 and 4 of the PI(C)S, in order to effect an annual uprating to the rates prescribed for pensions and allowances in respect of disablement or death.

6.2 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.

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

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

6.5 The PI(C)S applies only to injuries arising from World War Two. As at 31 March 2023 there were only 281 disabled pensioners receiving compensation under the PIC(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.

7. Consultation

Summary of consultation outcome and methodology

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

8. Applicable Guidance

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

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

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

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this is an annual increase of pension and allowances and no impact on businesses, charities and or voluntary bodies is foreseen.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this is an annual increase of pension and allowances.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that these provisions are subject to continued monitoring and review.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).