

## 1974 No. 1044

## PENSIONS

**The Personal Injuries (Civilians) (Amendment) Scheme 1974**

<i>Made</i>	- - -	18th June 1974
<i>Laid before Parliament</i>		27th June 1974
<i>Coming into Operation</i>		22nd July 1974

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 her (b), and of all other powers enabling her in that behalf, hereby makes the following Scheme:—

*Citation, interpretation and commencement*

1. This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) Scheme 1974, shall be read as one with the Personal Injuries (Civilians) Scheme 1964(c), as amended (d) (hereinafter referred to as “the principal Scheme”), and shall come into operation on 22nd July 1974, so, however, that in relation to any award payable weekly the foregoing reference to 22nd July 1974, 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 22nd July 1974.

*Higher rates of pensions and allowances under the principal Scheme*

2. For Schedules 3 and 4 to the principal Scheme (rates of pensions and allowances payable in respect of disablement or death) there shall be substituted the Schedules set out in Part I of the Schedule hereto and numbered 3 and 4 respectively.

*Amendment of Schedule 2 to the principal Scheme, and transitional provisions*

3.—(1) In Schedule 2 to the principal Scheme (assessment of disablement caused by specified injuries and of certain other disablements) there shall be made the amendments set out in Part II of the Schedule hereto.

(2) Where, after the coming into operation of paragraph (1) of this Article, it is necessary in any case for an assessment of disablement to be made in accordance with the provisions of Schedule 2 to the principal Scheme for any period commencing prior to the date of such coming into operation, the said

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(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. 1964/2077 (1964 III, p. 5187).

(d) The relevant amending Schemes are S.I. 1966/163, 648, 1967/1250, 1968/1206, 1969/1035, 1971/1178, 1972/1177, 1973/1369 (1966 I, p. 299; II, p. 1454; 1967 II, p. 3617; 1968 II, p. 3228; 1969 II, p. 3055; 1971 II, p. 3468; 1972 II, p. 3491; 1973 II, p. 4224).

Schedule 2 shall continue to apply as it would have applied had this Scheme not been made.

*Amendment of Article 63 of the principal Scheme*

4. In Article 63 (maintenance in hospital or an institution) of the principal Scheme there shall be made the amendments set out in paragraph 1 of Part III of the Schedule hereto.

*Revocation of the provisions of the principal Scheme relating to pensions to widows who were separated from their husbands, consequential amendments, and amendment of the provisions of the principal Scheme affecting pensions to widowers*

5.—(1) Articles 26(2) (eligibility for widows' pensions), 27 (pensions to widows who were separated) and 31(3) (conditions for temporary allowances to widows who were separated) of the principal Scheme are hereby revoked, so, however, that no pension, allowance or award, or any increase thereof, shall be payable as a result of any such revocation for any period prior to 22nd July 1974.

(2) In Articles 28 (rent allowance to widows who have children), 29 (allowance to elderly widows), 30 (pensions to unmarried dependants who lived as wives), 31 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled persons), 35 (awards to or in respect of children over the age of 15), 48 (awards in respect of death), 53 (time limits for applications), 57 (members of the armed forces of the Crown) and 69 (marriage of female persons) of the principal Scheme there shall be made the amendments set out in paragraph 2 of Part III of the Schedule hereto.

(3) In Article 2 (definitions) of the principal Scheme there shall be made the amendments set out in paragraph 3 of Part III of the Schedule hereto.

*Barbara Castle,*

Secretary of State for Social Services.

17th June 1974.

We consent.

*James Hamilton,*

*John Golding,*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

18th June 1974.

## SCHEDULE

## PART I

*Schedules to be substituted in the principal Scheme by Article 2 of this Scheme*

## SCHEDULE 3

## RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

<i>Description of Pension or Allowance</i>	<i>Rate</i>
1. Pension for 100 per cent disablement under Article 11.	£16·40 per week
2. Education allowance under Article 13.	£120·00 per annum (maximum)
3. Constant attendance allowance—	
(a) under the proviso to Article 14	£13·20 per week (maximum)
(b) in any other case under that Article.	£6·60 per week (maximum)
3A. Exceptionally severe disablement allowance under Article 14A.	£6·60 per week
4. Severe disablement occupational allowance under Article 15.	£3·30 per week
5. Allowance for wear and tear of clothing—	
(a) under Article 16(1)(a)	£17·00 per annum
(b) under Article 16(1)(b) and 16(2).	£26·00 per annum
6. Unemployability allowances—	
(a) personal allowance under Article 17(1)(i)	£10·75 per week
(b) additional allowances for dependants by way of—	
(i) increase of allowance in respect of a wife or dependent husband under Article 17(4)(b)	£6·00 per week (maximum)
(ii) allowance in respect of an adult dependant under Article 17(4)(c)	£6·00 per week (maximum)
(iii) increase of allowance under Article 17(4)(e)—	
(a) in respect of the child, or the elder or eldest of the children, of a disabled person	£4·90 per week
(b) in respect of the second child of a disabled person	£4·00 per week
(c) in respect of each other child of a disabled person.	£3·90 per week
6A. Invalidation allowance payable under Article 17A	
(a) if on the relevant date the disabled person was under the age of 35 or if that date fell before 5th July 1948	£2·05 per week
(b) if head (a) does not apply and on the relevant date the disabled person was under the age of 45	£1·30 per week

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(c) if heads (a) and (b) do not apply and on the relevant date the disabled person was a man under the age of 60 or a woman under the age of 55.	£0.65 per week
7. Comforts allowance—	
(a) under Article 18(1)(a)	£2.80 per week
(b) under Article 18(1)(b) or 44(1).	£1.40 per week
8. Allowance for lowered standard of occupation under Article 19.	£6.56 per week (maximum)
9. Age allowance under Article 20 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent	£1.20 per week
(b) 60 or 70 per cent	£1.80 per week
(c) 80 or 90 per cent	£2.60 per week
(d) 100 per cent.	£3.60 per week
10. Treatment allowances—	
(a) increase of personal allowance under Article 21(2)	£3.60 per week (maximum)
(b) increase of personal allowance under Article 21(3)(a)—	
(i) if the disabled person has reached 65 years (60 if a woman) or if not eligible for invalidity pension and allowance solely because of failure to satisfy the contribution conditions	£10.00 per week
(ii) in any other case	£8.60 per week
(c) increase of personal allowance under Article 21(3)(c)—	
(i) if on the relevant date the disabled person was under the age of 35 or if that date fell before 5th July 1948	£2.05 per week
(ii) if head (i) does not apply and on the relevant date the disabled person was under the age of 45	£1.30 per week
(iii) if heads (i) and (ii) do not apply and on the relevant date the disabled person was a man under the age of 60, or a woman under the age of 55	£0.65 per week
(d) increase of additional allowance under Article 21(4) proviso (a)	£5.30 per week
(e) increase of 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	£2.70 per week
(ii) in respect of the second child of a disabled person	£1.80 per week
(iii) in respect of each other child of a disabled person	£1.70 per week
(f) additional allowance under Article 21(5)	£5.30 per week

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(g) higher rate of increase of additional allowance (or of additional allowance, as the case may be) under Article 21(5A)—	
(i) in respect of the wife, husband or adult dependant of a disabled person	£6·00 per week
(ii) in respect of the child, or the elder or eldest of the children, of a disabled person	£4·90 per week
(iii) in respect of the second child of a disabled person	£4·00 per week
(iv) in respect of each other child of a disabled person.	£3·90 per week
11. Part-time treatment allowance under Article 23.	£5·50 per day (maximum)

## SCHEDULE 4

## RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

<i>Description of Pension or Allowance</i>	<i>Rate</i>
1. Pension to widow—	
(a) under Article 26(1)(a)	£13·00 per week
(b) under Article 26(1)(b).	£3·00 per week
2. Rent allowance under Article 28.	£5·00 per week (maximum)
3. Allowance under Article 29 or 49 to an elderly widow	
(a) if age 65 but under age 70	£1·30 per week
(b) if age 70 or over.	£2·60 per week
4. Pension under Article 30 to unmarried dependant who lived as wife.	£1·00 per week (maximum)
5. Pension to dependent widower under Article 32.	£13·00 per week (maximum)
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	£5·10 per week
(b) in respect of each other child of a deceased person—	
(i) where the child qualifies for a family allowance under the Family Allowances Act 1965(a) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£4·60 per week
(ii) where the child does not so qualify.	£4·95 per week
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, and in respect of each other child of a deceased person who does not qualify for a family allowance as aforesaid	£5·10 per week

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(b) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid.	£4·60 per week
8. Pension or allowance under Article 35(3) to or in respect of a child over the age of 15—	
(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 attained the age of 15	£10·00 per week (maximum)
(b) any other case.	£6·60 per week (maximum)
9. Education allowance under Article 36.	£120·00 per annum (maximum)
10. 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 (maximum)
	(ii) where there is more than one eligible parent— £0·62 per week (maximum)
11. Pensions to other dependants—	
(a) for each juvenile dependant under Article 39(4)	£0·30 per week (maximum)
(b) aggregate rate under Article 39(4)	£1·00 per week (maximum)
(c) under Article 39(5).	£1·00 per week (maximum)
12. Funeral Grant under Article 40(1).	£30·00 (maximum)

## PART II

*Amendment of Schedule 2 to the principal Scheme*

In the first column (description of injury) of Schedule 2 (assessment of disablement caused by specified injuries and of certain other disablements), wherever the measurement of length specified in the first column of the Table hereunder appears there shall be substituted the measurement of length shown opposite the same in the second column of such Table.

TABLE

Imperial measurement (1)	Metric measurement (2)
8 inches	20.5 centimetres
5 inches	13 centimetres
4½ inches	11.5 centimetres
3½ inches	9 centimetres

## PART III

*Amendment of Article 63 of the principal Scheme*

1. In paragraph (2)(a) of Article 63 (maintenance in hospital or an institution), for the words "National Health Service Acts 1946 to 1968, the National Health Service (Scotland) Acts 1947 to 1968 or the Health Services Act (Northern Ireland) 1971" there shall be substituted the words "National Health Service Acts 1946 to 1973, the National Health Service (Scotland) Acts 1947 to 1973 or the Health and Personal Social Services (Northern Ireland) Order 1972", and for paragraph (2)(b) of the said Article there shall be substituted the following:—

"(b) pursuant to arrangements made by the Secretary of State or by any body in the exercise of functions on behalf of the Secretary of State under the National Health Service Acts 1946 to 1973 or the National Health Service (Scotland) Acts 1947 to 1973, or by a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972 in a hospital or similar institution not so maintained or administered;"

*Amendment of Articles 28, 29, 30, 31, 35, 48, 53, 57 and 69 of the principal Scheme consequential upon the revocation of the provisions thereof relating to pensions to widows who were separated from their husbands, and of Article 2 of the principal Scheme*

2.—(1) In paragraph (1) of Article 28 (rent allowance to widows who have children), Article 29 (allowance to elderly widows) and the proviso to paragraph (1) of Article 57 (members of the armed forces of the Crown) the word and figures "or 27" shall be omitted.

(2) In paragraph (1) of Article 30 (pensions to unmarried dependants who lived as wives) the words, "if the widow of the deceased person is not in receipt of a pension under Article 26" shall be omitted.

(3) In paragraph (4) of Article 31 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled persons) the words from the beginning of the paragraph down to and including the word and figures "Article 26," shall be omitted, and in the proviso to paragraph (6) of the said Article the word and figures "or 27" shall also be omitted.

(4) In sub-paragraph (a) of paragraph (3) of Article 35 (awards to or in respect of children over the age of 15), after the figures "27" there shall be inserted "(notwithstanding the revocation thereof with effect from 22nd July 1974)".

(5) In sub-paragraph (a) of paragraph (1) of Article 48 (awards in respect of death) the words "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" shall be omitted.

(6) In paragraph (3) of Article 53 (time limits for applications), for the words and figures "Article 26, 27, 30, 32, 33, 34, 35 or 37" there shall be substituted the words and figures "Article 26, 30, 32, 33, 34, 35 or 37".

(7) In sub-paragraph (a) of paragraph (3) of Article 69 (marriage of female persons), for the words and figures "Article 26, 27 or 48" there shall be substituted the words and figures "Article 26 or 48".

3. In paragraph (8) of Article 2 (definitions) the words "and 'dependent widower' means" to the end of the paragraph shall be omitted, and there shall be added after the said paragraph the following paragraph:—

"(8A) 'dependent widower', in relation to a deceased female person who sustained a qualifying injury, means a person who was married to the injured person at the date of her death and whose marriage to the injured person took place not later than the material date, and who is incapable of self-support and in need:".

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#### EXPLANATORY NOTE

*(This Note is not part of the Scheme.)*

This Scheme further amends the Personal Injuries (Civilians) Scheme 1964 (hereinafter called the principal Scheme), 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 increases the rates of pensions and allowances payable in respect of disablement or death by substituting in the principal Scheme new Tables contained in Schedules 3 and 4 for those set out in the Schedule to the Personal Injuries (Civilians) (Amendment) Scheme 1973 (S.I. 1973/1369).

Article 3 substitutes metric measurements of length for the imperial measurements used in determining the assessment of disablement in accordance with Schedule 2 to the principal Scheme in cases of amputation of limbs, and contains transitional provisions which apply on the making of an assessment of disablement after the coming into operation of this Scheme for any period commencing prior to such time.

Article 4 amends reference in Article 63 of the principal Scheme to National Health Service bodies that were abolished and replaced on 1st April 1974 under the National Health Service Reorganisation Act 1973 (c.32) or the National Health Service (Scotland) Act 1972 (c.58) and in the case of Northern Ireland amends similar reference consequent upon changes made on 1st October 1973 under the Health and Personal Social Services (Northern Ireland) Order 1972.

Article 5 removes the restrictions on payment of widows' pensions to women who were separated from their husbands at the time of death by revoking the relevant provisions of the principal Scheme, but provides that no payment shall be made as a result of such revocation for any period prior to the coming into operation of this Scheme; it also makes consequential amendments to preserve the position of unmarried dependants who lived as wives, other consequential amendments of a minor nature and, in relation to pensions to widowers, removes the requirements that a widower must not have been separated from his wife at her death, and must have been in receipt of regular and substantial support from her.





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