
STATUTORY INSTRUMENTS

1983 No. 686

The Personal Injuries (Civilians) Scheme 1983

PART VI

GENERAL PROVISIONS

Prevention of double payments

62.—(1) Where the Secretary of State is satisfied that a payment (not being a payment in respect of the expenses incurred in connection with a funeral) has been or will be made under an appropriate provision in respect of an injury (whether resulting in disablement or death), an award of a pension in respect of that injury shall not be made under Part III, IV or V or Article 72 of this Scheme and any such award which has been made shall be cancelled:

Provided that where payments have been or are being made under an appropriate provision specified in sub-paragraph (a) of paragraph (3) of this Article in respect of a qualifying injury sustained in the actual discharge of duty or under an appropriate provision specified in sub-paragraph (e) or (f) of paragraph (3) of this Article in respect of a war injury sustained in the execution of duty, the Secretary of State may make such awards under Part III, IV or V or Article 72 of this Scheme in respect of that injury as he may consider appropriate for the purpose of securing that the aggregate weekly value of—

- (a) the payments made to or for the benefit of any person in respect of the injury under those awards; and
- (b) the payments made under that appropriate provision by reason of the retirement from service or death of the injured person whether made in respect of the injury or not;

is not less than the aggregate weekly value of—

- (i) the payments which would, if the same injury had been sustained otherwise than in the execution of duty, have been made to or for the benefit of the same person in respect of that injury under Part III, IV or V or Article 72 of this Scheme; and
- (ii) the payments, if any, which would in the same event have been made under that appropriate provision by reason of the retirement from service or death of the injured person.

(2) For the purposes of this Article—

- (a) any compensation granted in respect of a war injury shall, if granted by an authority responsible for the making of grants under an appropriate provision, be deemed to be granted under that appropriate provision in respect of that injury; and
- (b) references to a war injury sustained in the execution of duty shall include references to a war injury which is for the purposes of any relevant appropriate provision to be deemed to have been sustained in the execution of duty.

(3) In this Article, “appropriate provision” means any of the following enactments, provisions or instruments, that is to say—

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- (a) the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 in so far as the same makes provision formerly provided for by section 18 of the Superannuation Act 1965;
 - (b) section 56 of the Superannuation Act 1949;
 - (c) any of the enactments mentioned in the first column of Parts I and II of the Schedule to the Superannuation (Various Services) Act 1938;
 - (d) section 20 of the Greenwich Hospital Act 1865, as extended by section 8 of the Greenwich Hospital Act 1872 and section 1 of the Greenwich Hospital Act 1942;
 - (e) any public or local Act (other than the Local Government Superannuation Act 1937, the Local Government Superannuation (Scotland) Act 1937 and the Local Government Superannuation Act 1953 which, since the commencement of the Superannuation Act 1972, have effect in the manner therein provided), charter or scheme for the grant of pensions, allowances or gratuities for professional firemen and their widows, children and dependants;
 - (f) the Police Pensions Act 1921, the Police Pensions Act 1948, as modified by the Police Act 1964, the Police Pensions Act 1976, section 2 of the Constabulary Act (Northern Ireland) 1922, the Police Act (Northern Ireland) 1970, the Special Constables Order 1923, the Special Constables (Scotland) Order 1923 and the Ulster Special Constabulary Pensions Regulations 1950 or any Orders revoked by those Regulations;
 - (g) any provision contained in any enactment, Warrant, Order in Council or Order, being a provision relating to the death or disablement of members of the armed forces of the Crown, or of persons employed in connection with any of those forces;
 - (h) any Order in Council relating to pensions for men serving on Admiralty Yard craft, or officers of the Royal Fleet Auxiliaries;
 - (i) section 2(1) of the Coastguard Act 1925;
 - (j) any scheme made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, as amended by the Pensions (Mercantile Marine) Act 1942, or under the Injuries in War (Compensation) Act 1914, or under the Injuries in War Compensation Act 1914 (Session 2);
 - (k) any enactment relating to persons in the service of a local lighthouse authority within the meaning of the Merchant Shipping Acts 1894 to 1979;
 - (l) any enactment, ordinance, regulation or other instrument whatsoever forming part of the law of any place outside the United Kingdom and analogous, in the opinion of the Secretary of State, to any of the aforesaid provisions.
- (4) In paragraph (3)(e) of this Article, “professional fireman” means a member of the National Fire Service who, immediately prior to his becoming a member of the National Fire Service, was—
- (a) a professional fireman within the meaning of the Fire Brigade Pensions Act 1925; or
 - (b) a constable to whom the Police Pensions Act 1921, applied; or
 - (c) a person mentioned in section 1 of the Police and Firemen (War Service) Act 1939 (as amended or extended by or under any enactment); or
 - (d) a person mentioned in section 1 of the Local Government Staffs (War Service) Act 1939, if he had since the beginning of September 1939 been a professional fireman within the meaning of the Fire Brigade Pensions Act 1925; or

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- (e) a member of a fire brigade maintained by a fire authority within the meaning of the Fire Brigades Act 1938, or by the London County Council, who previously to joining or rejoining the brigade had been a professional fireman within the meaning of the Fire Brigade Pensions Act 1925, or a member of a police force within the meaning of the Police Pensions Act 1921