
STATUTORY INSTRUMENTS

1983 No. 686

The Personal Injuries (Civilians) Scheme 1983

PART II

GENERAL SCOPE OF THE SCHEME

Entitlement

5.—(1) Under this Scheme awards may be made in respect of the following classes of injuries sustained during the period of the emergency, namely—

- (a) war injuries sustained by gainfully occupied persons;
- (b) war injuries sustained by persons not gainfully occupied;
- (c) war service injuries sustained by civil defence volunteers.

(2) Where a claim other than one specified in the following paragraph of this Article is made, there shall be no onus on the claimant to prove that disablement was caused by, or that death was the direct result of, the relevant qualifying injury, and the benefit of any reasonable doubt on those questions shall be given to the claimant.

(3) Where—

- (a) a claim is made within the time limit specified in Article 54(3) in respect of the death of a person, such death having occurred more than 7 years after the material date; or
- (b) the Secretary of State in any case or class of case has made a direction pursuant to Article 54(1) in respect of any time limit referred to in that Article and the claim—
 - (i) is made more than 7 years after the material date in respect of disablement, or
 - (ii) is made in respect of the death of a person, such death having occurred more than 7 years after the material date;

and, upon reliable evidence, a reasonable doubt exists whether the disablement was caused by, or whether the death was the direct result of, the relevant qualifying injury, the benefit of that reasonable doubt shall be given to the claimant.

Serious negligence or misconduct

6. The Secretary of State may withhold, cancel or reduce any award which may be or has been made under this Scheme in respect of the disablement or death of any person in any case in which the qualifying injury or the death on which the claim to the award is based was caused or contributed to by the serious negligence or misconduct of that person.

War injuries sustained by children, students and apprentices

7.—(1) This Article applies to any person not gainfully occupied who on the material date—

- (a) had not attained the age of 15; or
- (b) having attained the age of 15, was a student or apprentice;

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being in either case a person who was not, immediately before the material date, suffering from physical or mental infirmity to such an extent as to preclude the likelihood of his ever being able to earn his living.

(2) Where a person to whom this Article applies has sustained a war injury (not being a war service injury), he shall be treated for the purposes of this Scheme, in all respects, subject to the provisions of paragraph (3) of this Article, as though he were a gainfully occupied person and any reference in Part III or IV of this Scheme to a gainfully occupied person shall, subject as aforesaid, be construed as including a reference to a person to whom this Article applies.

(3) An award under Part III of this Scheme in respect of a war injury (not being a war service injury) sustained by a person to whom this Article applies shall not be made in respect of any period before he has attained the age of 15, and shall only be made on his attaining that age if the conditions governing the making of the award are then fulfilled.