
 STATUTORY INSTRUMENTS

1984 No. 1289

PENSIONS

The Personal Injuries (Civilians) Amendment Scheme 1984

<i>Made</i> - - - -	10th August 1984
<i>Laid before Parliament</i>	22nd August 1984
<i>Coming into Operation</i>	26th November 1984

The Secretary of State for Social Services, with the approval of the Treasury, in exercise of the powers conferred by section 2 of the Personal Injuries (Emergency Provisions) Act 1939(a) and now vested in him(b), and of all other powers enabling him in that behalf, hereby makes the following Scheme:—

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Personal Injuries (Civilians) Amendment Scheme 1984 and shall come into operation on 26th November 1984.

(2) In this Scheme the expression “the principal Scheme” means the Personal Injuries (Civilians) Scheme 1983(c).

Amendment of Article 2 of the principal Scheme

2. In Article 2 of the principal Scheme (definitions)—

(a) in paragraph (7) for sub-paragraphs (e), (f) and (g) there shall be substituted the following sub-paragraphs:—

“(e) illegitimate child, whose other parent is, or was at the date of his marriage to the injured person or of his death, an unmarried person living as a spouse of that person;

(f) illegitimate child, not being a child who comes within sub-paragraphs (d) or (e) of this definition, who—

(i) if the injured person is alive, is dependent on that person, or

(ii) if the injured person is dead, either was dependent on him at the date of his death or was born after his death;

(g) foster-child, that is to say a child who—

(i) where the injured person is alive, is being brought up and wholly or mainly maintained by that person as his child, or

(ii) where the injured person is dead, was being so brought up and so maintained by him at the date of his death;”;

(b) paragraph (8) shall be omitted;

(a) 1939 c.82.

(b) See Transfer of Functions (Ministry of Pensions) Order 1953 (S.I. 1953/1198), Article 2; Ministry of Social Security Act 1966 (c.20), section 2; Secretary of State for Social Services Order 1968 (S.I. 1968/1699), Article 2.

(c) S.I. 1983/686, as amended by S.I. 1983/1164, 1540.

- (c) in paragraph (10) for the words “dependent husband” to the end of the paragraph there shall be substituted the words “husband or dependent child of that person”;
- (d) after paragraph (21) there shall be inserted the following paragraphs:—
- “(21A) “surviving spouse” means the widow or, as the case may be, the dependent widower of a person referred to in sub-paragraphs (a) to (c) of Article 5(1) (entitlement);
- (21B) “unmarried dependant living as a spouse”, in relation to a person who has sustained a qualifying injury, means—
- (a) where the injured person is alive, a person of the opposite sex who, 6 months before the material date, was being wholly or substantially maintained by the injured person on a permanent bona fide domestic basis and who has been continuously thereafter and is still being maintained by the injured person on such a basis;
- (b) where the injured person is dead, a person of the opposite sex who was wholly or substantially maintained by the injured person on a permanent bona fide domestic basis continuously throughout the period beginning 6 months before the material date and ending with the date of the injured person’s death;
- and “unmarried dependant who lived as a spouse” shall be construed accordingly;”.

Amendment of Article 12 of the principal Scheme

3. In Article 12 of the principal Scheme (allowance for eligible members of the family)—
- (a) in the Table in paragraph (2) for the words “dependent husband” there shall be substituted the word “husband”;
- (b) in paragraph (3) the words “Subject to the following provisions of this Article,” shall be omitted;
- (c) paragraph (4) shall be omitted.

Amendment of Article 18 of the principal Scheme

4. In Article 18 of the principal Scheme (unemployability allowances)—
- (a) in paragraph (2) for the amount “£1,170” there shall be substituted the amount “£1,222”;
- (b) in paragraph (5)—
- (i) sub-paragraph (a) shall be omitted,
- (ii) for sub-paragraph (b) there shall be substituted the following sub-paragraph:—
- “(b) where an allowance has been awarded under Article 12 in respect of a wife or husband the rate of the allowance may be increased by an amount not exceeding the appropriate amount in Schedule 3, paragraph 7(b) (i), if the Secretary of State thinks fit having regard to the financial circumstances of the person in respect of whom the allowance has been granted;”,
- (iii) in sub-paragraph (c) the words “or under sub-paragraph (a) of this paragraph” shall be omitted.

Amendment of Article 23 of the principal Scheme

5. In Article 23(3) of the principal Scheme (treatment allowances)—
- (a) for the words “eligible dependant” there shall be substituted the words “eligible member of the family”;
 - (b) the words from “that dependant” to “family and” shall be omitted.

Insertion of new Article in the principal Scheme

6. In Part III of the principal Scheme (awards in respect of disablement of gainfully occupied persons and civil defence volunteers) after Article 25A there shall be inserted the following new Article:—

“Medical expenses

25B. Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a disabled person and of appropriate aids and adaptations for disabled living may, in so far as not provided under legislation of the United Kingdom (other than any enactment under which this Scheme is made), be defrayed by the Secretary of State under such conditions and up to such amounts as he may determine.”.

Amendment of Article 28 of the principal Scheme

7. In Article 28 of the principal Scheme (rent allowance to widows who have children)—
- (a) for any reference to a “widow” there shall be substituted a reference to a “surviving spouse”;
 - (b) in paragraphs (1) and (2) after the words “Article 27” there shall be inserted the words “or 32”;
 - (c) in paragraph (3)(a) (i) and (ii) for the words “widow’s deceased husband” there shall be substituted the words “deceased person”.

Amendment of Article 29 of the principal Scheme

8. For Article 29 of the principal Scheme (allowance to elderly widows) there shall be substituted the following Article:—

“Allowance to elderly surviving spouses

29. Where a surviving spouse who is in receipt of a pension under Article 27 or 32 has attained the age of 65 years, 70 years or, as the case may be, 80 years he may be awarded an allowance at whichever of the rates specified in Schedule 4, paragraph 3, is appropriate.”.

Amendment of Articles 30, 38 and 77 of the principal Scheme

9. In Article 30 (pensions to unmarried dependants who lived as wives), Article 38 (pensions to parents) and Article 77(1)(b) (meaning of “designated person” in relation to posthumous awards) for any reference to an “unmarried dependant living as a wife”, an “unmarried dependant” or an “unmarried dependant who lived as a wife” there shall be substituted a reference to an “unmarried dependant who lived as a spouse”.

Amendment of Article 37 of the principal Scheme

10. For Article 37 of the principal Scheme (awards to or in respect of ineligible members of the families of unemployable pensioners) there shall be substituted the following Article:—

“Awards to or in respect of ineligible children of unemployable pensioners

37. Where a deceased person was at the date of his death in receipt of an allowance in respect of a child under Article 18(5)(d) by virtue of Article 18(5)(e), a pension to or an allowance in respect of the child may be awarded at the rate and subject to the conditions which would have been appropriate under the foregoing provisions of this Part if the child had been an eligible member of the family.”.

Insertion of new Articles in the principal Scheme

11. After Article 48 of the principal Scheme (treatment allowances) there shall be inserted the following new Articles:—

“Mobility supplement

48A. The provisions of Article 25A shall apply to a person in receipt of a pension under Article 42 in all respects as if he were in receipt of a pension under Article 11.

Medical expenses

48B. The provisions of Article 25B shall apply to a person in receipt of a pension under Article 42 in all respects as if he were in receipt of a pension under Article 11.”.

Amendment of Article 50 of the principal Scheme

12. For Article 50 of the principal Scheme (allowance to elderly widows) there shall be substituted the following Article:—

“Allowance to elderly surviving spouses

50. Where a surviving spouse who is in receipt of a pension awarded under Article 49 has attained the age of 65 years, 70 years or, as the case may be, 80 years he may be awarded an allowance at whichever of the rates specified in Schedule 4, paragraph 3, is appropriate.”.

Amendment of Article 57 of the principal Scheme

13. In Article 57(1) of the principal Scheme (power to relax conditions of Scheme) the words “2(8) or 2(10)” shall be omitted.

Amendment of Article 71 of the principal Scheme

14. In Article 71 of the principal Scheme (marriage of female persons) for paragraph (1) there shall be substituted the following paragraph:—

“(1) No pension under Part IV or Article 49(1) of this Scheme in respect of the death of an injured person shall be awarded to or in respect of any person, other than a parent, who, after the death of the deceased person, marries or lives with another person as the spouse of that person:

Provided that an allowance awarded under this Scheme in respect of a child of a deceased person shall not be affected by the cessation under this Article of the award of a pension to any other person.”.

Amendment of Article 75 of the principal Scheme

15. In Article 75 of the principal Scheme (payment of pensions) after paragraph (2) there shall be added the following new paragraph:—

“(3) Where, by reason of any provision in any instrument which amends a provision of this Scheme—

(a) a change falls to be made in the rate of any pension which, by virtue of paragraph (1), is payable weekly; and

(b) the date on which that change would, but for the provisions of this paragraph, fall to be made (hereinafter referred to as “the prescribed date”) is not the day of the week on which payment of pension is normally made (hereinafter referred to as “the weekly pay day”),

the change shall have effect only as from the first weekly pay day immediately following the prescribed date.”.

Amendment of Article 76 of the principal Scheme

16. In paragraph (3) of Article 76 of the principal Scheme (review of decisions, assessments and awards) after sub-paragraph (a) there shall be inserted the following sub-paragraph:—

“(aa) in the case of a decision accepting a claim for pension—

(i) the decision was given after it had been certified pursuant to Article 56(b) that the person was suffering from a specified disablement (hereinafter referred to as “the certified condition”) which was due to a qualifying injury, and

(ii) since the date of the decision it has been further certified pursuant to Article 56(b) that the injured person was not, at the date of the earlier certification, suffering from the certified condition; or”.

Substitution of Schedules 3 and 4 to the principal Scheme

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

Signed by authority of the Secretary of State for Social Services.

Glenarthur,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

31st July 1984.

We approve.

Margaret Thatcher,
D. J. F. Hunt,
Two of the Lords Commissioners of
Her Majesty's Treasury.

10th August 1984.

SCHEDULE

Article 17

Schedules to be substituted in the principal Scheme

"SCHEDULE 3

Article 11

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.....	£58.40 per week
2. Education allowance under Article 13	£120 per annum*
3. Constant attendance allowance—	
(a) under the proviso to Article 14	£46.80 per week*
(b) in any other case under that Article	£23.40 per week*
4. Exceptionally severe disablement allowance under Article 15.....	£23.40 per week
5. Severe disablement occupational allowance under Article 16.....	£11.70 per week
6. Allowance for wear and tear of clothing—	
(a) under Article 17(1)(a).....	£50.00 per annum
(b) under Article 17(1)(b) and 17(2)	£79.00 per annum
7. Unemployability allowances—	
(a) personal allowance under Article 18(1)(i)	£38.00 per week
(b) additional allowances for dependants by way of—	
(i) increase of allowance in respect of a wife or a husband under Article 18(5)(b).....	£21.50 per week*
(ii) allowance in respect of an adult dependant under Article 18(5)(c).....	£21.50 per week*
(iii) increase of allowance in respect of each child under Article 18(5)(d).....	£7.65 per week
8. Invalidity allowance payable under Article 19—	
(a) if—	
(i) the relevant date fell before 5th July 1948; or	
(ii) on the relevant date the disabled person was under the age of 35; or	
(iii) on the relevant date the disabled person was under the age of 40 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£7.50 per week
(b) if—	
(i) on the relevant date the disabled person was under the age of 45; or	
(ii) on the relevant date the disabled person was under the age of 50 and had not attained the age of 65, in the case of the disabled person being a man, or 60, in the case of that person being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£4.80 per week
(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	£2.40 per week
9. Comforts allowance—	
(a) under Article 20(1)(a).....	£10.10 per week
(b) under Article 20(1) (b) or 45(1).....	£5.05 per week

<i>Description of Pension or Allowance</i>	<i>Rate</i>
10. Allowance for lowered standard of occupation under Article 21.....	£23.36 per week*
11. Age allowance under Article 22 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent.....	£4.05 per week
(b) 60 or 70 per cent.....	£6.35 per week
(c) 80 or 90 per cent.....	£9.10 per week
(d) 100 per cent.....	£12.70 per week
12. Treatment allowances—	
increase of personal allowance under Article 23(2).....	£12.70 per week*
13. Part-time treatment allowance under Article 25.....	£21 per day*
14. Mobility supplement under Article 25A.....	£22.25 per week

*Maximum

SCHEDULE 4

Article 27

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 27(1).....	£46.55 per week
(b) under Article 27(2).....	£10.74 per week
2. Rent allowance under Article 28.....	£17.70 per week*
3. Allowance under Article 29 or 50 to an elderly surviving spouse—	
(a) if age 65 but under 70.....	£5.00 per week
(b) if age 70 but under age 80.....	£10.00 per week
(c) if age 80 or over.....	£12.50 per week
4. Pension under Article 30 to unmarried dependant who lived as spouse.....	£1.00 per week*
5. Pension to dependent widower under Article 32.....	£46.55 per week*
6. Allowances under Article 33 in respect of each child under the age of 15.....	£11.05 per week
7. Pensions under Article 34(1) to motherless or fatherless children under the age of 15.....	£12.05 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.....	£35.80 per week*
(b) any other case.....	£12.05 per week*
9. Education allowance under Article 36.....	£120.00 per annum*
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*
(ii) where there is more than one eligible parent.....	£0.62 per week*
11. Pensions to other dependants—	
(a) for each juvenile dependant under Article 39(4).....	£0.30 per week*
(b) aggregate rate under Article 39(4).....	£1.00 per week*
(c) under Article 39(5).....	£1.00 per week*
12. Funeral Grant under Article 40(1).....	£30.00*

*Maximum

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme further amends the Personal Injuries (Civilians) Scheme 1983 (“the principal Scheme”) which makes provision for the payment of pensions and allowances to or in respect of civilians who were killed or injured in the 1939–45 War.

The Scheme amends the definition of “dependent child” in Article 2 of the principal Scheme so as to remove the requirement that foster children and certain illegitimate children should be maintained by, or dependent on, the injured person for a period determined by reference to the date of his injury (Article 2(a)).

The principal Scheme is also extensively amended so that male dependants of an injured person are made eligible for certain awards on the same conditions as female dependants. In particular husbands become eligible for dependency allowances under Articles 12 and 23 of the principal Scheme, widows’ rent and age allowances are extended to widowers, and a man who lived with the injured person as her husband although not married to her, becomes eligible for a pension on the same conditions as a woman in the equivalent situation. The provisions governing age allowances are also amended to add an additional rate of allowance for those widows and widowers who are aged 80 or over.

This Scheme amends the principal Scheme to provide for the payment of medical expenses where an injured person requires treatment (Articles 6 and 11), and eligibility for a mobility supplement is extended to injured persons who were not gainfully occupied when they sustained their injury (Article 11).

Article 75 of the principal Scheme is also amended to insert a provision identifying the day of the week from which changes in the rate of weekly pension made by this or any further amending Scheme are to have effect (Article 15).

The provisions of the principal Scheme governing the circumstances in which a decision accepting a claim may be revised on review are amended to enable such a decision to be revised to the detriment of the injured person where it has been certified that the nature of the disablement had been incorrectly diagnosed (Article 16).

This Scheme also raises the maximum amount of annual earnings which may be received by a disabled person while he is deemed to be unemployable for the purposes of unemployability allowances under Article 18 of the principal Scheme, and varies the rates of pensions and allowances in respect of disablement and death in the 1939–45 War (Articles 4(a) and 17, and Schedule). In addition, the substituted Schedule 4 to the principal Scheme contains the new rate of allowance for widows and widowers aged 80 or over.

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