

1988 No. 2260

**PENSIONS**

**The Personal Injuries (Civilians) Amendment (No. 2)  
Scheme 1988**

<i>Made</i> - - - -	<i>20th December 1988</i>
<i>Laid before Parliament</i>	<i>6th January 1989</i>
<i>Coming into force</i>	<i>1st February 1989</i>

The Secretary of State for Social Security, with the approval of the Treasury, in exercise of powers conferred by sections 1 and 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 (No. 2) Scheme 1988 and shall come into force on 1st February 1989.

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

**Payment by direct credit transfer**

2. After article 74 of the principal Scheme there shall be inserted the following article –

“Direct credit transfer

74A.—(1) The Secretary of State may direct in relation to any particular case or class of case that a pension shall be paid by way of automated or other direct credit transfer into a bank or other account –

- (a) in the name of a person entitled to the pension or a person acting on his behalf, or
  - (b) in the joint names of the person entitled to the pension and his spouse, or the person entitled to the pension and a person acting on his behalf.
- (2) Pension paid in accordance with paragraph (1) shall be paid –
- (a) for periods of 4 weeks, or for such other periods as the Secretary of State may in any particular case or class of case determine;
  - (b) within 7 days of the last day of each successive period determined in accordance with (a) above; and
  - (c) in advance, or in arrears, or partly in advance and partly in arrears, as the Secretary of State may in any particular case or class of case determine.

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(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; the relevant amending instrument is S.I. 1984/1289.

(3) Where pension is payable in accordance with this article the Secretary of State may make a particular payment by credit transfer otherwise than as provided in paragraph (2) if it appears to him to be appropriate to do so for the purpose of –

- (a) paying any arrears of pension, or
- (b) making a payment of pension at the termination of an award.

(4) Payment of pension in accordance with this article may be terminated by the Secretary of State if the arrangement seems to him to be no longer appropriate to the particular case or class of case.”.

#### **Payment of pension**

3.—(1) In article 75 of the principal Scheme (a) (payment of pensions), for paragraph (1) there shall be substituted the following paragraphs:-

“(1) The provisions of this article, other than paragraph (1A), are subject to the provisions of article 74A.

(1A) Payment of a pension may be made provisionally or upon any other basis.

(1B) Subject to paragraph (1C) pension may be paid weekly in advance.

(1C) The Secretary of State may in any particular case or class of case determine that pension shall be paid in advance or in arrears or partly in advance and partly in arrears, and for a period different from that specified in paragraph (1B).

(1D) Pension shall be paid by such means as appears to the Secretary of State to be appropriate in the circumstances of the case or class of case.”.

(2) In article 75(3)(a) of the principal scheme, for the words “paragraph (1)”, there shall be substituted the words “the preceding provisions of this article”.

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

16th December 1988

We approve,

20th December 1988

*Skelmersdale*  
Parliamentary Under-Secretary of State,  
Department of Social Security.

*David Maclean*  
*Tony Durant*  
Two of the Lords Commissioners  
of Her Majesty's Treasury

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(a) Article 75 was amended by S.I. 1984/1289, article 15.

## **EXPLANATORY NOTE**

*(This note is not part of the Scheme)*

**This Scheme, which takes effect on 1st February 1989, further amends the Personal Injuries (Civilians) Scheme 1983 (“the principal Scheme”).**

**Article 2 inserts article 74A into the principal Scheme to provide for the payment of pensions by direct credit transfer.**

**Article 3 amends article 75 of the principal Scheme, which relates to the payment of pensions, to take account of the new article 74A. Paragraphs (1A), (1B) and (1C) re-enact the provisions in article 75(1) and paragraph (1D) provides for the means by which pension is to be paid where article 74A of the principal Scheme does not apply.**