

1988 No. 367

PENSIONS

The Personal Injuries (Civilians)
Amendment Scheme 1988

<i>Made</i> - - - -	<i>1st March 1988</i>
<i>Laid before Parliament</i>	<i>10th March 1988</i>
<i>Coming into force</i>	<i>11th April 1988</i>

The Secretary of State for Social Services, with the approval of the Treasury, in exercise of the 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 Scheme 1988 and shall come into force on 11th April 1988.

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

Amendment of Article 18 of the principal Scheme

2. In Article 18 of the principal Scheme (unemployability allowances) in paragraph (2) for the amount “£1,352” there shall be substituted the amount “£1,404”.

Substitution of Schedules 3 and 4 to the principal Scheme

3. 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.

(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, 1984/1289, 1675, 1985/1313, 1986/628 and 1987/191.

Amendment of Article 66 of the principal Scheme

4. For paragraph (2) of Article 66 of the principal Scheme (payment of public claims out of pensions), there shall be substituted the following paragraph:

“(2) Where payment in respect of a pension is in arrears for any period and any one or more of the following, that is to say –

- (a) benefit under the Supplementary Benefits Act 1976(a), or
- (b) income support under the Social Security Act 1986(b) or under the Income Support (Transitional) Regulations 1987(c), or
- (c) any amount payable under any legislation having effect in Northern Ireland or the Isle of Man which corresponds to benefit under the 1976 Act or, as the case may be, income support under the 1986 Act, or the Income Support (Transitional) Regulations 1987,

has been paid for that period to the person to whom the payment is due, the amount by which the amount of benefit or income support paid (including any corresponding amount mentioned in sub-paragraph (c)), or both if both have been paid, exceeds what would have been paid had the said payment not fallen into arrears shall be deemed to have been an overpayment for the purposes of paragraph (1) of this Article, and in the case where benefit or income support or both has been paid under legislation in force in Northern Ireland or the Isle of Man it shall for the purpose of that paragraph be repayable to the authority administering the benefit or as the case may be income support.”

Signed by authority of the Secretary of State for Social Services

24th February 1988

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

We approve,

1st March 1988

Mark Lennox-Boyd
Michael Neubert
Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1976 c.71, as amended by the Social Security Act 1980 (c.30). (b) 1986 c.50.
(c) S.I. 1987/1969.

SCHEDULE

Article 3

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	£67.20 per week
2. Education allowance under Article 13	£120.00 per annum*
3. Constant attendance allowance –	
(a) under the proviso to Article 14	£53.80 per week*
(b) in any other case under that Article	£26.90 per week*
4. Exceptionally severe disablement allowance under Article 15	£26.90 per week
5. Severe disablement occupational allowance under Article 16	£13.45 per week
6. Allowance for wear and tear on clothing –	
(a) under Article 17(1)(a)	£58.00 per annum
(b) under Article 17(1)(b) and (2)	£92.00 per annum
7. Unemployability allowances –	
(a) personal allowance under Article 18(1)(i)	£43.70 per week
(b) additional allowances for dependants by way of –	
(i) increase of allowance in respect of a wife or a dependent husband under Article 18(5)(b)	£24.75 per week*
(ii) allowance in respect of an adult dependant under Article 18(5)(c)	£24.75 per week*
(iii) increase of allowance in respect of each child under Article 18(5)(d)	£ 8.40 per week
8. Invalidity allowance payable under Article 19	
(a) if –	
(i) the relevant date fell before 5th July 1948; or	} £ 8.65 per week
(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	
(b) if –	
(i) on the relevant date the disabled person was under the age of 45; or	} £ 5.50 per week
(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	
(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	£ 2.75 per week
9. Comforts allowance –	
(a) under Article 20(1)(a)	£11.60 per week
(b) under Article 20(1)(b) or 45(1)	£ 5.80 per week

Maximum*

SCHEDULE 3 (continued)

<i>Description of Pension or Allowance</i>	<i>Rate</i>
10. Allowance for lowered standard of occupation under Article 21	£26.88 per week*
11. Age allowance under Article 22 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent.	£ 4.70 per week
(b) 60 or 70 per cent.	£ 7.30 per week
(c) 80 or 90 per cent.	£10.45 per week
(d) 100 per cent.	£14.60 per week
12. Treatment allowances— increase of personal allowance under Article 23(2)	£14.60 per week*
13. Part-time treatment allowance under Article 25	£27.50 per day*
14. Mobility supplement under Article 25A	£25.60 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)	£53.50 per week
(b) under Article 27(2)	£12.35 per week
2. Rent allowance under Article 28	£20.35 per week*
3. Allowance under Article 29 or 50 to an elderly surviving spouse—	
(a) if age 65 but under age 70	£ 5.75 per week
(b) if age 70 but under age 80	£11.50 per week
(c) if age 80 or over	£14.45 per week
4. Pension under Article 30 to unmarried dependant who lived as spouse	£ 1.00 per week*
5. Pension to dependant widower under Article 32	£53.50 per week*
6. Allowances under Article 33 in respect of each child under the age of 15	£12.00 per week
7. Pension under Article 34(1) to a motherless or fatherless child under the age of 15	£13.15 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	£41.15 per week*
(b) any other case	£13.15 per week*
9. Education allowance under Article 36	£120 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*

*Maximum”.

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme, which takes effect from 11th April 1988, 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.

This Scheme 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 2 and 3, and the Schedule).

Article 4 makes changes consequential upon the coming into force on 11th April 1988 of provisions of the Social Security Act 1986 relating to income support.