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STATUTORY INSTRUMENTS

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**1992 No. 702**

**PENSIONS**

**The Personal Injuries (Civilians) Amendment Scheme 1992**

<i>Made</i>	- - - -	<i>10th March 1992</i>
<i>Laid before Parliament</i>		<i>16th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for Social Security, 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<sup>(1)</sup> and now vested in him<sup>(2)</sup> 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 1992 and shall come into force on 6th April 1992.

(2) In this Scheme, the expression “the principal Scheme” means the Personal Injuries (Civilians) Scheme 1983<sup>(3)</sup>.

**Omission of article 12 of the principal Scheme**

2. Article 12 of the principal Scheme (allowances for eligible members of the family) shall be omitted.

**Amendment of article 18 of the principal Scheme**

3. In article 18 of the principal Scheme (unemployment allowances)—

(a) in paragraph (2), for the amount “£2,028” there shall be substituted the amount “£2,106”;

(b) in paragraph (5)—

(i) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

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(1) 1939 c. 82.

(2) 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; Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843), article 3.

(3) S.I. 1983/686, as amended by S.I. 1983/1164, 1540, 1984/1289, 1675, 1985/1313, 1986/628, 1987/191, 1988/367, 2260, 1989/415, 1990/535, 1300 and 1991/708.

- “(b) subject to sub-paragraph (c) below, an allowance may be awarded in respect of a wife or husband or adult dependant at a rate not exceeding the appropriate rate specified in Schedule 3, paragraph 7(b)(i), if the Secretary of State thinks fit having regard to the financial circumstances of the wife or husband or adult dependant in respect of whom the allowance is claimed;
- (c) an allowance shall not be awarded in respect of more than one adult dependant;”;
- and
- (ii) in paragraph 5(d) for the words “paragraph 7(b)(iii)” there shall be substituted the words “paragraph 7(b)(ii)”.

#### **Amendment of article 23 of the principal Scheme**

4. In article 23 of the principal Scheme (treatment allowances) paragraphs (1)(ii) and (3) shall be omitted.

#### **Amendment of article 25A of the principal Scheme**

5. In article 25A of the principal Scheme (mobility supplement) in paragraph (1)(b) for the words “12 months” there shall be substituted the words “6 months”.

#### **Substitution of Schedules 3 and 4 to the principal Scheme**

6. 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 to this Scheme and numbered 3 and 4.

#### **Saving provision in relation to allowances for eligible members of the family**

7. Notwithstanding the revocation of article 12, and the amendment of article 18(5) and article 23 of the principal Scheme, in any case where a pension or allowance or any addition to a pension is payable in respect of the period immediately before 6th April 1992 those provisions shall continue to have effect as though this Scheme had not come into force.

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

9th March 1992

*Henley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

We approve,

10th March 1992

*Gregory Knight*  
*Thomas Sackville*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## SCHEDULE

Article 6

## SCHEDULES TO BE SUBSTITUTED IN THE PRINCIPAL SCHEME

## “SCHEDULE 3

Article 11

## RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

Description of Pension or Allowance	Rate
1. Pension for 100 per cent. disablement under article 11	£89.00 per week
2. Education allowance under article 13	£120.00 per annum*
3. Constant attendance allowance— under the proviso of article 14 in any other case under that article	£70.80 per week* £35.40 per week*
4. Exceptional severe disablement allowance under article 15	£35.40 per week
5. Severe disablement occupational allowance under article 16	£17.70 per week
6. Allowance for wear and tear of clothing— under article 17(1)(a) under article 17(1)(b) and (2)	£76.00 per annum £120.00 per annum
7. Unemployability allowances— personal allowance under article 18(1)(i) additional allowances for dependants by way of — increase of allowance in respect of a wife or a husband or adult dependent under article 18(5)(b) (ii) increase of allowance under article 18(5)(d)— in respect of the only, elder or eldest child in respect of each other child where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£57.50 per week £32.55 per week* £9.75 per week £10.85 per week £10.85 per week
8. Invalidity allowance payable under article 19 if— the relevant date fell before 5th July 1948; or	

Description of Pension or Allowance	Rate
(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 women, 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	£11.55 per week
if— 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	£7.20 per week
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	£3.60 per week
<b>9. Comforts and allowance—</b>	
under article 20(1)(a)	£15.20 per week
under article 20(1)(b)	£7.60 per week
<b>10. Allowance for lowered standard of occupation under article 21</b>	£35.36 per week*
<b>11. Age allowance under article 22 where the degree of pensionable disablement is—</b>	
40 or 50 per cent.	£6.25 per week
60 or 70 per cent.	£9.65 per week
80 or 90 per cent.	£13.80 per week
100 per cent.	£19.30 per week
<b>12. Treatment allowances—increase of personal allowance under article 23(2)</b>	£19.30 per week*
<b>13. Part-time treatment allowance under article 25</b>	£38.50 per day*
<b>14. Mobility supplement under article 25A</b>	£33.70 per week

\*Maximum.

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## SCHEDULE 4

Article 27

## RATES OF PENSION AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

Description of Pension or Allowance	Rate
<b>1.</b> Pension to widow—	
(a) under article 27(1)	£70.35 per week
(b) under article 27(2)	£16.25 per week
<b>2.</b> Rent allowance under article 28	£26.80 per week*
<b>3.</b> Allowance under article 29 or 50 to an elderly surviving spouse—	
(a) if aged 65 but under age 70	£8.05 per week
(b) if aged 70 but under age 80	£15.55 per week
(c) if age 80 or over	£23.10 per week
<b>4.</b> Pension under article 30 to unmarried dependant who lived as spouse	£1.00 per week*
<b>5.</b> Pension to dependent widower under article 32	£70.35 per week*
<b>6.</b> Allowance under article 33 in respect of each child under the age of 15—	
(i) in respect of the only, elder or eldest child	£13.75 per week
(ii) in respect of each other child	£14.85 per week
(iii) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£14.85 per week
<b>7.</b> Pension under article 34(1) to a motherless or fatherless child under the age of 15—	
(i) in respect of the only, elder, or eldest child	£15.30 per week
(ii) in respect of each other child	£16.40 per week
(iii) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£16.40 per week
<b>8.</b> 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 reasons of an infirmity	£54.15 per week*

Description of Pension or Allowance	Rate
which arose before he attained the age of 15	
(b) any other case—	
(i) in respect of the only, elder or eldest child	£15.30 per week*
(ii) in respect of each other child	£16.40 per week*
(iii) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£16.40 per week*
<b>9.</b> Education allowance under article 36	£120.00 per annum*
<b>10.</b> 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*
<b>11.</b> 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.”.

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## 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.

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 (article 3(a), 6 and the Schedule).

Allowances for eligible members of the family under article 12 are abolished for awards for the period which occurs after the coming into force of this Scheme (article 2). As a consequence, articles 18 and 23 have been amended to remove the references to article 12 (articles 3(b) and 4).

The time limit for which a disablement is likely to remain for the purposes of qualifying for mobility supplement is reduced from 12 months to 6 months (article 5).

Allowances for eligible members of the family will still be payable for any period prior to the coming into force of this Scheme (article 7).