
STATUTORY INSTRUMENTS

1993 No. 480

PENSIONS

The Personal Injuries (Civilians) Amendment Scheme 1993

<i>Made</i>	- - - -	<i>4th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>		
<i>for the purposes of articles</i>		
<i>1, 2 and 8</i>		<i>1st April 1993</i>
<i>for all other purposes</i>		<i>12th April 1993</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 (1) and now vested in him (2) 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 1993 and shall come into force for the purposes of this article and articles 2 and 8 on 1st April 1993 and for all other purposes on 12th April 1993.

(2) In this Scheme, “the principal Scheme” means the Personal Injuries (Civilians) Scheme 1983 (3).

Amendment of article 2 of the principal Scheme

2. In article 2 of the principal Scheme in paragraph 19 (definition of “public funds”), for the words “the Abolition of Domestic Rates Etc. (Scotland) Act 1987, moneys provided under the Local Government Finance Act 1988” there shall be substituted the words “the Local Government Finance Act 1992 (4)”.

(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, 1985/1313, 1986/628, 1987/191, 1988/367, 2260, 1989/415, 1990/535, 1300, 1991/708, 1992/702 and 3226.

(4) 1992 c. 14.

Amendment of article 18 of the principal Scheme

3. In article 18 of the principal Scheme (unemployability allowances) in paragraph (2) for the amount “£2,106” there shall be substituted the amount “£2,184”.

Amendment of article 23 of the principal Scheme

4. In article 23 of the principal Scheme (treatment allowances)—

(a) in paragraph (1) after the words “he receives treatment” there shall be inserted the following words “and as a result of such treatment he incurs a loss of earnings”;

(b) after paragraph (6) there shall be added the following paragraph—

“(7) For the purposes of articles 23, 24 and 25 the expression “earnings” means any remuneration or profit derived from an employment.”.

Amendment of article 24 of the principal Scheme

5. In article 24 of the principal Scheme (allowance where abstention from work is necessary following treatment in a hospital or similar institution) in paragraph (1) after the words “necessitated that treatment” there shall be inserted the following words “and as a result of abstention from work he incurs a loss of earnings”.

Amendment of article 25 of the principal Scheme

6. In article 25 of the principal Scheme (allowance for part-time treatment) in paragraph (1) after the words “normal employment” there shall be inserted the following words “and as a result of such treatment he incurs a loss of earnings”.

Amendment of article 25B of the principal Scheme

7. In article 25B of the principal Scheme (medical expenses) (5) after the words “in so far as” there shall be inserted the words “the expenses wholly or mainly arise as a result of a qualifying injury and in so far as”.

Amendment of article 28 of the principal Scheme

8. In article 28 of the principal Scheme (rent allowance to widows who have children) (6) in paragraph (1) for the words “community charge” there shall be substituted the words “council tax”.

Amendment of article 71 of the principal Scheme

9. In article 71 of the principal Scheme (marriage of female persons)—

(a) for paragraph (3) there shall be substituted the following paragraph—

“(3) Subject to paragraph (4) below, where a pension awarded to a person under articles 27, 30 or 49 of this Scheme ceases under paragraph (1) above, the Secretary of State may award that person a gratuity equal to one year’s pension.”;

(b) for paragraph (4) there shall be substituted the following paragraph—

“(4) Where an award of pension ceases under paragraph (1) above as a consequence of a person living with a man as his wife prior to 12th April 1993, and the death of that

(5) Article 25B was inserted by S.I. [1984/1289](#).

(6) Relevant amending instrument is S.I. [1989/415](#).

man occurs after 11th April 1993, the Secretary of State may award that person a gratuity equal to one year's pension.”;

(c) paragraph (5) shall be omitted.

Substitution of Schedules 3 and 4 to the principal Scheme

10. 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.

Revocations

11. The following articles of the principal Scheme shall be revoked—

- (a) article 13 (education allowance in respect of disablement of gainfully occupied persons and civil defence volunteers);
- (b) article 36 (education allowance in respect of death of gainfully occupied persons and civil defence volunteers);
- (c) article 38 (pensions to parents);
- (d) article 39 (pensions to other dependants); and
- (e) article 52 (education allowance in respect of persons not gainfully occupied).

Transitional provisions

12.—(1) Notwithstanding the amendments made by this Scheme to articles 23, 24 and 25 of the principal Scheme and the revocation of articles 13, 36, 38, 39 and 52 of that Scheme, in any case where a pension or allowance is awarded in respect of a period immediately before 12th April 1993, those provisions shall, for the duration of that award, continue to have effect as though this Scheme had not come into force.

(2) Notwithstanding the amendments made by this Scheme to articles 23, 24 and 25 of the principal Scheme, where treatment commenced before 12th April 1993 and a claim for an allowance under any of those provisions is made in respect of that treatment after 11th April 1993 the Secretary of State may determine the claim as though this Scheme had not come into force.

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

2nd March 1993

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We approve,

4th March 1993

Irvine Patnick
Tim Kirkhope
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Article 10

SCHEDULES TO BE SUBSTITUTED IN THE PRINCIPAL SCHEME

“SCHEDULE 3

Article 11

RATES OF PENSION AND ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

Description of Pension or Allowance	Rate
1. Pension for 100 per cent. disablement under article 11.	£97.20 per week
2. Education allowance under article 13.	£120.00 per annum()
3. Constant attendance allowance—	£73.40 per week()
(a) under the proviso of article 14	
(b) in any case under that article	£36.70 per week()
4. Exceptionally severe disablement allowance under article 15	£36.70 per week
5. Severe disablement occupational allowance under article 16	£18.35 per week
6. Allowance for wear and tear of clothing—	£79.00 per annum
(a) under article 17(1)(a)	
(b) under article 17(1)(b) and (2)	£124.00 per annum
7. Unemployability allowance—	£59.55 per week
(a) personal allowance under article 18(1)(i)	
(b) additional allowances for dependants by way of—	£33.70 per week()
(i) increase of allowance in respect of a wife or a dependant husband under article 18(5)(b)	
(ii) increase of allowance under Article 18(5)(d)—	£9.80 per week
(a) in respect of the only, elder or eldest child	
(b) in respect of each other child	£10.95 per week
(c) 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	£10.95 per week

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Description of Pension or Allowance	Rate
8. Invalidation 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	£11.95 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	£7.50 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	£3.75 per week()
9. Comforts allowance—	£15.70 per week
(a) under article 20(1)(a)	
(b) under article 20(1)(a) or 45(1)	£7.85 per week
10. Allowance for lowered standard of occupation under article 21	£36.64 per week()
11. Age allowance under Article 22 where the degree of pensionable disablement is—	£6.50 per week
(a) 40 or 50 per cent.	
(b) 60 or 70 per cent.	£10.00 per week

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Description of Pension or Allowance	Rate
(c) 80 or 90 per cent.	£14.30 per week
(d) 100 per cent.	£20.00 per week
12. Treatment allowances—increase of personal allowance under article 23(2)	£20.00 per week()
13. Part-time treatment allowance under article 25	£41.40 per day()
14. Mobility supplement under article 25A	£34.90 per week

SCHEDULE 4

Article 27

RATES OF PENSION AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

Description of Pension or Allowance	Rate
1. Pension to widow—	£72.90 per week
(a) under article 27(1)	
(b) under article 27(2)	£16.83 per week
2. Rent allowance under article 28	£27.75 per week*
3. Allowance under article 29 or 50 to an elderly surviving spouse—	£8.35 per week
(a) if aged 65 but under age 70	
(b) if aged 70 but under age 80	£16.10 per week
(c) if age 80 or over	£23.95 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	£73.15 per week*
6. Allowance under article 33 in respect of each child under the age of 15—	£13.85 per week
(i) in respect of the only, or eldest child	
(ii) in respect of each other child	£15.00 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	£15.00 per week

* Maximum

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Description of Pension or Allowance	Rate
7. Pension under article 34(1) to a motherless or fatherless child under the age of 15—	£15.45 per week
(i) in respect of the only, elder or eldest child	
(ii) in respect of each other child	£16.60 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	£16.60 per week
8. Pension or allowance under article 35(3) to or in respect of a child over the age of 15—	£56.10 per week*
(a) where the child has attained the age of 18 and is incapable of self-support by reasons of an infirmity which arose before he attained of 15	
(b) any other case—	£15.45 per week*
(i) in respect of the only elder or eldest child	
(ii) in respect of each other child	£16.60 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	£16.60 per week*
9. Education allowance under article 36	£120.00 per annum*
10. Pensions to parents—	£.25 per week
(a) minimum rate under article 38(4)	
(b) maximum rate under article 38(4)	£1.00 per week
(i) where there is only one eligible parent	
(ii) where there is more than one eligible parent	£1.38 per week
(c) increase under the proviso to article 38(4)—	£0.38 per week*
(i) where there is only one eligible parent	
(ii) where there is more than one eligible parent	£0.62 per week*
11. Pensions to other dependants—	£0.30 per week*
* Maximum	

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Description of Pension or Allowance	Rate
(a) for each juvenile dependant under article 39(4)	
(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 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.

Articles 2 and 8 of this Scheme amends articles 2 and 28 of the principal Scheme as a consequence of the abolition of community charge and introduction of council tax on 1st April.

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 3 and 10 and the Schedule).

Article 4, 5 and 6 of this Scheme amends articles 23, 24 and 25 of the principal Scheme respectively to provide that treatment allowance may be payable only where there has been a loss of earnings.

Article 7 of this Scheme amends article 25B of the principal Scheme to enable medical expenses to be defrayed where they arise wholly or mainly from the disablement due to a qualifying injury.

Article 9 of this Scheme abolishes the restoration of pension to females who remarry.

Article 11 of this Scheme abolishes education allowances pensions to parents and other dependants.

Article 12 of this Scheme provides transitional provisions.