
STATUTORY INSTRUMENTS

1994 No.771

PENSIONS

The Home Guard (Amendment) Order 1994

Made - - - - *15th March 1994*
Laid before Parliament *25th March 1994*
Coming in to force - - *28th March 1994*

At the Court at Buckingham Palace, the 15th day of March 1994

Present,

The Queen's Most Excellent Majesty in Council

WHEREAS Her Majesty deems it expedient to amend the Royal Warrant of 21st December 1964⁽¹⁾ and the Order by Her Majesty of 22nd December 1964⁽²⁾, concerning pensions and other grants in respect of disablement or death due to service in the Home Guard⁽³⁾ and to do so by Order in Council in accordance with section 12(1) and (3) of the Social Security (Miscellaneous Provisions) Act 1977⁽⁴⁾:

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred by the said section 12(1) and (3) and of all other powers enabling Her in that behalf, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order, may be cited as the Home Guard (Amendment) Order 1994 and shall come into force on 28th March 1994.

Amendment of article 1(3) of the Royal Warrant dated 21st December 1964

2. Article 1(3) of the Royal Warrant dated 21st December 1964 (definition of "injury"), shall be deleted and there shall be substituted the following definition—

“(3) “injury” includes wound or disease but excludes any injury due to—

(1) Cmnd.2563, as amended by Cmnd.5118 and [S.I.1989/1335](#).

(2) Cmnd.2564, as amended by Cmnd.5119 and [S.I.1989/1335](#).

(3) Members of the Home Guard are members of the armed forces of the Crown see section 1(2) of the Home Guard Act [1951 \(c. 8\)](#).

(4) [1977 c. 5](#).

- (a) the use or effects of tobacco; or
- (b) the consumption of alcohol;

except that paragraph (a), in so far as it relates to the use of tobacco, and paragraph (b) above shall not apply where the person suffers from a mental condition which is attributable to service if—

- (i) the degree of disablement in respect of that condition has been assessed at 50 per cent or more; and
- (ii) he started or continued to use tobacco or to consume or continue to consume alcohol due to that condition.”.

Amendment of article 1(3) of the Order by Her Majesty dated 22nd December 1964

3. Article 1(3) of the Order dated 22nd December 1964 (definition of “injury”), shall be deleted and there shall be substituted the following definition—

“(3) “injury” includes wound or disease but excludes any injury due to—

- (a) the use or effects of tobacco; or
- (b) the consumption of alcohol;

except that paragraph (a), in so far as it relates to the use of tobacco, and paragraph (b) above shall not apply where the person suffers from a mental condition which is attributable to service if—

- (i) the degree of disablement in respect of that condition has been assessed at 50 per cent or more; and
- (ii) he started or continued to use tobacco or to consume or continue to consume alcohol due to that condition.”.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Royal Warrant dated 21st December 1964 (“the warrant”) and the Order by Her Majesty of 22nd December 1964 (“the order”) as follows:

(i) Article 2 amends article 1(3) of the warrant by substituting a provision which defines “injury” so as to exclude injuries due to the use or effects of tobacco, and the consumption of alcohol. This exclusion is subject to an exception where the use of tobacco or the consumption of alcohol is by an injured person who suffers from a mental condition attributable to service causing a degree of disablement of 50 per cent or more, provided he started or continued to use tobacco or alcohol as a result of his mental condition.

(ii) Article 3 amends article 1(3) of the order by inserting a provision to like effect in that order.

This Order does not impose any costs on business.