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STATUTORY INSTRUMENTS

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**1995 No. 445**

**PENSIONS**

**The Personal Injuries (Civilians) Amendment Scheme 1995**

*Made* - - - - - *23rd February 1995*  
*Laid before Parliament* *3rd March 1995*  
*Coming into force* - - *10th April 1995*

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 1995 and shall come into force on 10th April 1995.

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

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

2. In article 18 of the principal Scheme (unemployability allowances) in paragraph (2) for the amount “2,236” there shall be substituted the amount “2,288”.

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

3. At the end of head (iii) of sub-paragraph (1)(c) of article 25A of the principal Scheme (mobility supplement)<sup>(4)</sup> there shall be added the word “; or” followed by the following head—

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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, 1985/1313, 1986/628, 1987/191, 1988/367, 2260, 1989/415, 1990/535, 1300, 1991/708, 1992/702, 3226, 1993/480, 1994/715 and 2021.

(4) Article 25A was inserted by article 3 of S.I. 1983/1164. There are amendments to the article which are not relevant for the purposes of this instrument.

“(iv) has been in receipt of the mobility component of a disability living allowance under section 73 of either the Social Security Contributions and Benefits Act 1992<sup>(5)</sup> or the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(6)</sup> having been deemed, by virtue of section 74(1) of the relevant Act, to be suffering from such disablement as is mentioned in subsection (1)(a) of section 73 of the relevant Act and to satisfy the requirements of subsection (9) of that section.”.

#### **Amendment of article 76A of the principal Scheme**

4. In paragraph (1) of article 76A of the principal Scheme (suspension in individual cases—Pensions Appeal Tribunal)<sup>(7)</sup> for the words “the determination of that question on appeal” there shall be substituted the words “the determination of the appeal”.

#### **Amendment of article 76B of the principal Scheme**

5. In paragraph (1) of article 76B of the principal Scheme (suspension in individual cases—courts) for the words “the determination of that question on appeal” there shall be substituted the words “the determination of the appeal”.

#### **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 Schedule set out in the Schedule to this Scheme and numbered 3 and 4.

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

17th February 1995

*Mackay of Ardbrecknish*  
Minister of State,  
Department of Social Security

We approve,

23rd February 1995

*Timothy Kirkhope*  
*Andrew Mitchell*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(5) 1992 c. 4.

(6) 1992 c. 6.

(7) Articles 76A and 76B were inserted by article 4 of S.I. 1994/715.

## 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

<i>Description of Pension or Allowance</i>	<i>Rate</i>
1. Pension for 100 per cent. disablement under article 11	£101.10 per week
2. Education allowance under article 13	£120.00 per annum*
3. Constant attendance allowance—	
(a) under the proviso of article 14	£76.40 per week*
(b) in any other case under that article	£38.20 per week*
4. Exceptionally severe disablement allowance under article 15	£38.20 per week
5. Severe disablement occupational allowance under article 16	£19.10 per week
6. Allowance for wear and tear of clothing—	
(a) under article 17(1)(a)	£82.00 per annum
(b) under article 17(1)(b) and (2)	£129.00 per annum
7. Unemployability allowances—	
(a) personal allowance under article 18(1)(i)	£62.45 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)	£35.25 per week*
(ii) increase of allowance under article 18(5)(d)—	
(a) in respect of the only, elder or eldest child	£9.85 per week
(b) in respect of each other child	£11.05 per week
(c) where the child does not qualify for child benefit under the Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£11.05 per week
8. Invalidity allowance payable under article 19	

\* Maximum.

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

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(a) if—	} £12.40 per week
(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	
(b) if—	} £7.80 per week
(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	
(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	£3.90 per week
<b>9. Comforts allowance—</b>	
(a) under article 20(1)(a)	£16.40 per week
(b) under article 20(1)(b) or 45(1)	£8.20 per week
<b>10. Allowance for lowered standard of occupation under article 21</b>	£38.12 per week*
<b>11. Age allowance under article 22 where the degree of pensioned disablement is—</b>	
(a) 40 or 50 per cent.	£6.75 per week

\* Maximum.

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(b) 60 or 70 per cent.	£10.40 per week
(c) 80 or 90 per cent.	£14.85 per week
(d) 100 per cent.	£20.80 per week
<b>12.</b> Treatment allowances—increase of personal allowance under article 23(2)	£20.80 per week*
<b>13.</b> Part-time treatment allowance under article 25	£46.50 per day*
<b>14.</b> Mobility supplement under article 25A	£36.35 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>
<b>1.</b> Pension to widow—	
(a) under article 27(1)	£76.35 per week
(b) under article 27(2)	£17.66 per week
(c) under article 27(3)	£49.77 per week
<b>2.</b> Rent allowance under article 28	£28.85 per week*
<b>3.</b> Allowance under article 29 or 50 to an elderly surviving spouse—	
(a) if age 65 but under age 70	£8.70 per week
(b) if age 70 but under age 80	£16.75 per week
(c) if age 80 or over	£24.95 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	£76.35 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	£14.00 per week
(ii) in respect of each other child	£15.20 per week
(iii) where the child does not qualify for child benefit under the Contributions and Benefits Act 1992 or under any	£15.20 per week

\* Maximum.

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<i>Description of Pension or Allowance</i>	<i>Rate</i>
legislation in Northern Ireland or the Isle of Man corresponding to that Act	
<b>7. Pension under article 34(1) to a motherless or fatherless child under the age of 15—</b>	
(i) in respect of the only, elder or eldest child	£15.65 per week
(ii) in respect of each other child	£16.85 per week
(iii) where the child does not qualify for child benefit under the Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£16.85 per week
<b>8. Pension or allowance under article 35(3) to or in respect of a child over the age of 15—</b>	
(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 the age of 15	£58.85 per week*
(b) any other case—	
(i) in respect of the only, elder or eldest child	£15.65 per week*
(ii) in respect of each other child	£16.85 per week*
(iii) where the child does not qualify for child benefit under the Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£16.85 per week*
<b>9. Education allowance under article 36</b>	£120.00 per annum*
<b>10. Pensions to parents—</b>	
(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. Pensions to other dependants—</b>	
* Maximum.	

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<i>Description of Pension or Allowance</i>	<i>Rate</i>
(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 further amends the Personal Injuries (Civilians) Scheme 1983 (S.I.1983/686) (“the principal Scheme”) which makes provision for the payment of pensions and allowances to or in respect of civilians who were killed or injured during the 1939-45 World War by increasing the amounts of allowances, pensions and awards payable under that Scheme and also increasing the amounts of income to be disregarded for the purposes of certain parts of the Scheme.

In addition the Scheme contains amendments of a drafting nature. It does not impose any costs on business.