

1999 No. 262

PENSIONS

The Personal Injuries (Civilians) Amendment Scheme 1999

Made - - - - - *4th February 1999*

Laid before Parliament *11th February 1999*

Coming into force *12th April 1999*

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(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 1999 and shall come into force on 12th April 1999.

(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 “£2,496” there shall be substituted the amount “£3,016”.

Substitution of article 25B of the principal Order

3. For article 25B (medical expenses) there shall be substituted the following article—

“**25B.** Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a disabled person and of appropriate aids and adaptations for disabled living may, in so far as the expenses wholly or mainly arise as a result of a qualifying injury and in so far as the treatment, aids or adaptations are not provided for, otherwise than on payment of a charge by the disabled person, under legislation of the United Kingdom (other than any enactment under which this Scheme is made), be defrayed by the Secretary of State under such conditions and up to such amounts as he may determine.”.

Substitution of Schedules 3 and 4 to the principal Scheme

4. 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.

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

(c) 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, 2021, 1995/445, 1996/502, 1997/812 and 1998/278.

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

1st February 1999

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

We approve,

4th February 1999

Clive J. C. Betts
Bob Ainsworth
Two of the Lords Commissioners of
Her Majesty's Treasury

SCHEDULE

Article 4

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	£114.70 per week
2. Education allowance under article 13	£120.00 per annum*
3. Constant attendance allowance—	
(a) under the proviso to article 14	£86.60 per week*
(b) in any other case under that article	£43.30 per week*
4. Exceptionally severe disablement allowance under article 15	£43.30 per week
5. Severe disablement occupational allowance under article 16	£21.65 per week
6. Allowance for wear and tear of clothing under article 17(1)	£147 per annum*
7. Unemployability allowances—	
(a) personal allowance under article 18(1)(i)	£70.85 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)	£39.95 per week*
(ii) increase of allowance under article 18(5)(d)—	
(a) in respect of the only, elder or eldest child	£9.90 per week
(b) in respect of each other child	£11.35 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 ^(a) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£11.35 per week
8. Invalidity 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	£14.05 per week

* Maximum
(a) 1992 c. 4.

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(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	£8.90 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	£4.45 per week
9. Comforts allowance—	
(a) under article 20(1)(a)	£18.60 per week
(b) under article 20(1)(b) or 45(1)	£9.30 per week
10. Allowance for lowered standard of occupation under article 21	£43.24 per week*
11. Age allowance under article 22 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent.	£7.65 per week
(b) 60 or 70 per cent.	£11.80 per week
(c) 80 or 90 per cent.	£16.80 per week
(d) 100 per cent.	£23.60 per week
12. Treatment allowances—increase of personal allowance under article 23(2)	£23.65 per week*
13. Part-time treatment allowance under article 25	£52.55 per day*
14. Mobility supplement under article 25A	£41.25 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)	£86.60 per week
(b) under article 27(2)	£20.03 per week
(c) under article 27(3)	£56.45 per week
2. Rent allowance under article 28	£32.75 per week*
3. Allowance under article 29 or 50 to an elderly surviving spouse—	
(a) if age 65 but under age 70	£9.90 per week
(b) if age 70 but under age 80	£19.00 per week
(c) if age 80 or over	£28.30 per week
4. Pension under article 30 to unmarried dependant who lived as spouse	£1.00 per week*
5. Pension to dependent widower under article 32	£86.60 per week*
6. Allowance under article 33 in respect of each child under the age of 15—	
(a) in respect of the only, elder or eldest child	£14.35 per week
(b) in respect of each other child	£15.80 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£15.80 per week
7. Pension under article 34(1) to a motherless or fatherless child under the age of 15—	
(a) in respect of the only, elder or eldest child	£16.20 per week
(b) in respect of each other child	£17.65 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£17.65 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	£66.75 per week*
(b) any other case—	

* Maximum

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(i) in respect of the only, elder or eldest child	£16.20 per week*
(ii) in respect of each other child	£17.65 per week*
(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£17.65 per week*
9. Education allowance under article 36	£120.00 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 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.

Article 3 makes an amendment to article 25B of the principal Scheme to clarify that the Secretary of State’s discretion to defray medical expenses extends to cases where treatment, adaptations or aids are provided for under other legislation on payment of a charge by the disabled person.

This Scheme does not impose any costs on business.

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PENSIONS

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