

2004 No. 717

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme 2004

Made - - - - *10th March 2004*

Laid before Parliament *12th March 2004*

Coming into force - - *12th April 2004*

The Secretary of State for Defence, 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 2004 and shall come into force on 12th April 2004.

(2) In this Scheme, “the principal Scheme” means the Personal Injuries (Civilians) Scheme 1983(c), and, except where the context otherwise requires, a reference to a numbered article, Part, Table or Schedule is to the article, Part, Table or Schedule in the principal Scheme which bears that number.

Amendments to the principal Scheme and application

2. The amendments to the principal Scheme contained in Schedule 1 to this Scheme shall have effect.

Signed by authority of the Secretary of State for Defence

9th March 2004

Ivor Caplin
Parliamentary Under-Secretary of State
Ministry of Defence

We approve

10th March 2004

Joan Ryan
John Heppell
Two of the Lord’s Commissioners of Her Majesty’s Treasury

(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 and Transfer of Functions (War Pensions etc.) Order 2001 (S.I. 2001/3506).

(c) S.I. 1983/686; amending instruments are S.I.1983/1164, 1540, 1984/1289, 1675, 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, 1998/278, 1999/262, 2000/301, 2001/420, 2002/672 and 2003/637.

SCHEDULE 1

Article 2

AMENDMENTS TO THE PRINCIPAL SCHEME

Amendment of article 26A

1. In article 26A (funeral expenses)—
 - (1) in paragraph (1)—
 - (a) in subparagraph (a) at the end insert “and”;
 - (b) in subparagraph (b) at the beginning insert the words “that person’s funeral has taken place, providing that where the date of the funeral is on or before 11th April 2004”;
 - (c) omit the words “, including the cost of transporting the person’s body but only within the area of the British Islands and the Republic of Ireland”.
 - (2) in paragraph (2)—
 - (a) at the beginning insert the words “Subject to paragraph (3),”;
 - (b) omit the words “, and after deduction of any amount payable in respect of death benefit in the Isle of Man or any of the Channel Islands”;
 - (c) for subparagraph (b) substitute—

“(b) transportation of the body, but for funerals taking place on or before 11th April 2004 transportation only within the British Islands and the Republic of Ireland;”;
 - (d) for subparagraph (c) substitute—

“(c) travelling costs of one return journey by the person responsible for the funeral to attend or arrange the funeral, but for funerals taking place on or before 11th April 2004 only travelling costs of one return journey within the British Islands or the Republic of Ireland;”;
 - (e) at the end insert—

“(3) In the case of a funeral which takes place on or after 12th April 2004, the reasonable funeral expenses shall not exceed a total of £1400.”

Substitution of Schedules 3,4 and 7 to the principal Scheme

2.—(1) 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 Schedule 2 to this Scheme and numbered 3 and 4.

(2) For Schedule 7 to the principal Scheme (deductions for the purposes of article 64) there shall be substituted the table set out in Schedule 3 to this Scheme.

SCHEDULE 2

Schedule 1 paragraph 2(1)

SCHEDULES TO BE SUBSTITUTED IN THE PRINCIPAL SCHEME

SCHEDULE 3

Article 11

RATES OF PENSIONS AND ALLOWANCES PAYABLE IN
RESPECT OF DISABLEMENT AND EARNINGS OR INCOME
THRESHOLDS

<i>Description of Pension or Allowance</i>	<i>Rate</i>
1. Pension for 100 per cent. Disablement under article 11	£127.40 per week
2. Education allowance under article 13	£120.00 per annum*
3. Constant attendance allowance under article 14	
A. For decisions made before 9th April 2001	
(a) under the proviso to article 14	£96.20 per week*
(b) in any other case under article 14	£48.10 per week*
B. For decisions made on or after 9th April 2001	
(a) the part day rate of constant attendance allowance under article 14(2);	£24.05 per week
(b) the full day rate of constant attendance allowance under article 14(3);	£48.10 per week
(c) the intermediate rate of constant attendance allowance under article 14(4);	£72.15 per week
(d) the exceptional rate of constant attendance allowance under article 14(5).	£96.20 per week
4. Exceptionally severe disablement allowance under article 15	£48.10 per week
5. Severe disablement occupational allowance under article 16	£24.05 per week
6. Allowance for wear and tear of clothing under article 17(1)	£164 per annum
7. Unemployability allowances—	
(a) personal allowance under article 18(1)(i)	£78.70 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)	£44.35 per week*
(ii) increase of allowance under article 18(5)(d)—	
(aa) in respect of the only, elder or eldest child	£10.30 per week

* Maximum

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(bb) in respect of each other child	£12.10 per week
(cc) 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.	£12.10 per week
For decisions made on or after, 9 April 2001	
(c) the annual earnings figure for the purposes of article 18(2) is £3,744;	
(d) the weekly income figure for the purposes of article 18(5)(b) is £55.65.	
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	£15.55 per week
(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—	
(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	£10.00 per week
(c) if heads (a) and (b) do not apply and on the relevant date the disabled person was under the age of 60	£5.00 per week
9. Comforts allowance—	
(a) under article 20(1)(a)	£20.60 per week
(b) under article 20(1)(b) or 45(1)	£10.30 per week
10. Allowance for lowered standard of occupation under article 21	£48.04 per week*
11. Age allowance under article 22 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent.	£8.55 per week
(b) 60 or 70 per cent.	£13.10 per week
(c) 80 or 90 per cent.	£18.65 per week

* Maximum
(a) 1992 c.4.

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(d) 100 per cent.	£26.20 per week
12. For decisions made before 9th April 2001 Treatment allowance – increase of personal allowance under article 23(2)	£26.20 per week*
13. Part-time treatment allowance under article 25	£58.40 per day*
14. Mobility supplement under article 25A	£45.85 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 widows and widowers—	
(a) under article 27(1)	£96.50 per week
(b) under article 27(2)	£23.13 per week
(c) under article 27(3)	£62.68 per week
2. Rent allowance under article 28	£36.40 per week*
3. Allowance under article 29 or 50 to an elderly surviving spouse—	
(a) if age 65 but under age 70	£11.05 per week
(b) if age 70 but under age 80	£21.15 per week
(c) if age 80 or over	£31.40 per week
4. Pension under article 30 to unmarried dependant who lived as spouse	£1.00 per week*
5. Allowance under article 33 in respect of each child under the age of 15—	
(a) in respect of the only, elder or eldest child	£15.20 per week
(b) in respect of each other child	£16.95 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	£16.95 per week

* Maximum

<i>Description of Pension or Allowance</i>	<i>Rate</i>
6. Pension under article 34(1) where the decision is made before 9th April 2001, to a motherless or fatherless child under the age of 15 and, where the decision is made on or after that date, under article 34(2) to a child under the age of 15 with no parents living—	
(a) in respect of the only, elder or eldest child	£17.25 per week
(b) in respect of each other child	£18.95 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	£18.95 per week
7. Pension or allowance where the decision is made before 9th April 2001, under article 35(3) and, where the decision is made on or after that date, under article 35(2) to or in respect of a child aged 15 or over—	
(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	£74.15 per week*
(b) any other case—	
(i) in respect of the only, elder or eldest child	£17.25 per week*
(ii) in respect of each other child	£18.95 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	£18.95 per week*
8. Education allowance under article 36	£120 per annum*
9. 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*
10. 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

SCHEDULE 3

Schedule 1 paragraph 2(2)

SCHEDULE TO BE SUBSTITUTED IN THE PRINCIPAL SCHEME

SCHEDULE 7

Article 64

DEDUCTIONS FOR THE PURPOSES OF ARTICLE 64

TABLE

<i>Allowance / Pension</i>	<i>Date of Deduction</i>	<i>Weekly Rate of Deduction</i>
Constant attendance allowance (article 14)	After 4 weeks of falling within article 64 paragraph (1)	Total amount of Constant attendance allowance
Severe disablement occupational allowance (article 16)	After 4 weeks of falling within article 64 paragraph (1)	Total amount of Severe disablement occupational allowance
Unemployability personal allowance (article 18)	After 8 weeks of falling within article 64 paragraph (1) where that has been reached on or before 30th September 2003 and after 13 weeks of falling within article 64 paragraph (1) where that has been reached on or after 1st October 2003 and on or before 11th April 2004 and in any other case after 52 weeks of falling within article 64 paragraph (1)	(i) Where disabled person has no partner, spouse or dependants—£30.25 (ii) Where disabled person has partner, spouse or dependants—£15.90
Unemployability allowance increase for wife, husband, unmarried dependant living as a spouse or adult dependant (article 18)	(i) After 8 weeks of falling within article 64 paragraph (1) where that has been reached on or before 30th September 2003 and after 13 weeks of falling within article 64 paragraph (1) where that has been reached on or after 1st October 2003 and on or before 11th April 2004 and in any other case after 52 weeks of falling within article 64 paragraph (1) (ii) After 104 weeks of falling within article 64 paragraph (1)	(i) £15.90 (ii) 30.25
Invalidity allowance (article 19)	After 52 weeks of falling within article 64 paragraph (1)	(i) Where disabled person has no dependants—total amount of Invalidity allowance (ii) Where disabled person has dependants—nil
War widows pension or war widowers pension (article 27) or pension paid to an unmarried dependant who lived as spouse (article 30)	After 52 weeks of falling within article 64 paragraph (1)	£30.25

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 during the 1939-45 World War by increasing the amounts of allowances, pensions and awards payable under the principal Scheme and the amounts of income to be disregarded for the purposes of certain parts of the Scheme.

Paragraph 1 of Schedule 1 amends article 26A (funeral expenses) in the principal Scheme to allow funeral expenses to be paid in respect of funerals which take place on or after 12th April 2004 outside the British Islands and the Republic of Ireland. It also amends the article so that a maximum of £1400 is applied to the funeral expenses which may be payable in respect of all funerals which take place on or after 12th April 2004.

Sub-paragraph 2(2) of Schedule 1 amends Schedule 7 to the principal Scheme by substituting a new table, thereby varying the amounts to be deducted under article 64. Unemployability allowance will be subject to deduction under article 64 on or after 12th April 2004 after a period of 52 weeks hospitalisation rather than 13 weeks.

This Scheme does not impose any costs on business.

£3.00

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