



# Personal Injuries (Emergency Provisions) Act 1939

1939 CHAPTER 82 2 and 3 Geo 6

An Act to make provision as respects certain personal injuries sustained during the period of the present emergency. [3rd September 1939]

## Modifications etc. (not altering text)

- C1 Power to apply and exclude Act conferred (E.W.S.) by [Forfeiture Act 1982 \(c. 34, SIF 116:1, 2\)](#), **ss. 4(2)(3)(5), 5**
- C2 Act excluded (E.W.S.) by [Forfeiture Act 1982 \(c. 34, SIF 116:1, 2\)](#), ss. 4(1)(5), 5
- C3 Act excluded by [S.I. 1982/1082 \(N.I. 14\)](#), **arts. 6, 7**

## Commencement Information

- I1 Act in force at Royal Assent

## 1 Allowances and pensions in respect of certain war injuries and war service injuries.

- (1) The Minister may make a scheme, with the approval of the Treasury and in accordance with the provisions of this Act, providing for the making of payments in respect of the following injuries sustained during the period of the present emergency, namely—
  - (a) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and
  - (b) war services injuries sustained by civil defence volunteers.
- (2) In respect of any such injury, a scheme may authorise the Minister, in such circumstances and subject to such conditions as may be specified in the scheme, to make the following payments to or in respect of the person injured, namely—
  - (a) payments by way of allowance (hereafter in this Act referred to as “injury allowances”), which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in the next following paragraph; and

*Changes to legislation: There are currently no known outstanding effects for the Personal Injuries (Emergency Provisions) Act 1939. (See end of Document for details)*

- (b) payments by way of pension or grant, which shall be payable only where the injury causes serious and prolonged disablement or death.
- (3) A scheme may empower the Minister to make regulations for giving effect to the purposes of the scheme.
- (4) Any decision of the Minister as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied by a subsequent decision of the Minister, but save in so far as it is so varied shall be final and conclusive.
- (5) All expenses incurred by the Minister in giving effect to a scheme shall be defrayed out of moneys provided by Parliament.

**Subordinate Legislation Made**

- P1 S. 1 (with s. 2) power exercised by S.I. 1991/708
- S. 1: for previous exercises of this power see Index to Government Orders

**2 Procedure as to schemes.**

- (1) A scheme may provide that it shall come into operation, or shall be deemed to have come into operation, on such date as may be specified therein.
- (2) A scheme may be amended or revoked by a subsequent scheme or by an order made by the Minister with the consent of the Treasury.
- (3) Every scheme, and every order made under the last preceding subsection, shall be laid before both Houses of Parliament as soon as may be after it is made, and if either House, within the period of forty days beginning with the day on which a scheme or such an order is laid before it, resolves that the scheme or order be annulled, it shall thenceforth become void, but without prejudice to the validity of anything previously done thereunder or to the making of a new scheme or order.

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- (4) A scheme and any regulations made thereunder, and any order made under this Act, shall, for the purpose of section three of the <sup>M1</sup>Rules Publication Act 1893 (which relates to the printing of statutory rules), be deemed to be statutory rules within the meaning of that Act, but shall not be deemed to be or to contain such statutory rules for the purpose of any other provision of that Act.

**Subordinate Legislation Made**

- P2 S. 2: s. 1 (with s. 2) power exercised by S.I. 1991/708
- S. 2: for previous exercises of this power see Index to Government Orders

**Textual Amendments**

- F1 Words repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

**Marginal Citations**

- M1 1893 c. 66.

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**3—5.** ..... <sup>F2</sup>

**Textual Amendments**

**F2** Ss. 3–5 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

**6** ..... <sup>F3</sup>

**Textual Amendments**

**F3** S. 6 repealed (E.W.)(S.) by Theft Act 1968 (c. 60), **Sch. 3 Pt. I** and (N.I.) Theft Act (Northern Ireland) 1969 (c. 16), **Sch. 3 Pt. I**

**7** **Assignments, &c., to be void.**

Any assignment of, or charge on, and any agreement to assign or charge, any payment awarded or to be awarded under a scheme shall be void, and, on the bankruptcy of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

**8** **Interpretation.**

(1) In this Act, unless the context otherwise requires,—

“civil defence organisation” means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purpose of this Act and the scheme;

“civil defence volunteer,” in relation to an injury, means a person certified by a responsible officer of a civil defence organisation to have been a member of that organisation at the time when the injury was sustained;

<sup>F4</sup>  
...

“gainfully occupied person” means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

“the Minister” means [<sup>F5</sup>the Secretary of State];

“period of the present emergency” means the period beginning with the commencement of this Act, and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

“scheme” means a scheme made under this Act;

“war injuries” means physical injuries—

(a) caused by—

- (i) the discharge of any missile (including liquids and gas); or
- (ii) the use of any weapon, explosive or other noxious thing; or
- (iii) the doing of any other injurious act;

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

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- (b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft;

“war service injury” in relation to a civil defence volunteer, means any physical injury which the Minister certifies to have been shown to his satisfaction to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time when the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity.

- (2) No certificate shall be given by the Minister in relation to the definition of “war service injury” in the foregoing subsection, unless he has been furnished with a report about the injury in question by a responsible officer of the civil defence organisation of which the volunteer concerned was a member at the time when the injury was sustained and any such certificate may be revoked by the Minister at any time on new facts being brought to his notice.

#### Textual Amendments

- F4** Words in s. 8(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 11](#)  
**F5** Words substituted by virtue of [S.I. 1953/1198 \(1953 I, p. 1228\)](#), arts. 2(c), 5(4), [Ministry of Social Security Act 1966 \(c. 20\), s. 2](#) and [S.I. 1968/1699, arts. 2, 5\(4\)\(a\)](#)

#### Modifications etc. (not altering text)

- C4** Definitions of “war injuries” and “war service injury” explained by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), s. 5](#)

## 9 <sup>X1†</sup>Short title, extent and commencement.

- (1) This Act may be cited as the Personal Injuries (Emergency Provisions) Act 1939.  
 (2) It is hereby declared that this Act extends to Northern Ireland.  
 (3) ..... <sup>F6</sup>

#### Editorial Information

- X1** Unreliable marginal note.

#### Textual Amendments

- F6** [S. 9\(3\)](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Personal Injuries (Emergency Provisions) Act 1939.