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STATUTORY INSTRUMENTS

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**1983 No. 1164**

**PENSIONS**

**The Personal Injuries (Civilians) Amendment Scheme 1983**

<i>Made</i>	- - - -	<i>27th July 1983</i>
<i>Laid before Parliament</i>		<i>4th August 1983</i>
<i>Coming into Operation</i>		<i>21st November 1983</i>

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred by section 2 of the Personal Injuries (Emergency Provisions) Act 1939 and now vested in him<sup>(1)</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 1983 and shall come into operation on 21st November 1983.

(2) In this Scheme the expression “the principal Scheme” means the S.I. 1983/686 Personal Injuries (Civilians) Scheme 1983.

(3) In relation to any award under the principal Scheme which is payable weekly and to which any provision of this Scheme relates, the foregoing reference to 21st November 1983 shall, where that date is not the normal weekly pay day for that award, be construed as a reference to the date of the first weekly pay day for that award immediately following 21st November 1983.

**Amendment of Article 18 of the principal Scheme**

2. For the amount “£1040” in paragraph (2) of Article 18 of the principal Scheme (earnings allowed in relation to unemployment allowances) there shall be substituted the amount “£1170”.

**Insertion of new Article in the principal Scheme**

3. In Part III of the principal Scheme (awards in respect of disablement of gainfully occupied persons and civil defence volunteers) after Article 25 there shall be inserted the following new Article:—

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(1) 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.

### “Mobility supplement

**25A.**—(1) Subject to the provisions of this Article a mobility supplement may be awarded at the rate specified in paragraph 14 of Schedule 3 to a person in receipt of a pension under Article 11 in respect of—

- (a) disablement as a result of the amputation of both legs, at least one of which has been amputated either through or at a point above the knee; or
- (b) disablement due to any other injury which is, and is likely to remain for at least 12 months from the date on which the question of eligibility for a supplement under this Article is considered by the Secretary of State (either at first instance or on review), wholly or mainly responsible for—
  - (i) rendering him unable to walk, or
  - (ii) restricting his leg movements to such an extent that his ability to walk without severe discomfort is of little or no practical use to him, or
  - (iii) rendering the exertion required to walk a danger to his life or a likely cause of serious deterioration in his health; or
- (c) disablement by reason of which, immediately prior to the date on which the question of his eligibility for a supplement under this Article is first considered by the Secretary of State, he—
  - (i) has had the use of an invalid carriage or other vehicle provided by the Secretary of State under section 5(2) of, and Schedule 2 to, the National Health Service Act 1977<sup>(2)</sup> or section 46 of the National Health Service (Scotland) Act 1978<sup>(3)</sup>, or by the Department of Health and Social Services for Northern Ireland under Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(4)</sup>, which is a vehicle propelled by petrol engine or by electric power for use on the road and to be controlled by the occupant, or
  - (ii) has received any payment by way of grant under the said section 5(2) and Schedule 2 or the said section 46 or the said Article 30 towards the cost of running a private car, or any payment out of public funds which the Secretary of State is satisfied is analogous thereto, or
  - (iii) has been in receipt of a mobility allowance under section 37A of the Social Security Act 1975<sup>(5)</sup> or section 37A of the Social Security (Northern Ireland) Act 1975<sup>(6)</sup> having been deemed, by virtue of section 13 of the Social Security (Miscellaneous Provisions) Act 1977<sup>(7)</sup> or, as the case may be, Article 10 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977<sup>(8)</sup>, to be suffering from such disablement as is mentioned in subsection (1) of that section 37A and to satisfy the requirements of subsection (2)(a) of that section.

(2) In determining for the purposes of paragraph (1)(b) (i) and (ii) the extent of a person's walking ability regard shall be had to his ability to walk with a suitable prosthesis or artificial

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(2) 1977 c.49.

(3) 1978 c.29.

(4) S.I. 1972/1265 (N.I. 14), as amended by section 40 of, and paragraph 8 of Schedule 5 to, the Northern Ireland Constitution Act 1973 (c.36).

(5) 1975 c.14; section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975 (c.60), and amended by section 3 of the Social Security Act 1979 (c.18).

(6) 1975 c.15 (N.I.); section 37A was inserted by Article 24 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)).

(7) 1977 c.5.

(8) S.I. 1977/610 (N.I. 11).

aid which he habitually wears or uses, or which he might reasonably be expected to wear or use.

(3) A mobility supplement under this Article shall not be payable to a person for any period in respect of which he—

- (a) has the use of an invalid carriage or other vehicle provided under any of the statutory provisions referred to in paragraph (1)(c); or
- (b) is in receipt of a mobility allowance under section 37A of the Social Security Act 1975 or section 37A of the Social Security (Northern Ireland) Act 1975”.

#### **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 hereto and numbered 3 and 4.

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

26th July 1983

*Glenarthur*  
Parliamentary Under-Secretary of State  
Department of Health and Social Security

We consent,

27th July 1983

*T. Garel-Jones*  
*Ian B. Lang*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## SCHEDULE

Article 4

Schedules to be substituted in the principal Scheme

## “SCHEDULE 3

## RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

Description of Pension or Allowance	Rate
1. Pension for 100 per cent. disablement under Article 11	£55.60 per week
2. Education allowance under Article 13	£120 per annum <sup>(9)</sup>
3. Constant attendance allowance—	
(a) under the proviso to Article 14	£44.60 per week <sup>(10)</sup>
(b) in any other case under that Article	£22.30 per week <sup>(11)</sup>
4. Exceptionally severe disablement allowance under Article 15	£22.30 per week
5. Severe disablement occupational allowance under Article 16	£11.15 per week
6. Allowance for wear and tear of clothing—	
(a) under Article 17(1)(a)	£48 per annum
(b) under Article 17(1)(b) and 17(2)	£75 per annum
7. Unemployability allowances—	
(a) personal allowance under Article 18(1)(i)	£36.15 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)	£20.45 per week <sup>(12)</sup>
(ii) allowance in respect of an adult dependant under Article 18(5)(c)	£20.45 per week <sup>(13)</sup>
(iii) increase of allowance in respect of each child under Article 18(5)(d)	£7.60 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	£7.15 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	

(9) Maximum  
(10) Maximum  
(11) Maximum  
(12) Maximum  
(13) Maximum

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Description of Pension or Allowance	Rate
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	£4.60 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	£2.30 per week
9. Comforts allowance—	
(a) under Article 20(1)(a)	£9.60 per week
(b) under Article 20(1)(b) or 45(1)	£4.80 per week
10. Allowance for lowered standard of occupation under Article 21	£22.24 per week(14)
11. Age allowance under Article 22 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent.	£3.85 per week
(b) 60 or 70 per cent.	£6.05 per week
(c) 80 or 90 per cent.	£8.65 per week
(d) 100 per cent.	£12.10 per week
12. Treatment allowances—	£12.10 per week(15)
increase of personal allowance under Article 23(2)	
13. Part-time treatment allowance under Article 25	£21 per day(16)
14. Mobility supplement under Article 25A	£21.15 per week

(14) Maximum

(15) Maximum

(16) Maximum

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## SCHEDULE 4

## RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

Description of Pension or Allowance	Rate
1. Pension to widow—	
(a) under Article 27(1)	£44.25 per week
(b) under Article 27(2)	£10.22 per week
2. Rent allowance under Article 28	£16.85 per week <sup>(17)</sup>
3. Allowance under Article 29 or 50 to an elderly widow—	
(a) if age 65 but under age 70	£4.30 per week
(b) if age 70 or over	£8.60 per week
4. Pension under Article 30 to unmarried dependant who lived as wife	£1.00 per week <sup>(18)</sup>
5. Pension to dependent widower under Article 32	£44.25 per week <sup>(19)</sup>
6. Allowances under Article 33 in respect of each child under the age of 15	£10.95 per week
7. Pensions under Article 34(1) to motherless or fatherless children under the age of 15	£11.90 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	£34.05 per week <sup>(20)</sup>
(b) any other case	£11.90 per week <sup>(21)</sup>
9. Education allowance under Article 36	£120 per annum <sup>(22)</sup>
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 <sup>(23)</sup>
(ii) where there is more than one eligible parent	£0.62 per week <sup>(24)</sup>

- (17) Maximum  
(18) Maximum  
(19) Maximum  
(20) Maximum  
(21) Maximum  
(22) Maximum  
(23) Maximum  
(24) Maximum

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Description of Pension or Allowance	Rate
11. Pensions to other dependants—	
(a) for each juvenile dependant under Article 39(4)	£0.30 per week(25)
(b) aggregate rate under Article 39(4)	£1.00 per week(26)
(c) under Article 39(5)	£1.00 per week(27)
12. Funeral Grant under Article 40(1)	£30.00(28)

### EXPLANATORY NOTE

This Scheme amends the Personal Injuries (Civilians) Scheme 1983 (“the principal Scheme”).

The Scheme inserts in the principal Scheme a new Article 25A to make provision for a mobility supplement to be payable to certain persons who are in receipt of a pension in respect of disablement under Article 11 of the principal Scheme.

The Scheme also raises the maximum amount of annual earnings which may be received by a disabled person while he is deemed to be unemployable for the purposes of unemployability allowances under Article 18 of the principal Scheme and varies the rates of pensions and allowances in respect of disablement and death in the 1939/45 War. In the Schedule to be substituted for Schedule 3 to the principal Scheme, which sets out the rates of pensions and allowances payable in respect of disablement, the rate for mobility supplement is inserted.

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(25) Maximum  
(26) Maximum  
(27) Maximum  
(28) Maximum