
STATUTORY INSTRUMENTS

1986 No. 628

PENSIONS

The Personal Injuries (Civilians) Amendment Scheme 1986

<i>Made</i>	- - - -	<i>1st April 1986</i>
<i>Laid before Parliament</i>		<i>8th April 1986</i>
<i>Coming into Operation</i>		<i>28th July 1986</i>

The Secretary of State for Social Services, 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 and now vested in him (1), 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 1986 and shall come into operation on 28th July 1986.

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

Amendment of Article 18 of the principal Scheme

2. In Article 18 of the principal Scheme (unemployability allowances) in paragraph (2) for the amount “£1300” there shall be substituted the amount “£1326”.

Amendment of Article 23 of the principal Scheme

3. In Article 23 of the principal Scheme (treatment allowances in respect of disablement of gainfully occupied persons and civil defence volunteers) after paragraph (5) there shall be inserted the following new paragraph:—

“(6) A disabled person who is not normally in employment, or who is retired from employment, shall not be entitled to a treatment allowance in respect of treatment which, if he were normally in employment, would in the opinion of the Secretary of State involve no or only occasional interruptions of that employment.”

(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.
(2) as amended by S.I. 1983/1164, 1540, 1984/1289, 1675, 1985/1313.

Amendment to Article 25A of the principal Scheme

4. In paragraph (1)(b) of Article 25A of the principal Scheme (mobility supplement)—
- (a) the following head shall be inserted as a new head (iii)—
“(iii) restricting by physical pain or breathlessness his ability to walk to such an extent that it is of little or no practical use to him, or”;
 - (b) the existing head (iii) shall be renumbered (iv).

Amendment of Article 48 of the principal Scheme

5. In Article 48 of the principal Scheme (treatment allowances in respect of persons not gainfully occupied) after paragraph (3) the following paragraph shall be added—

“(4) A disabled person who is not normally in employment, or who is retired from employment, shall not be entitled to a treatment allowance in respect of treatment which, if he were normally in employment, would in the opinion of the Secretary of State involve no or only occasional interruptions of that employment.”.

Amendment of Article 54 of the principal Scheme

6. In Article 54 of the principal Scheme (time limits for applications)—
- (a) in paragraph (1) the words “, except in cases where paragraphs (1B) or (1C) have effect,” shall be inserted after the word “made”;
 - (b) after paragraph (1) the following new paragraphs shall be inserted—
 - “(1A) An application for an award of any pension, allowance or other benefit under this Scheme shall state the pension, allowance or benefit being claimed and shall be made to the Secretary of State either
 - (a) in a form approved by him for that purpose; or
 - (b) in such other manner, whether in writing or otherwise, as he may accept as sufficient in any case.
 - (1B) An application for an award shall be treated by the Secretary of State, both at the date of the application and at any subsequent date, as including an application for an allowance under any of the following Articles, without reference to any such allowance being included in the application:—
 - (a) Article 15 (exceptionally severe disablement allowance);
 - (b) Article 16 (severe disablement occupational allowance);
 - (c) Article 19 (invalidity allowance);
 - (d) Article 20 (comforts allowance);
 - (e) Article 22 (age allowance);
 - (f) Article 29 (allowance to elderly widows);
 - (g) Article 31 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled persons);
 - (h) Article 44 (exceptionally severe disablement allowance);
 - (i) Article 45 (comforts allowance);
 - (j) Article 47 (age allowance);
 - (k) Article 50 (allowance to elderly widows);
 - (l) Article 51 (temporary allowances to widows of severely disabled persons).

(1C) Where an award is in payment under this Scheme and the conditions for entitlement to any of the allowances referred to in paragraph (1B) become satisfied, a claim for any such allowance shall be treated as having been made at the date when the relevant conditions first became satisfied.”.

Substitution of Schedules 3 and 4 to the principal Scheme

7. 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.

19th March 1986

Trumpington
Parliamentary Under-Secretary of State
Department of Health and Social Security

We approve

1st April 1986

Donald Thompson
Tim Sainsbury
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE

Article 7

Schedules to be substituted in the principal Scheme

“SCHEDULE 3

Article 11

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	£63.20 per week
2. Education allowance under Article 13	£120.00 per annum (3)
3. Constant attendance allowance—	
(a) under the proviso to Article 14	£50.60 per week (4)
(b) in any other case under that Article	£25.30 per week (5)
4. Exceptionally severe disablement allowance under Article 15	£25.30 per week
5. Severe disablement occupational allowance under Article 16	£12.65 per week
6. Allowance for wear and tear of clothing—	
(a) under Article 17(1)(a)	£55.00 per annum
(b) under Article 17(1)(b) and 17(2)	£86.00 per annum
7. Unemployability allowances—	
(a) personal allowance under Article 18(1)(i)	£41.10 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)	£23.25 per week (6)
(ii) allowance in respect of an adult dependant under Article 18(5)(c)	£23.25 per week (7)
(iii) increase of allowance in respect of each child under Article 18(5)(d)	£8.05 per week
8. Invalidity allowance payable under Article 19	
(a) if—	
(i) the relevant date fell before 5th July 1948; or	£8.15 per week
(ii) on the relevant date the disabled person was under the age of 35; or	£8.15 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 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	£8.15 per week
(b) if—	

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- (3)** * Maximum
(4) * Maximum
(5) * Maximum
(6) * Maximum
(7) * Maximum

Description of Pension or Allowance	Rate
(i) on the relevant date the disabled person was under the age of 45; or	£5.20 per week
(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	£5.20 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	£2.60 per week
9. Comforts allowance—	
(a) under Article 20(1)(a)	£10.90 per week
(b) under Article 20(1)(b) or 45(1)	£5.45 per week
10. Allowance for lowered standard of occupation under Article 21	£25.28 per week ⁽⁸⁾
11. Age allowance under Article 22 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent.	£4.40 per week
(b) 60 or 70 per cent.	£6.85 per week
(c) 80 or 90 per cent.	£9.85 per week
(d) 100 per cent.	£13.70 per week
12. Treatment allowances—	
increase of personal allowance under Article 23(2)	£13.70 per week ⁽⁹⁾
13. Part-time treatment allowance under Article 25	£24 per day ⁽¹⁰⁾
14. Mobility supplement under Article 25A	£24.05 per week

SCHEDULE 4

Article 27

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)	£50.30 per week
(b) under Article 27(2)	£11.61 per week
2. Rent allowance under Article 28	£19.15 per week ⁽¹¹⁾
3. Allowance under Article 29 or 50 to an elderly widow—	

⁽⁸⁾ * Maximum⁽⁹⁾ * Maximum⁽¹⁰⁾ * Maximum⁽¹¹⁾ * Maximum.

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Description of Pension or Allowance	Rate
(a) if age 65 but under age 70	£5.40 per week
(b) if age 70 but under age 80	£10.80 per week
(c) if age 80 or over	£13.55 per week
4. Pension under Article 30 to unmarried dependant who lived as wife	£1.00 per week (12)
5. Pension to dependant widower under Article 32	£50.30 per week (13)
6. Allowances under Article 33 in respect of each child under the age of 15	£11.55 per week
7. Pensions under Article 34(1) to motherless or fatherless children under the age of 15	£12.60 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	£38.70 per week (14)
(b) any other case	£12.60 per week (15)
9. Education allowance under Article 36	£120.00 per annum (16)
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 (17)
(c) increase under the proviso to Article 38(4)—	
(i) where there is only one eligible parent	£0.38 per week (18)
(ii) where there is more than one eligible parent	£0.62 per week (19)
11. Pensions to other dependants—	
(a) for each juvenile dependant under Article 39(4)	£0.30 per week (20)

- (12)** * Maximum.
(13) * Maximum.
(14) * Maximum.
(15) * Maximum.
(16) * Maximum.
(17) * Maximum.
(18) * Maximum.
(19) * Maximum.
(20) * Maximum.

Description of Pension or Allowance	Rate
(b) aggregate rate under Article 39(4)	£1.00 per week ⁽²¹⁾
(c) under Article 39(5)	£1.00 per week ⁽²²⁾
12. Funeral Grant under Article 40(1)	£30.00 ⁽²³⁾

EXPLANATORY NOTE

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 in the 1939-45 War.

Articles 23 and 48 of the principal Scheme (treatment allowances) are amended so that a disabled person who has claimed treatment allowance but who is not normally in employment or has retired, shall not be eligible for an award under either of those articles where it is considered by the Secretary of State that if that person were in normal employment his treatment would involve no interruption of that employment or would interrupt it only occasionally (Articles 3 and 5).

Article 25A (mobility supplement) is amended so that entitlement to an award of mobility supplement may arise where a claimant's ability to walk is so restricted by pain or breathlessness that it is of little or no practical use to him (Article 4).

Article 54 (time limits for applications for awards) is amended so as to specify that, with certain exceptions, an application for an award must be made in a form approved by the Secretary of State or form that he is prepared to accept and must state the pension, allowance or other benefit being applied for (Article 6).

This 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 (Articles 2 and 7, and the Schedule).

⁽²¹⁾ * Maximum.

⁽²²⁾ * Maximum.

⁽²³⁾ * Maximum.