

2005 No. 655

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme 2005

Made - - - - *10th March 2005*

Laid before Parliament *14th March 2005*

Coming into force in accordance with article 1(1)

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 2005 and shall come into force—

- (a) for the purposes of this article, article 2 and paragraph 1 of Schedule 1 to this Scheme, on 6th April 2005.
- (b) for the purposes of paragraphs 2, 3 and 4 of Schedule 1 to this Scheme, on 11th April 2005.

(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.

(a) 1939 (c.82).

(b) The functions of the Minister of Pensions were transferred to the Minister of Pensions and National Insurance by virtue of the Transfer of Functions (Ministry of Pensions) Order 1953, S.I.1953/1198, article 2. The functions of the Minister of Pensions and National Insurance were transferred to the Minister of Social Security by virtue of the Ministry of Social Security Act 1966, (c.20), section 2. The functions of the Minister of Social Security were transferred to the Secretary of State for Social Services by virtue of the Secretary of State for Social Services Order 1968, S.I.1968/1699, article 2. The functions of the Secretary of State for Social Services were transferred to the Secretary of State for Social Security by virtue of the Transfer of Functions (Health & Social Security) Order 1988 S.I. 1988/1843, article 3. The functions of the Secretary of State for Social Security were transferred to the Secretary of State by virtue of the 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, 2003/637 and 2004/717.

Signed by authority of the Secretary of State for Defence

Ivor Caplin
Parliamentary Under-Secretary of State
Ministry of Defence

9th March 2005

We approve

Nick Ainger
Jim Murphy

10th March 2005

Two of the Lord's Commissioners of Her Majesty's Treasury

SCHEDULE 1

Article 2

AMENDMENTS TO THE PRINCIPAL SCHEME

Amendment of article 71 (marriage of female persons)

1. Article 71 shall be amended as follows—

(1) the heading of article 71 of the principal Scheme (Marriage of female persons) shall be changed to “Effects of marriage and living together”;

(2) in paragraph (1) for the word “No” there shall be substituted the words “Subject to paragraph (1B), no”;

(3) after paragraph (1A) there shall be inserted—

“(1B) Any pension or allowance awarded to a person under Articles 27 to 30 (inclusive) and 49(1) shall not cease if that person marries or begins to live with another person as the spouse of that person on or after 6th April 2005.”.

Amendment of Schedule 3

2. For Schedule 3 to the principal Scheme (rates of pensions and allowances payable in respect of disablement and earning or income thresholds) there shall be substituted the Schedule set out in Schedule 2 to this Scheme.

Amendment of Schedule 4

3. For Schedule 4 to the principal Scheme (rates of pensions and allowances payable in respect of death) there shall be substituted the Schedule set out in Schedule 3 to this Scheme.

Amendment of Schedule 7

4. For Schedule 7 to the principal Scheme (deductions for the purposes of article 64) there shall be substituted the Schedule set out in Schedule 4 to this Scheme.

SCHEDULE 2

Schedule 1 paragraph 2

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 3 TO THE PRINCIPAL SCHEME

“SCHEDULE 3

Article 11

Table

RATES OF PENSION 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	£131.30 per week
2. Education allowance under article 13	£120.00 per annum*
3. Constant attendance allowance under article 14	
A. For decisions made before 9 th April 2001—	
(a) under the proviso to article 14	£99.20 per week*
(b) in any other case under article 14	£49.60 per week*
B. For decisions made on or after 9 th April 2001—	
(a) the part day rate of constant attendance allowance under article 14(2)	£24.80 per week
(b) the full day rate of constant attendance allowance under article 14(3)	£49.60 per week
(c) the intermediate rate of constant attendance allowance under article 14(4)	£74.40 per week
(d) the exceptional rate of constant attendance allowance under article 14(5)	£99.20 per week
4. Exceptionally severe disablement allowance under article 15	£49.60 per week
5. Severe disablement occupational allowance under article 16	£24.80 per week
6. Allowance for wear and tear of clothing under article 17(1)	£169 per annum
7. Unemployability allowances—	
(a) personal allowance under article 18(1)(i)	£81.15 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)	£45.70 per week*
(ii) increase of allowance under article 18(5)(d)—	
(aa) in respect of the only, elder or eldest child	£10.60 per week
(bb) in respect of each other child	£12.50 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	£12.50 per week
For decisions made on or after, 9 April 2001	
(c) the annual earnings figure for the purposes of article 18(2) is £4,056;	
(d) the weekly income figure for the purposes of article 18(5)(b) is £56.20.	
8. Invalidity allowance payable under article 19	
(a) if—	

<i>Description of Pension or Allowance</i>	<i>Rate</i>
<ul style="list-style-type: none"> (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 	£16.05 per week
(b) if—	
<ul style="list-style-type: none"> (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 	£10.30 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	£5.15 per week
9. Comforts allowance—	
(a) under article 20(1)(a)	£21.20 per week
(b) under article 20(1)(b) or 45(1)	£10.60 per week
10. Allowance for lowered standard of occupation under article 21	£49.52 per week*
11. Age allowance under article 22 where the degree of pensioned disablement is—	
(a) 40 or 50 per cent	£8.80 per week
(b) 60 or 70 per cent	£13.50 per week
(c) 80 or 90 per cent	£19.25 per week
(d) 100 per cent	£27.00 per week
12. For decisions made before 9 th April 2001, treatment allowance — increase of personal allowance under article 23(2)	£27.00 per week*
13. Part-time treatment allowance under article 25	£59.00 per day*
14. Mobility supplement under article 25A	£47.25 per week

^(a) 1992 c.4.

* maximum”

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 4 OF THE
PRINCIPAL SCHEME

“SCHEDULE 4

Article 27

Table

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)	£99.50 per week
(b) under article 27(2)	£23.85 per week
(c) under article 27(3)	£64.62 per week
2. Rent allowance under article 28	£37.55 per week*
3. Allowance under article 29 or 50 to an elderly surviving spouse—	
(a) if age 65 but under age 70	£11.40 per week
(b) if age 70 but under age 80	£21.80 per week
(c) if age 80 or over	£32.35 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	£15.65 per week
(b) in respect of each other child	£17.50 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	£17.50 per week
6. Pension under article 34(1) where the decision is made before 9 th 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	£17.80 per week
(b) in respect of each other child	£19.55 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	£19.55 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—	

<i>Description of Pension or Allowance</i>	<i>Rate</i>
(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	£76.45 per week*
(b) any other case—	
(i) in respect of the only, elder or eldest child	£17.80 per week*
(ii) in respect of each other child	£19.55 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	£19.55 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 4

Schedule 1 paragraph 4

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 7 TO THE PRINCIPAL SCHEME

“SCHEDULE 7

Article 64

Table

DEDUCTIONS FOR THE PURPOSES OF ARTICLE 64

<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

<i>Allowance / Pension</i>	<i>Date of Deduction</i>	<i>Weekly Rate of Deduction</i>
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—£31.20 (ii) Where disabled person has partner, spouse or dependants—£16.40
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)	(i) £16.40
	(ii) After 104 weeks of falling within article 64 paragraph (1)	(ii) 31.20
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)	£31.20”

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 71 of the principal Order by substituting a new heading and by providing that awards under Articles 27 to 30 (inclusive) of the principal Order to widows, widowers or unmarried dependants living as spouses of former members shall not cease in the event of the widow, widower or unmarried dependant living as a spouse marrying or living with another person as the spouse of that person, provided that such marriage or living with another commences on or after the 6th April 2005.

Paragraph 2 of Schedule 1 amends Schedule 3 to the principal Scheme by substituting a new table, thereby varying the rates of pension and allowances payable in respect of disablement and also earning or income thresholds.

Paragraph 3 of Schedule 2 amends Schedule 4 to the principal Scheme by substituting a new table, thereby varying the rates of pensions and allowances payable in respect of death.

Paragraph 4 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.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

£3.00

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