
STATUTORY INSTRUMENTS

1994 No. 715

PENSIONS

The Personal Injuries (Civilians) Amendment Scheme 1994

<i>Made</i>	- - - -	<i>17th March 1994</i>
<i>Laid before Parliament</i>		<i>21st March 1994</i>
<i>Coming into force</i>	- -	<i>11th April 1994</i>

The Secretary of State for Social Security, 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⁽¹⁾ and now vested in him⁽²⁾ 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 1994 and shall come into force on 11th April 1994.

(2) In this Scheme, the expression “the principal Scheme” means the Personal Injuries (Civilians) Scheme 1983⁽³⁾

Amendment of article 18 of the principal Scheme

2. In article 18 of the principal Scheme (unemployability allowances) in paragraph (2) for the amount “£2,184” there shall be substituted the amount “£2,236”.

Amendment of article 76 of the principal Scheme

3. In article 76 of the principal Scheme (review of decisions, assessments and awards)—
- (a) in paragraph (7) for the word “Nothing” there shall be substituted the words “Subject to paragraph (7A), nothing”; and
 - (b) after paragraph (7) there shall be inserted the following paragraph—

(1) 1939 c. 82.
(2) 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 and Social Security) Order 1988 (S.I. 1988/1843) article 3.
(3) S.I. 1983/686, as amended by S.I. 1983/1164, 1540, 1984/1289, 1985/1313, 1986/628, 1987/191, 1988/367, 2260, 1989/415, 1990/535, 1300, 1991/708, 1992/702, 3226 and 1993/480.

“(7A) Any assessment made, given or upheld by the Pensions Appeal Tribunal under the Pensions Appeal Tribunals Acts 1943 and 1949 may be reviewed and revised by the Secretary of State where he is satisfied by fresh medical evidence of a deterioration in the disablement in respect of which the assessment was made.”.

Insertion of articles 76A, 76B and 76C into the principal Scheme

4. After article 76 of the principal Scheme (review of decisions, assessments and awards) there shall be inserted the following articles—

“Suspension in individual cases — Pensions Appeal Tribunal

76A.—(1) Where it appears to the Secretary of State that a question arises whether an appeal ought to be brought against the decision of a Pensions Appeal Tribunal, he may, subject to paragraph (2), direct that payment of a pension or gratuity in accordance with that decision be suspended, in whole or in part, pending the determination of that question on appeal.

(2) Where it appears to the Secretary of State that a question arises under paragraph (1), he may only give directions that payment of the pension or gratuity in accordance with that decision be suspended within the relevant period.

(3) A suspension under paragraph (1) shall cease unless, within the relevant period, the person awarded the pension or gratuity by virtue of the decision (“the pensioner”) is given notice in writing that an application for leave to appeal has been made against that decision.

(4) Subject to paragraph (5), where the pensioner has been given notice within the relevant period that an application for leave to appeal against a decision of a Pensions Appeal Tribunal has been made, the suspension may continue until that application for leave to appeal and, where leave has been granted, any subsequent appeal is determined.

(5) Where an application for leave to appeal against a decision of a Pensions Appeal Tribunal is made to a Pensions Appeal Tribunal and that application is refused, the suspension shall cease unless the Secretary of State, within a period of 28 days beginning with the date on which notice in writing of the decision of the Pensions Appeal Tribunal refusing leave to appeal is received by him, makes a further application for leave to appeal, and, if he has so applied, the suspension may continue until that application for leave to appeal and any subsequent appeal is determined.

(6) Where, on an appeal against a decision of a Pensions Appeal Tribunal, the court remits the matter for rehearing and determination by a Pensions Appeal Tribunal, the appeal is not determined for the purposes of paragraphs (4) and (5) until the matter remitted for rehearing has been determined.

(7) A pensioner is to be treated as having been given the notice required by paragraph (3) on the date that it is posted to him at his last known address.

(8) In this article—

- (a) “appeal” means an appeal under section 6(2) of the Pensions Appeal Tribunals Act 1943(4);
- (b) “application for leave to appeal” means an application for leave to appeal in the proceedings referred to in sub-paragraph (a) above, and, in England and Wales, an application for leave to appeal under Order 101, rule 3 of the Rules of the

(4) 1943 c. 39. Section 6(2) has been amended as it applies to Northern Ireland by the Judicature (Northern Ireland) Act 1978 (c. 23), section 122(1), Schedule 5, Part II.

Supreme Court 1965⁽⁵⁾, in Scotland under rule 285 of the Act of Sederunt (Rules of Court, consolidation and amendment) 1965⁽⁶⁾ or, in Northern Ireland, under Order 101, rule 2 of the Rules of the Supreme Court (Northern Ireland) 1980⁽⁷⁾;

- (c) “relevant period” means the period of one month beginning with the date on which notice in writing of the decision in question and of the reasons for it is received by the Secretary of State.

Suspension in individual cases — courts

76B.—(1) Where it appears to the Secretary of State that a question arises whether an appeal ought to be brought against the decision of a court, he may, subject to paragraph (2), direct that payment of the pension or gratuity in accordance with that decision be suspended, in whole or in part, pending the determination of that question on appeal.

(2) Where it appears to the Secretary of State that a question arises under paragraph (1), he may only give directions that payment of the pension or gratuity in accordance with that decision be suspended within the relevant period.

(3) A suspension under paragraph (1) shall cease unless, within the relevant period, the person awarded the pension or gratuity by virtue of the decision (“the pensioner”) is given notice in writing that an application for leave to appeal has been made against that decision.

(4) Where the pensioner has been given notice within the relevant period that an application for leave to appeal has been made, the suspension may continue until that application for leave to appeal and any subsequent appeal is determined.

(5) A pensioner is to be treated as having been given the notice required by paragraph (3) on the date that it is posted to him at his last known address.

(6) In this article—

(a) “appeal” means—

(i) in England, Wales and Northern Ireland an appeal to the Court of Appeal or, in Scotland, a reclaiming motion to the Inner House of the Court of Session, against the determination of an application for judicial review;

(ii) in England, Wales and Northern Ireland an appeal to the House of Lords against a decision of the Court of Appeal in an application referred to in head (i) above, or in Scotland, an appeal to the House of Lords against a decision of the Inner House of the Court of Session in a reclaiming motion in an application referred to in head (i) above;

(b) “application for leave to appeal” means an application or petition for leave to appeal as the case may be in the proceedings referred to in heads (i) and (ii) of sub-paragraph (a) above;

(c) “relevant period” means the period of three months beginning with the date on which notice in writing of the decision in question and of the reasons for it is received by the Secretary of State.

Suspension in other cases

76C.—(1) Where it appears to the Secretary of State that—

- (a) an appeal has been brought or a question arises whether an appeal ought to be brought against a decision of a court in relation to a case (“the primary case”); and

⁽⁵⁾ S.I. 1965/1776.

⁽⁶⁾ S.I. 1965/321.

⁽⁷⁾ S.R. 1980 No. 346.

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- (b) if such an appeal were to be allowed a question would arise in relation to another case (“the secondary case”) whether the award of a pension or gratuity in that case ought to be reviewed,

he may direct that payment of the pension or gratuity under the award in the secondary case be suspended, in whole or in part—

(i) until the time limit for making an application for leave to appeal in the primary case has expired; or

(ii) if such an application is made, until such time as that application and any subsequent appeal has been determined, whichever is the later.

(2) In this article the expressions “appeal” and “application for leave to appeal” have the same meanings as they have in article 76B.”.

Substitution of Schedules 3 and 4 to the principal Scheme

5. 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 Schedule set out in the Schedule to this Scheme and numbered 3 and 4.

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

15th March 1994

Astor
Parliamentary Under-Secretary of State,
Department of Social Security

We approve,

17th March 1994

Andrew Mackay
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty’s Treasury

SCHEDULE 1

Article 5

SCHEDULE TO BE SUBSTITUTED IN THE PRINCIPAL SCHEME

““SCHEDULE 3

Article 11

RATES OF PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

<i>Description of Pension or Allowance</i>	<i>Rate</i>
1. Pension for 100 per cent. disablement under article 11	£98.90 per week
2. Education allowance under article 13	£120.00 per annum*
3. Constant attendance allowance—	
(a) under the proviso of article 14	£74.80 per week*
(b) in any other case under that article	£37.40 per week*
4. Exceptionally severe disablement allowance under article 15	£37.40 per week
5. Severe disablement occupational allowance under article 16	£18.70 per week
6. Allowance for wear and tear of clothing—	
(a) under article 17(1)(a)	£80.00 per annum
(b) under article 17(1)(b) and (2)	£126.00 per annum
7. Unemployability allowances—	
(a) personal allowance under article 18(1)(i)	£61.10 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)	£34.50 per week*
(ii) increase of allowance under Article 18(5)	
(d)—	
(a) in respect of the only, elder or eldest child	£9.80 per week
(b) in respect of each other child	£11.00 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	£11.00 per week

* Maximum.

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<i>Description of Pension or Allowance</i>	<i>Rate</i>
8. Invalidity allowance payable under article 19	
(a) if—	
(i) the relevant date fell before 5th July 1948; or	} £12.15 per week
(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	
(b) if—	
(i) on the relevant date the disabled person was under the age of 45; or	} £7.60 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	
(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	} £3.80 per week
9. Comforts allowance—	
(a) under article 20(1)(a)	£16.00 per week
(b) under article 20(1)(b)	£8.00 per week
10. Allowance for lowered standard of occupation under article 21	£37.28 per week*
11. Age allowance under article 22 where the degree of pensionable disablement is—	
(a) 40 or 50 per cent.	£6.60 per week
(b) 60 or 70 per cent.	£10.20 per week
(c) 80 or 90 per cent.	£14.55 per week
(d) 100 per cent.	£20.40 per week
* Maximum.	

<i>Description of Pension or Allowance</i>	<i>Rate</i>
12. Treatment allowances — increase of personal allowance under article 23(2)	£20.40 per week*
13. Part-time treatment allowance under article 25	£43.90 per day*
14. Mobility supplement under article 25A	£35.55 per week*

* Maximum.

SCHEDULE 4

Article 27

RATES OF PENSION AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

<i>Description of Pension or Allowance</i>	<i>Rate</i>
1. Pension to widow—	
(a) (a) under article 27(1)	£74.70 per week
(b) (b) under article 27(2)	£17.28 per week
2. Rent allowance under article 28	£28.25 per week*
3. Allowance under article 29 or 50 to an elderly surviving spouse—	
(a) (a) if aged 65 but under age 70	£8.50 per week
(b) (b) if aged 70 but under age 80	£16.40 per week
(c) (c) if age 80 or over	£24.40 per week
4. Pension under article 30 to unmarried dependant who lived as spouse	£1.00 per week*
5. Pension to dependent widower under article 32	£74.70 per week*
6. Allowance under article 33 in respect of each child under the age of 15—	
(i) in respect of the only, elder or eldest child	£13.90 per week
(ii) in respect of each other child	£15.10 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	£15.10 per week
7. Pension under article 34(1) to a motherless or fatherless child under the age of 15—	

* Maximum.”.

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<i>Description of Pension or Allowance</i>	<i>Rate</i>
(i) in respect of the only, elder, or eldest child	£15.50 per week
(ii) in respect of each other child	£16.70 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	£16.70 per week
8. Pension or allowance under article 35(3) to or in respect of a child over the age of 15—	
(a) (a) where the child has attained the age of 18 and is incapable of self-support by reasons of an infirmity which arose before he attained the age of 15	£57.60 per week*
(b) (b) any other case—	
(i) in respect of the only, elder or eldest child	£15.50 per week*
(ii) in respect of each other child	£16.70 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	£16.70 per week*
9. Education allowance under article 36	£120.00 per annum*
10. Pensions to parents—	
(a) (a) minimum rate under article 38(4)	£0.25 per week
(b) (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) (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*
11. Pensions to other dependants—	
* Maximum.”.	

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<i>Description of Pension or Allowance</i>	<i>Rate</i>
(a) (a) for each juvenile dependant under article 39(4)	£0.30 per week*
(b) (b) aggregate rate under article 39(4)	£1.00 per week*
(c) (c) under article 39(5)	£1.00 per week*

* Maximum.”.

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 in the 1939-45 war.

This Scheme 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 5 and the Schedule).

Article 3 of this Scheme enables the Secretary of State to review and revise an assessment decision of a Pensions Appeal Tribunal where he is satisfied by fresh medical evidence of a deterioration in the disablement in respect of which an assessment was made.

Article 4 of this Scheme inserts new articles 76A, 76B and 76C into the principal Scheme which deal with the suspension of benefit pending an appeal.

This Scheme does not impose any costs on business.