
 STATUTORY INSTRUMENTS

1968 No. 176

PENSIONS

The Personal Injuries (Civilians) (Amendment) Scheme 1968

<i>Made</i> - - - -	12th February 1968
<i>Laid before Parliament</i>	20th February 1968
<i>Coming into Operation</i>	
<i>Article 2</i> - - -	10th April 1968
<i>Remainder</i> - -	8th April 1968

The Minister of Social Security, with the consent of the Treasury, in exercise of the powers conferred upon her by Section 2 of the Personal Injuries (Emergency Provisions) Act 1939(a), and of all other powers enabling her in that behalf, hereby makes the following Scheme:—

Citation, interpretation and commencement

1.—(1) This Scheme, which may be cited as the Personal Injuries (Civilians) (Amendment) Scheme 1968, amends the Personal Injuries (Civilians) Scheme 1964(b), as amended(c), (hereinafter referred to as “the principal Scheme”).

(2) Subject to the provisions of the next following paragraph, this Scheme shall come into operation on 8th April 1968.

(3) Article 2 of this Scheme shall come into operation on 10th April 1968.

Amendment of Schedule 3 to the principal Scheme, and transitional provisions

2.—(1) In Schedule 3 to the principal Scheme (rates of pension and allowances payable in respect of disablement) there shall be made the amendments set out in Part I of the Schedule hereto.

(2) Where, by virtue of the provisions of paragraph (1) of this Article, the aggregate rate of additional unemployability or treatment allowances (or allowances analogous thereto made by the Minister with the consent of the Treasury) and allowances, if any, under the Family Allowances Act 1965 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act, payable in respect of the children of a disabled person who qualify therefor at 8th April 1968 is, upon the coming into operation of the said paragraph, less than it was according to the rates in force on the said 8th April, then for the period for which the said aggregate rate in respect of those children or any remaining number of them continues to be less than it would have been had the said rates remained in force, the rate of additional unemployability or treatment allowances (or allowances analogous thereto) payable in respect of those children may be varied to the extent required to exclude the reduction in the said aggregate rate.

 (a) 2 & 3 Geo. 6. c. 82.

(b) S.I. 1964/2077 (1964 III, p. 5187).

(c) The relevant amending Scheme is S.I. 1967/1250 (1967 II, p. 3617).

Amendment of Schedule 4 to the principal Scheme

3. In Schedule 4 to the principal Scheme (rates of pensions and allowances payable in respect of death) there shall be made the amendments set out at Part II of the Schedule hereto.

Judith Hart,

Minister of Social Security.

9th February 1968.

We consent.

J. McCann,

Joseph Harper,

Two of the Lords Commissioners of
Her Majesty's Treasury.

12th February 1968.

SCHEDULE

PART I

Amendment of Schedule 3 to the principal Scheme

1. In Schedule 3 paragraph 6 (unemployability allowances) for head (iii) of sub-paragraph (b) there shall be substituted the following head:—

“(iii) increased allowance under Article 17(4)(f)—

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|---|--------|-----------------|
| (a) in respect of the child, or the elder or eldest of the children, of a disabled person | | 28s. per week |
| (b) in respect of the second child of a disabled person | | 13s. per week |
| (c) in respect of each other child of a disabled person | | 11s. per week ” |

2. In Schedule 3 paragraph 10 (treatment allowances) for sub-paragraph (d) there shall be substituted the following sub-paragraph:—

“(d) increased additional allowance under Article 21(4) proviso (b)—

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|---|--------|-----------------|
| (i) in respect of the child, or the elder or eldest of the children, of a disabled person | | 28s. per week |
| (ii) in respect of the second child of a disabled person | | 13s. per week |
| (iii) in respect of each other child of a disabled person | | 11s. per week ” |

PART II

Amendment of Schedule 4 to the principal Scheme

In Schedule 4—

(a) for paragraph 6 (allowance under Article 33 in respect of a child under the age of 15) there shall be substituted the following paragraph:—

“6. Allowances under Article 33 in respect of children under the age of 15—

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|---|--------|-------------------|
| (a) in respect of the child, or the elder or eldest of the children, of a deceased person | | 49s. 6d. per week |
| (b) in respect of each other child of a deceased person— | | |

- | | |
|---|-------------------------|
| (i) where the child qualifies for a family allowance under the Family Allowances Act 1965 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act | 42s. 6d. per week |
| (ii) where the child does not so qualify | ... 46s. 6d. per week ” |

(b) for paragraph 7 (pension under Article 34(1) to a motherless or fatherless child under the age of 15) there shall be substituted the following paragraph:—

“7. Pensions under Article 34(1) to motherless or fatherless children under the age of 15—

- (a) in respect of the child, or the elder or eldest of the children, of a deceased person, and in respect of each other child of a deceased person who does not qualify for a family allowance as aforesaid ... 49s. 6d. per week
- (b) in respect of each other child of a deceased person who qualifies for a family allowance as aforesaid 42s. 6d. per week "
- (c) for paragraph 8 (pension or allowance under Article 35(3) to or in respect of a child over the age of 15) there shall be substituted the following paragraph:—
- " 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 90s. per week
(maximum)
- (b) any other case 72s. 6d. per week
(maximum) "

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme further amends the Personal Injuries (Civilians) Scheme 1964, which provides for compensation to or in respect of civilians injured or killed in the 1939-45 War.

Articles 2 and 3 make amendments which take account of the increase in family allowances made by the Family Allowances and National Insurance Act 1967 from 9th April 1968 and have the effect—

- (a) of varying the rates of allowances payable in respect of children of unemployable pensioners or of pensioners receiving treatment as defined in Article 21(8) so that the allowances and (where payable) family allowances together will normally provide a total of 28s. a week in respect of each child (instead of 25s. or 27s. a week). In the case of existing awards, transitional provisions provide for the aggregate rate of these allowances to be maintained if, exceptionally, it would be reduced by the application of the new rates.
- (b) in relation to children of deceased persons—
- (i) of increasing the rate payable in respect of the only, elder, or eldest child (and certain other children who do not qualify for a family allowance) by 3s. a week for each child ;
- (ii) of adjusting the rate payable in respect of any child who also qualifies for a family allowance so that the total weekly amount provided for each child is normally increased by 3s.