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STATUTORY INSTRUMENTS

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**1983 No. 686**

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

**PART III**

**AWARDS IN RESPECT OF DISABLEMENT OF GAINFULLY  
OCCUPIED PERSONS AND CIVIL DEFENCE VOLUNTEERS**

**Determination of degree of disablement**

**10.**—(1) The following provisions of this Article shall apply for the purposes of the assessment of the degree of a person's disablement.

(2) Subject to the following provisions of this Article—

- (a) the degree of a person's disablement shall be assessed by making a comparison between the condition of the person as so disabled and the condition of a normal healthy person of the same age and sex, without taking into account the earning capacity of the disabled person in his own or any other specific trade or occupation, and without taking into account the effect of any individual factors or extraneous circumstances:

Provided that where the qualifying injury is the aggravation of an injury or disease which existed before the material date—

- (i) in assessing the degree of disablement existing immediately after the material date, account shall be taken of the total disablement due to that injury or disease and existing immediately after that date; and
- (ii) in assessing the degree of disablement existing at any subsequent date, account shall be taken of any increase in the degree of disablement which has occurred since the material date only in so far as that increase is due to the qualifying injury;
- (b) where such disablement has been caused by more than one qualifying injury, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all such qualifying injuries;
- (c) the degree of disablement shall be assessed on an interim basis unless the person's condition permits a final assessment of the extent, if any, of that disablement.

(3) The degree of disablement assessed as aforesaid shall be expressed in the form of a percentage, total disablement being expressed as 100 per cent. (which shall be the maximum assessment) and a lesser degree of disablement being expressed as 90, 80, 70, 60, 50, 40, 30 or 20 per cent., or less than 20 per cent., as may be appropriate having regard to the proportion which that lesser degree of disablement bears to total disablement.

(4) Where the disablement has been caused by an injury specified in Schedule 2 or is a disablement so specified and, in either case, has reached a settled condition, the degree of the disablement shall, in the absence of any special features, be assessed at the percentage specified in that Schedule as appropriate to that injury or to that disablement.

(5) Where disablement which falls to be assessed under this Article (hereinafter in this Article referred to as "the relevant disablement") is disablement of a person who has been awarded a pension

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or other grant payable out of public funds (otherwise than under this Scheme) in respect of some other disablement however caused, the degree of the relevant disablement shall not exceed the difference between—

- (a) the degree of the other disablement determined by reference to the assessment on which payment of the said pension or other grant is being made or, where that payment is not based on any specific assessment, the assessment which, in the opinion of the Secretary of State, having regard to the regulations under which that payment is made, is appropriate to that other disablement; and
- (b) the degree at which the relevant disablement and the other disablement, determined as aforesaid, would together have been assessed on a composite assessment if both disablements had fallen to be assessed under this Article:

Provided that, where an award may be made under this Scheme in respect of a member of the disabled person's family in respect of whom an award is not comprised in the said pension or other grant, the provisions of this paragraph shall not apply in relation to that award.

(6) The provisions of paragraph (5) of this Article shall not apply where the disabled person to whom an award in respect of the relevant disablement may be made has been awarded a pension or other grant payable, in respect of some other disablement however caused, under Chapters IV and V of Part II of the Social Security Act 1975, the corresponding provisions of the Social Security (Northern Ireland) Act 1975, or under the law of any place outside the United Kingdom which in the opinion of the Secretary of State is analogous to the first-mentioned Act of 1975.