
STATUTORY INSTRUMENTS

1984 No. 1289

The Personal Injuries (Civilians) Amendment Scheme 1984

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Personal Injuries (Civilians) Amendment Scheme 1984 and shall come into operation on 26th November 1984.

(2) In this Scheme the expression “the principal Scheme” means the Personal Injuries (Civilians) Scheme 1983⁽¹⁾.

Amendment of Article 2 of the principal Scheme

2. In Article 2 of the principal Scheme (definitions)—

(a) in paragraph (7) for sub-paragraphs (e), (f) and (g) there shall be substituted the following sub-paragraphs:—

“(e) illegitimate child, whose other parent is, or was at the date of his marriage to the injured person or of his death, an unmarried person living as a spouse of that person;

(f) illegitimate child, not being a child who comes within sub-paragraphs (d) or (e) of this definition, who—

(i) if the injured person is alive, is dependent on that person, or

(ii) if the injured person is dead, either was dependent on him at the date of his death or was born after his death;

(g) foster-child, that is to say a child who—

(i) where the injured person is alive, is being brought up and wholly or mainly maintained by that person as his child, or

(ii) where the injured person is dead, was being so brought up and so maintained by him at the date of his death;”;

(b) paragraph (8) shall be omitted;

(c) in paragraph (10) for the words from “dependent husband” to the end of the paragraph there shall be substituted the words “husband or dependent child of that person”;

(d) after paragraph (21) there shall be inserted the following paragraphs:—

“(21A) “surviving spouse” means the widow or, as the case may be, the dependent widower of a person referred to in sub-paragraphs (a) to (c) of Article 5(1) (entitlement);

(21B) “unmarried dependant living as a spouse”, in relation to a person who has sustained a qualifying injury, means —

(a) where the injured person is alive, a person of the opposite sex who, 6 months before the material date, was being wholly or substantially maintained by the

injured person on a permanent bona fide domestic basis and who has been continuously thereafter and is still being maintained by the injured person on such a basis;

- (b) where the injured person is dead, a person of the opposite sex who was wholly or substantially maintained by the injured person on a permanent bona fide domestic basis continuously throughout the period beginning 6 months before the material date and ending with the date of the injured person's death;

and “unmarried dependant who lived as a spouse” shall be construed accordingly;”.

Amendment of Article 12 of the principal Scheme

3. In Article 12 of the principal Scheme (allowance for eligible members of the family)—
- (a) in the Table in paragraph (2) for the words “dependent husband” there shall be substituted the word “husband”;
 - (b) in paragraph (3) the words “Subject to the following provisions of this Article,” shall be omitted;
 - (c) paragraph (4) shall be omitted.

Amendment of Article 18 of the principal Scheme

4. In Article 18 of the principal Scheme (unemployability allowances)—
- (a) in paragraph (2) for the amount “£1,170” there shall be substituted the amount “£1,222”;
 - (b) in paragraph (5)—
 - (i) sub-paragraph (a) shall be omitted,
 - (ii) for sub-paragraph (b) there shall be substituted the following sub-paragraph:—

“(b) where an allowance has been awarded under Article 12 in respect of a wife or husband the rate of the allowance may be increased by an amount not exceeding the appropriate amount in Schedule 3, paragraph 7(b)(i), if the Secretary of State thinks fit having regard to the financial circumstances of the person in respect of whom the allowance has been granted;”
 - (iii) in sub-paragraph (c) the words “or under sub-paragraph (a) of this paragraph” shall be omitted.

Amendment of Article 23 of the principal Scheme

5. In Article 23(3) of the principal Scheme (treatment allowances)—
- (a) for the words “eligible dependant” there shall be substituted the words “eligible member of the family”;
 - (b) the words from “that dependant” to “family and” shall be omitted.

Insertion of new Article in the principal Scheme

6. In Part III of the principal Scheme (awards in respect of disablement of gainfully occupied persons and civil defence volunteers) after Article 25A there shall be inserted the following new Article:—

“Medical expenses

25B. Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a disabled person and of appropriate aids and adaptations for disabled living may, in so far as not provided under legislation of the United Kingdom (other than any enactment under which this Scheme is made), be defrayed by the Secretary of State under such conditions and up to such amounts as he may determine.”

Amendment of Article 28 of the principal Scheme

7. In Article 28 of the principal Scheme (rent allowance to widows who have children)—
- (a) for any reference to a “widow” there shall be substituted a reference to a “surviving spouse”;
 - (b) in paragraphs (1) and (2) after the words “Article 27” there shall be inserted the words “or 32”;
 - (c) in paragraph (3)(a)(i) and (ii) for the words “widow's deceased husband” there shall be substituted the words “deceased person”.

Amendment of Article 29 of the principal Scheme

8. For Article 29 of the principal Scheme (allowance to elderly widows) there shall be substituted the following Article:—

“Allowance to elderly surviving spouses

29. Where a surviving spouse who is in receipt of a pension under Article 27 or 32 has attained the age of 65 years, 70 years or, as the case may be, 80 years he may be awarded an allowance at whichever of the rates specified in Schedule 4, paragraph 3, is appropriate.”

Amendment of Articles 30, 38 and 77 of the principal Scheme

9. In Article 30 (pensions to unmarried dependants who lived as wives), Article 38 (pensions to parents) and Article 77(1)(b) (meaning of “designated person” in relation to posthumous awards) for any reference to an “unmarried dependant living as a wife”, an “unmarried dependant” or an “unmarried dependant who lived as a wife” there shall be substituted a reference to an “unmarried dependant who lived as a spouse”.

Amendment of Article 37 of the principal Scheme

10. For Article 37 of the principal Scheme (awards to or in respect of ineligible members of the families of unemployable pensioners) there shall be substituted the following Article:—

“Awards to or in respect of ineligible children of unemployable pensioners

37. Where a deceased person was at the date of his death in receipt of an allowance in respect of a child under Article 18(5)(d) by virtue of Article 18(5)(e), a pension to or an allowance in respect of the child may be awarded at the rate and subject to the conditions which would have been appropriate under the foregoing provisions of this Part if the child had been an eligible member of the family.”

Insertion of new Articles in the principal Scheme

11. After Article 48 of the principal Scheme (treatment allowances) there shall be inserted the following new Articles:—

“Mobility supplement

48A. The provisions of Article 25A shall apply to a person in receipt of a pension under Article 42 in all respects as if he were in receipt of a pension under Article 11.

Medical expenses

48B. The provisions of Article 25B shall apply to a person in receipt of a pension under Article 42 in all respects as if he were in receipt of a pension under Article 11.”.

Amendment of Article 50 of the principal Scheme

12. For Article 50 of the principal Scheme (allowance to elderly widows) there shall be substituted the following Article:—

“Allowance to elderly surviving spouses

50. Where a surviving spouse who is in receipt of a pension awarded under Article 49 has attained the age of 65 years, 70 years or, as the case may be, 80 years he may be awarded an allowance at whichever of the rates specified in Schedule 4, paragraph 3, is appropriate.”.

Amendment of Article 57 of the principal Scheme

13. In Article 57(1) of the principal Scheme (power to relax conditions of Scheme) the words “2(8) or 2(10)” shall be omitted.

Amendment of Article 71 of the principal Scheme

14. In Article 71 of the principal Scheme (marriage of female persons) for paragraph (1) there shall be substituted the following paragraph:—

“(1) No pension under Part IV or Article 49(1) of this Scheme in respect of the death of an injured person shall be awarded to or in respect of any person, other than a parent, who, after the death of the deceased person, marries or lives with another person as the spouse of that person:

Provided that an allowance awarded under this Scheme in respect of a child of a deceased person shall not be affected by the cessation under this Article of the award of a pension to any other person.”.

Amendment of Article 75 of the principal Scheme

15. In Article 75 of the principal Scheme (payment of pensions) after paragraph (2) there shall be added the following new paragraph:—

“(3) Where, by reason of any provision in any instrument which amends a provision of this Scheme—

(a) a change falls to be made in the rate of any pension which, by virtue of paragraph (1), is payable weekly; and

- (b) the date on which that change would, but for the provisions of this paragraph, fall to be made (hereinafter referred to as “the prescribed date”) is not the day of the week on which payment of pension is normally made (hereinafter referred to as “the weekly pay day”),

the change shall have effect only as from the first weekly pay day immediately following the prescribed date.”.

Amendment of Article 76 of the principal Scheme

16. In paragraph (3) of Article 76 of the principal Scheme (review of decisions, assessments and awards) after sub-paragraph (a) there shall be inserted the following sub-paragraph:—

- “(aa) in the case of a decision accepting a claim for pension—
- (i) the decision was given after it had been certified pursuant to Article 56(b) that the person was suffering from a specified disablement (hereinafter referred to as “the certified condition”) which was due to a qualifying injury, and
 - (ii) since the date of the decision it has been further certified pursuant to Article 56(b) that the injured person was not, at the date of the earlier certification, suffering from the certified condition; or”.

Substitution of Schedules 3 and 4 to the principal Scheme

17. For Schedule 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.

31st July 1984

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

We approve.

10th August 1984

Margaret Thatcher
D.J.F. Hunt
Two of the Lords Commissioners of Her
Majesty's Treasury