
STATUTORY INSTRUMENTS

1992 No. 3226

PENSIONS

**The Personal Injuries (Civilians)
Amendment (No.2) Scheme 1992**

Made - - - - *17th December 1992*
Laid before Parliament *17th December 1992*
Coming into force - - *7th January 1993*

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 (No.2) Scheme 1992 and shall come into force on 7th January 1993.

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

Amendment of article 2 of the principal Scheme

2. In article 2 of the principal Scheme (interpretation)⁽⁴⁾, after paragraph (14) (definition of “material date”) there shall be inserted the following paragraph—

“(14A) “noise-induced sensorineural hearing loss” means damage to the cochlear hair cells of the inner ear which is caused by the exposure of the cochlea to noise, and a condition or symptom is to be treated as related to such hearing loss if it is another condition, or a symptom, which is the consequence of damage to the cochlear hair cells of the inner ear which is caused by the exposure of the cochlea to noise;”.

(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 and Secretary of State for Social Services Order 1968 (S.I. 1968/1699), article 2.

(3) S.I. 1983/686. There are amendments which are not relevant for the purposes of this instrument.

(4) There are amendments to this article which are not relevant for the purposes of this instrument.

Amendment of article 10 of the principal Scheme

3. In article 10 of the principal Scheme (determination of degree of disablement), after paragraph (2) there shall be inserted the following paragraphs—

“(2A) Where the average hearing loss at frequencies of 1, 2 and 3 kHz is not 50 dB or more in each ear, the degree of disablement in respect of that loss shall be assessed at less than 20 per cent.

(2B) Neither noise-induced sensorineural hearing loss nor a related condition or symptom shall be taken into account in determining a person’s degree of disablement if the degree of disablement in respect of that loss alone is less than 20 per cent.”.

Amendment of article 72 of the principal Scheme

4. In article 72 of the principal Scheme (power to award lump sums) at the beginning there shall be inserted the words “Subject to article 72A,”.

Insertion of article 72A in the principal Scheme

5. After article 72 of the principal Scheme there shall be inserted the following article—

“(72A) A lump sum under article 72 shall not be payable in relation to—

- (a) noise-induced sensorineural hearing loss, or
- (b) a related condition or symptom if it is accompanied by noise-induced sensorineural hearing loss.”.

Transitional provision

6.—(1) Where the degree of disablement in respect of noise-induced sensorineural hearing loss, or in respect of such hearing loss and a related condition or symptom, is assessed at less than 20 per cent, and a claim for an award in respect of that disablement was made prior to 7th January 1993, payment of any award resulting from that claim shall be made as though articles 2, 3, 4 and 5 of this Scheme were omitted.

(2) Expressions used in this article which are defined in the principal Scheme have the same meaning in this article as they have in the principal Scheme.

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

14th December 1992

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

We consent,

17th December 1992

Irvine Patnick
Gregory Knight
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme amends the Personal Injuries (Civilians) Scheme 1983 (S.I.1983/686) (“the principal Scheme”) by excluding noise-induced sensorineural hearing loss which is assessed as producing less than 20% disablement from giving rise to an entitlement to a lump sum under article 72 of the principal Scheme (*articles 4 and 5*).

Such hearing loss below that level is also to be excluded in determining, under article 10 of the principal Scheme, the overall degree of disablement for the purposes of awards of pension (*article 3*). Related conditions and symptoms accompanying such hearing loss are similarly excluded.

There are savings for those who have already claimed an award or a lump sum in respect of such hearing loss whether alone or with a related condition or symptom at the time the amending Scheme comes into force (*article 6*).