

EXPLANATORY MEMORANDUM TO
THE PERSONAL INJURIES (CIVILIANS) AMENDMENT (No.3) SCHEME
2005

2005 No.3031

1. 1.1 This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The Personal Injuries (Civilians) Amendment (No.3) Scheme 2005 amends The Personal Injuries (Civilians) Scheme 1983 (“the PI(C)S”). It provides that rights, benefits and obligations currently afforded by the PI(C)S to married couples and those who live together as if married will be extended to civil partners and those who live together as if civil partners respectively as a consequence of the coming into force of the Civil Partnership Act 2004 on 5 December 2005.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 The Committee has expressed concern regarding the consolidation of the PI(C)S. The PI(C)S, made under the Personal Injuries (Emergency Provisions) Act 1939, applies only to injuries sustained by civilians during the Second World War. The number of beneficiaries under this Scheme are therefore now small and reducing – there are now less than 2,100 disablement pensioners under the PI(C)S. The Ministry of Defence aims to consolidate the Civilians Scheme by April 2007 following consolidation of the Service Pensions Order in April 2006.

4. **Legislative Background**

4.1 The Civil Partnership Act 2004 is to come into force on 5 December 2005. This Act provides a new legal framework that will enable recognition of same-sex relationships through the new status of civil partner and the new legal relationship of civil partnership. Same-sex couples who commit themselves to a registered civil partnership will obtain many of the same rights and obligations as married couples.

4.2 This amendment reflects MOD’s undertaking to ensure that civil partners have treatment as close as possible to that for spouses. Similar amendments are being made to all other War Pensions legislation where there is an impact.

5. **Extent**

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Under existing legislation, the provisions of the PI(C)S do not extend to same-sex couples. The policy intention behind this order is, in line with the undertaking given by the MOD, to afford civil partners treatment as close as possible to that currently provided for spouses. Those who are defined as living together as civil partners will be treated the same as those who are defined as living together as spouses.

7.2 An amendment has been to the table at Schedule 3 of the PICS in order to correct an omission and to align the table with the provisions of Article 18(5)(b) of the principal Scheme

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no significant impact on business, charities or voluntary bodies.

9. Contact

Mrs S J McIntosh at the Ministry of Defence Tel: 020 7218 0564 can answer any queries regarding the instrument.