

EXPLANATORY MEMORANDUM TO
THE PERSONAL INJURIES (CIVILIANS) AMENDMENT SCHEME 2005

2005 No.655

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 Scheme 2005 amends The Personal Injuries (Civilians) Amendment Scheme 1983 (“the PI(C)S”). It contains two elements:

- it provides for the annual inflation-based increase in the rates of pensions and allowances payable under the PI(C)S;
- it changes the rules on war widows and widowers pensions paid under the PI(C)S so that those pensions can be paid for life, regardless of remarriage.

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

3.1 The Committee has expressed concern about when the PI(C)S will be consolidated. The PI(C)S, made under the Personal Injuries (Emergency Provisions) Act 1939, applies only to injuries arising from the Second World War. The number of beneficiaries under the Scheme is therefore now small and reducing – there are now less than 2,200 disablement pensioners under the PI(C)S. The Ministry regrets that it has not been able to begin work on consolidation as it has lacked the appropriate resources for this extensive piece of work. We intend to consider consolidation of the Civilian Scheme for April 2006

4. Legislative Background

4.1 The amendment to enable payment of widows and widowers pensions for life reflects an undertaking given by Under-Secretary of State (Lords), Lord Bach on 8 September 2004, during debate of the Armed Forces (Pensions and Compensation) Bill 2004 (Col 612) in respect widows and widowers of members of the Armed Forces who left service before 31 March 1973. Amendments are being made to the The Naval, Military And Air Forces Etc. (Disablement And Death) Service Pensions Amendment Order 1983 (the “SPO”) to provide that war widows or widowers pensions will not be withdrawn from those widows or widowers in this group who remarry or start to cohabit on or after 6 April 2005. This change makes a similar amendment in respect of beneficiaries under that PI(C)S. It applies to all widows and widowers who receive benefits under the PI(C)S because in all

cases their entitlement can arise only from events occurring during the Second World War

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 The Convention is not applicable to this instrument.

7. Policy background

7.1 It is the Department's policy to increase pensions and allowances payable under the PI(C)S in line with inflation as measured by the retail prices index.

7.2 Currently, war widows and widowers pensions under the SPO, and equivalent pensions under the PI(C)S, are withdrawn if the person remarries or starts to cohabit. Ex-service organisations, in particular the War Widows Association, made representations that that elderly war widows were disadvantaged because they did not gain from improvements made to the occupational Armed Forces Pension Scheme ("the AFPS") from March 1973, and that this group of widows should therefore have their pensions paid for life. Beneficiaries under the PI(C)S do not receive payments from the AFPS, so a similar improvement is appropriate for them

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.