

EXPLANATORY MEMORANDUM TO

THE PERSONAL INJURIES (CIVILIANS) SCHEME (AMENDMENT) ORDER 2017

2017 No. 149

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Ministry of Defence (MOD) and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The Personal Injuries (Civilians) Scheme 1983 (“the PI(C)S”) makes provision for the payment of pensions and allowance to or in respect of civilians who were killed or injured during World War Two as a result of actions by the enemy or in the performance of civil defence duties.
- 2.2 This instrument provides for the increase of the rates of retired pay, pensions, gratuities and allowances payable under the Order establishing the PI(C)S (“the principal Order”). The rates which are to be increased appear in Schedules 1 and 2 of the principal Order.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The committee has previously expressed concern as to when the PI(C)S will be consolidated. This is addressed at paragraph 7.4 of this memorandum.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The PI(C)S is related to the Order for the main war pension scheme (The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006), otherwise known as the SPO. The SPO make provision for the payment of pensions and other awards to or in respect of service personnel who have died or have been injured as a result of service in the naval, military or air forces before 6 April 2005. Compensation is payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 (AFCS) where the death or injury occurs on or after this date.
- 4.2 The uprating of the SPO is covered by a separate instrument.
- 4.3 Pensions and allowances are traditionally uprated each year and the rates in this instrument have been approved by the Treasury.

5. Extent and Territorial Application

- 5.1 The extent and territorial application of this instrument is the whole 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

What is being done and why

- 7.1 This instrument provides for the annual increase in rates of pension and allowances payable under the principal Order. There are no amendments to any of the articles. Uprating is discretionary but the long established practice is to increase the rates annually in April, applying the same principle that the Department for Work and Pensions uses for uprating social security disability benefits. The basic war pension and war widow(er)s pension will therefore rise by 1 per cent together with all of the allowances payable.

Consolidation

- 7.2 The PI(C)S, made under the Personal Injuries (Emergency Provisions) Act 1939, applies only to injuries arising from World War Two. As at 31 March 2016, there were only 776 disabled pensioners receiving compensation under the PI(C)S. Given previous years statistics, this number is forecast to drop at a rate of around ten per cent a year. The scheme is exceptional amongst war pension instruments in that not only is it restricted to injuries during a specific time in history but there is also a time limit of three months for making first claims under the scheme, although there is power within the scheme rules for the waiving of these time limits. MOD recognises the desirability of consolidating the PI(C)S Order but, in view of the small and reducing number of beneficiaries under the scheme and of other demands on limited resources, it is unlikely to be able to undertake this extensive piece of work.

8. Consultation outcome

- 8.1 No consultation was required, as MOD was not seeking to amend any articles in the PI(C)S Order this year.

9. Guidance

- 9.1 All persons in receipt of a pension or allowance will be notified of the annual increase in the rates by letter.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
10.2 There is no impact on the public sector.
10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 These provisions are subject to continued monitoring and review.

13. Contact

13.1 Tracy Sexton at the Ministry of Defence Telephone: 020 7218 80564 or email: CLS-Sec1@mod.uk can answer any queries regarding the instrument.