

STATUTORY RULES AND ORDERS

1940 No. 1307

PENSION

Personal Injuries (Civilians) Scheme.

THE PERSONAL INJURIES (CIVILIANS) SCHEME, 1940, DATED JULY 23, 1940, MADE BY THE MINISTER OF PENSIONS WITH THE CONSENT OF THE TREASURY UNDER SECTIONS 1 AND 2 OF THE PERSONAL INJURIES (EMERGENCY PROVISIONS) ACT, 1939, (2 & 3 GEO. 6. C. 82).

The Minister of Pensions, in pursuance of the powers conferred on him by sections one and two of the Personal Injuries (Emergency Provisions) Act, 1939, and with the consent of the Treasury, hereby makes the following Scheme.

PART I.

GENERAL.

1. This Scheme may be cited as the Personal Injuries Short title.
(Civilians) Scheme, 1940.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Inter-
pretation.
52 & 53
Vict. c. 63.

(2) In this Scheme the following expressions have the meanings hereby assigned to them respectively, that is to say:—

1. "the Act" means the Personal Injuries (Emergency Provisions) Act, 1939;

2. "civil defence organisation" means any organisation which is declared by Article 3 of this Scheme to be a civil defence organisation for the purpose of the Act and this Scheme;

3. "civil defence volunteer", in relation to an injury, means a person certified by a responsible officer of a civil defence organisation to have been a member of that organisation at the time when the injury was sustained;

4. "disablement" means loss of physical or mental capacity, and "disabled" shall be construed accordingly;

5. "degree of disablement" in Part III and Part IV of this Scheme and in the Second Schedule to this Scheme means degree of disablement as assessed and certified under Article 5 of this Scheme;

6. "dependent child", in relation to a person who has sustained an injury, means any child, born at any time not later than nine months after the date on which that injury was sustained (hereinafter in this sub-paragraph referred

to as "the material date"), who has not attained the age of fifteen years and who, if living on the material date, was then being wholly or mainly maintained by the injured person, and who is

- (a) a legitimate child of the injured person; or
- (b) a child of the injured person who was legitimated before the material date; or
- (c) a child of the injured person who is illegitimate or was legitimated after the material date, being in either case, where the injured person was a male person, a child whose father and mother had for the year immediately preceding the material date, or for the last year of their joint lives, whichever is the earlier, been regularly cohabiting as husband and wife, and whose mother had during that year been wholly or mainly maintained by his father; or
- (d) where the injured person is a male person, a step-child whose mother was married to the injured person before the material date; or
- (e) a child adopted by the injured person before the material date under the Adoption of Children Act, 1926, the Adoption of Children Act (Northern Ireland), 1929, or the Adoption of Children (Scotland) Act, 1930, or under any law in force outside the United Kingdom which, in the opinion of the Minister, is analogous to any of those enactments;

7. "gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

8. "the Minister" means the Minister of Pensions;

9. "period of the present emergency" means the period beginning with the third day of September, nineteen hundred and thirty-nine, and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of the Act came to an end;

10. "prescribed" means prescribed by regulations made under this Scheme;

11. "professional fireman" has the same meaning as in the Fire Brigade Pensions Act, 1925, as amended by any subsequent enactment, and "professional policeman"

16 & 17
Geo. 5. c. 29.
20 & 21
Geo. 5. c. 15
(N.I.).
20 & 21
Geo. 5. c. 37.

15 & 16
Geo. 5. c. 47.

means a person to whom the Police Pensions Act, 1921, or section two of the Constabulary Act (Northern Ireland), 1922, applies;

11 & 12
Geo. 5. c. 31.
12 & 13
Geo. 5. c. 8
(N.I.).

12. " public funds " means moneys provided by Parliament or the Parliament of Northern Ireland, moneys the payment whereof is a charge on the Consolidated Fund of the United Kingdom or of Northern Ireland, and moneys payable out of any general or local rate, or out of a fund established under or by virtue of any public, general or local Act;

13. " qualifying injury " has the meaning assigned to it by paragraph (3) of Article 4 of this Scheme;

14. " relevant qualifying injury ", in relation to an award of an allowance to or in respect of the wife, or of a pension to the widow, of a person, means a qualifying injury sustained by that person after he was married to that wife or widow, and, in relation to an award of an allowance in respect of, or of a pension to, a dependent child of a person, means a qualifying injury sustained by that person in relation to which that child falls to be treated for the purposes of this Scheme as a dependent child of that person;

15. " war injuries " means physical injuries—

(a) caused by—

- (i) the discharge of any missile (including liquids and gas); or
- (ii) the use of any weapon, explosive or other noxious thing; or
- (iii) the doing of any other injurious act; either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft;

16. " war service injury ", in relation to a civil defence volunteer, means any physical injury which the Minister certifies to have been shown to his satisfaction to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time when the injury was sustained, and (except in the case of a war

injury) not to have arisen out of and in the course of his employment in any other capacity.

(3) For the purposes of this Scheme a person shall only be treated as being incapable of self-support if he is suffering from physical or mental infirmity of a permanent or prolonged nature whereby he is rendered incapable of self-support.

(4) For the purposes of this Scheme disablement caused by a qualifying injury or by any two or more qualifying injuries shall only be treated as being serious and prolonged if it is assessed and certified under Article 5 of this Scheme to be of a degree of not less than twenty per cent., or if it could have been so assessed and certified but for any such direction as is mentioned in paragraph (3) of that Article.

3. It is hereby declared that any organisation established in the United Kingdom for civil defence purposes which is described or named in the First Schedule to this Scheme shall be a civil defence organisation for the purpose of the Act and this Scheme.

4.—(1) Subject to the provisions of this Scheme, an award may be made under Part II or Part III of this Scheme to or in respect of a person in whose case the condition specified in either of the following sub-paragraphs is fulfilled, that is to say—

(a) that, being a civil defence volunteer, he sustained a war service injury during the period of the present emergency;

(b) that, being a gainfully occupied person (whether being also a civil defence volunteer or not), he sustained a war injury during the period of the present emergency.

(2) Subject to the provisions of this Scheme, an award may be made under Part IV of this Scheme to or in respect of a person (not being a person mentioned in the foregoing paragraph of this Article) who falls within any of the classes of persons to whom that Part of this Scheme applies.

(3) In this Scheme the expression "qualifying injury" means—

(a) in relation to a person in whose case the condition specified in sub-paragraph (a) of paragraph (1) of this Article is fulfilled, any war service injury by reference to which that condition is fulfilled in his case;

(b) in relation to a person in whose case the condition specified in sub-paragraph (b) of paragraph (1) of this Article is fulfilled, any war injury by reference to which that condition is fulfilled in his case;

(c) in relation to a person who falls within any of the classes of persons to whom Part IV of this Scheme

Civil
defence
organisa-
tions for
purposes
of Act and
Scheme.

Application
of several
Parts of
Scheme.

applies, any war injury by reference to which he falls within any of those classes of persons.

5.—(1) The degree of disablement caused to a person by a qualifying injury or by any two or more qualifying injuries shall be assessed and certified in accordance with the following provisions of this Article by a medical officer or board of medical officers appointed or recognised by the Minister for the purpose.

Ascertainment of degree of disablement.

(2) The degree of disablement caused to a person by a qualifying injury or by any two or more qualifying injuries shall be assessed by making a comparison between the condition of disablement which has been caused to that person by that injury or by the combined effect of those injuries and the condition of a normal healthy person of the same age and sex without taking into account the earning capacity of the disabled person in his own or in any other specific trade or occupation, and so that the extent to which that condition of disablement has been aggravated by individual factors or extraneous circumstances shall not be included in the degree at which that disablement is assessed.

(3) Notwithstanding anything contained in the foregoing provisions of this Article, where a person whose degree of disablement falls to be assessed has been awarded a pension or other grant payable out of public funds (not being a pension awarded under this Scheme) in respect of another disablement suffered by him, the foregoing provisions of this Article shall have effect subject to any direction which may be given by the Minister as to the manner in which and the extent to which account is to be taken of that other disablement in assessing that degree of disablement.

(4) The degree of disablement assessed under this Article shall be certified by way of a percentage, one hundred degrees representing total disablement.

PART II.

INJURY ALLOWANCES.

6.—(1) The provisions of this Part of this Scheme shall have effect for the purpose of enabling the Minister to make, in accordance with such arrangements as may from time to time appear to him best suited for the purpose, temporary and provisional payments to or in respect of persons to whom awards may be made under this Part of this Scheme.

Scope of Part II.

(2) No decision of the Minister upon an application made under this Part of this Scheme in respect of an injury shall be deemed to prejudice or affect any decision which he may have to make in respect of that injury upon an application made under Part III of this Scheme.

Awards
of injury
allowances.

7. Subject to the provisions of this Scheme, where a person to whom an award may be made under this Part of this Scheme has sustained a qualifying injury which has incapacitated him for work for a period of not less than seven consecutive days, that person shall be entitled to be awarded in respect of that injury an allowance (hereinafter referred to as an "injury allowance") in accordance with the following provisions of this Part of this Scheme:

Provided that an injury allowance shall not be awarded in respect of an injury sustained by any person—

- (a) if, at the date of that injury, that person was a member of any of the armed forces of the Crown, or a person employed in the nursing service or other auxiliary service of any of those forces, and was required to give whole time service as such a member or as a person so employed; or
- (b) if, at the date of that injury, that person was a member of any of the armed forces of the Crown, or a person employed in the nursing service or other auxiliary service of any of those forces, and was not required to give whole time service as such a member or as a person so employed, and that injury was directly attributable to his service as such a member or as a person so employed; or
- (c) if an award can be made to that person in respect of that injury by virtue of a scheme under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, the Injuries in War Compensation Act, 1914, or the Injuries in War Compensation Act, 1914 (Session 2); or
- (d) if that person sustained, or is to be deemed to have sustained, that injury in the execution of his duty as a professional fireman, professional policeman, or special constable.

2 & 3 Geo. 6.
c. 83.
4 & 5 Geo. 5.
c. 30.
5 & 6 Geo. 5.
c. 18.

Conditions
of payment
of injury
allowances.

8.—(1) An injury allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded and, unless the Minister in the circumstances of any particular case otherwise determines, shall only be payable in respect of a period which falls within a period of six months computed from the commencement of the first period of incapacity in respect of which a payment of injury allowance in respect of that injury was made.

(2) Where an injury allowance has been awarded to a person in respect of an injury, no payment of that injury allowance shall be made in respect of any period if the Minister is satisfied that in respect of that period—

- (a) sickness or disablement benefit has been paid to him under the National Health Insurance Act, 1936, otherwise than in accordance with the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939, being a period falling within the period of twenty-six weeks beginning with the Monday next before the date on which he sustained that injury; or
- (b) a pension awarded to him under Part III of this Scheme has been or will be paid; or
- (c) an allowance in the calculation of which his needs were taken into account has been paid to him or any other person under the Unemployment Assistance Act, 1934, as amended by the Unemployment Assistance (Emergency Powers) Act, 1939, or under the Unemployment Assistance Act (Northern Ireland) 1934, as amended by the Unemployment Assistance (Emergency Provisions) Act (Northern Ireland), 1939:

26 Geo. 5 &
1 Edw. 8.
c. 32.
2 & 3 Geo. 6.
c. 84.

24 & 25
Geo. 5. c. 29.
2 & 3 Geo. 6.
c. 93.
24 & 25
Geo. 5. c. 12
(N.I.).

Provided that where, in the case of such an allowance as is mentioned in sub-paragraph (c), the amount certified by the Assistance Board or the Assistance Board (Northern Ireland) to have been included in that allowance in respect of the needs of that person was less than the amount of the injury allowance which, but for the provisions of this paragraph, would have been payable in respect of the period in question, an injury allowance may be paid in respect of that period of an amount which, together with the amount so included, is equal to the amount of the injury allowance which would have been so payable.

(3) An injury allowance shall be payable weekly or at such other intervals of time as the Minister may direct.

9.—(1) Subject to the following provisions of this Article, an injury allowance shall be payable at whichever of the weekly rates specified in the Table set out at the end of this Article is from time to time appropriate in the case of the person to whom that injury allowance has been awarded.

Rates of
injury
allowances.

(2) Where a person to whom an injury allowance has been awarded has not attained the age of eighteen years, that injury allowance shall, unless he was married at the date on which he sustained the injury in respect of which it was awarded, be payable until he has attained that age at half the rate which would, but for the provisions of this paragraph, be appropriate in his case.

(3) Where a male person to whom an injury allowance has been awarded is married and that person—

(a) has married since the date on which he sustained the injury in respect of which that injury allowance was awarded; or

(b) was not at that date, or is not, residing with his wife or contributing to a reasonable extent to her support;

that injury allowance shall be payable at the rate which would be appropriate in his case if he were not married.

(4) Where injury allowances awarded both to a male person who is married and to his wife are payable in respect of the same period, the injury allowance awarded to that male person shall be payable in respect of that period at the rate which would be appropriate in his case if he were not married and, in a case where he has not attained the age of eighteen years, if he had attained that age:

Provided that where he was, at the date on which his wife sustained the injury in respect of which her injury allowance has been awarded, residing with her or contributing to a reasonable extent to her support, his injury allowance shall be payable in respect of any period during which his wife is receiving treatment for a qualifying injury as an in-patient in hospital at the weekly rate of sixteen shillings in a case where he also is receiving treatment for a qualifying injury as an in-patient in hospital, and at the weekly rate of twenty-three shillings and sixpence in any other case.

TABLE.

Description of person.	Weekly rates of injury allowance			
	In a case where the injured person is receiving treatment for a qualifying injury as an in-patient in hospital.		In any other case.	
	s.	d.	s.	d.
Male person who is married ...	25	6	33	0
Male person who is not married...	11	0	20	0
Female person	9	6	18	0

Increases
in injury
allowances
in respect of
dependent
children.

10.—(1) Where a person to whom an injury allowance has been awarded has a dependent child, the rate of that injury allowance may be increased in respect of that child in accordance with the following provisions of this Article.

(2) The amount by which the rate of an injury allowance may be increased in respect of a dependent child shall be four shillings in respect of each of the first two children and three shillings in respect of each additional child.

(3) Where payment of an injury allowance has once been made at a rate increased in respect of a dependent child, payment of that injury allowance shall only continue to be made at that increased rate so long as the person to whom that injury allowance has been awarded is contributing to a reasonable extent to the support of that child.

(4) An injury allowance awarded to a female person shall be payable at a rate increased in respect of a dependent child of hers only so long as—

- (a) she is not in receipt of any periodical payment in respect of that child from some individual liable to contribute to the support of that child, and
- (b) where she is a married woman residing with her husband, her husband is incapable of self-support or is not less than sixty-five years of age.

PART III.

PENSIONS AND ALLOWANCES IN RESPECT OF INJURIES SUSTAINED BY GAINFULLY OCCUPIED PERSONS AND CIVIL DEFENCE VOLUNTEERS.

11. Where a person to whom an award may be made under this Part of this Scheme has sustained a qualifying injury which is causing him serious and prolonged disablement, that person may be awarded under this Article in respect of that injury a pension at a weekly rate not exceeding whichever of the rates specified in the Second Schedule to this Scheme is appropriate to the degree of disablement caused by that injury and to the sex and age of that person;

Pensions
to disabled
persons.

Provided that where that person is a person to whom a pension, or in respect of whom an allowance, is payable wholly or partly out of public funds in respect of the death of any person (not being a pension or allowance payable only in a case of need), the weekly rate of the pension which may be awarded to him under this Article shall not be less than two shillings and sixpence and shall not be more than whichever of the two following rates is applicable, that is to say—

- (a) if his degree of disablement is one hundred per cent., the rate which is arrived at by deducting from the appropriate rate specified in the Second Schedule to this Scheme a sum equal to two-thirds of the weekly rate of the pension or allowance payable out of public funds as aforesaid;

- (b) if his degree of disablement is less than one hundred per cent., the rate which bears to the rate of the pension which might have been awarded in his case if it could have been calculated in accordance with paragraph (a) of this proviso the same proportion as his degree of disablement bears to one hundred per cent.

Allowances
in respect
of wives.

12.—(1) Where a married man to whom a pension is awarded under the last foregoing Article has sustained a relevant qualifying injury which is causing him serious and prolonged disablement, an allowance may also be awarded to him in respect of his wife if he is residing with her at a weekly rate not exceeding the sum which bears to the sum of eight shillings and fourpence the same proportion as the degree of disablement caused by that injury bears to one hundred per cent.

(2) Where a married man to whom a pension is awarded under the last foregoing Article has sustained a relevant qualifying injury which is causing him serious and prolonged disablement and he is not residing with his wife, an allowance may be awarded to the wife at such rate (not exceeding the rate at which an allowance might be awarded to that man if he were residing with his wife) and upon such terms and conditions as the Minister may think fit.

Allowances
in respect of
dependent
children.

13.—(1) Where a person to whom a pension is awarded under Article 11 of this Scheme has sustained a relevant qualifying injury which is causing him serious and prolonged disablement, an allowance may also be awarded to him in respect of each of his dependent children in accordance with the following provisions of this Article.

(2) The allowance which may be awarded in respect of a dependent child under this Article shall be at a weekly rate not exceeding the sum which bears to the appropriate weekly rate specified in the Table set out at the end of this Article the same proportion as the degree of disablement caused by the relevant qualifying injury bears to one hundred per cent.

(3) An allowance under this Article in respect of a dependent child of a married woman residing with her husband shall not be awarded to her unless her husband is in need and either incapable of self-support or not less than sixty-five years of age.

(4) An allowance under this Article in respect of a dependent child of a woman who is not married or of a married woman who is not residing with her husband, shall be reduced by an amount equal to the weekly value of any periodical payments which are received by her from any individual liable to contribute to the support of that child or which it is reasonably practicable for her to obtain from any such individual.

(5) Where the weekly value of the contribution which is being made to the maintenance of a child by a person to whom an allowance in respect of that child has been or may be awarded under this Article is less than the amount of that allowance, the amount of that allowance shall be reduced to an amount equal to that weekly value.

TABLE.

Description of child.	Weekly Rates.	
	Where an allowance is being paid in respect of a wife.	Where no allowance is being paid in respect of a wife.
	s. d.	s. d.
First child	6 3	8 4
Second child	5 0	6 3
Each additional child ...	5 0	5 0

14.—(1) Where a person in respect of whom an award may be made under this Part of this Scheme has died as the direct result of a relevant qualifying injury leaving a widow, that widow may be awarded under this Article in respect of that injury a pension in accordance with the following provisions of this Article:

Pensions to widows of deceased persons and allowances in respect of children.

Provided that where the widow of such a person as aforesaid was not residing with that person at the date of his death, a pension shall not be awarded to her under this Article unless that person was contributing to her support at that date.

(2) The pension which may be awarded to a widow under this Article shall—

- (a) if she was residing with her husband at the date of his death and either she has attained the age of forty years, or an allowance may be awarded to her in respect of a dependent child of her husband under paragraph (3) of this Article, or she is incapable of self-support, be at a weekly rate not exceeding twenty-two shillings and sixpence; or
- (b) if she was not residing with her husband at the date of his death, be at a weekly rate not exceeding whichever is the lesser of the two following amounts, that is to say, the average weekly amount that he had been contributing to her support during the period of six months expiring on the date of his death or such other period as the Minister may in any special case determine, and fifteen shillings and sixpence; or
- (c) in any other case, be at a weekly rate not exceeding fifteen shillings and sixpence.

(3) Where a pension is awarded under this Article to a widow there may also be awarded to her in respect of each dependent child of her husband, being a child who is living with her or is under her control, an allowance at a weekly rate not exceeding eight shillings and sixpence in respect of the first child, and six shillings and threepence in respect of the second child, and five shillings in respect of each additional child.

(4) Where the weekly value of the contribution which is being made to the maintenance of a child by a widow to whom an allowance in respect of that child has been or may be awarded under this Article is less than the amount of that allowance, the amount of that allowance shall be reduced to an amount equal to that weekly value.

Pensions to
dependent
children of
deceased
persons.

15.—(1) Where a person in respect of whom an award may be made under this Part of this Scheme has died as the direct result of a relevant qualifying injury leaving a dependent child, that child may be awarded under this Article in respect of that injury a pension in accordance with the following provisions of this Article:

Provided that—

- (a) where the deceased person was a male person, a pension may only be awarded to his dependent child if no allowance is being paid in respect of that child under paragraph (3) of the last foregoing Article;
 - (b) where the deceased person was a female person, a pension may only be awarded to her dependent child if it is not possible, or not reasonably practicable, for means of support for that child to be obtained from any individual liable to contribute to the support of that child.
- (2) The pension which may be awarded to a dependent child under this Article in respect of an injury sustained by a male person shall—
- (a) where a pension is being paid to the widow of that person under the last foregoing Article or the child is living with his mother or is under her control, be at a weekly rate not exceeding eight shillings and sixpence in the case of the first child, six shillings and threepence in the case of the second child, and five shillings in the case of each additional child;
 - (b) in any other case, be at a weekly rate not exceeding ten shillings in the case of the first child and eight shillings and sixpence in the case of each additional child:

Provided that where pensions are awarded at the rate specified in sub-paragraph (b) of this paragraph in respect of two or more dependent children of a male person and the widow of that person is living, the aggregate rates of the pensions which may be

awarded to those children shall not exceed the sum of the rates of the pension and of the allowances in respect of those children which might have been awarded to that widow under the last foregoing Article if she had been eligible under that Article for an award of a pension and allowances in respect of those children.

(3) The pension which may be awarded to a dependent child under this Article in respect of an injury sustained by a female person shall be at a weekly rate not exceeding ten shillings in the case of the first child and eight shillings and sixpence in the case of each additional child.

16.—(1) Where a person in respect of whom an award may be made under this Part of this Scheme has died as the direct result of a qualifying injury leaving a parent— Pensions to parents of deceased persons.

(a) who is in need arising from the fact that he is not less than sixty-five years of age, or, in the case of a female parent, that she is not less than sixty years of age, or from some infirmity or other adverse condition which is not of a temporary character, and

(b) to whose support that person had been regularly contributing during the year immediately preceding the date of his death, or during such other period as the Minister may in any special case determine,

that parent may be awarded under this Article in respect of that injury a pension in accordance with the following provisions of this Article.

(2) In determining whether and to what extent a parent is in need, the Minister shall take into account the amount of the contributions to the support of that parent which the deceased person had been making before his death and which he would, in the opinion of the Minister, have been likely to continue to make if he had not died.

(3) Where an award to a parent may be made under this Article in respect of qualifying injuries sustained by more than one deceased person, one pension only may be awarded under this Article in respect of those qualifying injuries.

(4) The pension which may be awarded under this Article to a parent shall be at such weekly rate as the Minister may determine, being a weekly rate which is not less than five shillings and, where there is only one parent, is not more than ten shillings and, where there are two parents, is not more than twelve shillings and sixpence:

Provided that where by reason of exceptional circumstances the Minister thinks fit, a pension may be awarded at a weekly rate which exceeds ten shillings or twelve shillings and sixpence, as the case may be, by an amount which does not exceed five shillings.

(5) For the purposes of this Article, a person shall be deemed to be a parent of a deceased person if that deceased person was his illegitimate child or a child whom he had adopted under any such enactment or law as is mentioned in sub-paragraph (e) of sub-paragraph 6 of paragraph (2) of Article 2 of this Scheme.

Pensions
to orphan
brothers
and sisters
of deceased
persons.

17.—(1) Where a person in respect of whom an award may be made under this Part of this Scheme has died as the direct result of a qualifying injury, leaving an orphan brother or sister who has not attained the age of fifteen years and is in need, and to whose support that person had been regularly contributing during the year immediately preceding the date of his death or during such other period as the Minister may in any special case determine, that brother or sister may be awarded under this Article in respect of that injury a pension at such weekly rate (not exceeding five shillings) as the Minister may, after taking into consideration the financial resources of that brother or sister, consider appropriate in the circumstances of the case:

Provided that—

- (a) a pension may only be awarded under this Article in respect of an injury if no pension is being paid in respect of that injury under any of the last three foregoing Articles;
 - (b) pensions shall not be awarded under this Article in respect of the same injury and at the same time at weekly rates exceeding in the aggregate the rate of ten shillings.
- (2) Not more than one pension may be paid at the same time under this Article to the same person.
- (3) In this Article the expression " orphan brother or sister " means a brother or sister both of whose parents are dead.

PART IV.

PENSIONS AND ALLOWANCES IN RESPECT OF INJURIES SUSTAINED BY CERTAIN CLASSES OF PERSONS WHO ARE NOT GAINFULLY OCCUPIED PERSONS OR CIVIL DEFENCE VOLUNTEERS.

Classes of
persons to
whom this
Part
applies.

18. This Part of this Scheme applies to the following classes of persons, that is to say—

- (a) persons who have attained the age of fifteen years and who—
 - (i) before attaining that age, have sustained a war injury during the period of the present emergency, or
 - (ii) after attaining that age and before attaining the age of twenty-four years, have sustained a war injury during the period of the present

emergency at a time when they are persons receiving full time instruction at a university, college, school or other educational establishment or at a time when they are persons who for no remuneration or for nominal remuneration are undergoing training for any trade, business, profession, office, employment or vocation;

(b) women (not being persons mentioned in paragraph (a) of this Article) by reason of whose disablement caused by a war injury sustained during the period of the present emergency some other person has to be employed to perform household duties previously performed by them;

(c) persons (not being persons mentioned in either of the foregoing paragraphs of this Article) who have died as the direct result of a war injury sustained during the period of the present emergency and who were in receipt of a pension or superannuation allowance which ceased on their death.

19.—(1) Where such a person as is mentioned in paragraph (a) of the last foregoing Article has sustained a qualifying injury which is causing him serious and prolonged disablement and is materially affecting his capacity to support himself, that person may be awarded under this Article in respect of that injury a pension at a weekly rate not exceeding whichever of the rates specified in the Second Schedule to this Scheme is appropriate to the degree of disablement caused by that injury and to the sex and age of that person.

Pensions to children and young persons.

(2) A pension shall not be awarded under this Article to a person who was, immediately before he sustained the injury, suffering from physical or mental infirmity to such an extent as to preclude the likelihood of his ever being able to earn his own living.

(3) Except where the Minister in any special case otherwise directs, a pension in respect of a qualifying injury sustained by a person before attaining the age of fifteen years shall not be awarded under this Article unless, within three months from the date on which the injury was sustained, such notice of the fact that he sustained that injury and such particulars in relation thereto have been given as may be prescribed.

20.—(1) Where such a woman as is mentioned in paragraph (b) of Article 18 of this Scheme has sustained a qualifying injury which is causing her serious and prolonged disablement and the

Allowances in respect of certain women.

person on whose behalf she was performing household duties at the date on which she sustained the injury is in need, there may be awarded under this Article in respect of that injury an allowance in accordance with the following provisions of this Article.

(2) An allowance awarded under this Article shall be at such weekly rate as may appear to the Minister to be appropriate to the circumstances of the person on whose behalf the woman who sustained the injury was performing household duties, but shall not exceed the weekly rate of the remuneration which is being paid to the other person who has to be employed to perform those duties.

(3) An award of an allowance under this Article shall continue to have effect only so long as the woman who sustained the injury is being maintained by the person on whose behalf she was performing household duties at the date on which she sustained the injury, and so long as the other person who has to be employed to perform those duties is being so employed.

(4) An allowance awarded under this Article shall be awarded to the person on whose behalf the woman who sustained the injury was performing household duties unless the Minister in the exceptional circumstances of any particular case otherwise directs.

Pensions to
widows and
children of
deceased
pensioners,
etc.

21. Where such a person as is mentioned in paragraph (c) of Article 18 of this Scheme has left a widow who is in need and either incapable of self-support or not less than sixty years of age or a dependent child who is in need, that widow, or, where there is no widow, that child, may be awarded under this Article in respect of the qualifying injury sustained by that person a pension at such weekly rate as may appear to the Minister to be appropriate to the circumstances of that widow or child, as the case may be:

Provided that a pension shall not be awarded under this Article to a widow or dependent child who is in need unless that need arises from the cessation of the pension or superannuation allowance of the deceased person.

Limitation
of rates of
pension
under this
Part.

22. No pension or allowance may be awarded under this Part of this Scheme in respect of an injury at a rate exceeding the rate of the pension (including any allowances in respect of dependent children) which could have been awarded in respect of that injury under Part III of this Scheme if the person who sustained that injury had been a person to or in respect of whom an award might have been made under that Part of this Scheme.

PART V.

GENERAL PROVISIONS RELATING TO INJURY ALLOWANCES,
PENSIONS AND ALLOWANCES.

23. Except where the Minister in any special case otherwise directs, an award under this Scheme in respect of an injury shall not be made unless an application for that award is made in the prescribed manner and within the following period, that is to say—

Provisions with respect to applications under the Scheme.

- (a) where the injury is claimed to have incapacitated the injured person for work, a period of three months from the date on which he sustained the injury or, if he was not incapacitated for work by the injury until after that date, the date on which he was first so incapacitated; or
- (b) where the injury is claimed to have caused the injured person serious and prolonged disablement, a period of three months from whichever is the later of the following dates, that is to say—
 - (i) the date on which he sustained the injury;
 - (ii) in a case where the injury necessitated his immediate treatment as an in-patient in hospital, the date of his discharge from such treatment;
 - (iii) in a case where the application is made under Article 19 of this Scheme in respect of an injury sustained by him before attaining the age of fifteen years, the date on which he attained that age;
 - (iv) in a case where he was, on the date on which he sustained the injury, a member of any of the armed forces of the Crown, or a person employed in the nursing service or other auxiliary service of any of those forces, and was required to give whole time service as such a member or as a person so employed, the date on which he ceased to be such a member or to be so employed; or
- (c) where the application is made in respect of an injury sustained by a person whose death is claimed to have been the direct result of that injury, a period of three months from the date on which the death occurred.

24. Where in connection with an application for an award under this Scheme any question involving medical considerations arises, that question shall not be determined except upon the certificate of a medical officer or board of medical officers appointed or recognised by the Minister for the purpose:

Determination of medical question.

Provided that in a case of serious doubt or difficulty arising on the evidence relating to a medical question, the Minister may obtain the opinion of one or more of a panel of independent medical experts nominated by the Presidents of the Royal College of Physicians and the Royal College of Surgeons respectively.

Provision
as to
members of
the armed
forces.

25. Where a person to whom an award may be made under this Scheme was, at the date on which he sustained the injury in respect of which the award may be made, a member of any of the armed forces of the Crown, or a person employed in the nursing service or other auxiliary service of any of those forces, and was required to give whole time service as such a member or as a person so employed, no award shall be made to him until he has ceased to be such a member or to be so employed.

Provision
as to negli-
gence or
misconduct.

26. No award shall be made under this Scheme in respect of any injury which was sustained by reason of the serious negligence or misconduct of the person sustaining that injury.

Provisions
as to
injuries
sustained
outside the
United
Kingdom.

27. No award shall be made under this Scheme in respect of an injury sustained in the Isle of Man and no award shall be made under this Scheme in respect of an injury sustained elsewhere outside the United Kingdom unless it was—

- (a) a war service injury, or
- (b) a war injury sustained by a gainfully occupied person who is ordinarily resident in the United Kingdom and who sustained the injury—
 - (i) while absent from the United Kingdom for the purposes of any trade, business, profession, office, employment or vocation, or
 - (ii) while travelling by sea or by air between any place in the United Kingdom and any other place in the United Kingdom, or from or to any place in the United Kingdom to or from any place in the Isle of Man.

Provisions
as to
persons
ordinarily
resident
outside the
United
Kingdom.

28. The Minister may withhold or cancel an award of a pension or allowance under this Scheme if he is satisfied that the person to or in respect of whom the pension or allowance might be or has been awarded is or has become ordinarily resident outside the United Kingdom.

Provision
as to awards
on death.

29. Where on an application for the award of a pension or allowance under Part III or Part IV of this Scheme the death of a person is claimed to be the direct result of an injury, no award shall be made on that application in respect of that injury if it was sustained more than seven years before the date of the death of that person.

30.—(1) Where the Minister is satisfied that a payment has been or will be made under an appropriate provision in respect of an injury, no award of a pension or allowance in respect of that injury shall be made under Part III or Part IV of this Scheme and any such award which has been made shall be cancelled.

Provisions
for preven-
tion of
double
payments.

(2) Where periodical payments are being made under an appropriate provision or under this Scheme to or in respect of a person in respect of an injury by whomsoever sustained, the Minister may take the weekly value of those payments into account against the amount of any pension or allowance to or in respect of that person which has been or may be awarded under Part III or Part IV of this Scheme in respect of any other injury (not being an injury sustained by the person who sustained the injury first mentioned in this paragraph), and may, for the purpose of securing that only so much, if any, of that amount as exceeds that value shall be or shall have been paid to or in respect of that person, withhold or cancel the award of that pension or allowance or reduce the amount thereof.

(3) Where periodical payments out of public funds, not being payments under an appropriate provision or under this Scheme, are being made to or in respect of any child, the amount of any pension or allowance which has been or may be awarded to or in respect of that child as a dependent child may be reduced by an amount equal to the weekly value of those payments.

(4) Nothing in this Article shall prevent the Minister from making an award in accordance with the proviso to Article 11 of this Scheme.

(5) References in paragraphs (2) and (3) of this Article to periodical payments or to a pension or allowance shall not include references to periodical payments or to a pension or allowance payable only in a case of need, and references in those paragraphs to periodical payments made to a person shall include references to any periodical payments which would have been made to that person if they had not been commuted, and to any periodical payments granted to that person and applied for his benefit.

(6) In this Article the expression "an appropriate provision" means any of the following enactments, provisions or instruments, that is to say—

- (a) section one of the Superannuation Act, 1887, as amended by section eleven of the Superannuation Act, 1935, or by section nine of the Superannuation Act (Northern Ireland), 1935;

50 & 51
Vict. c. 67.
25 & 26
Geo. 5. c. 23.
26 Geo. 5 &
1 Edw. 8.
c. 2 (N.I.).

1 & 2 Geo. 6.
c. 13.

28 & 29
Vict. c. 89.
35 & 36
Vict. c. 67.

11 & 12
Geo. 5. c. 31.

12 & 13
Geo. 5. c. 8
(N.I.).

15 & 16
Geo. 5. c. 88.

57 & 58
Vict. c. 60.
Provisions
for taking
damages
into
account.

- (b) any of the enactments mentioned in the first column of Parts I and II of the Schedule to the Superannuation (Various Services) Act, 1938, as extended by that Act;
- (c) section twenty of the Greenwich Hospital Act, 1865, as extended by section eight of the Greenwich Hospital Act, 1872;
- (d) any public or local Act (other than the Local Government Superannuation Act, 1937), charter or scheme for the grant of pensions, allowances or gratuities for professional firemen;
- (e) the Police Pensions Act, 1921, section two of the Constabulary Act (Northern Ireland), 1922, the Special Constables Order, 1923^(a), or the Special Constables (Scotland) Order, 1923^(b);
- (f) any provision contained in any enactment, Warrant, Order in Council, or Order, being a provision relating to the death or disablement of members of any of the armed forces of the Crown, or of persons employed in connection with any of those forces, or of persons employed in, or in connection with, the nursing service or other auxiliary service of any of those forces;
- (g) any Order in Council relating to pensions to men serving on Admiralty Yard Craft;
- (h) sub-section (1) of section two of the Coastguard Act, 1925;
- (i) any scheme made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, or under the Injuries in War Compensation Act, 1914, or under the Injuries in War Compensation Act, 1914 (Session 2);
- (j) any enactments relating to persons in the service of a local lighthouse authority within the meaning of the Merchant Shipping Act, 1894.

31.—(1) Where a person has received or recovered damages in respect of an injury in respect of which an award of an injury allowance, pension or allowance under this Scheme has been or may be made to or in respect of that person, the Minister may take the weekly value of those damages into account against the amount of that injury allowance, pension or allowance, and may, for the purpose of securing that only the excess, if any, of that amount over that value shall be or shall have been paid to that person, withhold or cancel the award of that injury allowance, pension or allowance or reduce the amount thereof.

(a) S.R. & O. 1923 (No. 905) p. 147.

(b) S.R. & O. 1923 (No. 1232) p. 152.

(2) Where a person refuses or neglects to take proceedings to recover damages in respect of an injury in respect of which an award of an injury allowance, pension or allowance under this Scheme has been or may be made to or in respect of that person, and the Minister considers that such refusal or neglect is unreasonable, the Minister may withhold or cancel the award of that injury allowance, pension or allowance or reduce the amount thereof.

(3) In this Article any reference to a person having received or recovered damages shall be construed as including a reference to a person who has been paid any sum in settlement or composition of his claim or damages, whether liability on that claim was admitted or not.

32. Where it is certified by a medical officer or board of medical officers appointed by the Minister that a person who has sustained a qualifying injury should in his own interests undergo medical treatment for that injury, and that person refuses or neglects to undergo that treatment, the Minister may, if he considers that such refusal or neglect is unreasonable, withhold or cancel any award of any injury allowance, pension or allowance which has been or may be made under this Scheme in respect of that injury, or may reduce the amount of any such award.

Provisions
as to
persons
refusing
treatment.

33. Where the Minister is satisfied in the case of any person to whom a pension or allowance has been or may be awarded under Part III or Part IV of this Scheme that the payment of a lump sum in lieu of that pension or allowance is justified by the circumstances of the case, the Minister may award to that person such a lump sum as aforesaid.

Power to
award lump
sum pay-
ment in lieu
of pension
or allow-
ance.

34. Any pension or allowance under Part III or Part IV of this Scheme may be awarded provisionally or upon any other basis, and for such period as the Minister may think fit, and may be paid weekly in advance.

Provisions
as to awards
and pay-
ments of
pensions &c.

35. The Minister may at any time review any award made by him under this Scheme and, if it appears to him that by reason of any mistake of fact, any change in the condition or circumstances of the person to whom the award was made, or for any other reason whatsoever, it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded, cancel an award, or make a fresh award, so, however, that no pension or allowance shall be increased to a rate exceeding the appropriate rate specified in the Article under which it was awarded.

Review of
awards.

Provisions
as to
persons
admitted to
workhouses
and
hospitals
&c.

36.—(1) Where a person to whom a pension has been or may be awarded under this Scheme is being maintained in an institution to which this Article applies for the purpose of receiving medical treatment for a qualifying injury, the Minister may reduce that pension by such an amount as he may think fit having regard to the fact that that person is being so maintained.

(2) Where a person to whom a pension has been or may be awarded under this Scheme is being maintained in an institution to which this Article applies otherwise than for the purpose of receiving medical treatment for a qualifying injury, or where a wife to whom an allowance has been or may be awarded under paragraph (2) of Article 12 of this Scheme is being maintained in such an institution, the Minister may deduct from that pension or allowance, as the case may be, such an amount in respect of the maintenance of that person or wife in that institution as the Minister may think fit having regard to all the circumstances of the case, and may pay the amount so deducted to the body or person having the management of that institution.

(3) This Article applies to any institution which is supported wholly or partly out of public funds and is a workhouse, poor-house, hospital, mental hospital, asylum, infirmary or other similar institution.

Payment
of public
claims out
pensions
&c.

37. Where the Minister is satisfied that any sum is due to the Crown, the Secretary of State, a Minister or a Government Department from a person to or in respect of whom an injury allowance, pension or allowance has been awarded under this Scheme or that any overpayment has been made to or in respect of that person by the Crown, the Secretary of State, a Minister or a Government Department, the Minister may deduct from that injury allowance, pension or allowance such amounts and at such times as he may think fit in respect of that sum or overpayment and may apply the amounts so deducted in or towards paying or repaying that sum or overpayment.

Adminis-
tration of
pensions
and
allowances.

38.—(1) Any injury allowance, pension or allowance which may be paid to or in respect of any person who—

- (a) is under the age of twenty-one years; or
- (b) is, in the opinion of the Minister, suffering from mental infirmity to such an extent as to be incapable of managing his own affairs; or
- (c) is being maintained in an institution to which Article 36 of this Scheme applies; or
- (d) is a person in whose case an injury allowance, pension or allowance can be forfeited or has been restored under Article 39 of this Scheme;

may, as to the whole or any part thereof, be paid or applied by the Minister to or for the benefit of that person, the wife or husband of that person, or the children or dependants of that person.

(2) Where at the end of any period during which any injury allowance, pension or allowance may be paid or applied by the Minister under the foregoing provisions of this Article, any part of that injury allowance, pension or allowance has not been so paid or applied, the amount which may be paid in respect of that part shall not exceed fifty pounds, and may be paid either in a lump sum or by instalments of such amounts and at such intervals as the Minister may determine.

39.—(1) Where a person to or in respect of whom an injury allowance, pension or allowance has been awarded under this Scheme—

Forfeiture and restoration of forfeited pensions, etc.

(a) is, in pursuance of a sentence or order of a court upon his being found guilty of an offence, serving a term of penal servitude or imprisonment or detained in a Borstal institution, approved school or remand home; or

(b) is an enemy alien who, as such, has been interned or detained, or has been expelled from the United Kingdom; or

(c) is a person who, under the Aliens Restriction Act, 1914, as amended by any subsequent enactment or regulation, or under the Prevention of Violence (Temporary Provisions) Act, 1939, or under any regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, or under the Civil Authorities (Special Powers) Acts (Northern Ireland), 1922 and 1933, is detained, or has been deported from, required to leave, or prohibited from entering the United Kingdom, Great Britain or Northern Ireland;

4 & 5 Geo. 5. c. 12.

2 & 3 Geo. 6. c. 50.

2 & 3 Geo. 6. c. 62.

3 & 4 Geo. 6. c. 20.

12 & 13 Geo. 5. c. 5 (N.I.).

the Minister may, if the injury allowance, pension or allowance so awarded is not already forfeited under the Forfeiture Act, 1870, direct that that injury allowance, pension or allowance shall be forfeited as from such date (including any past date) as the Minister may think fit.

23 & 24 Geo. 5. c. 12 (N.I.).

(2) The Minister may, in his discretion and upon such terms and as from such date (including any past date) as he thinks fit, restore, either in whole or in part, any injury allowance, pension or allowance forfeited under this Article.

40.—(1) No sum shall be paid under this Scheme where the person to whom payment thereof might have been made fails to obtain such payment within three months from the date on which he might first have obtained such payment.

Provisions with respect to failure to obtain payment of pensions, etc.

(2) Where a person to whom a pension or allowance awarded under Part III or Part IV of this Scheme may be paid fails to draw that pension or allowance for a continuous period of not less than twelve months, the Minister shall cancel the award of that pension or allowance, and no payment of the arrears of that pension or allowance shall be made.

(3) Notwithstanding anything contained in the foregoing provisions of this Article, where the failure of any person to obtain payment of a sum within three months from the date on which he might first have obtained payment thereof, or to draw a pension or allowance for a continuous period of not less than twelve months, is due to circumstances for which that person cannot in the opinion of the Minister justly be held responsible, the Minister may pay that sum or may refrain from cancelling the award of that pension or allowance, or, if he has already cancelled it, may restore that award and may pay the whole or such part as he may think fit of the arrears of any such pension or allowance:

Provided that the amount which may be paid in respect of any sums payment whereof has not been obtained within the aforesaid period of three months or in respect of any such arrears shall not exceed fifty pounds.

Provisions
as to
awards to
certain
female
persons.

41. Where an award under this Scheme has been made to the widow or to the female parent of a deceased person, the award shall cease to have effect on the date on which that widow marries, or on which that female parent marries any person other than the male parent of that deceased person, or on which that widow or female parent and any person begin to live together as man and wife:

Provided that where an award to a widow ceases to have effect by virtue of this Article, the Minister may, upon such terms and conditions as he may think fit, continue the payment of any allowance which may have been awarded to her in respect of a dependent child of her husband.

Provisions
as to con-
ditions on
which
awards are
made.

42. Where an award has been made under any Part of this Scheme which could only have been made if some condition specified in that Part of this Scheme were fulfilled, that award shall cease to have effect if and when that condition ceases to be fulfilled.

Provisions
for dispens-
ing with
probate.

43.—(1) Where a person to whom any payment might have been made under this Scheme before his death dies before that payment is made, and the amount so unpaid does not exceed fifty pounds, probate or other proof of title of the personal representative of the deceased person may be dispensed with, and the amount so unpaid may be paid or distributed to or among the persons appearing to the Minister to be the persons beneficially

entitled to the personal estate of the deceased person, or to or among any one or more of those persons, and, in determining the persons to whom or the proportions in which the amount so unpaid shall be paid or distributed, the Minister may have regard to any payments made or expenses incurred by any such person for or on account of the funeral expenses of the deceased person.

(2) Where a deceased person has died intestate and he was, or any child of his was or is, illegitimate, that deceased person and any such child shall, for the purposes of this Article, be treated as legitimate.

44. Subject to the provisions of the Act, the Minister may make regulations for the purpose generally of carrying this Scheme into effect, and such regulations may in particular (without prejudice to the generality of the foregoing provisions of this Article) make provision for prescribing—

Regulations.

(a) the persons by whom, and the form and manner in which, applications for awards of injury allowances, pensions and allowances under this Scheme may be made;

(b) the records, documents and other information which must be furnished to the Minister by applicants in connection with such applications as aforesaid or in connection with any injury allowance, pension or allowance which has been awarded under this Scheme;

(c) anything which by this Scheme is to be prescribed.

45. The Personal Injuries (Civilians) Scheme, 1939^(a), is hereby revoked.

Revocation
of Personal
Injuries
(Civilians)
Scheme,
1939.

Made by the Minister of Pensions, with the consent of the Treasury, this twenty-third day of July, 1940.

Adair Hore,

Secretary.

FIRST SCHEDULE.

CIVIL DEFENCE ORGANISATIONS.

1. Any organisation established and maintained by a Government Department or a local authority for the purpose of carrying out any specified service in connection with any of the civil defence functions of that Department or authority.

2. Any organisation established and maintained by a Government Department or a local authority for the purpose of—

(a) assisting in the transport of members of the civil population who are transferred in pursuance of an evacuation plan; or

(a) S.R. & O. 1939 (No. 1143) II, p. 2708.

(b) assisting to secure accommodation for members of the civil population who are, or are proposed to be, transferred in pursuance of an evacuation plan ;

being, in the case of an organisation established and maintained for the purpose mentioned in sub-paragraph (b) of this paragraph, an organisation consisting only of members who are unpaid.

3. Any organisation—

(a) established and maintained by a local authority or by the Receiver for the Metropolitan Police District for the purpose of assisting in the carrying on of canteens for the benefit of members of any such organisation as is described in paragraph 1 of this Schedule or of either of the organisations named in sub-paragraphs (1) and (2) of paragraph 13 of this Schedule, and

(b) consisting only of members who are unpaid.

4. Any organisation established and maintained by a public assistance authority for the purpose of assisting in the relief of persons for the time being rendered homeless by the destruction of their houses by enemy action, and persons, other than those transferred in pursuance of an evacuation plan, who are forced to leave their homes by enemy action or by the imminence of enemy action, being an organisation consisting only of members who are unpaid.

5. Any organisation established and maintained by a local authority for the purpose of collecting, decontaminating, identifying or disposing of the bodies of persons killed as a result of enemy action.

6. Any organisation—

(a) established and maintained by a Government Department, public utility undertakers, an employer, a group of employers, or by a person who has an interest in, or the control or management of, any general premises, and

(b) established for the purpose of carrying out any specified service in connection with a protective scheme, and maintained for that purpose, or for the purpose of assisting any organisation described in paragraph 1 of this Schedule or any other organisation described in this paragraph, to carry out the purpose of that organisation, and

(c) comprising amongst its members persons (the number of whom is ordinarily not less than six) who are or are being effectively trained and equipped to perform between them the duties of giving first aid treatment, dealing with the effects of gas and fighting fires.

7. Any organisation established or maintained by public utility undertakers for the purpose of carrying out, in the event of damage being caused by enemy action to any part of their undertaking, such temporary or emergency measures as may be necessary to protect persons or property from danger resulting from that damage.

8. Any organisation established and maintained by any body or person having the management of any hospital for the purpose of carrying out duties in connection with the work of that hospital, being an organisation consisting only of members who are unpaid.

9. Any organisation established and maintained by or at the request of the Minister of Health or the Secretary of State for the purpose of securing that persons shall become qualified for membership of the Civil Nursing Reserve and consisting only of members who are being trained to become so qualified.

10. Any organisation established and maintained by or with the consent of the Admiralty for the purpose of the detection, landing or safe disposal of marine mines.

11. Any organisation of car drivers or messengers established and maintained by a Government Department in connection with any civil defence purpose and consisting only of members who are unpaid.

12. Any organisation established and maintained by the National Air Raid Precautions Animals Committee for the purpose of protecting the public from animals which become panic-stricken or contaminated with gas as a result of enemy action.

13. The organisations known as—

- (1) The Police War Reserve.
- (2) The Women's Auxiliary Police Corps.
- (3) The Royal Marine Police Special Reserve.
- (4) The Observer Corps.
- (5) The Emergency Medical Service.
- (6) The Civil Nursing Reserve.
- (7) The Port of London Authority River Emergency Service.
- (8) The Children's Overseas Escort Service.

14.—(1) In this Schedule the following expressions shall, except where the context otherwise requires, have the meanings hereby assigned to them respectively, that is to say:—

- (a) "civil defence functions," in relation to a local authority, means any functions which are conferred or imposed on that authority in their capacity as such by the Civil Defence Acts 1937 and 1939, or any functions which are or could be conferred or imposed on them in that capacity under those Acts; 1 & 2 Geo. 6.
c. 6.
2 & 3 Geo. 6.
c. 31.
- (b) "commercial building," "factory premises" and "mine" have the same meanings respectively as they have in section twenty-three of the Civil Defence Act, 1939;
- (c) "employer" means any person who employs more than thirty persons in any commercial building or factory premises or in or about any mine, and "group of employers" means any persons who between them employ more than thirty persons in the same commercial building or in adjacent premises which either are factory premises or would be factory premises if more than thirty persons worked therein;
- (d) "evacuation plan" means any such plan as is mentioned in subsection (1) of section fifty-six of the Civil Defence Act, 1939;
- (e) "general premises" means any premises but does not include premises which are wholly or mainly used, or, so far as unoccupied, intended to be used, for the purposes of private residence unless they are so designed as to accommodate at least fifty residents;
- (f) "hospital" means any hospital comprised in any arrangements made by the Minister of Health or the Secretary of State under paragraph (a) of subsection (1) of section fifty of the Civil Defence Act, 1939;
- (g) "protective scheme," in relation to any organisation, means a scheme for protecting from enemy action or from the consequences of enemy action, the following property or persons, that is to say—
 - (i) in the case of an organisation established by a Government Department the property in which the work of that Department is carried on, or any persons who may be or about that property;

- (ii) in the case of an organisation established by public utility undertakers, the property of those undertakers or any persons who may be in or about that property;
- (iii) in the case of an organisation established by an employer or by a group of employers, the building, premises or mine, in or about which more than thirty persons are employed by that employer or group of employers, or any persons who may be in or about that building, those premises or that mine;
- (iv) in the case of an organisation established by any person having an interest in, or the control or management of, any general premises, those premises or any persons who may be in or about any such premises.
- (h) "public assistance authority" in the application of this Schedule to England means the council of any county or any county borough, and in the application of this Schedule to Scotland means, in the case of counties combined for the purposes mentioned in sub-section (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council, and in the case of any other county, the county council, and in the case of a large burgh, the town council.
- (i) "public utility undertakers" has the meaning assigned to that expression by subsection (1) of section ninety of the Civil Defence Act, 1939.
- (j) "specified service" means, in relation to any such organisation as is described in paragraph 1 of this Schedule any of the following services—

- (i) auxiliary fire service;
- (ii) control and report service;
- (iii) air-raid warden (including shelter marshal) service;
- (iv) first aid, casualty or ambulance service;
- (v) rescue service;
- (vi) gas identification service;
- (vii) decontamination service;
- (viii) messenger service;
- (ix) instructor service;

and, in relation to any such organisation as is described in paragraph 6 of this Schedule, means any of the services mentioned in sub-paragraphs (ii) to (viii) of this sub-paragraph and, in addition—

- (x) fire service, and
- (xi) key-men service, that is to say, the service performed by persons who, in the event of enemy action, are charged with the duty of turning off gas, electricity or water or attending to boilers or other vital plant or machinery.

(2) For the purposes of this Schedule members of an organisation shall be treated as unpaid notwithstanding that, in consideration of the performance of their duties as members of that organisation, they are provided with their board and lodging or receive a subsistence allowance or have their expenses or insurance contributions paid or any loss of wages or other emoluments made good to them.

(3) For the purposes of paragraph 6 of this Schedule, a local education authority shall be deemed to have an interest in the premises of a public elementary school maintained by them, whether provided by them or not.

15. In the application of this Schedule to Northern Ireland :—

(a) any reference to a Government Department shall be construed as including a reference to a Department of the Government of Northern Ireland;

(b) any reference to the Minister of Health or the Secretary of State shall be construed as a reference to the Ministry of Public Security;

(c) any reference to the Civil Defence Acts, 1937 and 1939, shall be construed as a reference to the Civil Defence Acts (Northern Ireland), 1938 and 1939; 2 Geo. 6. c. 26
(N.I.).
2 & 3 Geo. 6.
c. 15 (N.I.).

(d) references to section twenty-three, paragraph (a) of sub-section (1) of section fifty and sub-section (1) of section ninety of the Civil Defence Act, 1939, shall be construed respectively as references to section twenty-one, paragraph (a) of sub-section (1) of section forty-three and sub-section (1) of section seventy-four of the Civil Defence Act (Northern Ireland), 1939;

(e) the reference in paragraph 4 to a public assistance authority shall be construed as a reference to a Board of Guardians;

(f) the reference in paragraph 12 to any organisation established and maintained by the National Air Raid Precautions Animals Committee shall be construed as a reference to any organisation established and maintained in Northern Ireland with the approval of the Ministry of Home Affairs for the purpose set out in paragraph 12;

(g) references to the Emergency Medical Service and the Civil Nursing Reserve shall be construed respectively as references to the Emergency Medical Service for Northern Ireland and to the Civil Nursing Reserve for Northern Ireland;

(h) in sub-paragraph (c) of sub-paragraph (1) of paragraph 14 for the word " thirty " in every place where it appears there shall be substituted the word " twenty ";

(i) for sub-paragraph (d) of sub-paragraph (1) of paragraph 14 there shall be substituted the following sub-paragraph—

" (d) " evacuation plan " means such arrangements as are mentioned in sub-section (1) of section forty-nine of the Civil Defence Act (Northern Ireland), 1939; "

(j) in sub-paragraph (3) of paragraph 14 for the words " a local education authority " there shall be substituted the words " an education authority ".

SECOND SCHEDULE.

MAXIMUM WEEKLY RATES OF PENSION FOR DISABLEMENT.

Percentage Degree of Disablement.	Males.			Females.		
	Aged under 18.	Aged 18 and under 21.	Aged 21 and over.	Aged under 18.	Aged 18 and under 21.	Aged 21 and over.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
100	14 2	24 2	34 2	14 2	19 2	24 2
Less than 100 but not less than 90.	12 9	21 9	30 9	12 9	17 3	21 9
Less than 90 but not less than 80.	11 4	19 4	27 4	11 4	15 4	19 4
Less than 80 but not less than 70.	9 11	16 11	23 11	9 11	13 5	16 11
Less than 70 but not less than 60.	8 6	14 6	20 6	8 6	11 6	14 6
Less than 60 but not less than 50.	7 1	12 1	17 1	7 1	9 7	12 1
Less than 50 but not less than 40.	5 8	9 8	13 8	5 8	7 8	9 8
Less than 40 but not less than 30.	4 3	7 3	10 3	4 3	5 9	7 3
Less than 30 but not less than 20.	2 10	4 10	6 10	2 10	3 10	4 10

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