

PERSONAL INJURIES (CIVILIANS) SCHEME, 1940 (S.R. & O., 1940, No. 1307)

NOTES ON CIVIL DEFENCE ORGANISATIONS.

1. This Leaflet refers to the revised Personal Injuries (Civilians) Scheme, dated 23rd July, 1940, and is intended to serve as a guide to local authorities and others on the provisions of this Scheme in so far as they affect persons directly employed by them or coming under their control. It supplements Ministry of Pensions Circular S.S. 143 which was issued to local authorities on 14th September, 1939, and supersedes 4 (b) of that Circular which refers to the First Schedule of the Personal Injuries (Civilians) Scheme, 1939, now revoked.

Regular employees of a Local Authority.

2.—(a) The regular employees of a local authority (other than civil defence volunteers), are affected by the Scheme in so far as they are "gainfully occupied persons" and therefore eligible for compensation under the Scheme in respect of "war injuries." It should be noted that superannuation arrangements now in force for local authority employees are in no way affected by the provisions of the Act or Scheme, and that, save for the persons specifically excluded by Article 30 of the Scheme, any gainfully occupied person is eligible to receive an award in respect of a "war injury" under the Scheme, regardless of any superannuation payments to which he may become entitled.

(b) Certain regular employees of local authorities are engaged on full-time or part-time civil defence work but are not enrolled as members of civil defence organisations recognised under the First Schedule to the Scheme. In this connection attention is drawn to the definition of a "war service injury" under Article 2 (2) of the Scheme from which it will be seen that evidence is required, not only that the injury in question arose 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, but also that the injury did not arise out of and in the course of his employment in any other capacity. In the majority of cases, injuries sustained by such persons in the course of their employment would be covered under existing workmen's compensation or superannuation arrangements.

Civil Defence Organisations controlled by a Local Authority.

3. As regards the personnel of civil defence organisations in general, while the responsibility for setting up, maintaining and controlling such organisations may rest with a local authority, their compensation for injuries sustained in the course of their employment is provided for under the Scheme, which is designed in this respect to take the place of the Workmen's Compensation Acts. The importance of the proper enrolment of civil defence volunteers as members of specified civil defence organisations should be noted in this connection, as evidence of such enrolment might be of considerable importance to a local authority in pleading the bar imposed by Section 3 of the Act, should a claim be made against them by a volunteer in their employ.

Records of injuries to Civil Defence Volunteers.

4. The procedure of application by a civil defence volunteer for compensation under the Scheme in respect of a "war service injury" necessitates the completion of a Form I.A.4 by the responsible officer of his civil defence organisation, being a form of certificate and report as to the status of the

volunteer and the circumstances in which the injury was sustained. Supplementary reports on the circumstances of an injury are often desirable and it is therefore advisable that a regular system of recording all injuries sustained by volunteers in the course of their duties should be maintained, with a view to the possibility of claims under the Scheme in respect of such injuries. Such arrangements as may be made for this purpose should also be applicable to injuries sustained by members of industrial or commercial civil defence organisations which, pursuant to the arrangements described under the penultimate paragraph of A.R.P. Department Circular 317/1939 of 2.12.39, have been called out to assist the organisations under the direct control of a local authority. It may be pointed out that, as such industrial civil defence organisations will be acting under the orders of the local authority, completion of the Form I.A.4 may properly be required of a responsible officer of that authority's civil defence organisation as well as the responsible A.R.P. officer of the firm concerned.

Civil Defence Volunteers "on duty" and "off duty."

5. It has been found in practice that some doubt exists on the part of local authorities as to the circumstances in which a civil defence volunteer may or may not be regarded as having been "on duty" at the time when an injury was sustained. In order therefore to prevent the lodging of claims which may afterwards prove to be fruitless, it should be noted that the period of duty is normally regarded as starting from the time that the volunteer attends and reports to his organisation for duty, and as terminating when that duty ceases. If, however, an emergency call to report for duty had been received, whether in the form of an air raid warning or any other pre-arranged system, the volunteer would be regarded as covered for the purpose of a "war service injury" from the time of leaving the place at which the emergency call was received until the termination of his duty as a volunteer after the emergency had passed.

Nature of duties of Civil Defence Volunteers.

6. It will be noted that the civil defence organisations in the First Schedule are described by reference to the purposes for which such organisations have been established and are being maintained. It is important to emphasize that injuries can only be certified as "war service injuries" if they can be shown to have arisen out of and in the course of the performance by the injured person of his duty as a member of an organisation which has been established and is being maintained for such a purpose. Certain activities have been recognised as coming within the purposes specified in the Schedule although they are not expressly mentioned. For example, for the purpose of training, the A.F.S. may be ordered to assist at fires not caused by enemy action, and injuries sustained in these circumstances will be regarded as eligible for consideration as "war service injuries." Care should be exercised by local authorities in this respect, however, to see that members of civil defence organisations are not given orders, or required to engage in activities, which are not authorised and are not necessary or incidental to the carrying out of the purposes mentioned in the First Schedule. In this connection it should be noted that an injury sustained as a result of games or recreation will not be recognised unless it can be shown that the games and recreation were properly authorised and of an organised nature in which the injured person was taking part whilst on duty.

Organisation and enrolment of Civil Defence Volunteers.

7. It cannot be too strongly emphasised that the only basis on which compensation can be granted under the Scheme for "war service injuries" is through membership of a civil defence organisation specified in the First Schedule to the Scheme. It is therefore essential for the proper working of the

Scheme that the civil defence services to be covered shall be so organised as to conform to the requirements of the appropriate paragraph of the First Schedule and that the members thereof shall themselves know that they are members. This can best be effected by a regular enrolment form signed by each member, though it is realised that this method may not be possible in all cases.

8. Notes on First Schedule :—

Paragraph 1 refers to the organisations constituted by local authorities on the authority of the Ministry of Home Security, the Ministry of Health or the Department of Health for Scotland to carry out the services specified in Para. 14 (1) (j). The Instructor Service (ix) is intended to comprise such instructors as are not already covered as members of some other civil defence organisation.

Evacuation.

Paragraph 2 deals with organisations of persons assisting in Government Evacuation Schemes.

The organisations under sub-para. (a) include school-teachers and helpers who function in the actual transport arrangements, while those under sub-para. (b) are those concerned with the billeting arrangements in the reception area in so far as they consist of members who are unpaid. This sub-para. covers billeting officers but does not cover the householders who provide accommodation.

Canteens.

Paragraph 3.—This is a new provision to cover organisations of unpaid workers in canteens set up for local authority civil defence services, or for the Metropolitan Police Auxiliary Services.

Relief in Kind.

Paragraph 4.—This is also a new provision covering the organisations set up by public assistance authorities in accordance with Ministry of Health Circular 1860 and Department of Health for Scotland Circular D.P. 70 of 2.9.39.

Paragraph 5.—This is a further new provision covering the mortuary service.

A.R.P. Organisations in industrial and general premises.

Paragraph 6.—This takes the place of the previous paragraph 6 but with very considerable widening of scope. It will be observed that :

(i) The organisation must be established and maintained by a Government Department, public utility company, an employer, a group of employers or persons interested in or controlling general premises.

The latter phrase is very wide as the definition of general premises excludes nothing but private residences. The term general premises thus includes schools, technical colleges, hospitals, poor law institutions, hotels, large blocks of flats and large estates, etc.

(ii) The organisations must exist, in the main, for carrying out any of the specified services referred to in (ii) to (viii) and (x) and (xi) of paragraph 14 (1) (j) of the First Schedule.

(iii) The specified service must be in connection with a " protective purpose " which is defined broadly as being for the purpose of protecting the premises or persons in them from hostile attack.

(iv) In view of the limitation referred to in (iii) special words are included in para. 6 (b) in order to cover cases where an organisation is called out to assist the local authority or another employer's organisation under a pre-arranged mutual assistance agreement.

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(v) Every organisation under the paragraph must itself have or comprise a nucleus of members (ordinarily not less than 6) having the training and equipment to perform effectively the three basic Civil Defence Act functions, namely giving first aid, dealing with the effects of gas, and fighting fires. In cases where employers require advice as to what constitutes effective training and equipment, the appropriate local authority will no doubt give this advice.

Public Utility Emergency Organisations.

Paragraph 7.—This is a new provision, to cover public utility squads the necessity for which is dictated by the possibility of danger to life or property unless action is taken immediately, even if the air-raid is still proceeding.

Hospitals.

Paragraph 8.—This takes the place of para. 9 (a) and 9 (c) in the 1939 Schedule. It is to be observed that there is no limitation on the type of work to be done such as exists in the old 9 (a), but the condition that the members must be unpaid is made an essential whatever the type of work may be. Attention is also drawn to the definition of "hospital" at para. 14 (1) (f).

Miscellaneous.

Paragraph 9.—This replaces part of paragraph 8 in the 1939 Schedule. The necessity for it arises from the fact that persons being trained for the Civil Nursing Reserve are not in fact members of that Reserve.

Paragraph 10.—This is a new provision which calls for no special comment.

Paragraph 11.—Local authorities will not be affected by this provision which refers to organisations set up by Government Departments.

Paragraph 12.—This is a new provision. It will be noted that it does not cover all the activities of the National Air Raid Precautions Animals Committee (N.A.R.P.A.C.) but only those relating to the protection of the public from animals which become panic-stricken or contaminated with gas as the result of enemy action.

Paragraph 13 calls for no comment.

Paragraph 14.

(1) Consists of definitions of expressions used in the Schedule and is self-explanatory.

(2) "**Members who are unpaid**" are here defined. The term does not disqualify persons who are normally gainfully occupied but who volunteer to give their spare time to the civil defence organisation without remuneration. Indeed in such cases the payment for loss of wages when called out in an emergency under A.R.P. Department Circular No. 317/1939 of 2.12.39 is not a bar. The term "unpaid" also includes persons who receive free billets, with or without a subsistence allowance, expenses or insurance contributions.

In cases where a service described in the Schedule as "consisting only of members who are unpaid" is in fact carried out partly by paid personnel and partly by unpaid volunteers, e.g., billeting or canteens, the civil defence organisation set up for the purposes of this Scheme should enrol only the unpaid workers. The paid personnel, being gainfully occupied persons, will be covered for "war injuries" under the Scheme and as regards other injuries sustained on duty will be covered by the Workmen's Compensation Act or analogous schemes.

Ministry of Pensions,

July, 1940.

Appendix A.

PERSONAL INJURIES (EMERGENCY PROVISIONS) ACT, 1939.

From

.....
(name of local authority and Department to
which reply should be addressed).

To the Area Officer

.....
(address of nearest Area Office of the Assistance Board)

Will you please complete Section B below and return this form
to the above address as soon as possible.

(Signature)

(Date)

SECTION A.

(To be completed by the Paying Officer of the Local Authority)

1. Name of Civil Defence Volunteer..... 2. Age.....
3. Address.....
4. Marital Status..... 5. Number of children under
15 years of age
6. Date of Injury 7. Whether in hospital or not

SECTION B.

(To be completed at the Area Office)

Area
Office
Stamp

1. A claim for injury Allowance in this case
has } been lodged.
has not }
2. Weekly rate of Injury Allowance to which the above-named would be entitled from
the date of his injury, provided that his claim is admissible under the Personal
Injuries (Civilians) Schemes.....d.

Date Area Officer's Signature

* Delete as appropriate.

Scales of Payment of injury allowances under
the Personal Injuries (Civilians) Scheme.

T A B L E

Class of Person	Weekly rate of payment			
	While an in- patient of a hospital		In any other case	
	s.	d.	s.	d.
Married Men	22	6	30	0
* Bachelors and widowers	8	0	18	0
* Women and girls	8	0	16	0

* In the case of unmarried persons who have not attained the age of 21 years
the scales of payment are half the above rates.

In addition there is an allowance of 3s. -d. a week for each dependant
child under the age of 15 years.