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# ADMIRALTY FLEET ORDER

## POSITION OF CIVIL SERVANTS IN REGARD TO WAR AND OTHER INJURIES DURING THE EMERGENCY PERIOD

ADMIRALTY, S.W.1,  
29th January, 1942.

The following Order having been approved by My Lords Commissioners of the Admiralty is hereby promulgated for information and guidance and necessary action.

By Command of their Lordships,

*H. V. Markham*

To all Commanders-in-Chief, Flag Officers, Senior Naval Officers Ashore, Superintendents or Officers in Charge of H.M. Naval Establishments, and Admiralty Overseers concerned. (See A.F.O. 3338/40.)

NOTE :—The scale of distribution is half that shown in the revised Admiralty Fleet Order Volume Instructions—A.F.O. 4544/41, paragraph 10.

~~Head of "P" Branch~~

P1 *[Signature]*

P2 *[Signature]*

P3 *[Signature]*

*HRSB*



414.—Position of Civil Servants in Regard to War and Other Injuries During the Emergency Period

(C.E. 6485/40.—29.1.1942.)

The undermentioned Circulars and Statutory Rules and Orders are promulgated for information and guidance.

Any question of doubt or difficulty should be referred to the Admiralty for instructions.

Treasury Circular T.C. No. 9/41, dated 29th April, 1941.

Treasury Circular T.C. No. 18/41, dated 25th November, 1941.

Statutory Rules and Orders, 1941, No. 226. Personal Injuries (Civilians) Scheme.

Ministry of Pensions Explanatory Notes on the Personal Injuries (Civilians) Scheme, 1941.

Statutory Rules and Orders, 1941, No. 573. Injury Warrant, dated 17th April, 1941.

T.C. No. 9/41

P/2/76890/26

29th April, 1941.

Sir,

I am directed by the Lords Commissioners of His Majesty's Treasury to inform you that They have had under further consideration the position of certain civil servants who may sustain war (or war service) injuries during the period of the present emergency.

2. Paragraphs 10 and 11 of Treasury Circular 3/40 of 22nd February, 1940, provided

- (1) that "non-workmen" civil servants serving in the United Kingdom (*i.e.*, broadly speaking those in receipt of more than £350 per annum when injured), who were in the service on 31st August, 1939, should be dealt with in respect of such injuries sustained on duty (as therein defined) under the Injury Warrant, No. 1, 1935;
- (2) as amplified by paragraph 4 of the Injury Warrant 1940 (S.R. & O. No. 215 of 1940), that in like circumstances civil servants recruited in the United Kingdom but serving abroad who were in receipt of £350 per annum or less should be granted under the Injury Warrants either

(a) an award on the scale prescribed by the Injury Warrant No. 1, 1935

or

(b) if the conditions for such award were fulfilled, an award on the scale prescribed by Part III of the Personal Injuries (Civilians) Scheme, 1939 (S.R. & O. No. 1143 of 1939), framed under the Personal Injuries (Emergency Provisions) Act, 1939,

whichever of the two was more favourable.

3. The Personal Injuries (Civilians) Scheme, 1940 (S.R. & O. No. 1307 of 1940), granted increased rates of pension and allowances. The result is that for a number of civil servants with salaries in excess of £350 per annum the benefits of the Civilians Scheme may exceed those of the Injury Warrants, though in certain cases, if circumstances change (*e.g.*, in disablement cases on the death of a dependant or in both disablement and death cases when the children attain the age of 15), an award on the Injury Warrant scale may again become more favourable.

The Personal Injuries (Civilians) Scheme, 1941 (S.R. & O. No. 226 of 1941), which took effect from 24th December, 1940, increased the rates of injury allowances and provided (1) that the widow of a civilian worker or of a Civil Defence Volunteer who is killed by a war injury or war service injury

or dies within six months as a direct result of such injury shall, if this is more favourable, be paid an allowance (inclusive of children's allowance, if any) of 50s. per week for the first 10 weeks following her husband's death; (2) that the funeral grant of £7 10s. 0d. which is now paid in respect of the privately arranged funeral of a Civil Defence Volunteer shall be extended to the widow of a civilian worker.

4. In these circumstances My Lords have decided to apply to all "non-workmen" civil servants who were in the service on 31st August, 1939 (other than local entrants serving abroad) the arrangements referred to in paragraph 2 (2) above, *i.e.*, to grant whichever of the two awards is appreciably more favourable, with provision for conversion into the alternative award, if owing to a change of circumstances this becomes appreciably more favourable to the beneficiary. My Lords do not propose to define precisely the word "appreciably" but in general They will regard an amount of not less than sixpence a week as "appreciable" for the purpose of this paragraph and paragraph 11 below.

5. In accordance with Establishment Officers Circular No. 382 of 7th June, 1940 (*A.F.O.* 2744/40), it is proposed to give to or in respect of a "non-workman" civil servant who was in the service on 31st August, 1939, and who sustains while on duty or during training as a member of a departmental unit of the Home Guard a war injury or a non-war injury attributable to such duty or training, the same treatment as is given to a civil servant who is a member of a Departmental A.R.P. organisation, except that in his case the alternative to the Injury Warrant scale will be the slightly more favourable terms applicable to members of the Home Guard generally.

Similarly in the corresponding cases of sea-going officers of the Post Office Cable Ships the alternative will be the scale prescribed by the War Pensions and Detention Allowances (Mercantile Marine, &c.) Scheme, 1941 (S.R. & O. No. 225 of 1941), framed under the same Act. Any subsequent reference in this Circular to the Civilians Scheme scale is to be taken as referring in the above two cases to the appropriate alternative scale.

Civil servants who are members of Departmental fire prevention services, including any persons compulsorily enrolled, will be treated like other members of Departmental A.R.P. organisations for purposes of compensation.

6. A new Injury Warrant (the Injury Warrant, 1941—S.R. & O. No. 573 of 1941), a copy of which is enclosed herewith, has been made to give effect to these decisions.

For the purpose of the original award in a case of fatal injury My Lords propose to compare the total amounts payable to the widow (or mother) and children on either scale.

Where the award to the widow, or to the widow and children, on the Injury Warrant scale is more than the amount payable on the Scheme scale after the first ten weeks but less than 50s. a week, it can normally be assumed that the higher rate payable permanently on the Injury Warrant scale will outweigh the immediate advantages of the Scheme scale and unless in quite exceptional circumstances My Lords propose in such cases to award forthwith on the Injury Warrant scale.

The Minister of Pensions has power to make the funeral grant above referred to, to the widow of a "non-workman" civil servant who sustains a fatal war injury or war service injury on duty. This grant will be made irrespectively of the scale on which an award is made under the new Injury Warrant.

7. In all cases in which an award is claimed under the Injury Warrants for a war injury (or war service injury) sustained on duty the Department submitting the application should explain the circumstances in which the injury was sustained and should state whether or not it was due to the officer's own default.

(An officer will not be regarded as in default because he continues at work after an air raid alert is given or after a warning of imminent danger.)



The Department should also state, when necessary, in the case of a war service injury whether the circumstances of the injury are such as to give rise to a claim for damages against a third party.

In all cases of disablement medical evidence should be furnished as to the nature, extent, and probable duration of the disablement caused by the injury and also of any disablement due to other causes. In all death cases copies should be furnished of the death certificate, the widow's marriage certificate and the children's birth certificates.

In any case in which an award on the Civilians Scheme scale appears likely to be more favourable, the Department submitting the application should also give the following information:—

(a) In disablement cases,

- (1) whether the injured person is in receipt of a pension from public funds in respect of the death of some other person. (*See* Article 11 (3) of the Civilians Scheme, 1941.)
- (2) If he is married, whether he is residing with his wife or if not, to what degree, if any, he is contributing to her support. (Article 12.)
- (3) If there are children, whether they are residing with him or if not, whether they are wholly or mainly dependent on him. (*See* Article 2 (2) 7 and Article 13—there are also special provisions in the latter Article as to the children of a woman who is injured which should be referred to if necessary.)

If the injured person has a wife, the marriage certificate should be furnished, and if he has a dependent child or children the birth certificates should be furnished.

(b) In death cases,

- (1) Whether the widow was residing with her husband (or if not, to what degree, if any, he was contributing to her support) and, if she is under the age of 40 and there is no child who was dependent on her husband, whether she is incapable of self-support (Article 15).
- (2) Whether the children who were dependent on her husband are living with her or if not, whether they are under her control. (Article 16).

(Again there are special provisions when the deceased was a woman—*see* Article 17).

(The widow's birth certificate should be furnished as well as the certificates mentioned above.)

8. Departments should notify the Ministry of Pensions as soon as possible of any case in which they propose to apply for an award under the Injury Warrant in respect of an injury sustained by a civil servant while on duty or undergoing training as a member of a departmental unit of the Home Guard, giving his full name and the unit in which he served.

9. My Lords propose in making any award under this circular to indicate on which of the alternative scales it is made and to state that it is made subject to the conditions of the Injury Warrant referred to above.

If an award is made in respect of disablement on the Civilians Scheme scale, Their Lordships will also state what portion of the award (if any) is made in respect of a wife and/or children and what would be the alternative award on the Injury Warrant scale.

Similarly in a case of fatal injury if the award is made on the Civilians Scheme scale They will indicate what would be the alternative award on the Injury Warrant scale.

10. The pension paying Department will be responsible for obtaining the necessary declarations as to the life of the beneficiary or beneficiaries (including any dependants in respect of whom an award is made on the

Civilians Scheme scale) and for the termination or reduction of any allowance as soon as the conditions for its receipt, or its receipt at the authorised figure, cease to be fulfilled, e.g.

- (1) In the case of a disablement allowance on the Scheme scale which includes allowances in respect of a wife and/or children, when any of these die or, in the case of the children, attain the age of 15 or any later age up to which the allowance may be continued under Article 2 (2) 7 of the Scheme.
- (2) Similarly in death cases, as regards allowances on either scale, except that an award to a child of an established officer which is made on the Injury Warrant scale may be continued for so long as the child remains at school up to age 18.
- (3) As regards allowances on either scale, on the re-marriage of the widow (or mother).

Allowances on the Scheme scale may also fall to be suspended or reduced on admission to public assistance institutions, hospitals, etc. under Article 36 of the Scheme or to be forfeited under Article 39 of the Scheme. The Ministry of Pensions, Norcross, Lancashire, should be consulted as to such cases, or other cases which may be affected by special provisions of the Scheme.

11. Conversion from one scale to another can only occur.

- (a) if the existing benefits of the Injury Warrants or of the Civilians Scheme are subsequently varied, in which case a further communication will be addressed to the pension paying Departments;
- (b) (apart from disablement cases in which it is claimed that there is a variation in the degree of impairment) when there is a change of family circumstances affecting the award.

The normal case will be that in which an award on the Scheme scale which is wholly or partly to or in respect of dependants falls to be terminated or reduced, as explained in paragraph 10, with the result that an award to the injured person or to the remaining dependants will become more favourable on the Injury Warrant scale.

If in such a case it appears to the Department that conversion is due and would appreciably benefit the person or persons concerned, it should re-submit the case to the Treasury for a revised award.

If conversion is claimed in other circumstances, then if the Department, after consulting, if necessary, the Ministry of Pensions, is satisfied that such conversion is not due or would not appreciably benefit the applicant, it should so inform him or her but any appeal against its decision should be submitted to the Treasury.

Otherwise the application should be submitted to the Treasury.

12. The opportunity has also been taken of making two minor amendments of the existing Injury Warrants.

The first provides for the case of an injured officer who is subsequently retired on abolition of office.

The second provides in effect for the grant of sick pay at Injury Warrant rate in certain cases of temporary incapacity due to injury.

13. The amendment of Article 25 of the Civilians Scheme, 1939 foreshadowed in paragraph 18 of Treasury Circular 3/40 was made by Article 30 of the Civilians Scheme, 1940 (now Article 30 of the Civilians Scheme, 1941).

Accordingly the officers of certain quasi-public Departments referred to in that paragraph can now be treated in the same manner as civil servants in respect of war and war service injuries.

14. Receipt of this circular should be acknowledged on the slip enclosed. Any question of doubt should be referred to this Department.

I am,

Your Obedient Servant,

R. V. NIND HOPKINS.



T.C. No. 18/41

25th November, 1941.

THE NATIONAL HEALTH INSURANCE CONTRIBUTORY PENSIONS  
AND WORKMEN'S COMPENSATION ACT, 1941

SIR,

\* \* \* \* \*

The Act also brings within the scope of the Workmen's Compensation Acts as from 1st January 1942 non-manual workers who are remunerated at a yearly rate exceeding £350 and not exceeding £420 per annum. (Section 13.)

2. The Injury Warrant, No. 1, 1935 applies to a civil servant who is not a "workman" as defined in paragraph 15 of the Warrant, viz. "a workman as defined by the Workmen's Compensation Act, 1925 and any statutory modification thereof".

Accordingly as from 1st January next it will cease to apply to a civil servant who is a non-manual worker and whose remuneration is within the above limits. His claim to compensation for a non-war injury sustained on duty on or after that date will fall to be dealt with under the Workmen's Compensation Acts (or the Government Schemes framed thereunder) and Treasury Circular No. 29/23.

The Injury Warrant No. 2, 1935, which applies to persons carried in pursuance of official instructions in any aircraft or in one of His Majesty's Submarines, applies to a civil servant who is not a workman within the meaning of the Workmen's Compensation Act, 1906—i.e., it applies to a person employed otherwise than by way of manual labour whose remuneration exceeds £250 per annum. It is not proposed to make any alteration in this limit.

3. Civil Servants who were in the service on 31st August, 1939 and who are in receipt of remuneration between £350 and £420 per annum will cease to be eligible for awards under the Injury Warrants in respect of war injuries or war service injuries sustained on duty on or after 1st January, 1942 and subject to the provisions of paragraph 4 of T.C. 3/40 such officers will be dealt with by the Ministry of Pensions under the Personal Injuries (Civilians) Scheme, 1941, or any amendment thereof. Accordingly as from that date "£420" should be substituted for "£350" throughout T.C. 3/40, and T.C. 9/41 should be read accordingly.

"Non-workman" civil servants who entered the service after 31st August, 1939 are not eligible for awards under the Injury Warrants in respect of war injuries or war service injuries however sustained and in respect of non-war injuries sustained on duty are only eligible for awards under the Injury Warrants at rates not exceeding those which would have been payable under the Civilians Scheme if the injury had been a war injury.

Such war entrant Civil Servants whose remuneration is between £350 and £420 per annum will remain ineligible for Injury Warrant awards in respect of war injuries or war service injuries; and in respect of non-war injuries sustained on duty after the 1st January, 1942 will be dealt with, except in the cases referred to in the third sub-paragraph of paragraph 2 above, solely under the Workmen's Compensation Acts (or the alternative Government Schemes of Compensation, where applicable) instead of under the Injury Warrants.

I am,

Your Obedient Servant,

R. V. NIND HOPKINS.

## STATUTORY RULES AND ORDERS

1941 No. 226

## PENSION

## Personal Injuries (Civilians) Scheme

THE PERSONAL INJURIES (CIVILIANS) SCHEME, 1941, DATED APRIL 10, 1941, 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. *Short title.*—This Scheme may be cited as the Personal Injuries (Civilians) Scheme, 1941.

2. *Interpretation.* 52 & 53 Vict. c. 63.—(1) The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(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. "apprentice" means a person who has attained the age of fifteen years but has not attained the age of twenty-four years and who, not being a gainfully occupied person, is undergoing full time training for any trade, business, profession, office, employment or vocation;
3. "civil defence organisation" means an 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;
4. "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;
5. "disablement" means loss of physical or mental capacity, and "disabled" shall be construed accordingly;
6. "degree of disablement" in Part III of this Scheme means degree of disablement as assessed and certified under Article 5 of this Scheme;
7. "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 (in this sub-paragraph referred to as "the material date") on which that injury was sustained, who has not attained the age of fifteen years and who, if born before the material date, was at that date either residing with or 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 co-habiting 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) 16 & 17 Geo. 5. c. 29; 20 & 21 Geo. 5. c. 15 (N.I.); 20 & 21 Geo. 5. c. 37.—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:

Provided that a child who—

- (i) had on the material date attained the age of fifteen years and was on that date a child receiving full time instruction at a school; or
- (ii) is, on the date when he attains the age of fifteen years, a child receiving such instruction;
- may be treated, for the purposes of this sub-paragraph, as a child who has not attained the age of fifteen years until the date on which he ceases to be a child receiving such instruction or the thirty-first day of July next following the day on which he attains the age of sixteen years, whichever is the earlier date;
8. "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;
9. "injury which may be compensated on the higher scale" means an injury which is—
- (a) a war service injury sustained by a civil defence volunteer; or
- (b) a war injury sustained by a gainfully occupied person;
10. "the Minister" means the Minister of Pensions;
11. "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;
12. "prescribe" means prescribe by regulations made under this Scheme and "prescribed" shall be construed accordingly;
13. 11 & 12 Geo. 5. c. 31; 12 & 13 Geo. 5. c. (N.I.).—"professional fireman" has the same meaning as in the Fire Brigade Pensions Act, 1925, as amended by any subsequent enactment, and "professional policeman" means a person to whom the Police Pensions Act, 1921, or section two of the Constabulary Act (Northern Ireland), 1922, applies;
14. "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;
15. "qualifying injury", in relation to a person, means an injury sustained by that person in respect of which an award under this Scheme may be made;
16. "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;

17. "relative", in relation to a person who has sustained an injury, includes any person related to the injured person illegitimately or in consequence of adoption under any such enactment or law as is mentioned in sub-paragraph (e) of sub-paragraph 7 of this paragraph;
18. "student" means a person who has attained the age of fifteen years but has not attained the age of twenty-four years and who is receiving full time instruction at a university, college, school or other educational establishment;
19. "war injury" means a physical injury—
- (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;
20. "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.
- (5) A person who is at any date prevented for any reason from wholly or mainly maintaining a child or from contributing to a reasonable extent to the support of his wife may, if the Minister thinks fit having regard to the circumstances of the case, be treated for the purposes of this Scheme as if he were at that date wholly or mainly maintaining that child or contributing to a reasonable extent to the support of his wife, as the case may be.
3. *Civil defence organisations.*—It is hereby declared that any organisation established in the United Kingdom for civil defence purposes which is described or named in the Schedule to this Scheme shall be a civil defence organisation for the purpose of the Act and this Scheme.
4. *Injuries in respect of which awards may be made under Scheme.*—Subject to the provisions of this Scheme, an award under this Scheme may be made in respect of any injury sustained during the period of the present emergency which—
- (a) is a war service injury sustained by a civil defence volunteer; or
- (b) is a war injury sustained by a gainfully occupied person; or



(c) not being such an injury as aforesaid, is a war injury sustained by a person who either had attained the age of fifteen years at the date of the injury or has attained that age since that date.

5. *Ascertainment of degree of disablement.*—(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.

(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, that degree of disablement shall be assessed in accordance with any direction which may be given by the Minister for the purpose of securing that in the assessment thereof account shall be taken of that other disablement in such manner and to such extent as may be specified in the direction.

(4) The degree of disablement assessed under this Article shall be certified by way of a percentage, total disablement being represented by one hundred per cent. and a lesser degree of disablement being represented by such lesser percentage as, being a multiple of ten, bears to one hundred per cent. the same proportion as that lesser degree of disablement bears to total disablement.

## PART II

### INJURY ALLOWANCES

6. *Scope of Part II.*—(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 who have sustained qualifying injuries.

(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 under Part III of this Scheme.

7. *Awards of injury allowances.*—Subject to the provisions of this Scheme, where a qualifying injury has incapacitated a person 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) 2 & 3 Geo. 6. c. 83; 4 & 5 Geo. 5. c. 30; 5 & 6 Geo. 5. c. 18.—if an award can be made to that person in respect of that injury under a scheme made 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.

8. *Conditions of payment of injury allowances.*—(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 twenty-six weeks 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) An injury allowance awarded to a person shall not be payable in respect of any period in respect of which a pension awarded to that person under Article 11 of this Scheme has been or will be paid.

(3) Where sickness or disablement benefit in respect of an injury has been paid to a person under the National Health Insurance Act, 1936, in respect of any period (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), any injury allowance awarded to that person in respect of that injury which is payable in respect of that period shall be payable at the rate which, when added to the weekly rate of that benefit, is equal to the rate at which that injury allowance would, but for the provisions of this paragraph, have been payable.

(4) 24 & 25 Geo. 5. c. 29; 2 & 3 Geo. 6. c. 93; 24 & 25 Geo. 5. c. 12 (N.I.)—Where an allowance in the calculation of which the needs of a person have been taken into account has been paid in respect of any period to that person or to 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, any injury allowance awarded to that person which is payable in respect of that period shall be payable at the rate which, when added to the amount certified by the Assistance Board or the Assistance Board for Northern Ireland to have been included in respect of the needs of that person in the allowance so paid, is equal to the rate at which that injury allowance would, but for the provisions of this paragraph, have been payable.

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

9. *Rates of injury allowances.*—(1) Subject to the provisions of this Part of this Scheme, an injury allowance awarded to a person shall be payable at whichever of the weekly rates specified in the Table set out at the end of this Article in relation to the class of injury sustained by that person is from time to time appropriate in the case of that person.

(2) Where a person to whom an injury allowance has been awarded—

(a) in respect of an injury which may be compensated on the higher scale, is a male person who is not married or a female person,



and that person is detained in hospital and was, at the date of the commencement of such detention, maintaining in his home a relative who was then wholly dependent on him; or

- (b) in respect of an injury which is not an injury which may be compensated on the higher scale, is a widow who is detained in hospital and who was, at the date of the commencement of such detention, maintaining in her home a dependent child of hers;

that injury allowance may, so long as that person or widow contributes to a reasonable extent to the support of that relative or child, be paid at the rate which would be appropriate if that person or widow were not in hospital.

(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 person shall, for the purposes of the foregoing provisions of this Article and of the Table set out at the end thereof, be treated as if he were not married.

(4) 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.

(5) In this Article and in the Table set out at the end thereof the expression "in hospital" means in hospital as an in-patient for the purpose of receiving treatment for a qualifying injury.

TABLE  
WEEKLY RATES OF INJURY ALLOWANCES

Class of injury.	Male person who is married.		Male person who is not married.		Female person.	
	Not in hospital.	In hospital.	Not in hospital.	In hospital.	Not in hospital.	In hospital.
Injuries which may be compensated on the higher scale.	35/-	35/-	35/-	24/6	28/-	17/6
Other injuries ... ..	21/-	10/6	21/-	10/6	16/4	9/4

10. *Increases in injury allowances in respect of dependent children.*—

(1) Where a person to whom an injury allowance has been awarded in respect of an injury which may be compensated on the higher scale 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 child is

residing with the person to whom that injury allowance has been awarded or that person is contributing to a reasonable extent to the support of the 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 CAUSING SERIOUS AND PROLONGED DISABLEMENT OR DEATH

11. *Pensions to disabled persons.*—(1) Where a qualifying injury sustained by a person is causing him serious and prolonged disablement, that person may be awarded under this Article in respect of that injury a pension in accordance with the following provisions of this Article.

(2) Subject to the following provisions of this Article, a pension under this Article in respect of an injury shall be at a weekly rate not exceeding—

- (a) where the degree of disablement caused by that injury is one hundred per cent., the appropriate maximum rate; or  
(b) where the degree of disablement caused by that injury is less than one hundred per cent., the rate which bears to the appropriate maximum rate the same proportion as the degree of disablement caused by that injury bears to one hundred per cent., or the rate of two shillings and sixpence, whichever is the greater.

(3) Where a person to whom a pension has been or may be awarded under this Article in respect of an injury is a person to whom a pension, or in respect of whom an allowance, is payable 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 under this Article shall not exceed—

- (a) where the degree of disablement caused by that injury is one hundred per cent., the rate which is arrived at by deducting from the appropriate maximum rate a sum equal to two-thirds of the weekly rate of the pension or allowance payable out of public funds; or  
(b) where the degree of disablement caused by that injury is less than one hundred per cent., the rate which bears to the rate calculated in accordance with paragraph (a) of this paragraph the same proportion as the degree of disablement caused by that injury bears to one hundred per cent.:

Provided that where the weekly rate of a pension calculated in accordance with the foregoing provisions of this paragraph is less than two shillings and sixpence, the weekly rate of that pension shall be two shillings and sixpence.

(4) Where a special temporary allowance awarded to a widow under Article 14 of this Scheme is being paid, the provisions of the last foregoing paragraph of this Article shall apply to a pension which has been or may be awarded to her under this Article, as if instead of that special temporary allowance she had been awarded a pension under Article 15 of this Scheme.

(5) In this Article the expression "appropriate maximum rate", in relation to a pension which may be awarded to a person under this Article, means whichever of the weekly rates specified in the Table set out at the end of this Article in relation to the class of injury sustained by that person is from time to time appropriate in the case of that person.



Provided that, for the purposes of that Table,—

- (a) where a qualifying injury which is not an injury which may be compensated on the higher scale has been sustained by a person before he has attained the age of fifteen years or at a time when he was a student or an apprentice, that injury shall be treated as if it were an injury which may be compensated on the higher scale unless that person 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; and
- (b) a person who was married at the date on which he sustained the qualifying injury in respect of which a pension under this Article is awarded, shall, notwithstanding that he has not attained the age of eighteen years, be treated as if he had attained that age.

TABLE

## MAXIMUM WEEKLY RATES OF PENSION FOR 100 PER CENT. DISABLEMENT

Class of Injury.	Male person.		Female person.	
	Aged 18 and over.	Aged under 18.	Aged 18 and over.	Aged under 18.
Injuries which may be compensated on the higher scale.	34/2	17/6	24/2	14/2
Other injuries ... ..	20/-	10/-	15/-	7/6

12. *Allowances to disabled persons in respect of wives.*—(1) Where an injury in respect of which a pension may be awarded under the last foregoing Article is a relevant qualifying injury which may be compensated on the higher scale and the person who sustained that injury has a wife, there may be awarded under this Article in respect of that injury an allowance in respect of that wife in accordance with the following provisions of this Article.

(2) Where the person who sustained the injury is residing with his wife, an allowance under this Article may be awarded to him 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.

(3) Where the person who sustained the injury is not residing with his wife, an allowance under this Article may be awarded to him or to his wife as the Minister may determine at such rate (not exceeding the rate calculated in accordance with paragraph (2) of this Article) as the Minister may think fit:

Provided that, unless the Minister in the special circumstances of any particular case otherwise directs, an allowance shall not be awarded under this paragraph unless the person who sustained the injury is contributing to a reasonable extent to the support of his wife.

13. *Allowances to disabled persons in respect of dependent children.*—(1) Where an injury in respect of which a pension may be awarded under Article 11 of this Scheme is a relevant qualifying injury which may be compensated on the higher scale and the person who sustained that injury has a dependent child, that person may be awarded under this Article in respect of that injury an allowance in respect of that child in accordance with the following provisions of this Article.

(2) An allowance under this Article in respect of a dependent child 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 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 may be reduced to an amount equal to that weekly value.

TABLE

## MAXIMUM WEEKLY RATES OF ALLOWANCES IN RESPECT OF DEPENDENT CHILDREN

Description of child.	First child.	Second child.	Each additional child.
Dependent child of—			
(a) a male person in respect of whose wife no allowance is being paid; or			
(b) a female person ... ..	8/4	6/3	5/-
Dependent child of a male person in respect of whose wife an allowance is being paid ...	6/3	5/-	5/-

14. *Special temporary allowances to widows of deceased persons.*—(1) Where a person has died as the direct result of a relevant qualifying injury which may be compensated on the higher scale and there is a widow of that person (not being a widow who at the date of his death was separated from him), that widow may be awarded under this Article in respect of that injury a special temporary allowance in accordance with the following provisions of this Article.

(2) A special temporary allowance under this Article may only be awarded if the death of the person who sustained the injury takes place before the expiration of twenty-six weeks from the date on which the injury was sustained.

(3) A special temporary allowance under this Article shall be at the weekly rate of fifty shillings and shall be paid in respect of the period of ten weeks from the day following the date of the death of the person who sustained the injury.

15. *Pensions to widows of deceased persons.*—(1) Where a person has died as the direct result of a relevant qualifying injury which may be compensated on the higher scale and there is a widow of that person, that widow may be awarded under this Article in respect of that injury a pension in accordance with the following provisions of this Article.

(2) Subject to the following provisions of this Article, the pension which may be awarded to the widow under this Article shall be at a weekly rate not exceeding—

- (a) in a case where she has attained the age of forty years, or an allowance may be awarded to her in respect of dependent child of



her husband under Article 16 of this Scheme, or she is incapable of self-support, twenty-two shillings and sixpence;

(b) in any other case, fifteen shillings and sixpence.

(3) Where at the date of the death of the deceased person his widow was separated from him, a pension may only be awarded to her under this Article—

(a) if she was entitled to periodical payments from him under a maintenance or separation order or a decree for aliment, and was, during the period of six months expiring on the date of his death or during such other period as the Minister may in any special case determine, either receiving the payments to which she was so entitled or taking reasonable steps to obtain them; or

(b) in any other case, if the deceased person was during any such period contributing to a reasonable extent to her support;

and the weekly rate of the pension shall be such as the Minister may determine, being a weekly rate which does not exceed—

(i) in the case mentioned in sub-paragraph (a) of this paragraph, the rate (calculated on a weekly basis) of the periodical payments; or

(ii) in the case mentioned in sub-paragraph (b) of this paragraph, the average weekly amount that the deceased person had been contributing to the support of the widow during any such period as is mentioned in that sub-paragraph;

and does not in any case exceed fifteen shillings and sixpence.

(4) For the purposes of this Article, a widow who at the date of the death of her husband was separated from him may be treated as if she were not then separated from him if the separation was, in the opinion of the Minister, caused by his mental instability, being mental instability due to a qualifying injury sustained by him.

(5) Where a widow has been awarded a special temporary allowance under the last foregoing Article, a pension under this Article shall not be paid in respect of any period falling within the period of ten weeks from the day following the date of the death of her husband.

**16. Allowances to widows of deceased persons in respect of dependent children.**—(1) Where a person has died as the direct result of a relevant qualifying injury which may be compensated on the higher scale and there is a dependent child of that person residing with or under the control of his widow, being a widow who was on his death eligible for a widow's pension under Article 15 of this Scheme, that widow may be awarded under this Article in respect of that injury an allowance in respect of that child in accordance with the following provisions of this Article.

(2) Subject to the provisions of paragraph (4) of the next succeeding Article, an allowance under this Article shall be at a weekly rate not exceeding eight shillings and sixpence in respect of the first child, six shillings and threepence in respect of the second child and five shillings in respect of each additional child.

(3) 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 may be reduced to an amount equal to that weekly value.

(4) Where a widow has been awarded a special temporary allowance under Article 14 of this Scheme an allowance under this Article shall not be paid in respect of any period falling within the period of ten weeks from the day following the date of the death of her husband:

Provided that where in respect of any period falling within that period of ten weeks the aggregate amount of the allowances which, but for the

foregoing provisions of this paragraph, might have been paid to her when added to the amount of any pension under Article 15 of this Scheme which, but for the provisions of paragraph (3) of that Article, might have been paid to her is in excess of the special temporary allowance, an amount equal to that excess may be paid to her.

**17. Pensions to dependent children of deceased persons.**—(1) Where a person has died as the direct result of a relevant qualifying injury which may be compensated on the higher scale, and there is a dependent child of that person, 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 that child is neither residing with nor under the control of his widow, being a widow who was on his death eligible for a widow's pension under Article 15 of this Scheme;

(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) Subject to the following provisions of this Article, a pension under this Article awarded to a dependent child of a male person shall 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.

(3) Subject to the following provisions of this Article, where a widow's pension under Article 15 of this Scheme is not being paid or applied to or for the benefit of the widow of a deceased person, a pension awarded under this Article to a dependent child of that person may, if the Minister thinks fit having regard to the fact that the child is motherless or has been removed from the control of his mother or to any other circumstances of the case, be at a weekly rate not exceeding ten shillings or, where there is more than one dependent child of that deceased person residing in the same household, ten shillings in the case of the first child in that household and eight shillings and sixpence in the case of each additional child in that household.

(4) Where there is more than one dependent child of a deceased male person and there is a widow of that person who was on his death eligible for a widow's pension under Article 15 of this Scheme, the aggregate of the rates of any pensions under this Article, or of the rates of any such pensions together with the rates of any allowances under Article 16 of this Scheme, which may be paid to or in respect of the dependent children of that deceased person shall not exceed—

(a) in a case where a widow's pension is being paid or would, but for the provisions of paragraph (3) of Article 15 of this Scheme, be paid, the aggregate of the rates of the allowances which could be awarded under Article 16 of this Scheme in respect of all the dependent children of that person if they were all children in respect of whom allowances under that Article might be awarded; and

(b) in a case where a widow's pension is not being paid by reason of any provision of this Scheme (other than paragraph (3) of Article 15), the aggregate of the rate at which that pension could be paid to her but for the provision by reason of which it is not being paid and the rates of the allowances which could be awarded under Article 16 of this Scheme in respect of all the dependent children of that person if they were all children in respect of whom allowances under that Article might be awarded.

(5) A pension under this Article awarded to a dependent child of a female person shall be at a weekly rate not exceeding ten shillings or, where



there is more than one dependent child of that person residing in the same household, ten shillings in the case of the first child in that household and eight shillings and sixpence in the case of each additional child in that household.

18. *Pensions to parents of deceased persons.*—(1) Where a person has died as the direct result of a qualifying injury which may be compensated on the higher scale, and there is a parent of that person—

- (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 two or more deceased persons—

- (a) one pension only may be awarded under this Article in respect of those injuries; and
- (b) paragraph (2) of this Article shall have effect as if it referred to the contributions of all those deceased persons.

(4) Where the conditions for the award of a pension under this Article are fulfilled in the case of both the parents of a deceased person or of two or more deceased persons, one pension only may be awarded under this Article and that pension may be awarded to whichever of those parents the Minister may select:

Provided that where those parents are separated a pension may, if the Minister thinks fit, be awarded to each of them, so, however, that the aggregate weekly rate of those pensions shall not exceed the maximum weekly rate at which a pension under this Article could have been awarded if those parents were not separated.

(5) A pension awarded under this Article 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.

(6) 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 7 of paragraph (2) of Article 2 of this Scheme.

19. *Pensions to orphan brothers and sisters of deceased persons.*—(1) Where a person has died as the direct result of a qualifying injury which may be compensated on the higher scale and there is an orphan brother or sister of that person who 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 under this Article shall not be awarded in respect of an injury if a pension or allowance under any of the foregoing provisions of this Part of this Scheme is being paid in respect of that injury; and
- (b) where more than one pension awarded under this Article in respect of the same injury is being paid, the aggregate rate of those pensions shall not at any one time exceed ten shillings.

(2) Not more than one person may be paid at the same time under this Article to the same person.

(3) In this Article the expression “ orphan brother or sister ”, in relation to a deceased person, means a brother or sister of that person whose parents are both dead and who has not attained the age of fifteen years:

Provided that a brother or sister of that person who—

- (i) had on the date of the death of the deceased person attained the age of fifteen years and was on that date a person receiving full-time instruction at a school; or
- (ii) is, on the date when he or she attains the age of fifteen years, a person receiving such instruction;

may be treated, for the purposes of this paragraph, as a brother or sister of that person who has not attained the age of fifteen years until the date on which he or she ceases to be a person receiving such instruction or the thirty-first day of July next following the day on which he or she attains the age of sixteen years, whichever is the earlier date.

20. *Funeral allowances in respect of deceased persons.*—(1) Where a civil defence volunteer has died as the direct result of a war service injury sustained during the period of the present emergency and the funeral of that volunteer is carried out privately at the expense of any person, there may be awarded under this Article in respect of that injury an allowance to that person in respect of the cost of the funeral.

(2) Where a gainfully occupied person has died as the direct result of a war injury sustained during the period of the present emergency and the funeral of that person is carried out privately at the expense of the widow or of a relative of that person, being a relative who at the date of the death of that person was wholly dependent on that person and was then maintained in that person's home, there may be awarded under this Article in respect of that injury an allowance to the widow or relative in respect of the cost of the funeral.

(3) An allowance under this Article shall be of an amount equal to the cost of the funeral or the sum of seven pounds ten shillings, whichever is the less.

(4) An allowance under this Article shall not be awarded in respect of the cost of a funeral if the Minister is satisfied that a payment out of public funds has been or will be made in respect of the cost of that funeral.

21. *Pensions to widows and dependent children of deceased pensioners, etc.*—(1) Where a person has died as the direct result of a relevant qualifying injury which is not an injury which may be compensated on the higher scale and there is—

- (a) a widow of that person with whom that person was at the date of his death residing or to whose support that person was at that date contributing to a reasonable extent; or
- (b) where there is no such widow, a dependent child of that person; that widow or dependent child may, if in need, be awarded under this Article in respect of that injury a pension in accordance with the following provisions of this Article.



(2) A pension under this Article shall only be awarded if the need of the widow or dependent child arises solely from the fact that, by reason of the death of the deceased person, a pension, superannuation allowance, annuity or other income of which the deceased person was in receipt at the date of his death is no longer available (otherwise than by virtue of a disposition made by the deceased person) for the support of the widow or dependent child.

(3) A pension under this Article shall be at such weekly rate as may appear to the Minister to be appropriate to the circumstances of the widow or dependent child, but shall not exceed—

(a) in the case of the widow, the rate of the pension and of any allowances in respect of dependent children of the deceased person; or

(b) in the case of the dependent child, the rate of the pension; which could have been awarded under this Scheme to that widow or that dependent child, as the case may be, if the injury sustained by the deceased person had been an injury which may be compensated on the higher scale.

#### PART IV

##### GENERAL PROVISIONS RELATING TO INJURY ALLOWANCES, PENSIONS AND ALLOWANCES

22. *Notice of injuries sustained by children.*—Except where the Minister in any special case otherwise directs, an award under this Scheme in respect of a qualifying injury (not being an injury which may be compensated on the higher scale) sustained by a person before attaining the age of fifteen years shall not be made 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 other particulars have been given as may be prescribed.

23. *Time limits for applications.*—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—

(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 in respect of an injury (not being an injury which may be compensated on the higher scale) 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. *Determination of medical questions.*—Where in connection with an application for an award under this Scheme any medical question 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:

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.

25. *Provision as to members of the armed forces.*—(1) Where a person to or in respect of 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 pension or allowance awarded under this Scheme in respect of that injury shall be paid—

(a) where the injury is causing him serious and prolonged disablement, in respect of any period during which he continues to be such a member or to be so employed; or

(b) where his death is the direct result of the injury, in respect of any period during which any war service allowances are paid:

Provided that where the aggregate amount of any pension and allowances in respect of dependent children which might, but for the foregoing provisions of this Article, have been paid under this Scheme in respect of the period mentioned in paragraph (b) of this Article are in excess of the aggregate amount of those war service allowances, an amount equal to that excess may be paid.

(2) In this Article the expression "war service allowances", in relation to a deceased person, means any pension, allowance, grant or other payment made out of moneys provided by Parliament at weekly or other periodical intervals to any person after the death of the deceased person in continuation of any payments made during the lifetime of the deceased person in respect of his service in any of the armed forces of the Crown or in the nursing service or other auxiliary service of any of those forces.

26. *Provision as to negligence or misconduct.*—Where an injury, or where incapacity for work, disablement or death arising from an injury, is attributable to the serious negligence or misconduct of the person sustaining the injury, the Minister may withhold or cancel any award which may be or has been made under this Scheme in respect of that injury, or may reduce the amount thereof.

27. *Injuries sustained outside the United Kingdom.*—An award under this Scheme shall not be made in respect of an injury sustained in the Isle of Man or in respect of an injury sustained elsewhere outside the United Kingdom by—

(a) a person ordinarily resident outside the United Kingdom; or

(b) a person ordinarily resident in the United Kingdom while absent from the United Kingdom for personal, domestic, or pleasure purposes:

Provided that nothing in the foregoing provisions of this Article shall preclude the making of an award under this Scheme in respect of—

(i) a war service injury sustained by a civil defence volunteer; or

(ii) a war injury sustained by a person ordinarily resident in the United Kingdom 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; or



(iii) a war injury sustained outside the United Kingdom and the Isle of Man by a person ordinarily resident outside the United Kingdom while travelling for the purpose of carrying out an undertaking to become a member of the armed forces of the Crown raised in the United Kingdom or to take up employment in the nursing service or other auxiliary service of any of those forces, being an undertaking given to a responsible representative of His Majesty's Government in the United Kingdom.

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

29. *Provision as to awards on death.*—Where on application for the award of a pension or allowance under Part III 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. *Provisions for prevention of double payments.*—(1) Where the Minister is satisfied that a payment (not being a payment in respect of the cost of a funeral) has been or will be made under an appropriate provision in respect of an injury (whether resulting in disablement or death) no award of a pension or allowance in respect of that injury shall be made under Part III of this Scheme and any such award which has been made shall be cancelled.

(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 may be or has been awarded under Part III 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—

(a) 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 a child; or

(b) a child is being maintained in the Navy, Army or Air Force or in any institution wholly or mainly supported out of public funds;

the amount of any pension or allowance which may be or has been awarded under Part III of this Scheme 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 or by such amounts as the Minister may think fit having regard to the fact that the child is being so maintained.

(4) Nothing in this Article shall prevent the Minister from making an award in accordance with the provisions of paragraph (3) of 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 "allowance" does not include an allowance under Article 20 of this Scheme, and the expression "an appropriate provision" means any of the following enactments, provisions or instruments, that is to say—

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

(b) 1 & 2 Geo. 6. c. 13.—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) 28 & 29 Vict. c. 89; 35 & 36 Vict. c. 67.—section twenty of the Greenwich Hospital Act, 1865, as extended by section eight of the Greenwich Hospital Act, 1872;

(d) 1 Edw. 8 & 1 Geo. 6. c. 68; 1 Edw. 8 & 1 Geo. 6. c. 69.—any public or local Act (other than the Local Government Superannuation Act, 1937, and the Local Government Superannuation (Scotland) 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<sup>(a)</sup>, the Special Constables (Scotland) Order, 1923<sup>(b)</sup>, the Ulster Special Constabulary Pensions Order, 1924, the Ulster Special Constabulary Pensions (Amending) Order, 1924, and the Ulster Special Constabulary Pensions (Amending) Order, 1936;

(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 for men serving on Admiralty Yard Craft;

(h) 15 & 16 Geo. 5. c. 88.—sub-section (1) of section two of the Coast-guard 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) 57 & 58 Vict. c. 60.—any enactments relating to persons in the service of a local lighthouse authority within the meaning of the Merchant Shipping Act, 1894.

31. *Provisions for taking damages into account.*—(1) Where a person to or in respect of whom an injury allowance, pension or allowance may be or has been awarded under this Scheme in respect of an injury has received or recovered damages in respect of that injury, or has been paid any sum in settlement or composition of his claim to any such damages, the Minister may take the weekly value of the whole or such part as the Minister may think fit of those damages or of that sum 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 or in respect of that person, withhold or cancel the award of that injury allowance, pension or allowance or reduce the amount thereof.

(2) Where a person—

(a) refuses or neglects to claim, or to take or prosecute proceedings to recover, damages in respect of an injury in respect of which an award of an injury allowance, pension or allowance may be or has been made to or in respect of that person; or

(b) continues proceedings to recover any such damages; or

(<sup>a</sup>) S.R. & O. 1923 (No. 905) p. 147. (<sup>b</sup>) S.R. & O. 1923 (No. 1232) p. 152.



(c) accepts any sum in settlement or composition of his claim to any such damages;

and the Minister considers that such refusal, neglect, continuance or acceptance is unreasonable, the Minister may withhold or cancel the award of that injury allowance, pension or allowance or reduce the amount thereof.

**32. Refusal of medical treatment.**—Where it is certified by a medical officer or board of medical officers appointed or recognised by the Minister for the purpose 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 may be or has been made under this Scheme in respect of that injury, or may reduce the amount of any such award.

**33. Power to award lump sum.**—Where the Minister is satisfied in the case of any person to whom a pension or allowance may be or has been awarded under Part III 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.

**34. Making and payment of award.** Any pension or allowance under Part III 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.

**35. Review of awards.**—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.

**36. Provisions as to persons admitted to public assistance institutions, hospitals, etc.**—(1) Where a person to whom a pension may be or has been awarded under this Scheme in respect of an injury is being maintained in an institution to which this Article applies for the purpose of receiving medical treatment for that 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 may be or has been 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 may be or has been awarded under paragraph (3) of Article 12 of this Scheme is being maintained in such an institution otherwise than for the purpose of receiving such treatment, 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, poorhouse, hospital, sanatorium, convalescent home, mental hospital, asylum, infirmary or other similar institution.

**37. Payment of public claims out of pensions, etc.**—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 any such 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.

**38. Administration of pensions and allowances.**—(1) Any injury allowance, pension or allowance, or any lump sum in lieu thereof, awarded under this Scheme may be administered in accordance with the following provisions of this Article if the person to or in respect of whom it has been awarded—

- (a) has not attained 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;

or if in any other case the Minister considers that it is in the interests of that person that it should be so administered.

(2) Any injury allowance, pension, allowance or lump sum awarded to or in respect of any person which is being administered under this Article may, as to the whole or such part thereof as the Minister thinks fit and at such times as he thinks fit, be paid or applied by the Minister to or for the benefit of that person, or to or for the benefit of the wife or husband or any child or dependant of that person, or be paid by the Minister to any person whom he considers to be a fit and proper person so to pay or apply the whole or any part of that injury allowance, pension, allowance or lump sum.

(3) Where part of an injury allowance, pension or allowance which has been administered under this Article has not, when that injury allowance, pension or allowance ceases to be so administered, been paid or applied, payment in respect of that part may be made either in a lump sum or by instalments of such amounts and at such intervals as the Minister thinks fit, so, however, that the lump sum or the aggregate of the instalments, as the case may be, shall not exceed the sum of fifty pounds.

**39. Forfeiture of pensions and restoration of forfeited pensions, etc.** *83 & 34 Vict. c. 23.*—(1) Where a person to or in respect of whom an injury allowance, pension or allowance may be or has been awarded under this Scheme—

- (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) *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.); 23 & 24 Geo. 5. c. 12 (N.I.)*.—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;

the Minister may withhold the award of that injury allowance, pension or allowance or, if that injury allowance, pension or allowance has been awarded and is not forfeited under the Forfeiture Act, 1870, may 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.

(2) Where a person to or in respect of whom a pension or allowance may be or has been awarded under Part III of this Scheme in respect of an injury sustained by a person who has died is, in the opinion of the Minister,



unworthy of a grant from public funds, the Minister may withhold the award of that pension or allowance or direct that it shall be forfeited as from such date (including any past date) as the Minister may think fit.

(3) 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. *Provisions with respect to failure to obtain payment of pensions, etc.*—(1) No sum shall be paid under an award made 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.

(2) Where a person to whom a pension or allowance awarded under Part III 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.

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

Provided that where an award to the widow of a deceased person ceases to have effect by virtue of this Article and there is a dependent child of that deceased person in respect of whom an allowance has been awarded to the widow, the Minister may continue the award of that allowance for such period as he may think fit, not exceeding the period for which that allowance could have been paid if that award had not ceased to have effect.

42. *Provisions as to conditions on which awards are made.*—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.

43. *Provisions for dispensing with probate.*—(1) Where a person to whom any payment could 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 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. *Declarations and certificates which may be required.*—(1) Any person to whom a pension or allowance under Part III of this Scheme, or a lump sum in lieu thereof, has been awarded and any person to whom payment of that pension, allowance or lump sum is to be made shall, if and when required by the Minister so to do, subscribe such declaration as the Minister may from time to time prescribe or direct.

(2) Where a declaration is subscribed under paragraph (1) of this Article by a person who is not the person to whom the pension, allowance or lump sum has been awarded, there shall be furnished, if and when required by the Minister, such certificate as the Minister may from time to time prescribe or direct.

(3) If such a declaration or certificate as may have been required by the Minister under this Article to be subscribed or furnished is not subscribed or furnished, payment of the pension, allowance or lump sum shall be withheld until the requirements of the Minister under this Article have been complied with.

45. *Regulations.*—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 provisions for prescribing—

- (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.

46. *Revocation of Personal Injuries (Civilians) Scheme, 1940.*—The Personal Injuries (Civilians) Scheme, 1940<sup>(a)</sup>, is hereby revoked, without prejudice, however, to any payment duly made thereunder or to the making thereunder after the date as from which this Scheme is to be deemed to have come into operation of any payment in respect of a period before that date.

47. *Commencement of Scheme.*—This Scheme shall be deemed to have come into operation on the twenty-fourth day of December, 1940, so, however, that no payments shall be made under this Scheme in respect of any period before that date or under Article 20 in respect of the cost of a funeral which was carried out before that date.

Made by the Minister of Pensions, with the consent of the Treasury, this tenth day of April, 1941.

Adair Hore,  
Secretary.

## 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) giving assistance in connection with the transport of members of the civil population who are transferred in pursuance of an evacuation plan; or

<sup>(a)</sup> S.R. & O. 1940 No. 1307.



- (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 or who are rendered homeless as a result of enemy action or who leave their homes in consequence or apprehension of enemy action;

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 Government Department or 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 16 of this Schedule; and

- (b) consisting only of members who are unpaid.

4. Any organisation established and maintained by a Government Department or a local authority for the purpose of assisting in the temporary provision of lodging, food, clothing or other necessities for persons who are rendered homeless as a result of enemy action or who leave their homes in consequence or apprehension of enemy action or who are transferred in pursuance of an evacuation plan, 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 and maintained for the purpose of providing for business premises a fire prevention service or a raid spotter service, being an organisation whose members are registered with a local authority.

8. Any organisation—

- (a) established 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; and

- (b) maintained by those undertakers for that purpose or for the purpose of assisting any other organisation described in this paragraph to carry out the purpose of that other organisation.

9. Any organisation established and maintained—

- (a) 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; or

- (b) by a Government Department, a local authority or any such body or person as aforesaid for the purpose of giving assistance in connection with the transference of patients in pursuance of 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;

being in either case an organisation consisting only of members who are unpaid.

10. Any organisation established and maintained by or with the approval of the Minister of Health or the Secretary of State for the purpose of providing a blood transfusion service for the benefit of casualties from enemy action, being an organisation consisting only of members who are unpaid.

11. Any organisation established and maintained by or with the approval 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.

12. Any organisation established and maintained by or with the approval of a Government Department for the purpose of detecting and rendering harmless, or of assisting to detect and render harmless, unexploded bombs, mines or shells.

13. Any organisation established and maintained by a Government Department for the purpose of providing escorts for, or assisting in the transference of, civilians who are transferred by sea in consequence or apprehension of hostile attack.

14. 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.

15. 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.

16. 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 Royal Observer Corps.
- (5) The Emergency Medical Service.
- (6) The Civil Nursing Reserve.
- (7) The Port of London Authority River Emergency Service.

17.—(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) "business premises" means any premises occupied wholly or partly for the purpose of any business, trade or profession, not being premises occupied by any person partly as his dwelling house and partly for the purpose of his business, trade or profession;
- (b) 1 & 2 *Geo. 6. c. 6*; 2 & 3 *Geo. 6. c. 31*.—"civil defence functions," in relation to a local authority, means any functions in connection with civil defence which are conferred or imposed on that authority in their capacity as such by the Civil Defence Acts, 1937 and 1939, or by any Regulation made under the Emergency Powers (Defence)



Acts, 1939 and 1940, or which are or can be conferred or imposed on them in that capacity under the Civil Defence Acts, 1937 and 1939, or under any such Regulation;

- (c) "commercial building," "factory premises" and "mine" have the same meanings respectively as they have in section twenty-three of the Civil Defence Act, 1939;
- (d) "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;
- (e) "evacuation plan" means any such plan as is mentioned in subsection (1) of section fifty-six of the Civil Defence Act, 1939;
- (f) "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;
- (g) "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;
- (h) "protective scheme," in relation to any organisation, means a scheme for protecting from enemy action or from the consequences of enemy action, the following premises or persons, that is to say—
- (i) in the case of an organisation established by a Government Department, the premises in which the work of that Department is carried on, or any persons who may be in or about those premises;
  - (ii) in the case of an organisation established by public utility undertakers, the premises of those undertakers or any persons who may be in or about those premises;
  - (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 those premises;
- (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," in relation to any such organisation as is described in paragraph 1 of this Schedule, means any of the following services—
- (i) auxiliary fire service;
  - (ii) control and report service;
  - (iii) air-raid warden (including shelter warden) service;
  - (iv) fire prevention service;
  - (v) first aid, casualty or ambulance service;
  - (vi) rescue service;
  - (vii) gas identification service;
  - (viii) decontamination service;

(ix) messenger service;

(x) instructor service;

(xi) medical and nursing service for public air-raid shelters; 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 (ix) of this sub-paragraph and, in addition—

(xii) fire service;

(xiii) raid spotter service; and

(xiv) 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.

18. 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) 2 *Geo. 6. c. 26 (N.I.)*; 2 & 3 *Geo. 6. c. 15 (N.I.)*.—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;
- (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 15 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 Public Security for the purpose set out in paragraph 15;
- (f) 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;
- (g) in sub-paragraphs (d) and (h) of sub-paragraph (1) of paragraph 17 for the word "thirty" in every place where it appears there shall be substituted the word "twenty";
- (h) for sub-paragraph (e) of sub-paragraph (1) of paragraph 17 there shall be substituted the following sub-paragraph—
- "(e) 'evacuation plan' means such arrangements as are mentioned in sub-section (1) of section forty-nine of the Civil Defence Act (Northern Ireland), 1939";
- (i) in sub-paragraph (3) of paragraph 17 for the words "a local education authority" there shall be substituted the words "an education authority".







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## NOTES ON THE PERSONAL INJURIES (CIVILIANS) SCHEME, 1941.

## INTRODUCTION.

This booklet is issued as a guide to the Personal Injuries (Civilians) Scheme, 1941 (Statutory Rules and Orders, 1941, No. 226), made on 10th April, 1941, by the Minister of Pensions under the Personal Injuries (Emergency Provisions) Act, 1939. It includes and supplements information given in Ministry of Pensions Leaflets Nos. 1 and 3 and supersedes the Circular to Local Authorities, S.S. 143. As a general guide, however, it does not cover all the detailed provisions affecting the individual case and it cannot, therefore, be held to take the place of the Scheme itself, for the Scheme is the sole instrument under which the benefits described in the following paragraphs are awarded.

In addition to the general account of the provisions of the Scheme and their operation, special sections are devoted to Civil Defence Volunteers and Civil Defence Organisations and some references to schemes of other Departments are included in various sections of the booklet where they touch upon the work of the Ministry of Pensions.

## SECTION I. TYPES OF INJURY COVERED BY THE SCHEME.

## 1. WAR INJURIES.

A "war injury," broadly speaking, is a physical injury due to war-like operations. A war injury can thus be sustained on or off duty, at work or at home, in a public or private shelter, in the streets or at a place of entertainment. Persons who are permitted or encouraged to continue at work after an "Alert" or "Raid Spotter's Warning" will not, by so doing, prejudice their claim to compensation for war injuries.

## 2. WAR SERVICE INJURIES.

A "war service injury" can only be sustained by a civil defence volunteer. It may be a war injury, or any other type of physical injury shown to the satisfaction of the Minister of Pensions to have arisen out of and in the course of the performance by the injured person of his duties as a member of a civil defence organisation specified in the Schedule to the Scheme—see also Sections XI and XII.

## 3. WORKMEN'S COMPENSATION, ETC.

Where an injury is either a war injury or a war service injury, a wide relief from ordinary legal liability is conferred by Section 3 (1) of the Act.

Liability under the Workmen's Compensation Acts and the Employers' Liability Act is removed entirely and relief in respect of negligence, nuisance or breach of duty, is conferred upon everybody in the case of war injury and, in the case of war service injury, upon the employer of the injured civil defence volunteer, any person who has any responsibility in connection with the injured person's duty as a civil defence volunteer, and any other civil defence volunteer.

## SECTION II. CLASSES OF PERSONS COVERED BY THE SCHEME.

## 4. NATIONALITY AND PLACE OF RESIDENCE.

The Scheme applies to all persons described in paragraphs 5-8 below, irrespective of nationality, who have sustained qualifying injuries in the United Kingdom. Cover is also extended to qualifying injuries sustained outside the United Kingdom by persons ordinarily resident in the United Kingdom, and who are abroad for other than personal, domestic or pleasure purposes. The Minister, however, reserves the right to withhold or cancel an award where the beneficiary is or becomes normally resident outside the United Kingdom.

## 5. "GAINFULLY OCCUPIED PERSONS" WHO SUSTAIN WAR INJURIES.

(1) These are persons wholly or substantially dependent on their earnings for their livelihood. Persons normally so dependent and only temporarily unemployed are compensated as gainfully occupied persons.

(2) Whole-time paid civil defence volunteers rank as gainfully occupied persons for the purpose of compensation in respect of war injuries sustained off duty.



(3) A member of the Forces or Merchant Navy ranks as a gainfully occupied person for the purpose of compensation in respect of a war injury which cannot be accepted as attributable to his service—*e.g.*, a mariner injured in his own home.

#### 6. CIVIL DEFENCE VOLUNTEERS WHO SUSTAIN WAR SERVICE INJURIES.

Persons voluntarily or compulsorily enrolled or registered as members of a civil defence organisation within the terms of the Schedule to the Scheme, whether they are paid or unpaid, and whether engaged whole-time or part-time, are covered in respect of injuries which the Minister is able to certify as war service injuries—*see also* Sections XI and XII.

#### 7. CHILDREN WHO SUSTAIN WAR INJURIES.

(1) Except as in sub-paragraph (3) below, no compensation is payable in respect of injuries sustained by children until they reach the age of 15. At that age, the child, if still disabled, may be considered for pension.

(2) In order to safeguard the child's position, a notice of claim should be lodged with the Chief Regional Officer of the Ministry of Pensions in connection with any case in which it seems clear that serious and prolonged disablement will result from the injury.

(3) A child of 14 years of age who has left school and is in employment will be dealt with as a gainfully occupied person—*see* paragraph 5.

#### 8. "NON-GAINFULLY OCCUPIED PERSONS" WHO SUSTAIN WAR INJURIES.

(1) Non-gainfully occupied persons of 15 years of age and over, such as housewives, pensioners, annuitants and persons who live on unearned incomes, are eligible for compensation in respect of war injuries, but at rates lower than those applicable to gainfully occupied persons and civil defence volunteers.

(2) An unpaid civil defence volunteer who is also a non-gainfully occupied person is eligible for compensation at the higher scales in respect of a war injury sustained *on duty*, for this, of course, ranks as a war service injury. For a war injury sustained *off duty*, the lower rates will be payable.

### SECTION III. TREATMENT AND APPLIANCES.

#### 9. TREATMENT.

(1) The Scheme does not provide for medical treatment or for the payment of medical expenses, but free treatment at hospitals and First Aid Posts is provided for war injuries and war service injuries under the Emergency Medical Services Schemes of the Ministry of Health, the Department of Health for Scotland and the Department of Public Security of Northern Ireland.

(2) Persons insured under the National Health Insurance Acts are entitled to free treatment for war injuries or war service injuries from their panel doctors. Persons who are not insured, however, can obtain free treatment from general medical practitioners for war injuries or war service injuries, provided that an Emergency Medical Services hospital or, in certain areas, the Medical Officer in charge of a First Aid Post, issues an "Order for Treatment after Discharge," showing that such treatment is necessary.

#### 10. MEDICAL CERTIFICATES.

Books of special war injury (first incapacity) medical certificates (printed in red ink) are supplied to hospitals and medical practitioners for issue to persons rendered incapable of work by war injuries. Persons incapacitated for work by war injury, whether gainfully occupied or not, should apply for a "red certificate," therefore, if they wish to claim injury allowances under the Scheme (*see* Section IV below). An ordinary certificate of incapacity for work should be obtained by a civil defence volunteer who sustains an injury, other than a war injury, in the performance of his duty.

#### 11. APPLICATIONS FOR HOSPITAL TREATMENT.

(1) On being discharged from hospital, each injured person is given a discharge certificate and if, subsequently, further treatment is required, application should be made by the injured person to his medical attendant, who, if hospital treatment is necessary, will give the patient a certificate to that effect and refer him to the Emergency Medical Services hospital nearest to his home. The patient should take his discharge certificate with him to the hospital.

#### 12. PRIVATELY ARRANGED TREATMENT.

It should be noted that there is no provision for the repayment of medical expenses in the case of a person who makes his own arrangements for treatment in respect of a war injury or war service injury.

#### 13. ARTIFICIAL LIMBS AND APPLIANCES.

The arrangements for the treatment of war injuries and war service injuries include the free provision of any necessary artificial limb or surgical appliance.

### GENERAL NOTE ON SECTIONS IV AND V.

#### 14. PAYMENTS IN RESPECT OF DISABLEMENT.

*These payments fall into two classes. During the period immediately following injury, Injury Allowances are payable in respect of incapacity for work due to the qualifying injury. Applications for injury allowances are to be made through the Assistance Board, as explained in paragraph 21. In cases of serious and prolonged disablement, the allowances will be followed by the award of Disablement Pensions based on the degree of disablement certified by a Medical Board. Applications for disablement pensions should be made to the Chief Regional Officer, Ministry of Pensions, whose address can be obtained at the Post Office.*

### SECTION IV. INJURY ALLOWANCES.

#### 15. ADMINISTRATION BY THE ASSISTANCE BOARD.

Injury allowances are payable in respect of medically certified incapacity for work due to war injuries and war service injuries. Payments are made by the Assistance Board, acting as the agents of the Minister of Pensions, to the injured person (or to a person nominated to receive the payments) on the scales given in paragraph 20, without regard to family income.

#### 16. CONDITIONS.

(1) The injured person must be certified to be incapable of work by reason of the injury—*see also* paragraph 10.

(2) The incapacity for work must have lasted for seven consecutive days.

(3) Medical certificates of continued incapacity for work must be produced at intervals, usually weekly.

#### 17. PERIODS COVERED.

(1) After seven consecutive days' incapacity, payment is made for that period and subsequently at intervals of seven days until incapacity ceases or until pension is awarded. Proportionate payments are made for odd days over and above complete periods of seven days.

(2) Injury allowances are not normally paid for more than 26 weeks. By this time the injured person will usually have recovered or a decision will have been reached as to the award of pension.

#### 18. ADJUSTMENTS.

(1) Neither sickness nor disablement benefit is payable by an Approved Society in respect of war injuries or war service injuries for the period of 26 weeks immediately following the date of injury. Thereafter certain modifications of these benefits may apply.

(2) Injury allowances are payable regardless of any sick pay to which the injured person may be entitled. Under Section 4 of the Act, however, where a person is in receipt of an injury allowance during a period for which he is entitled to receive sick pay from his employer, such sick pay may be reduced by the amount of the injury allowance.

#### 19. PERSONS NOT ELIGIBLE.

Certain persons for whom other provisions have been made, *e.g.*, Soldiers, Sailors, Airmen and Professional Firemen, and also Police and Special Constables injured in the performance of their duties—are not eligible for injury allowances.

#### 20. RATES.

The weekly rates of injury allowances are given in the following Table. Half rates are payable to persons who are unmarried and under 18 years of age.



Class of injury	Married male persons		Unmarried male persons		Female persons	
	Not in hospital	In hospital	Not in hospital	In hospital	Not in hospital	In hospital
(a) War service injuries; war injuries sustained by gainfully occupied persons ...	35/-	35/-	35/-	*24/6	28/-	*17/6
(b) War injuries sustained by non-gainfully occupied persons ...	21/-	10/6	21/-	10/6	16/4	†9/4

## NOTES.

- (1) In the case of persons under class (a) of the Table, additional allowances are payable in respect of eligible children at the rate of 4s. for each of the first two and 3s. for each of the others. These are children born before, or within nine months after, the date of injury. An allowance for a child normally ceases at the age of 15 but, if the child is then at school, the allowance may be continued up to the date of leaving school, or to the 31st July next following the sixteenth birthday, whichever is the earlier.
- (2) The rates marked \* may be increased to 35s. and 28s. respectively if the injured person is maintaining in his or her home a wholly dependent relative.
- (3) The rate of 9s. 4d. (marked †) may be raised to 16s. 4d. in the case of a widow with a dependent child in her home.

## 21. APPLICATIONS.

(1) Applications should be made, by or on behalf of the injured person, to the nearest office of the Assistance Board, the address of which may be obtained from any Post Office. Although payment cannot be made until after seven consecutive days' incapacity for work, application should be made as soon as it seems clear that at least seven days' incapacity will result from the injury.

(2) The medical certificate described in paragraph 10 should accompany the application.

(3) The prescribed forms of application and, in the case of a civil defence volunteer injured on duty, a form (I.A.4) to be completed by the responsible officer of the civil defence organisation, is supplied by the Assistance Board together with a form for medical certification of continued incapacity for work. *In the interests both of the employer and of the injured person, it is imperative that the employer should assist by securing that any forms (e.g. I.A.4) or reports which may be required are completed at the earliest possible moment.*

## SECTION V. PENSIONS FOR DISABLEMENT.

## 22. MEDICAL ASSESSMENT AND PENSION RATES.

(1) Pensions are awarded in cases in which serious and prolonged disablement has been caused. The degree of disablement is determined by a Medical Board's assessment and the pension payable is proportional to the degree of disablement.

(2) The weekly rates of pension applicable to cases of 100 per cent. disablement are as follows:—

Class of injury	Male persons		Female persons	
	Aged 18 and over	Aged under 18	Aged 18 and over	Aged under 18
(a) War service injuries; war injuries sustained by gainfully occupied persons, and by students and apprentices aged 15 or over	34/2	17/6	24/2	14/2
(b) War injuries sustained by non-gainfully occupied persons ...	20/-	10/-	15/-	7/6

## NOTES.

- (1) The rates under (b) are personal rates and do not carry the right to the family allowances described below.
- (2) Married persons under 18 are treated as if 18 and over.

## 23. FAMILY ALLOWANCES.

(1) Subject to certain conditions, gainfully occupied persons pensioned in respect of war injuries and civil defence volunteers pensioned in respect of war service injuries are granted additional allowances, proportionate to the degree of disablement of the injured person, in respect of:—

- a wife,
- children born before, or within nine months after, the date of injury, the allowance for any child ordinarily ceasing at the age of 15; if the child is then at school, the allowance may be continued up to the date of leaving school or to the 31st July next following the sixteenth birthday, whichever is the earlier.

(2) The weekly rates of family allowances payable to totally disabled persons are as follows:—

Where wife's allowance is paid		Where wife's allowance is not paid	
Wife ...	8/4	First child ...	8/4
First child ...	6/3	Second child ...	6/3
Each other child ...	5/-	Each other child ...	5/-

## NOTES.

- Payment of a wife's allowance is at the Minister's discretion where the wife is not residing with her husband.
- The Minister has power to adjust children's allowances in cases in which similar payments are being made out of other public funds, or where the child is not being wholly maintained by the parent.

## GENERAL NOTE ON SECTIONS VI TO X.

## 24. PENSIONS AND ALLOWANCES IN RESPECT OF DEATHS.

*Sections VI to X, which follow, show the persons who are eligible for pensions allowances and grants in respect of deaths resulting from qualifying injuries.*

*Where heavy casualties occur in any locality in which there is not already an office of the Ministry of Pensions, the Chief Regional Officer will establish a temporary office (usually in or near the local office of the Assistance Board) until such time as the needs of the situation have been met. If the casualties are not so extensive, an officer of the Ministry of Pensions will usually visit the district.*

*Whatever the circumstances, endeavours will be made by the Ministry of Pensions to establish contact with widows and orphans or air-raid casualties in order to advise and assist in the completion of the appropriate forms of application. Wherever possible, the first payment of the Special Temporary Allowances described in paragraph 27 will be made at this time, in cash.*

*Where no contact is established, applications should be made to the Chief Regional Officer of the Ministry of Pensions, whose address can be obtained from the Post Office.*

## SECTION VI. FUNERALS.

## 25. STATE BURIALS.

A military funeral without cost to the relatives may be arranged by the naval, military or air force authorities, as appropriate, in the case of a member of His Majesty's forces who dies whilst still serving. Similarly, in the case of a civilian or civil defence volunteer, the Government has arranged with local authorities, through the Ministry of Health and Department of Health for Scotland, that state burials free of cost to the relatives shall be accorded to persons who die as the result of war injuries or war service injuries.



## 26. GRANTS TOWARDS PRIVATELY ARRANGED FUNERALS.

(1) In the case of a privately arranged funeral for a civil defence volunteer killed on duty, a grant of £7 10s. may be paid towards the cost.

(2) A grant of £7 10s. may also be paid towards the cost of the private funeral of a gainfully occupied person who has died as the result of a war injury, where the arrangements have been made by the widow or by a wholly dependent relative whom the deceased was regularly maintaining in his or her own home.

(3) Applications for these grants should be made to the Chief Regional Officer of the Ministry of Pensions.

## SECTION VII. WIDOWS' PENSIONS AND ALLOWANCES.

## 27. SPECIAL TEMPORARY ALLOWANCES FOR WIDOWS OF GAINFULLY OCCUPIED PERSONS AND CIVIL DEFENCE VOLUNTEERS.

(1) For a period of ten weeks following the date of death of her husband, the widow of—

(a) a gainfully occupied person who dies as the result of a war injury; or

(b) a civil defence volunteer who dies as the result of a war service injury;

is paid a special temporary allowance of 50s. per week. (If the subsequent pension, together with children's allowances, exceeds that amount, the balance is paid as soon as possible after the pension is awarded.)

(2) These special temporary allowances are not, however, payable where—

(a) the widow was separated from her husband at the time of his death; or

(b) the death of the husband occurs more than 26 weeks after the date of his injury.

## 28. PENSIONS AND ALLOWANCES FOR WIDOWS OF GAINFULLY OCCUPIED PERSONS AND CIVIL DEFENCE VOLUNTEERS.

(1) The widow of a man who has died in the circumstances described under (a) or (b) of paragraph 27 (1) is granted a pension from the termination of special temporary allowances at the following weekly rates:—

(a) if 40 years of age or over	... ..	22s. 6d.
(b) if eligible for allowances in respect of a child ( <i>see below</i> )	... ..	22s. 6d.
(c) if physically or mentally incapable of self-support	... ..	22s. 6d.
(d) all other cases	... ..	15s. 6d.

## NOTES:

(i) A widow in receipt of pension at the rate of 15s. 6d. is granted the higher rate of 22s. 6d. on attaining the age of 40 or otherwise qualifying under (b) or (c) above.

(ii) Where the widow was separated from her husband at the time of his death, her personal pension cannot exceed 15s. 6d. and is based upon the extent to which she was supported by her husband.

(2) (a) Subject to certain conditions, children's allowances are payable in addition to the widow's pension at the following rates:—

For the first child	... ..	8s. 6d.
For the second child	... ..	6s. 3d.
For each additional child	... ..	5s. 0d.

(b) The allowance for any child ordinarily terminates at the age of 15, but, where the child is at school payment may be continued up to the 31st July next following the 16th birthday, or the date of leaving school, whichever is the earlier.

(c) Where a child is not living with the widow, the allowance for that child may be paid to the guardian.

(3) Application forms are issued at the time that contact is made with the widow as in paragraph 24. Failing this, the widow, or the guardian in the case of children, should apply to the Chief Regional Officer of the Ministry of Pensions. Where a widow is eligible for an award of a widow's pension under the Scheme no widow's contributory pension is payable, and the application in such a case should be for a widow's pension under the Civilians Scheme.

(4) Widow's pension ceases on re-marriage, but children's allowances may be continued in such a case.

## SECTION VIII. PENSIONS FOR CHILDREN OF GAINFULLY OCCUPIED PERSONS AND CIVIL DEFENCE VOLUNTEERS.

## 29. WHERE THE DECEASED WAS A MAN.

(1) Where a gainfully occupied person dies as the result of a war injury or a civil defence volunteer dies as the result of a war service injury, and there are children who are not living with or under the control of his widow, the children may be awarded pensions.

(2) Children's pensions are payable at the rates indicated in paragraph 28 (2) (a), but if the children are motherless or have been removed from the control of their mother, a higher rate may, subject to certain conditions, be paid as follows:—

(a) if a child is the only pensionable child in the household	... ..	10s. 0d.
(b) if there is more than one pensionable child in the same household—		
(i) for the first child	... ..	10s. 0d.
(ii) for each additional child	... ..	8s. 6d.

## 30. WHERE THE DECEASED WAS A WOMAN.

Pensions in respect of the eligible children of a female gainfully occupied person, or civil defence volunteer, who has died as the result of a qualifying injury, may be awarded at the rates given in paragraph 29 (2).

## SECTION IX. PENSIONS FOR DEPENDANTS OF GAINFULLY OCCUPIED PERSONS AND CIVIL DEFENCE VOLUNTEERS.

## 31. PARENTS' PENSIONS.

(1) Where a gainfully occupied person or a civil defence volunteer had died as the result of a qualifying injury, pensions may be awarded to parents, provided that—

(a) the parent is in need; and

(b) the need arises from the fact that the parent is not less than 65 years of age in the case of the father, or 60 in the case of the mother, or because of infirmity or some other adverse condition not of a temporary character; and

(c) the deceased regularly contributed towards the parent's support for at least a year prior to the date of death.

(2) The amount of the award is dependent upon the assessment of need and account is also taken of the amount of support received from the deceased person. The minimum pension is 5s. per week and the maximum is normally 10s. for one parent and 12s. 6d. for two. The Minister has power, however, to raise the maximum weekly rates in exceptional cases to 15s. for one parent and 17s. 6d. for two.

## 32. PENSIONS FOR ORPHAN BROTHERS AND SISTERS.

(1) Provided no pension or allowances are in payment to a widow, child or parent, pension may be awarded for an orphan brother or sister of a gainfully occupied person or a civil defence volunteer who has died as the result of a qualifying injury and who for at least a year before the date of death had regularly contributed to the child's support. The child must be motherless and fatherless and in need.



The pension will normally cease when the child attains the age of 15, but, if the child is then at school the pension may be continued up to the date of leaving school or to the 31st July next following the 16th birthday, whichever is the earlier.

(2) The amount of the award is dependent upon the assessment of need and cannot exceed 5s. per week for any child, or a total of 10s. for more than one child.

### SECTION X. PENSIONS IN RESPECT OF THE DEATH OF NON-GAINFULLY OCCUPIED PERSONS.

#### 33. WIDOWS.

(1) The widow of a non-gainfully occupied person who has died as the result of a war injury may be awarded a pension if in need due to the fact that a pension, superannuation allowance, annuity or other income has terminated with the death of her husband.

(2) The amount of the pension is dependent upon the assessment of need, but may not exceed the amount of pension and allowances that could have been awarded if her husband had been a gainfully occupied person at the date of his death.

#### 34. CHILDREN.

(1) A dependent child of a non-gainfully occupied person who has died as the result of a war injury may be paid a pension if there is no widow to whom a pension may be awarded and if in need due to the termination of income as in paragraph 33 (1) above.

(2) The amount of the pension is dependent upon the assessment of need and may not exceed the rate that could have been paid if the deceased father or mother had been a gainfully occupied person at the date of death.

### SECTION XI. CIVIL DEFENCE ORGANISATIONS.

#### 35. INTRODUCTORY NOTES.

(1) The civil defence services covered under the Scheme are set out in the Schedule to the Scheme. Some are named; others are described in relation to their purposes, their personnel and the authority responsible for their establishment.

(2) Certain civil defence organisations are limited to "members who are unpaid." This term includes persons who receive free billets, with or without a subsistence allowance, expenses or insurance contributions, but are otherwise unpaid for their services.

(3) Where the Schedule requires that the organisation shall consist only of "members who are unpaid," the purpose of that organisation may in fact be carried out partly by paid personnel and partly by unpaid workers, *e.g.*, billeting or canteens. In such a case the unpaid workers should be enrolled as the civil defence organisation. The paid personnel are eligible, as gainfully occupied persons, for compensation under the Scheme in respect of war injuries, but are covered for other injuries sustained on duty by the ordinary arrangements applicable to their employment—*e.g.*, Workmen's Compensation.

#### 36. GUIDE TO THE SCHEDULE AND EXPLANATORY NOTES.

(1) The following Table provides a guide by means of which ready reference may be made to the relative paragraphs of the Schedule of civil defence organisations at the end of the Scheme. Additional notes on some of the services follow the Table, the letters "A," "B," etc., after the service in question, corresponding with that of the appropriate note.

(2) Special arrangements are often made for mutual assistance schemes among civil defence organisations. This applies particularly to the private A.R.P. organisations listed under (2) of the Table, which in many cases have arranged to assist each other or the civil defence services of local authorities. It should be noted that where a civil defence volunteer, *e.g.*, a fire watcher, belonging to a private A.R.P. organisation, is injured whilst performing his civil defence duties under these arrangements outside his employer's premises, such injury will still rank for consideration as a war service injury under the Scheme.

Service or Organisation	Paragraphs of Schedule
<b>(1) ORGANISATIONS ESTABLISHED BY A GOVERNMENT DEPARTMENT OR LOCAL AUTHORITY.</b>	
(a) Auxiliary Fire Service ... ..	Paragraph 1 in conjunction with paragraph 17 (1) (j).
(b) Control and Report Service ... ..	
(c) Air-Raid Warden and Shelter Warden Service ... ..	
(d) Fire Prevention Service (A) ... ..	
(e) First Aid, Casualty and Ambulance Service ... ..	
(f) Rescue Service ... ..	
(g) Gas Identification Service ... ..	
(h) Decontamination Service (B) ... ..	
(i) Messenger Service ... ..	
(j) Instructor Service (c)... ..	
(k) Medical and Nursing Service for Public Air Raid Shelters	Paragraph 2. Paragraph 2. Paragraph 3. Paragraph 4. Paragraph 5.
(l) Evacuation Scheme Service (D) ... ..	
(m) Billeting Service (D) ... ..	
(n) Canteen Service (E) ... ..	
(o) Rest Centre Service (E) ... ..	
(p) Mortuary Service ... ..	
(q) ... ..	
<b>(2) PRIVATE A.R.P. ORGANISATIONS—(F).</b>	
(a) Private organisations to carry out any of the Services in	Paragraphs 6 and 7 in conjunction with paragraph 17 (1) (j).
(b) to (i) above ... ..	
(b) Fire Service ... ..	
(c) Raid Spotter Service (A) ... ..	
(d) Key-Men Service ... ..	
<b>(3) MISCELLANEOUS.</b>	
(a) Public Utility Emergency Repairs Service (g) ... ..	Paragraph 8.
(b) Unpaid Hospital Workers Service (H) ... ..	Paragraph 9.
(c) Blood Transfusion Service ... ..	Paragraph 10.
(d) Civil Nursing Reserve Trainees Service ... ..	Paragraph 11.
(e) Bomb Disposal Assistance Service ... ..	Paragraph 12.
(f) Overseas Escort Service ... ..	Paragraph 13.
(g) Government Departments' unpaid Chauffeur and Messenger Service (I) ... ..	Paragraph 14.
(h) National Air Raid Precautions for Animals Service ... ..	Paragraph 15.
<b>(4) ORGANISATIONS KNOWN AS:—</b>	
(a) Police War Reserve ... ..	Paragraph 16.
(b) Women's Auxiliary Police Corps ... ..	
(c) Royal Marine Police Special Reserve ... ..	
(d) Royal Observer Corps ... ..	
(e) Emergency Medical Service ... ..	
(f) Civil Nursing Reserve ... ..	
(g) Port of London Authority River Emergency Service ... ..	

#### Note A. Fire Watchers and Raid Spotters.

- All fire prevention and raid spotter personnel, paid or unpaid, serving voluntarily or compulsorily, are covered as civil defence volunteers under the Scheme, provided they are properly enrolled or registered.
- Street fire parties should be enrolled or registered with their Local Authority.
- Fire prevention and raid spotter personnel for premises for which there is an organisation covered by paragraph 6 of the Schedule (*see* Note F) should be enrolled in that organisation.
- Fire prevention and raid spotter personnel for premises for which no organisation has been established as in paragraph 6 of the Schedule (*see* Note F) should be registered by name (in order to qualify under paragraph 7 of the Schedule) with the Local Authority for the area in which the premises are situated, *i.e.*
  - England and Wales*—the Council of a County Borough, County District, Metropolitan Borough, or, in the City of London, the Common Council.



- (b) *Scotland*—the County Council or the Town Council.
- (c) *Northern Ireland*—the Council of a County Borough or other Borough or Urban District, or Rural District.

*Note B.* The *Decontamination Service* includes persons engaged in the "food treatment" service.

*Note C.* The *Instructor Service* covers persons not enrolled as members of any other civil defence organisation, who are attending as students at Ministry of Home Security A.R.P. Schools or are acting as A.R.P. instructors.

*Note D.*

- (1) The *Evacuation Scheme Service* comprises teachers and others assisting in actual transport arrangements in connection with a Government evacuation plan.
- (2) The *Billeting Service* comprises unpaid persons assisting Local Authorities in reception areas to make billeting arrangements for people who have been evacuated or have lost or left their homes owing to enemy action. Unpaid billeting officers are thus covered, but regular Local Authority employees and householders who provide accommodation are excluded.

*Note E.* *Canteen and Rest Centre organisations* can only consist of unpaid workers. The Canteens in question are those established for the benefit of civil defence volunteers.

*Note F.* *Private A.R.P. Organisations.*

- (1) Private A.R.P. organisations are those established and maintained, for the protection of the premises or persons on the premises, by an employer, group of employers or persons with an interest in or the control or management of "general premises," whether the organisation has been set up in accordance with the provisions of the Civil Defence Act, 1939, or otherwise. The term "general premises" covers all premises other than private residences designed to accommodate less than fifty persons and thus includes schools, technical colleges, hospitals, Town Halls, Public Assistance Institutions, hotels, large blocks of flats, large estates, etc.
- (2) Each organisation must include a nucleus of members (ordinarily not less than six) who are, or are being, effectively trained and equipped to provide the three services required by the Civil Defence Act, namely, first aid, anti-gas measures and fire fighting. Advice regarding training and equipment can be obtained from the Local Authority.
- (3) Fire prevention and raid spotter personnel on such premises should be enrolled as members of these A.R.P. organisations.

*Note G.* *Public Utility Emergency Repairs organisations* are those set up by any railway, canal, inland navigation, dock, harbour, gas, electricity or water undertaking, in order to carry out emergency repairs due to war damage.

*Note H.* *Unpaid Hospital Workers' organisations* are those at hospitals within the Emergency Medical Services Schemes and include organisations of unpaid workers on casualty evacuation trains.

*Note I.* *Regional Commissioners' Offices* are included as "Government Departments."

## SECTION XII. CIVIL DEFENCE VOLUNTEERS.

### 37. ORGANISATION AND ENROLMENT.

No injury can be considered for compensation as a war service injury unless it is first established that the injured person was at the time of injury a member of a civil defence organisation within the provisions of the Schedule to the Scheme. It is therefore essential that a civil defence service which ought to be covered by the Scheme should be organised so as to conform with the appropriate paragraph of the Schedule. It is also essential that there should be no possibility of doubt or dispute whether a person is or is not a member of a particular organisation, as

any such doubt or dispute might lead, not only to delay in the payment to the employee of compensation under the Scheme, but also to difficulty for the employer in obtaining the relief given in respect of war service injuries by Section 3 (1) of the Act. The best plan is for each member to sign a regular form of enrolment which sets out the name and purposes of his civil defence organisation and refers to the Scheme as his means of compensation for injuries sustained on duty. This method may not always be possible, but in any case the member should be clearly informed of these facts at the time of his registration.

### 38. NATURE OF DUTIES.

Civil defence organisations are, in many instances, included in the Schedule by means of a description of the purposes for which they have been established and are being maintained. An injury can only be certified as a war service injury if it is shown to have arisen out of and in the course of duties which are necessary for, or incidental to, the carrying out of the purposes of the appropriate civil defence organisation. Certain activities have been recognised as coming within the purposes specified in the Schedule, although they are not expressly mentioned. For example, for the purposes of training and practice, the Auxiliary Fire Service may be ordered to attend at fires not caused by enemy action and injuries sustained in these circumstances may be regarded as war service injuries. Similarly, an injury sustained as a result of games or recreation may be considered as a war service injury, provided 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. Certain civil defence organisations may also be made interchangeable with others by means of training in other civil defence functions than those for which they were originally established. Injuries sustained by members of these organisations while they are being so trained or while they are performing these alternative civil defence duties will still rank for consideration as war service injuries.

### 39. "ON DUTY" AND "OFF DUTY."

In normal circumstances, an injury sustained by a civil defence volunteer can only be accepted as a war service injury if it is sustained during the period commencing from the time at which the volunteer attends and reports at his post for duty and ending at the time at which he leaves his post at the end of his turn of duty. If, however, there is an emergency call for the volunteer's services, whether by air raid warning or otherwise, an injury may be accepted as a war service injury if it is sustained, not only during the period described above, but also—

- (a) from the time at which he starts to respond to the emergency call until the time at which he reaches his post, and
- (b) during the period covered by the journey which he has to make on his release from the emergency call in order to reach his home or place of business.

An injury sustained by a volunteer during these two periods, however, can only be accepted as a war service injury in so far as the volunteer goes to or from his post with reasonable expedition and by a reasonably direct route.

### 40. COMPLETION OF FORM I.A.4.

Each applicant for compensation in respect of a war service injury is supplied with a Form I.A.4, which has to be completed by a responsible officer of the appropriate civil defence organisation. This form comprises a certificate that the applicant is a member of a civil defence organisation and a report as to the circumstances in which his injury was sustained.

In the case of a fire watcher or raid spotter belonging to an organisation under paragraphs 6 or 7 of the Schedule (*see* Note A (3) and (4) above), Form I.A.4 should be filled in by the person in charge of general A.R.P. or fire prevention arrangements on the employer's premises.

### 41. RECORDS OF INJURIES.

In addition to the report given with Form I.A.4, supplementary reports on the circumstances of an injury may be needed, and it is therefore advisable that local authorities and employers should maintain a regular system of recording all injuries sustained by civil defence volunteers in the course of their duties.



## STATUTORY RULES AND ORDERS

1941 No. 573

## PENSION

## Injury Warrant

THE INJURY WARRANT, 1941. DATED APRIL 17, 1941.

By virtue of the powers conferred upon Us by Section 1 of the Superannuation Act, 1887<sup>(a)</sup> (as amended by Section 11 of the Superannuation Act, 1935<sup>(b)</sup>), and by Section 5 of the Superannuation Act, 1909<sup>(c)</sup>, We, being Two of the Lord Commissioners of His Majesty's Treasury, do hereby direct as follows:—

1. This Warrant may be cited as the Injury Warrant, 1941, and shall be construed as one with the Injury Warrant, 1940<sup>(d)</sup> (hereinafter referred to as "the No. 3 Warrant").

2. Paragraphs 4 and 5 of the No. 3 Warrant are hereby revoked and there shall be substituted therefor the following paragraphs, which shall be deemed to have come into operation on the 23rd day of July, 1940:—

"4.—(1) If any person to whom either of the Principal Warrants, as amended by paragraph 2 of this Warrant, applies by reason that he sustains a war injury or, that, being a civil defence volunteer, he sustains a war service injury or that, being enrolled in a unit of the Home Guard formed in a Government Department for the protection of the Department's premises, he sustains an injury in the course of his duties or of training as a member of such unit (whether a war injury or not)

- (a) retires by reason of such an injury, or
- (b) having sustained such an injury, retires wholly or partly on account of age or infirmity or retires, or is removed, from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the Department to which he belonged, by which greater efficiency and economy can be effected, or
- (c) dies within seven years after the date of the injury and as a direct result thereof,

then, if the Treasury are satisfied that it would be appreciably more favourable to that person, or in the case of his death to his dependants, to be so treated, there may be granted under the Principal Warrants

- (i) in the case of his retirement as aforesaid, to him and
- (ii) in the case of his death as aforesaid, to his widow or mother or in respect of his children pensions and allowances of the same amount as might have been awarded to him, or, as the case may be, to his widow or mother or to or in respect of his children under the appropriate compensation provision in respect of the injury if the conditions for such an award had been fulfilled and if no award were made under the Principal Warrants in respect of the injury.

(2) If a grant, either on the scale set out in the Principal Warrants or on the scale set out in the appropriate compensation provision, is made on the retirement or death of such a person as aforesaid in the circumstances mentioned in the preceding sub-paragraph, then, if and so often as the Treasury are satisfied that the conditions for a grant on the alternative scale are fulfilled and that it would be appreciably more favourable to that person or his dependants to be so treated, that grant may be converted into the appropriate grant on the other scale, and if so converted, may be reconverted to the appropriate grant on the previous scale provided that

- (i) If a gratuity is under this sub-paragraph converted or reconverted into a pension or other periodical allowance, there

(a) 50 &amp; 51 Vict. c. 67.

(b) 25 &amp; 26 Geo. 5. c. 23.

(c) 9 Edw. 7. c. 10.

(d) S.R. &amp; O. 1940 No. 215.

shall be deducted from such pension or allowance such amount as the Government Actuary estimates to be the actuarial equivalent of the gratuity, and

- (ii) If a pension or other periodical allowance is under this sub-paragraph converted or reconverted into a gratuity, there shall be deducted from the amount of the gratuity the gratuity value of the pension or allowance over the period for which it has been payable up to the date of such conversion or reconversion.

(3) For the purposes of this paragraph 'the appropriate compensation provision'

- (a) In relation to any person who is enrolled in a unit of the Home Guard formed in a Government Department for the protection of the Department's premises and who sustains an injury in the course of his duties, or of training as a member of such a unit (whether a war injury or not), means any Royal Warrant for the time being in force making provision for the award of pensions and other grants to members of the Home Guard whose services have been determined, and who are disabled, and to the widows, children and dependants of members of the Home Guard deceased, in cases where the disablement or death of such members arises from their service as such members during the present war;

- (b) In relation to any person to whom there applies any scheme made by the Minister of Pensions under Sections 3 and 4 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939<sup>(a)</sup>, means that scheme;

- (c) In relation to any other person, means Part III of the Scheme."

"5. For the purposes of this Warrant, the 'annual value' of a pension or allowance shall be the total amount which would be payable during a year in respect of that pension or allowance and the 'gratuity value' of a pension or allowance shall be such capital sum as the Government Actuary estimates to be the actuarial equivalent of that pension or allowance."

3. Paragraph 4 (1) of the No. 1 Warrant<sup>(b)</sup>, Paragraph 3 (1) of the No. 2 Warrant<sup>(c)</sup> and Paragraphs 3 (1) and 6 of the No. 3 Warrant shall be amended by inserting after the words "retires wholly or partly on account of age or infirmity" the words "or retires or is removed from the public service in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the Department to which he belonged, by which greater efficiency and economy can be effected."

4. Paragraph 4 (3) of the No. 1 Warrant and Paragraph 3 (3) of the No. 2 Warrant shall be amended by substituting for the words "Where any person to whom this Warrant applies is unable to follow his employment by reason of his injury but there is doubt whether or not he will retire by reason thereof" the words "Where any person to whom this Warrant applies is temporarily unable to follow his employment by reason of his injury".

W. W. Boulton,

J. P. L. Thomas,

Two of the Lords Commissioners of  
His Majesty's Treasury.

Treasury Chambers,  
17th April, 1941.

(A.F.Os. 1035/40, 2744/40, 3283/40 and 4261/40.)

(a) 2 &amp; 3 Geo. 6. c. 83.

(b) S.R. &amp; O. 1935 (No. 576) p. 1339.

(c) S.R. &amp; O. 1935 (No. 577) p. 1347.



