

# **Personal Injuries (Civilians) Scheme**

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## **FIRST SCHEDULE A**

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### **PERSONAL INJURIES (EMERGENCY PROVISIONS) ACT (CHAPTER 228, SECTION 4)**

### **PERSONAL INJURIES (CIVILIANS) SCHEME**

**Sch 1**

**REVISED EDITION 1990**

(25th March 1992)

[23rd December 1941]

## PART I

### INTRODUCTORY

#### **Citation**

1. This Scheme may be cited as the Personal Injuries (Civilians) Scheme.

#### **Definitions**

2. In this Scheme —

“Authority” means the Authority appointed by the President under section 3 of the Act;

“child” means any child of a member, whenever born, and includes an adopted child adopted before the date of the injury;

“civil defence organisation” means any organisation which is declared to be a civil defence organisation for the purpose of this Scheme and is included in Schedule A to this Scheme;

“essential service” means any service, organisation or occupation which is declared to be eligible for benefit under this Scheme and is included in Schedule B to this Scheme;

“injury” means a war service injury or a war injury as the context may require;

“member” 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;

“normal monthly earnings” means —

- (a) where the person in respect of whom a claim for pension, allowance or gratuity is made is in receipt of a fixed salary or wage only, such salary or wage for one month calculated at the rate per month of such salary or wage payable to such person at the date of injury; and
- (b) in any other case, the approximate average monthly earnings of the person in respect of whom a claim for pension, allowance or gratuity is made during the 12 months immediately preceding the injury or such other period as may be determined by the Authority:

Provided that, where such person is in receipt of a fixed salary or wage in addition to other earnings the normal monthly earnings

shall be such salary or wage calculated as in paragraph (a) together with the approximate average monthly earnings made by him in addition during the 12 months immediately preceding the injury or such other period as may be determined by the Authority:

For the purposes of this definition —

- (a) in the case of a person in receipt of a fixed salary or wage, the Authority shall deem such salary or wage to be the only earnings unless the contrary is established to the satisfaction of the Authority;
- (a) when computing the pensions of the widow or dependants of a deceased member who has died as the direct result of a service injury, the annual value of a pension, superannuation allowance, annuity, life interest, or other income of which the deceased member was in receipt at the date of his death and which terminated on his death shall be reckoned as earnings and in the case of any pension, annuity or other fixed allowance as a fixed salary or wage;

“old age” means the attainment of the age of 55 years in the case of a male person or the age of 50 years in the case of a female person;

“prolonged disablement” means disablement for a period of more than 6 months from the date of the injury;

“qualified person” means any gainfully occupied person engaged in an essential service which is included in Schedule B;

“war injury” means physical injuries —

- (a) caused by —
  - (i) the discharge of any missile (including liquids and gas);
  - (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 Her Majesty or any allied power, or any part of, or anything dropped from, any such aircraft;

“war service injury” means any physical injury which the Authority certifies to have been shown to his or its satisfaction to have arisen out of and in the course of the performance by a member of his duties as a member of a civil defence organisation and not to have arisen out of and in the course of his employment in any other capacity;

“wife” means the wife of a member whether married to the member at the date of the injury or subsequently.

### **Pensions, allowances and gratuities**

3. Pensions, allowances and gratuities shall be awarded in the first place by the Authority who shall have power from time to time to review the award of a pension or allowance either of his own motion or on application by the claimant or recipient.

### **Determination of degrees of disablement**

4.—(1) The degree of disablement due to service of a member shall be assessed by making a comparison between the condition of the member as so disabled, and the condition of a normal healthy person of the same age and sex, without taking into account the earning capacity of the member in his disabled condition in his own or any other specific trade or occupation, and without taking into account the effect of any individual factors or extraneous circumstances:

Provided that, where such disablement is due to more than one injury, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all such injuries.

(2) The degree of disablement assessed as aforesaid shall be certified by way of a percentage, total disablement being represented by 100% (which shall be the maximum assessment) and a lesser degree being represented by such percentage as bears to 100% the same proportion as the lesser degree of disablement bears to total disablement, so, however, that a degree of disablement of 20% or more shall be certified at a percentage which is a multiple of 10, and a degree of disablement which is less than 20% shall be certified at the actual percentage.

## **PART II**

### **PAYMENTS TO MEMBERS OF CIVIL DEFENCE ORGANISATIONS**

#### **Injury allowances**