



STATUTORY INSTRUMENTS

S.I. No. 244 of 2008

AIR-RAID PRECAUTIONS SERVICES (COMPENSATION FOR
PERSONAL INJURIES) (SEVENTH AMENDMENT) SCHEME 2008

(Prn. A8/0978)

AIR-RAID PRECAUTIONS SERVICES (COMPENSATION FOR
PERSONAL INJURIES) (SEVENTH AMENDMENT) SCHEME 2008

I, WILLIE O'DEA, Minister for Defence in exercise of the powers conferred on me by section 64 (as amended by section 5 of the Air-raid Precautions (Amendment) Act 1946 (No. 28 of 1946)) of the Air-raid Precautions Act 1939 (No. 21 of 1939), as adapted by the Air-raid Precautions Services (Compensation for Personal Injuries) (Transfer of Departmental Administration and Ministerial Functions) Order 1973 (S.I. No. 78 of 1973), the Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1973 (S.I. No. 294 of 1973), and the Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1987 (S.I. No. 81 of 1987), with the consent of the Minister for Finance, hereby make the following scheme:

1. (1) This Scheme may be cited as the Air-raid Precautions Services (Compensation for Personal Injuries) (Seventh Amendment) Scheme 2008.

(2) The Air-raid Precautions Services (Compensation for Personal Injuries) Schemes 1973 to 2005 and this Scheme may be cited together as the Air-raid Precautions Services (Compensation for Personal Injuries) Schemes 1973 to 2008.

2. In this Scheme "Principal Scheme" means the Air-raid Precautions Services (Compensation for Personal Injuries) Scheme 1973 (S.I. No. 104 of 1973) (as amended by the Air-raid Precautions Services (Compensation for Personal Injuries)(Sixth Amendment) Scheme 2005 (S.I. No. 848 of 2005).

3. Article 27 (Compensation — widows) of the Principal Scheme is amended by substituting the following for paragraph (1):

“(1) Where compensation is payable in respect of the death of a person and that person leaves a widow, if at his death she either was living with him or was being, or would but for the relevant accident have been, wholly or mainly maintained by him, she shall be paid compensation at the weekly rate of €227.70.”

4. Article 28 (Compensation — widowers) of the Principal Scheme is amended by substituting the following for paragraph (1):

“(1) Where compensation is payable in respect of the death of a person and that person leaves a widower, if at her death he was being wholly or mainly maintained by her or would, but for the relevant accident, have been so maintained, he shall be paid compensation at the weekly rate of €227.70.”

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th July, 2008.*

5. Article 30 (Compensation — parents and certain relatives) of the Principal Scheme is amended—

(a) in paragraph (3)—

(i) by substituting the following for subparagraph (a)(i):

“(i) at a weekly rate of €227.70 in the case of a father if he was, at the death of the deceased, incapable of self-support by reason of some physical or mental infirmity and likely to remain permanently so incapable,”

(ii) by substituting the following for subparagraph (b):

“(b) where the parent is the mother, having been at the death of the deceased a widow or having thereafter become a widow, at a weekly rate of €227.70.”

and

(iii) by substituting the following for subparagraph (c)(ii):

“(ii) in any other case, at a weekly rate of €227.70 in the case of a mother.”,

and

(b) by substituting the following paragraph for paragraph (4):

“(4) Where a person to whom compensation at a weekly rate of €227.70 in the case of a father under paragraph (3)(a)(i) of this Article is payable ceases at any time to be incapable of self-support by reason of some physical or mental infirmity, compensation shall thereafter be payable at the weekly rate of €70.90 and if at that time compensation at the weekly rate of €70.90 under paragraph (3)(c)(i) of this Article is payable to his wife, that compensation shall thereafter be payable at a weekly rate of €227.70 in the case of a mother.”

6. Article 32 (compensation — partial dependants) of the Principal Scheme is amended in paragraph (1) by substituting “€10,921” for “€9,772”.

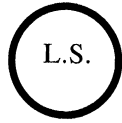
7. Each provision of the Principal Scheme specified in column (1) of the Table to this Scheme shall, for the purposes of increasing the compensation payable under the Principal Scheme, have effect as if for the amount mentioned in column (2) of the said Table opposite the mention of such provision in column (1) there were substituted, with effect from the making of this Scheme, the weekly amount mentioned in column (3) of that Table opposite the mention of such provision in column (1).

TABLE

Article 7

Provision in Principal Scheme (1)	(2)	(3)
Article 5(2)(a) Compensation for loss of earnings in the case of a person aged 18 years or over.	€297.60	€395.60
Article 5(2)(b) Compensation for loss of earnings in the case of a person aged less than 18 years.	€297.60	€395.60
Article 12(1)(a) Compensation for total disablement in the case of a person aged less than 18 years.	€179.90	€197.80
Article 12(1)(a)(i) Compensation for total disablement in the case of a person aged over 18 years who is a married woman other than a married woman living apart from and unable to obtain any financial assistance from her husband.	€179.90	€197.80
Article 12(1)(a)(ii) Compensation for total disablement in the case of a person aged over 18 years to whom, if in receipt of compensation for loss of earnings, an increase of compensation for loss of earnings in respect of a child qualified for the purposes of this Scheme or children so qualified or an adult dependant would be payable (or would except for the provisions of Article 14(3) or 15(3) of this Scheme be payable).	€179.90	€197.80
Article 12(1)(b) Compensation for total disablement in any other case.	€179.90	€197.80
Article 12(2) Any case less than total disablement.	Reduced Rate bearing the same proportion to €179.90 as appropriate, as the degree of disablement bears to 100%	Reduced Rate bearing the same proportion to €197.80 as appropriate, as the degree of disablement bears to 100%
Article 13(1)(a)(i) Limitations to payment of compensation for disablement if a person qualifies for disability, injury, disablement benefit or invalidity pension under the Social Welfare Acts or sick pay, pension or other allowance in cash from public moneys, otherwise than under this Scheme, by reason of the person having sustained such injury, and the aggregate payments would otherwise exceed, in the case of a person aged less than 18 years.	€297.60	€395.60
Article 13(1)(a)(i) (I) Limitations as for Article 13(1)(a)(i) in the case of a person aged over 18 years who is a married woman other than a married woman living apart from and unable to obtain any financial assistance from her husband.	€297.60	€395.60

Provision in Principal Scheme (1)	(2)	(3)
Article 13(1)(a)(i)(II) Limitations as for Article 13(1)(a)(i) in the case of a person aged over 18 years to whom, if in receipt of compensation for loss of earnings, an increase of compensation for loss of earnings in respect of a child qualified for the purpose of this Scheme or children so qualified or an adult dependant would be payable (or would except for the provisions of Article 14(3) or 15(3) of this Scheme be payable).	€297.60	€395.60
Article 13(1)(a)(ii) Limitations as for Article 13(1)(a) in any other case.	€297.60	€395.60
Article 14(1) Increase of compensation for loss of earnings and compensation for disablement for adult dependants.	€98.70	€131.30
Article 15A(1)(a)(i) Compensation for permanent disablement in respect of beneficiary who is under the age of 18 years.	€148.80	€197.80
Article 15A(1)(a)(ii) Compensation for permanent disablement in respect of beneficiary aged over 18 years who is a married woman other than a married woman living apart from and unable to obtain any financial assistance from her husband.	€148.80	€197.80
Article 15A(1)(b) Permanent disablement in any other case.	€148.80	€197.80
Article 16(1) Increase of compensation for disablement where constant attendance is needed - standard rate.	€163.70	€214.70
Article 16(1) Increase of compensation for disablement where constant attendance is needed - rate for exceptionally severe disablement.	€163.70	€214.70
Article 17(1)(a)(i) Adjustments for separate qualifying injuries in respect of a person aged 18 years or over.	€297.60	€395.60
Article 17(1)(a)(ii) Adjustments for separate qualifying injuries in respect of a person aged less than 18 years.	€297.60	€395.60
Article 31(2) Compensation in respect of orphans who are children or stepchildren of the deceased.	€124.30	€173.80



GIVEN under my Official Seal,
16 April 2008

WILLIE O DEA.
Minister for Defence.

The Minister for Finance hereby consents to the making of the foregoing Scheme.



GIVEN under the Official Seal of the Minister for Finance,
16 April 2008

BRIAN LENIHAN.
Minister for Finance.

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(Teil: 01 - 6476834/37 nó 1890 213434; Fax: 01 - 6476843 nó 094 - 9378964)
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