WAR CABINET

FAMILY ALLOWANCES

Memorandum by the Minister of National Insurance

At the meeting of the War Cabinet on 9th February I was asked to have a Clause drafted for consideration which would leave the treatment of the allowances paid in respect of the children of members of the Forces to be dealt with by Regulations, as is already proposed in the case of police and firemen's pensions. I accordingly circulate the attached draft.

The draft covers not only the allowances above referred to but also the corresponding allowances paid under the war pensions scheme, the civil injuries schemes and certain other miscellaneous schemes of a similar kind, together of course with the police and firemen who were previously covered. It is, I think, necessary that we should go as far as this, if we make the change at all.

In view of the nature of the regulation-making power here proposed, I think also we ought to consider whether these regulations should not be subject to confirmation by positive resolution in Parliament.

I was also asked to prepare a draft statement for consideration by the War Cabinet dealing with the question of Service pay and allowances.

If the Clause is to extend not only to Service men but also to war pensioners, war widows and civilian injury pensioners, the statement will presumably also have to make some reference to those classes.

If it is desired to confine the regulative power to Service men and Police and Firemen only, the passages in square brackets in this statement could be omitted.

W.A.J.

Carlton House Terrace, S.W.1.

10TH FEBRUARY, 1945.

* W.M. (45) 17th Conclusions, Minute 3
(1) The Minister may make regulations for the reduction or the withholding of an allowance in respect of a child for whom an allowance is being paid -

(a) in respect of the service of a member of the naval, military or air forces of the Crown (including such nursing or other auxiliary service as may be prescribed), out of moneys provided by Parliament;

(b) under any Royal Warrant, Order in Council or Order by His Majesty providing for awards in respect of the disablement or death of persons who have served in any of the said forces, out of moneys provided by Parliament;

(c) under any scheme made by virtue of the Injuries in War (Compensation) Act, 1914, the Injuries in War Compensation Act, 1914 (Session 2), the Injuries in War (Compensation) Act, 1915, the Government War Obligations Acts, 1914 to 1916, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1949, either as originally enacted or as amended by the Pensions (Mercantile Marine) Act, 1942, or the Personal Injuries (Emergency Provisions) Act, 1939; or

(d) under or by virtue of the Police Pensions Act, 1921, or under or by virtue of any enactment (whether public, general or local) relating to the pensions of firemen or any scheme or regulation made under any such enactment.

(2) The Minister may by regulations make provision for treating as not included in any family children in respect of whom there is being paid a pension for a fatherless or motherless child -

(a) in respect of any such service as is mentioned in paragraph (a) of subsection (1) of this Section, out of moneys provided by Parliament;

(b) under any such instrument as is mentioned in paragraph (b) of the said subsection (1), out of moneys provided by Parliament;

(c) under any such scheme as is mentioned in paragraph (c) of the said subsection (1); or

(d) under or by virtue of the Police Pensions Act, 1921, or any such enactment, scheme or regulations, as mentioned in paragraph (d) of the said subsection (1).
DRAFT STATEMENT

The effect of Clause 13 of the Bill is to give the Minister power to make Regulations which may either include or exclude service men (war pensioners, war widows and civilian injury pensioners) from the provisions of the Act.

The same principle applies to Police pensioners and Firemen.

The reason for this method of treatment is as follows. It is clear that the time has now come when the whole structure of Service pay and allowances must be brought under thorough and complete review.

The Government is now undertaking that review and it will be completed before the Family Allowances Bill is brought into force.

The review may arrive at its conclusion on the basis that family allowances under this Bill are to be payable or on the basis that they are not to be payable.

The Minister in drafting his Regulations would carry out the conclusions arrived at as a result of that review. What I have said applies equally to the pensions of the Police and Firemen.

As regards war pensioners, war widows and civilian injury pensioners, the Government would desire to keep the position open until the related question of what is to be done for the Armed Forces has been determined.

There is also the further point that it is an obvious convenience to the recipient of any allowance that the allowance shall be paid in one sum on one day, rather than in two sums coming from two different sources, and payable - it may be - on two different days.

To achieve this result it will be obviously more convenient, for instance, to pay to the serving soldier whatever may be adjudged to be the appropriate children's allowance from that source from which he derives his children's allowance as it exists today.

In the same way it will be more convenient to pay to the war widow or the disabled war pensioner whatever may be considered to be the proper children's allowance from the Ministry of Pensions - instead of paying part from the Ministry of Pensions and part from the Ministry of National Insurance.

And exactly the same consideration applies to those receiving children's allowances under the Civilian War Injuries scheme - allowances which they are receiving today from the Ministry of Pensions.