
STATUTORY INSTRUMENTS

1995 No. 766

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1995

<i>Made</i>	- - - -	<i>15th March 1995</i>
<i>Laid before Parliament</i>		<i>27th March 1995</i>
<i>Coming into force</i>	- -	<i>10th April 1995</i>

At the Court at Buckingham Palace, the 15th day of March 1995

Present,

The Queen's Most Excellent Majesty in Council

WHEREAS Her Majesty deems it expedient to amend the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(1) by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(2):

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred by section 3 of the Naval and Marine Pay and Pensions Act 1865(3), section 2(1) of the Pensions and Yeomanry Pay Act 1884(4), section 2(1) of the Air Force (Constitution) Act 1917(5), and sections 12(1) and 24(3) of the said Act of 1977 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1995 and shall come into force on 10th April 1995.

(2) In this Order, “the principal Order” means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983.

(1) S.I.1983/883, as amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201, 1986/592, 1987/165, 1988/248, 2248, 1989/156, 1990/250, 1308, 1991/766, 1992/710, 3208, 1993/598, 1994/772 and 1906.

(2) 1977 c. 5.

(3) 28 & 29 Vict c.73.

(4) 47 & 48 Vict c.55.

(5) 7 & 8 Geo 5 c.51.

Amendment of article 18 of the principal Order

2. In article 18 of the principal Order (unemployability allowances) in paragraph (2) for the amount “£2,236” there shall be substituted the amount “£2,288”.

Amendment of article 26A of the principal Order

3. At the end of head (iii) of sub-paragraph (1)(c) of article 26A of the principal Order (mobility supplement)(6) there shall be added the word “, or” followed by the following head—

“(iv) has been in receipt of the mobility component of a disability living allowance under section 73 of either the Social Security Contributions and Benefits Act 1992(7) or the Social Security Contributions and Benefits (Northern Ireland) Act 1992(8) having been deemed, by virtue of section 74(1) of the relevant Act, to be suffering from such disablement as is mentioned in subsection (1)(a) of section 73 of the relevant Act and to satisfy the requirements of subsection (9) of that section.”.

Amendment of article 29 of the principal Order

4. Article 29 of the principal Order (pensions to widows)(9) shall be amended as follows—

- (a) in paragraph (1A) for the amount “£48.70” there shall be substituted the amount “£49.77”;
- (b) paragraph (2) shall be omitted.

Amendment of article 67A of the principal Order

5. In paragraph (1) of article 67A of the principal Order (suspension in individual cases—Pensions Appeal Tribunal)(10) for the words “determination of that question on appeal” there shall be substituted the words “determination of the appeal”.

Amendment of article 67B of the principal Order

6. In article 67B(1) of the principal Order (suspension in individual cases— courts) for the words “determination of that question on appeal” there shall be substituted the words “determination of the appeal”.

Amendment of Schedules to the principal Order

7.—(1) In Schedule 1 to the principal Order (rates of retired pay, pensions, gratuities and allowances)—

- (a) for the Table in Part II there shall be substituted the Table set out in Schedule 1 to this Order;
 - (b) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 2 and 3 to this Order; and
 - (c) for Part IV there shall be substituted the Part set out in Schedule 4 to this Order.
- (2) In Schedule 2 to the principal Order (rates of pensions and allowances in respect of death)—
- (a) for Tables 1, 2, 3, 4 and 5 of Part II there shall be substituted the Tables set out in Schedule 5 to this Order;

(6) Article 26A was added by article 4 of S.I. 1983/1116: there are amendments which are not relevant for the purposes of this instrument.

(7) 1992 c. 4.

(8) 1992 c. 6.

(9) Paragraph (1A) was added to article 29 by S.I. 1994/1906.

(10) Articles 67A and 67B were inserted by S.I. 1994/772.

(b) for Part III there shall be substituted the Part set out in Schedule 6 to this Order.

N. H. Nicholls
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 7(1)(a)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT IN PART II OF SCHEDULE 1 TO THE PRINCIPAL ORDER

Article 10

TABLE

1. WEEKLY RATES OF PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 10 – 15 OF PART 1 OF THIS SCHEDULE.

2. YEARLY RATES OF RETIRED PAY AND PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 1 – 9 OF PART 1 OF THIS SCHEDULE.

Degree of Disability	Weekly rate	Yearly rate
Per cent	£	£
100	101.10	5,275
90	90.99	4,748
80	80.00	4,220
70	70.77	3,693
60	60.66	3,165
50	50.55	2,638
40	40.44	2,110
30	30.33	1,583
20	20.22	1,055

SCHEDULE 2

Article 7(1)(b)

TABLE TO BE SUBSTITUTED FOR TABLE 1 OF PART III OF SCHEDULE 1 TO THE PRINCIPAL ORDER

Article 11(1)

TABLE 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

Description of Injury	Assessments	Groups 1-9	Groups 10-15
	Per cent	£	£

For the loss of:

A. FINGERS—

Index Finger—

Description of Injury	Assessments	Groups 1-9	Groups 10-15
More than 2 phalanges including loss of whole finger	14	4,808	4,778
More than 1 phalanx but not more than 2 phalanges	11	3,848	3,823
1 phalanx or part thereof	9	3,205	3,185
Guillotine amputation of tip without loss of bone	5	1,919	1,909
Middle Finger—			
More than 2 phalanges including loss of whole finger	12	4,165	4,140
More than 1 phalanx but not more than 2 phalanges	9	3,205	3,185
1 phalanx or part thereof	7	2,562	2,547
Guillotine amputation of tip without loss of bone	4	1,603	1,593
Ring or little finger—			
More than 2 phalanges, including loss of whole finger	7	2,562	2,547
More than 1 phalanx, but not more than 2 phalanges	6	2,246	2,231
1 phalanx or part thereof	5	1,919	1,909
Guillotine amputation of tip without loss of bone	2	960	955

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Description of Injury	Assessments	Groups 1-9	Groups 10-15
B. TOES—			
Great toe—			
through metatarso— phalangeal joint	14	4,808	4,778
part, with some loss of bone	3	1,276	1,271
1 other toe—			
through metatarso— phalangeal joint	3	1,276	1,271
part, with some loss of bone	1	643	638
2 toes, excluding great toe—			
through metatarso— phalangeal joint	5	1,919	1,909
part, with some loss of bone	2	960	955
3 toes, excluding great toe—			
through metatarso— phalangeal joint	6	2,246	2,231
part, with some loss of bone	3	1,276	1,271
4 toes, excluding great toe—			
through metatarso— phalangeal joint	9	3,205	3,185
part, with some loss of bone	3	1,276	1,271

SCHEDULE 3

Article 7(1)(b)

TABLE TO BE SUBSTITUTED FOR TABLE 2 OF PART
III OF SCHEDULE 1 TO THE PRINCIPAL ORDER

Article 11(2)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

TABLE 2
GRATUITIES PAYABLE TO MEMBERS OF THE ARMED FORCES
FOR DISABLEMENT ASSESSED AT LESS THAN 20 PER
CENT NOT BEING A MINOR INJURY SPECIFIED IN TABLE 1

Group	Estimated duration of the disablement within the degree referred to			Temporary less than a year Per cent.			Temporary more than a year Per cent.		
	1-5 £	6-14 £	15-19 £	1-5 £	6-14 £	15-19 £	Indeterminate Per cent.		
							1-5 £	6-14 £	15-19 £
1	275	612	1,070	549	1,220	2,137	1,649	3,665	6,413
3	273	607	1,063	545	1,211	2,121	1,637	3,638	6,366
4	271	603	1,055	541	1,202	2,105	1,625	3,611	6,319
5	269	600	1,049	539	1,196	2,095	1,617	3,593	6,287
6	268	597	1,044	536	1,190	2,084	1,609	3,575	6,256
7,8	266	592	1,036	532	1,181	2,068	1,597	3,548	6,209
9	264	588	1,028	528	1,172	2,053	1,585	3,521	6,161
10	265	589	1,030	530	1,175	2,057	1,584	3,519	6,153
11	265	588	1,029	529	1,174	2,054	1,582	3,514	6,144
12	264	588	1,027	528	1,172	2,051	1,580	3,509	6,135
13	264	587	1,026	528	1,170	2,048	1,578	3,504	6,127
14	263	586	1,024	527	1,169	2,045	1,575	3,499	6,118
15	263	585	1,023	526	1,167	2,042	1,573	3,494	6,109

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 4

Article 7(1)(c)

PART TO BE SUBSTITUTED FOR PART IV OF SCHEDULE 1 TO THE PRINCIPAL ORDER

PART IV

RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
1. Education allowance under article 13	£120 per annum (maximum)	£120 per annum (maximum)
2. Constant attendance allowance		
(a) (a) under article 14(1)(b)	£3987 per annum (maximum)	£76.40 per week (maximum)
(b) (b) under article 14(1)(a)	£1993 per annum (maximum)	£38.20 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£1993 per annum	£38.20 per week
4. Severe disablement occupational allowance under article 16	£997 per annum	£19.10 per week
5. Allowance for wear and tear of clothing—		
(a) (a) under article 17(1)(a)	£82 per annum	£82 per annum
(b) (b) under article 17(1)(b) & 17(2)	£129 per annum	£129 per annum
6. Unemployability allowances—		
(a) (a) personal allowance under article 18(1)(a)	£3,259 per annum	£62.45 per week
(b) (b) additional allowances for dependants by way of—		
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a spouse or an adult	£1839 per annum (maximum)	£35.25 per week (maximum)

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
dependant under article 18(5)(b)		
(ii) increase of allowance under article 18(5)(d)—		
(a) in respect of the only, elder or the eldest child of a member	£514 per annum	£9.85 per week
(b) in respect of each other child of a member	£577 per annum	£11.05 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992(11) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£577 per annum	£11.05 per week
7. Invalidity allowance under article 14		
(a) (a) if—		
(i) the relevant date fell before 5th July 1948; or		
(ii) on the relevant date the member was under the age of 35; or		
(iii) on the relevant date the member was under the age of 40 and had not attained the age of 65, in the case of the member being a man or 60 in the case of the member being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£647 per annum	£12.40 per week

(11) 1992 c. 4.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Description of Allowance Groups 1-9	Rate Groups 10-15	
(b) (b) if—		
(i) on the relevant date the member was under the age of 45; or		
(ii) on the relevant date the member was under the age of 50 and had not attained the age of 65, in the case of the member being a man, or 60 in the case of the member being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£407 per annum	£7.80 per week
(c) (c) If heads (a) and (b) do not apply and on the relevant date the member was a man under the age of 60 or a woman under the age of 55	£204 per annum	£3.90 per week
8. Comforts allowance—		
(a) (a) under article 20(1)(a)	£856 per annum	£16.40 per week
(b) (b) under article 20(1)(b)	£428 per annum	£8.20 per week
9. Allowance for lowered standard of occupation under article 21	£1989 per annum	£38.12 per week
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) (a) 40 to 50 per cent	£352 per annum	£6.75 per week
(b) (b) over 50 per cent, but not exceeding 70 per cent	£543 per annum	£10.40 per week
(c) (c) over 70 per cent, but not exceeding 90 per cent	£775 per annum	£14.85 per week

Description of Allowance Groups 1-9	Rate Groups 10-15	
(d) (d) over 90 per cent	£1085 per annum	£20.80 per week
11. Treatment allowances — increase of personal allowances under article 23(3)	£1085 per annum	£20.80 per week
12. Part-time allowance under article 25	treatment £46.50 per day (maximum)	£46.50 per day (maximum)
13. Mobility under article 26A	supplement £1,897 per annum	£36.35 per week

SCHEDULE 5

Article 7(2)(a)

TABLES TO BE SUBSTITUTED FOR TABLES 1, 2, 3, 4 AND 5 OF SCHEDULE 2 PART II

PART II

RATES OF PENSIONS AND ALLOWANCES

Article 29(1)(a)

TABLE 1

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES AFTER 2 SEPTEMBER 1939
PENSIONS OTHER THAN PENSIONS AWARDED UNDER ARTICLE 11(1) OR (2) OF THE 1921 (OFFICERS) ORDER OR ARTICLE 11(1) OF THE 1921 (WARRANT OFFICERS) ORDER, OF THE 1920 WARRANT OR OF THE 1921 ORDER

Group	Yearly rate £
1	4,619
2	4,453
3	4,349
4	4,255
5	4,192
6	4,130
7	4,109

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Group	Yearly rate £
8	4,078
9	4,062
10	4,047
11	4,021

Article 29(1)(a)

TABLE 2

WEEKLY RATES OF PENSIONS FOR WIDOWS OF RATINGS, SOLDIERS OR AIRMEN WHO WERE MEMBERS OF THE FORCES BETWEEN 14 AUGUST 1914 AND 30 SEPTEMBER 1921 OR AFTER 2 SEPTEMBER 1939

Group (1)	Weekly rate (2) £
12, 13, 14, 15, 16}	76.60
17	76.35

Article 29(1)(a)

TABLE 3

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE FORCES BETWEEN 14 AUGUST 1914 AND 30 SEPTEMBER 1921

PENSIONS AWARDED UNDER ARTICLE 11(1) OR (2) OF THE 1921 (OFFICERS) ORDER OR ARTICLE 11(1) OF THE 1921 (WARRANT OFFICERS) ORDER, OF THE 1920 WARRANT OR OF THE 1921 ORDER

Group	Yearly rate £
1	4,723
2	4,515
3	4,411
4	4,307
5	4,224
6	4,140
7	4,116

Group	Yearly rate £
8	4,078
9	4,062
10	4,047
11	4,021

Article 29(1)(b)

TABLE 4

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE FORCES AFTER 2 SEPTEMBER 1939

Group	Yearly rate £
1	4,619
2	4,453
3	4,349
4	4,255
5	4,192
6	4,130
7	4,109
8	1,415
9	1,263
10	1,112
11	983

Article 29(1)(b)

TABLE 5

WEEKLY RATES OF PENSION FOR CHILDLESS WIDOWS AGED UNDER 40 BEING WIDOWS OF RATINGS, SOLDIERS OR AIRMEN WHO WERE MEMBERS OF THE FORCES AFTER 2 SEPTEMBER 1939

Group (1)	Weekly rate (2) £
12, 13, 14, 15, 16}	17.93
17	17.66

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 6

Article 7(2)(b)

PART TO BE SUBSTITUTED FOR PART III OF SCHEDULE 2 TO THE PRINCIPAL ORDER

PART III

RATES OF PENSIONS, OTHER THAN WIDOWS' PENSIONS,
AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

Description of Allowance	Rate	
	Groups 1-11	Groups 12-17
1. Pension under article 30 to unmarried dependant who lived as a spouse	£3,877 per annum (maximum)	£74.30 per week (maximum)
2. Rent allowance under article 31	£1505 per annum (maximum)	£28.85 per week (maximum)
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse—		
(a) (a) if age 65 but under 70	£454 per annum	£8.70 per week
(b) (b) if age 70 but under 80	£874 per annum	£16.75 per week
(c) (c) if age 80 or over	£1302 per annum	£24.95 per week
4. Pension to widower under article 34	£4,723 per annum (maximum)	£76.60 per week (maximum)
5. Allowances in respect of children—		
(a) (a) under article 35(1)—		
(i) in respect of the only, elder or eldest child of a member	£731 per annum	£14.00 per week
(ii) in respect of each other child of a member	£793 per annum	£15.20 per week
(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£793 per annum	£15.20 per week

Description of Allowance	Rate Groups 1-11	Groups 12-17
(b) (b) under article 35(3)—		
(i) in respect of the only, elder or eldest child of a member	£817 per annum	£15.65 per week
(ii) in respect of each other child of a member	£879 per annum	£16.85 per week
(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£879 per annum	£16.85 per week
6. Pension under article 36 to a motherless or fatherless child of a member—		
(a) (a) in respect of the only, elder or eldest child of a member	£817 per annum	£15.65 per week
(b) (b) in respect of each other child of a member	£879 per annum	£16.85 per week
(c) (c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£879 per annum	£16.85 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£3,071 per annum (maximum)	£58.85 per week (maximum)
8. Education allowance under article 38	£120 per annum (maximum)	£120 per annum (maximum)
9. Pensions to parents—		

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Description of Allowance	Rate	
	Groups 1-11	Groups 12-17
(a) (a) Minimum rate under article 40(3)	£15 per annum	£0.25 per week
(b) (b) under paragraphs (a) and (b) of article 40(3)		
(i) where there is only one eligible parent	(i) Groups 1-10 £75 per annum (maximum) (ii) Group 11 £60 per annum (maximum)	£1.00 per week (maximum)
(ii) where there is more than one eligible parent	(i) Groups 1-10 £100 per annum (maximum) (ii) Group 11 £85 per annum (maximum)	£1.38 per week (maximum)
(c) (c) increase under article 40(3)(c)	£20 per annum (maximum)	(i) where there is only one eligible parent — £0.38 per week (maximum) (ii) where there is more than one eligible parent — £0.62 per week (maximum)
(d) (d) under paragraph (d) of article 40(4)—		£1.00 per week (maximum)
10. Pension to other dependants—		
(a) (a) under article 41(2)	£54 per annum (maximum)	£1.00 per week (maximum)
(b) (b) for each juvenile dependant under article 41(3)	(i) Groups 1-10 £26 per annum (maximum) (ii) Group 11 £20 per annum (maximum)	£0.30 per week (maximum)
(c) (c) aggregate rate under article 41(3)	(i) Groups 1-10 £75 per annum (maximum) (ii) Group 11 £65 per annum (maximum)	£1.00 per week (maximum)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (“the principal Order”) which makes provision for pensions and other awards in respect of disablement or death due to service in the naval, military and air forces during the 1914 World War and after 2nd September 1939.

Article 2 of this Order raises the maximum amount of annual earnings which may be received by a disabled person while he is deemed to be unemployable for the purposes of unemployability allowances under article 18 of the principal Order.

Article 4 increases the amount of a widow’s pension payable under article 29 of the principal Order, whilst that article and articles 3, 5 and 6 also make minor drafting amendments.

Article 7(1) and (2) substitute tables in the Schedule in the principal Order thereby varying the rates of retired pay, pensions, gratuities and allowances in respect of disablement or death due to service in the armed forces.

This Order does not impose any costs on business.