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STATUTORY INSTRUMENTS

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**2016 No. 374**

**The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2016**

**PART 4**

**MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ORDER**

**Amendment of Part 4 (claims)**

- 5.**—(1) Part 4 of the principal Order is amended as follows.
- (2) In article 34(1)—
- (a) for “allowance or supplement”, where it first occurs, substitute “allowance, supplement or lump sum payment”; and
  - (b) for “that pension, allowance or supplement” in paragraph (1)(a), substitute “an award”.
- (3) In article 34(2)—
- (a) for “allowances and supplement” substitute “allowances, supplement and lump sum payment”;
  - (b) at the end of paragraph (2)(p) delete the full stop and substitute a semi-colon; and
  - (c) after paragraph (2)(p), insert—
    - “(q) a diffuse mesothelioma lump sum under Schedule 1A.”.
- (4) In article 36—
- (a) in paragraphs (1) and (2) for “for a pension, allowance or supplement specified in article 34” substitute “under article 34”; and
  - (b) in paragraph (3) for “pension, allowance or supplement” substitute “award”.
- (5) In article 37(2)(a) for “allowance or supplement” substitute “allowance, supplement or lump sum payment”.

**Amendment of Part 5 (adjudication)**

- 6.** In article 38(a) of the principal Order for “allowance or other continuing benefit” substitute “allowance, other continuing benefit or lump sum payment”.

**Amendment of Part 6 (payment)**

- 7.** In article 45 of the principal Order—
- (a) in paragraph (1)(a) for “grant or other continuing benefit” substitute “grant, other continuing benefit or lump sum payment”; and
  - (b) in paragraph (2)(a) for “allowance or other continuing benefit” substitute “allowance, other continuing benefit or lump sum payment”.

**Amendment of Part 7 (reduction and cancellation of awards)**

8. After article 51(2) of the principal Order insert—

“(3) In articles 52, 57 and 59, “pension” includes a lump sum payment under this Order.”.

**Amendment of Part 8 (miscellaneous provisions)**

9.—(1) Part 8 of the principal Order is amended as follows.

(2) In article 67 for “allowance or gratuity” substitute “allowance, gratuity or lump sum payment”.

(3) After article 68(1) insert—

“(1A) Where the claimant has made an election for an award of a diffuse mesothelioma lump sum and dies before the lump sum is paid, the Secretary of State may, notwithstanding the claimant’s death, make the payment in accordance with the provisions of this Order.”.

(4) In article 68(2) for “award” substitute “award or payment”.

(5) In article 68(5)(a) after “pension” insert “or an election for an award of a diffuse mesothelioma lump sum”.

**Amendment of Schedule 1 (disablement due to service in the armed forces)**

10. In item 5(c) of the table in Part 4 of Schedule 1 to the principal Order for “the annual earnings figure for the purposes of article 12(4) is £5,408” substitute “the annual earnings figure for the purposes of article 12(4) is £5,590”.

**Amendment of Schedule 6 (interpretation)**

11. Insert after item 26 in the table in Part 2 of Schedule 6 to the principal Order—

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“26A	“diffuse mesothelioma lump sum”	the meaning given in paragraph 1 of Schedule 1A.”
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