
STATUTORY INSTRUMENTS

1991 No. 766

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1991

<i>Made</i>	- - - -	<i>20th March 1991</i>
<i>Laid before Parliament</i>		<i>3rd April 1991</i>
<i>Coming into force</i>	- -	<i>8th April 1991</i>

At the Court at Buckingham Palace, the 20th day of March 1991

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) and to do so 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 sections 12(1) and 24(3) of the said Act of 1977 and of all 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 1991 and shall come into force on the 8th April 1991.

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

Amendment of article 18 of the principal Order

2. In article 18 of the principal Order (unemployability allowances) in paragraph (2) for the amount “£1,820” there shall be substituted the amount “£2,028”.

(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 and 1990/250, 1308.
(2) 1977 c. 5.

Amendment of Schedules to the principal Order

3.—(1) In Schedule 1 to the principal Order (rates of pension and other grants payable in respect of disablement)—

- (a) for Tables 1 and 3 of Part II there shall respectively be substituted the Tables set out in Schedules 1 and 2 to this Order;
- (b) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 3 and 4 to this Order;
- (c) for Part IV there shall be substituted the Part set out in Schedule 5 to this Order.

(2) In Schedule 2 to the principal Order (rates of pension and other grants payable in respect of death)—

- (a) for Table 1A of Part II there shall be substituted the Table set out in Schedule 6 to this Order;
- (b) for the amount “£3,178” in the second column of Table 1B of Part II there shall be substituted the amount “£3,525”;
- (c) for the amounts “£60.95” and “£14.07” in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts “£67.60” and “£15.60”;
- (d) for Table 5 of Part II there shall be substituted the Table set out in Schedule 7 to this Order;
- (e) for Part III there shall be substituted the Part set out in Schedule 8 to this Order.

Amendment of article 26A of the principal Order

4. For sub-paragraph (a) of paragraph (1) of article 26A(3) there shall be substituted the following sub-paragraph—

- “(a) disablement as a result of the amputation of both legs, at levels which are either through or above the ankle; or”

G. I. de Deney
Clerk of the Privy Council

SCHEDULE 1

Article 3(1)(a)

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

“TABLE 1

YEARLY RATES OF–

A. RETIRED PAY AND PENSIONS FOR DISABLED OFFICERS AND NURSES FOR ALL RANKS IN GROUPS 1-9 OF PART 1 OF THIS SCHEDULE.

B. DISABLEMENT ADDITION ON A PENSION BASIS (ARTICLE 43(3)(A)) FOR ALL RANKS IN GROUPS 1-9 OF PART 1 OF THIS SCHEDULE AND GROUPS 2 AND 3 OF PART 1 OF SCHEDULE 2.

Degree of Disability	Yearly rate
Per cent.	£
100	4,462
90	4,016
80	3,570
70	3,123
60	2,677
50	2,231
40	1,785
30	1,339
20	892”

SCHEDULE 2

Article 3(1)(a)

TABLE TO BE SUBSTITUTED FOR TABLE 3 OF PART II OF SCHEDULE 1 TO THE PRINCIPAL ORDER

“TABLE 3

WEEKLY RATES OF PENSION FOR DISABLED OTHER RANKS GROUPS 10-15

Degree of Disability	Weekly rate
Per Cent.	£
100	84.90
90	76.41
80	67.92
70	59.43

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Degree of Disability	Weekly rate
60	50.94
50	42.45
40	33.96
30	25.47
20	16.98”

SCHEDULE 3

Article 3(1)(b)

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

“TABLE 1

GRATUITIES PAYABLE FOR SPECIDFIED MINOR INJURIES

Description of Injury	Assessments	Groups 1-9	Groups 10-15
	Per cent	£	£
For the loss of:	14	4,290	4,260
A. FINGERS—			
Index			
Finger—			
More than 2 phalanges, including loss of whole finger			
More than 1 phalanx, but not more than 2 phalanges	11	3,434	3,409
1 phalanx or part thereof	9	2,860	2,840
Guillotine amputation of tip without loss of bone	5	1,712	1,702
Middle Finger—			
More than 2	12	3,716	3,691

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Description of Injury	Assessments	Groups 1-9	Groups 10-15
phalanges, including loss of whole finger			
More than 1 phalanx, but not more than 2 phalanges	9	2,860	2,840
1 phalanx or part thereof	7	2,286	2,271
Guillotine amputation of tip without loss of bone	4	1,430	1,420
Ring or little finger– More than 2 phalanges, including loss of whole finger	7	2,286	2,271
More than 1 phalanx, but not more than 2 phalanges	6	2,004	1,989
1 phalanx or part thereof	5	1,712	1,702
Guillotine amputation of tip without loss of bone	2	856	851
B. TOES– Great toe– through metatarso- phalangeal joint part,	14	4,290	4,260
with some loss of bone	3	1,138	1,133
1 other toe– through metatarso-	3	1,138	1,133

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Description of Injury	Assessments	Groups 1-9	Groups 10-15
phalangeal joint part, with some loss of 1 bone		574	569
2 toes, excluding 5 great toe– through metatarso- phalangeal joint part, with some loss of 2 bone		1,712	1,702
3 toes, excluding 6 great toe– through metatarso- phalangeal joint part, with some loss of 3 bone		856	851
4 toes, excluding 9 great toe– through metatarso- phalangeal joint part, with some loss of 3 bone		2,004	1,989
		1,138	1,133
		2,860	2,840
		1,138	1,133”

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SCHEDULE 4

Article 3(1)(b)

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

"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.

<i>Group</i>	Estimated duration of the disablement within the degree referred to								
	<i>Temporary less than a year</i>			<i>Temporary more than a year</i>			<i>Indeterminate</i>		
	<i>Per cent.</i>			<i>Per cent.</i>			<i>Per cent.</i>		
	<i>1-5</i>	<i>6-14</i>	<i>15-19</i>	<i>1-5</i>	<i>6-14</i>	<i>15-19</i>	<i>1-5</i>	<i>6-14</i>	<i>15-19</i>
	£	£	£	£	£	£	£	£	£
1	247	549	959	492	1094	1915	1478	3285	5749
3	245	544	952	488	1085	1899	1466	3258	5702
4	243	540	944	484	1076	1883	1454	3231	5655
5	241	537	938	482	1070	1873	1446	3213	5623
6	240	534	933	479	1064	1862	1438	3195	5592
7, 8	238	529	925	475	1055	1846	1426	3168	5545
9	236	525	917	471	1046	1831	1414	3141	5497
10	237	526	919	473	1049	1835	1413	3139	5489
11	237	525	918	472	1048	1832	1411	3134	5480
12	236	525	916	471	1046	1829	1409	3129	5471
13	236	524	915	471	1044	1826	1407	3124	5463
14	235	523	913	470	1043	1823	1404	3119	5454
15	235	522	912	469	1041	1820	1402	3114	5445"

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SCHEDULE 5

Article 3(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—	£3546 per annum (maximum)	£68.00 per week (maximum)
(a) under article 14(1)(b)		
(b) under article 14(1)(a)	£1773 per annum (maximum)	£34.00 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£1773 per annum	£34.00 per week
4. Severe disablement occupational allowance under article 16	£886 per annum	£17.00 per week
5. Allowance for wear and tear of clothing—	£73 per annum	£73 per annum
(a) under article 17(1)(a)		
(b) under article 17(1)(b) & 17(2)	£115 per annum	£115 per annum
6. Unemployability allowances—	£2881 per annum	£55.25 per week
(a) personal allowance under article 18(1)(a)		
(b) additional allowances for dependants by way of—	£1,629 per annum (maximum)	£31.25 per week (maximum)
(i) increase of allowance in respect of a wife, husband or unmarried dependant		

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
living as a spouse, under article 18(5)(b)		
(ii) allowance in respect of an adult dependant under article 18(5)(c)	£1,629 per annum (maximum)	£31.25 per week (maximum)
(iii) increase of allowance under article 18(5)(d)	£506 per annum	£9.70 per week
(a) in respect of the only, elder or the eldest child of a member		
(b) in respect of each other child of a member	£558 per annum	£10.70 per week
(c) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£558 per annum	£10.70 per week
7. Invalidation allowance under article 19-	£579 per annum	£11.10 per week
(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		

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Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
<p>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</p> <p>(b) if-</p> <p>(i) on the relevant date the member was under the age of 45; or</p> <p>(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</p>	£360 per annum	£6.90 per week

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
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		
(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	£180 per annum	£3.45 per week
8. Comforts allowance—		
(a) under article 20(1)(a)	£761 per annum	£14.60 per week
(b) under article 20(1)(b)	£381 per annum	£7.30 per week
9. Allowance for lowered standard of occupation under article 21—		
for	£1771 per annum (maximum)	£33.96 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent.	£313 per annum	£6.00 per week
(b) over 50 per cent, but not exceeding 70 per cent.	£482 per annum	£9.25 per week
(c) over 70 per cent, but not exceeding 90 per cent.	£691 per annum	£13.25 per week
(d) over 90 per cent.	£965 per annum	£18.50 per week

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Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
11. Treatment allowances— increase of personal allowances under article 23(3)	£965 per annum	£18.50 per week
12. Part-time treatment allowance under article 25	£35.30 per day (maximum)	£35.30 per day (maximum)
13. Mobility supplement under article 26A	£32.35 per week	£32.35 per week”

SCHEDULE 6

Article 3(2)(a)

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

“TABLE 1 YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS

A. 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

<i>Group</i> <i>(1)</i> £	<i>Rate</i> <i>(2)</i> £	<i>Rate</i> <i>(3)</i> £
1 }	}	
2 }	}	
3 }	}	£3,525
4 }	}	
5 }	}	
6 }	3,525 }	
7 }		
8 }		1,251
9 }		1,116
10 }		983
11 }		868”

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SCHEDULE 7

Article 3(2)(d)

TABLE TO BE SUBSTITUTED FOR TABLE 5 OF PART II OF SCHEDULE 2 TO THE PRINCIPAL ORDER

“TABLE 5

MAXIMUM YEARLY RATES OF PENSION FOR RELATIVES OF 1914 WORLD WAR OFFICERS

<i>Group (1)</i>	<i>Rate (2) £</i>
1 }	
2 }	
3 }	
4 }	3,525
5 }	
6 }	
7 }	
8	1,251
9	1,116
10	983
11	868”

SCHEDULE 8

Article 3(2)(e)

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 Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
1. Pension under article 30 to unmarried dependant who lived as spouse	£3,418 per annum (maximum)	£65.55 per week (maximum)

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Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
2. Rent allowance under article 31	£25.75 per week (maximum)	£25.75 per week (maximum)
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse–	£404 per annum	£7.75 per week
(a) if age 65 but under 70		
(b) if age 70 but under 80	£779 per annum	£14.95 per week
(c) if age 80 or over	£1158 per annum	£22.20 per week
4. Pension to widower under Article 34	£4135 per annum (maximum)	£67.60 per week (maximum)
5. Allowances in respect of children	£712 per annum	£13.65 per week
(a) under article 35(1)–		
(i) in respect of the only, elder or eldest child of a member		
(ii) in respect of each other child of a member	£764 per annum	£14.65 per week
(iii) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£764 per annum	£14.65 per week
(b) under article 35(3)	£787 per annum	£15.10 per week
(i) in respect of the only, elder or eldest child of a member		
(ii) in respect of each other child of a member	£839 per annum	£16.10 per week

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
(iii) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£839 per annum	£16.10 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£787 per annum	£15.10 per week
(a) in respect of the only, elder or eldest child of a member		
(b) in respect of each other child of a member	£839 per annum	£16.10 per week
(c) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£839 per annum	£16.10 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£2711 per annum (maximum)	£52.00 per week (maximum)
8. Education allowance under article 38	£120 per annum (maximum)	£120 per annum (maximum)
9. Pensions to parents—	£15 per annum	£0.25 per week
(a) minimum rate under article 40(3)		
(b) under paragraphs (a) and (b) of article 40(3)—	(i) Groups 1-10 £75 per annum (maximum)	£1.00 per week (maximum)
(i) where there is only one eligible parent	(ii) Group 11 £60 per annum (maximum)	

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Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
(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) 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) under – paragraph (d) of article 40(4)		£1.00 per week (maximum)
10. Pension to other dependants– (a) under article 41(2)	£54 per annum (maximum)	£1.00 per week (maximum)
(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) 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 3(1) and (2) substitutes tables in the Schedules 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.

Article 4 extends the provisions in article 26A of the principal Order (mobility supplement) so as to enable a person who is receiving a pension under that Order because of a disablement to receive also a mobility supplement where he has suffered an amputation of both legs at levels which are either through or above the ankle.