

2002 No. 792

PENSIONS

**The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 2002**

Made - - - - -	26th March 2002
Laid before Parliament	4th April 2002
Coming into force - -	8th April 2002

At the Court at Buckingham Palace, the 26th day of March 2002

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(a) by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(b):

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred by section 3 of the Naval and Marine Pay and Pensions Act 1865(c), section 2(1) of the Pensions and Yeomanry Pay Act 1884(d), section 2(1) of the Air Force (Constitution) Act 1917(e) and section 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 2002 and, subject to article 2(2), shall come into force on 8th April 2002.

(2) In this Order “the principal Order” means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 and, except where the context otherwise requires, a reference to a numbered article, Part, Table or Schedule is to the article, Part, Table or Schedule in the principal Order which bears that number.

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(a) 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, 1906, 1995/766, 1996/732, 1638 and 2882, 1997/286, 1998/262, 1999/294, 2000/252 and 2001/409.  
(b) 1977 c. 5.  
(c) 28 and 29 Vict c. 73.  
(d) 47 and 48 Vict c. 55.  
(e) 7 and 8 Geo 5 c. 51.

## Amendments of the principal Order and application

2.– (1) The amendments to the principal Order contained in Schedule 1 to this Order shall have effect.

(2) Paragraphs 3, 4, 5 and 9(c) of Schedule 1 to this Order (which amend articles 18, 19, 27 and 33 of the principal Order) shall apply for the purposes of claims or reviews made on or after 1st August 2002.

A. K. Galloway  
Clerk of the Privy Council

## SCHEDULE 1

Article 2

### AMENDMENTS TO THE PRINCIPAL ORDER

#### Amendment of article 3A

1. In article 3A (making of claims)–
  - (a) in sub-paragraph (2)(j) for the words “a widow’s” substitute “a widow or widower’s”;
  - (b) omit sub-paragraph (2)(m); and
  - (c) in sub-paragraph (2)(n) for the words “a widow” substitute “a widow or widower”.

#### Amendment of article 3B

2. In article 3B (cases where claims are not required)–
  - (a) in paragraph (3) and sub-paragraph (9)(a) for the words “a widow’s” substitute “a widow or widower’s”;
  - (b) in paragraph (5) for “, article 30 (which relates to pensions for unmarried dependants who lives as spouses) or article 34 (pensions to widowers).” insert “or article 30 (which relates to pensions for unmarried dependants who lived as spouses).”; and
  - (c) omit sub-paragraph (9)(c).

#### Amendment of article 18

3. In article 18 (unemployability allowances)–
  - (a) in paragraph (1A) after sub-paragraph (b) insert the full-out words “unless paragraph (1B) applies.”; and
  - (b) after paragraph (1A) insert–

“ (1B) If the member–

    - (a) was in receipt of unemployability allowance before 7th April 1997;
    - (b) became engaged in remunerative work on or after 8th April 2002 and in consequence ceased to be entitled to unemployability allowance;
    - (c) had given notice to the Secretary of State that he had become engaged in remunerative work within one week of ceasing to be entitled to unemployability allowance;
    - (d) then ceased to be engaged in remunerative work;
    - (e) makes a new claim for unemployability allowance within 52 weeks of the termination of the original payment of unemployability allowance; and
    - (f) was not engaged in a previous period of remunerative work within 28 weeks of the date sub-paragraph (b) applied to them,

then paragraph (1) shall continue to apply to that new claim subject to the degree of disablement being assessed at not less than 20 per cent.

(1C) For the purposes of paragraph (1B) “remunerative work” means either–

    - (a) work for which payment is made or which is done in expectation of payment; or
    - (b) attendance at a training course in respect of which the member receives a training allowance in pursuance of arrangements made under section 2(1) of the Employment and Training Act 1973(a) or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990(b) or corresponding provisions in Northern Ireland.”.

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(a) 1973 c. 50.  
(b) 1990 c. 35.

#### Amendment of article 19

4. In paragraph (3) of article 19 (invalidity allowance) after “8 weeks” insert “or the break is by reason of remunerative work where the member of the armed forces is one to whom sub-paragraphs (b) to (f) of article 18(1B) apply”.

#### Amendment of article 27

5. In article 27 (application of part IV) after paragraph (4) insert–
- “ (5) For the purposes of paragraph (4), a member of the armed forces shall be treated as if they were in receipt of an allowance under article 18 if–
- (i) at the time of their death sub-paragraphs (b), (c) and (f) of article 18(1B) applied to them; and
  - (ii) the period of remunerative work had not exceeded a period of 52 weeks.”.

#### Amendment of Article 29

6. In article 29 (pensions to widows)–
- (a) in paragraph (1) for “widow” substitute “widow or widower”;
  - (b) in sub-paragraph (1)(a)(iii) for “mother” substitute “parent”;
  - (c) in paragraph (1A) for the amount £58.95 substitute the amount £59.95, and for “widow” substitute “widow or widower”; and
  - (d) the title to the article shall be amended to “pensions to widows and widowers”.

#### Amendment of article 31

7. In article 31 (rent allowance to widows, widowers and unmarried dependants who lived as spouses who have children)–

- (a) in paragraph (1) for the words “article 29 or 34” substitute “article 29”; and
- (b) in paragraph (2) for the words “article 29, 30 or 34” substitute “articles 29 or 30”.

#### Amendment of article 32

8. In article 32 (allowance to elderly widows, widowers and unmarried dependants who lived as spouses)–
- (a) in sub-paragraph (a)(i) for “widow” substitute “widow or widower” and for “his wife” substitute “their spouse”; and
  - (b) in sub-paragraph (a)(ii) for the words “article 29, 30 or 34” substitute “articles 29 or 30”.

#### Amendment of article 33

9. In article 33 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners)–
- (a) for “widow” substitute “widow or widower” wherever it appears;
  - (b) in paragraph (1) for “his wife” substitute “their spouse”;
  - (c) after paragraph (1) add–
- “ (1A) For the purposes of paragraph (1), a member of the armed forces shall be treated as if they were in receipt of an allowance under article 18(1)(a) if–
- (i) at the time of their death sub-paragraphs (b), (c) and (f) of article 18(1B) applied to them; and
  - (ii) the period of remunerative work had not exceeded a period of 52 weeks.”; and
  - (d) in paragraphs (3) and (4) for “wife” substitute “spouse”.

#### Amendment of article 34

10. Article 34 (pensions to widowers) shall be omitted.

#### Amendment of article 35

11. In article 35 (allowances for children under the child’s age limit)–
- (a) in sub-paragraph (2)(a) for the words “paragraph 5(a)” substitute “paragraph 4(a)”; and
  - (b) in sub-paragraph (2)(b)–
    - (i) for the words “paragraph 5(b)” insert “paragraph 4(b)”; and
    - (ii) for the words “article 29, 30, 34 or 39” insert “articles 29, 30 or 39”.

**Amendment of article 36**

12. In paragraph (2) of article 36 (pensions for children under the child's age limit with no parents living) for the words "paragraph 6" substitute "paragraph 5".

**Amendment of article 37**

13. In sub-paragraph (2)(b) of article 37 (award for children who have attained the child's age limit) for the words "paragraph 7" substitute "paragraph 6".

**Amendment of article 38**

14. In paragraph (3) of article 38 (education allowance) for the words "paragraph 8" substitute "paragraph 7".

**Amendment of article 40**

15. In article 40 (pensions to parents)–
- (a) in paragraphs (3) and (4) for the words "paragraph 9(a)" substitute "paragraph 8(a)";
  - (b) in sub-paragraphs (3)(a)(i) and (3)(b) for the words "paragraph 9(b)" insert "paragraph 8(b)";
  - (c) in sub-paragraph (3)(c) for the words "paragraph 9(c)" insert "paragraph 8(c)"; and
  - (d) in sub-paragraph (4)(d) for the words "paragraph 9(d)" insert "paragraph 8(d)".

**Amendment of article 41**

16. In article 41 (pensions to other dependants)–
- (a) in paragraph (2) for the words "paragraph 10(a)" substitute "paragraph 9(a)";
  - (b) in sub-paragraphs (3)(a) and (3)(b) for the words "paragraph 10(b)" insert "paragraph 9(b)"; and
  - (c) in sub-paragraphs (3)(a)(i) and (3)(b) for the words "paragraph 10(c)" insert "paragraph 9(c)".

**Amendment of Schedule 1**

17. Schedule 1 (rates of retired pay, pensions, gratuities and allowances in respect of disablement due to service in the armed forces) shall be amended as follows–
- (a) for the Table in Part II there shall be substituted the Table set out in Schedule 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; and
  - (c) for Part IV there shall be substituted the Part set out in Schedule 5 to this Order.

**Amendment of Schedule 2**

18. In Schedule 2 (rates of provisions and allowances in respect of death due to service in the armed forces)–
- (a) for Tables 1, 2, 3, 4 and 5 of Part II substitute the Tables set out in Schedule 6 to this Order; and
  - (b) for Part III substitute the Part set out in Schedule 7 to this Order.

**Amendment of Schedule 4**

19. In Part II of Schedule 4 (glossary of expressions) omit items 21 (dependent), 29 (material date) and 53 (widower).

**Amendment of Schedule 7**

20. In Schedule 7 (deductions for the purposes of article 56) there shall be substituted the Table set out in Schedule 8 to this Order.

SCHEDULE 2

Schedule 1 paragraph 17

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

TABLE

Article 10

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

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

Degree of Disability	Weekly rate	Yearly rate
Per cent.	£	£
100	121.80	6,356
90	109.62	5,720
80	97.44	5,085
70	85.26	4,449
60	73.08	3,814
50	60.90	3,178
40	48.72	2,542
30	36.54	1,907
20	24.36	1,271

SCHEDULE 3

Schedule 1 paragraph 17

TABLE TO BE SUBSTITUTED FOR TABLE 1 OF PART III OF SCHEDULE 1

TABLE 1

Article 11(1)

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

Description of Injury	Assessments	Groups 1-15
For the loss of:	Per cent	£
<b>A. FINGERS—</b>		
Index Finger— more than 2 phalanges including loss of whole finger	14	5,792
More than 1 phalanx but not more than 2 phalanges	11	4,635
1 phalanx or part thereof	9	3,861
Guillotine amputation of tip without loss of bone	5	2,312
Middle finger—more than 2 phalanges including loss of whole finger	12	5,017
More than 1 phalanx but not more than 2 phalanges	9	3,861
1 phalanx or part thereof	7	3,087
Guillotine amputation of tip without loss of bone	4	1,930
Ring or little finger—more than 2 phalanges including loss of whole finger	7	3,087
More than 1 phalanx but not more than 2 phalanges	6	2,705
1 phalanx or part thereof	5	2,312
Guillotine amputation of tip without loss of bone	2	1,156
<b>B. TOES—</b>		
Great toe—through metatarso-phalangeal joint	14	5,792
Part, with some loss of bone	3	1,538
1 other toe—through metatarso-phalangeal joint	3	1,538
Part, with some loss of bone	1	775
2 toes, excluding great toe—through metatarso-phalangeal joint	5	2,312

Description of Injury For the loss of:	Assessments Per cent	Groups 1-15 £
Part, with some loss of bone	2	1,156
3 toes, excluding great toe—through metatarso-phalangeal joint	6	2,705
Part, with some loss of bone	3	1,538
4 toes, excluding great toe—through metatarso-phalangeal joint	9	3,861
Part, with some loss of bone	3	1,538

#### SCHEDULE 4

Schedule 1 paragraph 17

#### TABLE TO BE SUBSTITUTED FOR TABLE 2 OF PART III OF SCHEDULE 1

#### TABLE 2

Article 11(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

Groups 1-15	Estimated duration of the disablement within the degree referred to								
	Temporary less than a year			Temporary more than a year			Indeterminate		
	Per cent.			Per cent.			Per cent.		
	1-5 £	6-14 £	15-19 £	1-5 £	6-14 £	15-19 £	1-5 £	6-14 £	15-19 £
	321	719	1,258	646	1,433	2,509	1,937	4,304	7,532

#### SCHEDULE 5

Schedule 1 paragraph 17

#### PART TO BE SUBSTITUTED FOR PART IV OF SCHEDULE 1

#### PART IV

#### RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT AND EARNINGS OR INCOME THRESHOLDS

Description of Allowance	Rates	
	Groups 1-9	Groups 10-15
1. Education allowance under article 13	£120 per annum*	£120 per annum*
2. Constant attendance allowance under article 14—		
A. For decisions made before 9th April 2001		
(a) under article 14 (1)(b)	£4,801 per annum*	£92.00 per week*
(b) under article 14 (1)(a)	£2,400 per annum*	£46.00 per week*
B. For decisions made on or after 9th April 2001		
(a) the part day rate of constant attendance allowance under article 14(2);	£1,200 per annum	£23.00 per week
(b) the full day rate of constant attendance allowance under article 14(3);	£2,400 per annum	£46.00 per week
(c) the intermediate rate of constant attendance allowance under article 14(4);	£3,600 per annum	£69.00 per week
(d) the exceptional rate of constant attendance allowance under article 14(5).	£4,801 per annum	£92.00 per week

\* maximum

Description of Allowance	Rates	
	Groups 1-9	Groups 10-15
3. Exceptionally severe disablement allowance under article 15	£2,400 per annum	£46.00 per week
4. Severe disablement occupational allowance under article 16	£1,200 per annum	£23.00 per week
5. Allowance for wear and tear of clothing under article 17(1)	£157 per annum	£157 per annum
6. Unemployability allowances—		
(a) personal allowance under article 18(1)(a)	£3,927 per annum	£75.25 per week
(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 dependant under article 18(5)(b)	£2,215 per annum*	£42.45 per week*
(ii) increase of allowance under article 18(5)(d)—		
(aa) in respect of the only, elder or the eldest child of a member	£514 per annum	£9.85 per week
(bb) in respect of each other child of a member	£603 per annum	£11.55 per week
(cc) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992(a), or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act.	£603 per annum	£11.55 per week
For decisions made on or after 9th April 2001		
(c) the annual earnings figure for the purposes of article 18(2) is £3,432		
(d) the weekly income figure for the purposes of article 18(5)(b) is £53.95		
7. Invalidity allowance under article 19		
(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	£777 per annum	£14.90 per week
(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	£496 per annum	£9.50 per week

(a) 1992 c. 4.

\* maximum.

Description of Allowance	Rates	
	Groups 1–9	Groups 10–15
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 under the age of 60	£248 per annum	£4.75 per week
8. Comforts Allowance		
(a) under article 20(1)(a)	£1,028 per annum	£19.70 per week
(b) under article 20(1)(b)	£514 per annum	£9.85 per week
9. Allowance for lowered standard of occupation under article 21	£2,396 per annum*	£45.92 per week*
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent.	£425 per annum	£8.15 per week
(b) over 50 per cent, but not exceeding 70 per cent.	£655 per annum	£12.55 per week
(c) over 70 per cent, but not exceeding 90 per cent.	£931 per annum	£17.85 per week
(d) over 90 per cent.	£1,310 per annum	£25.10 per week
11. For decisions made before 9th April 2001 Treatment allowance—increase of personal allowances under article 23(3)	£1,310 per annum*	£25.10 per week*
12. Part-time treatment allowance under article 25	£55.83 per day*	£55.83 per day*
13. Mobility supplement under article 26A	£2,288 per annum	£43.85 per week

\* maximum.

## SCHEDULE 6

Schedule 1 paragraph 18

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

### PART II

#### RATES OF PENSIONS AND ALLOWANCES

##### TABLE 1

Article 29(1)(a)

YEARLY RATES OF PENSIONS FOR WIDOWS AND WIDOWERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER 1921

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	5,564
2	5,366
3	5,240
4	5,127
5	5,048
6	4,975
7	4,950
8	4,912
9	4,894
10	4,874
11	4,844



TABLE 2

Article 29(1)(a)

WEEKLY RATES OF PENSIONS FOR WIDOWS AND WIDOWERS OF RATINGS,  
SOLDIERS OR AIRMEN

Group (1)	Weekly Rate (2) £
12	92.30
13	
14	
15	
16	92.00
17	

TABLE 3

Article 29(1)(a)

YEARLY RATES OF PENSIONS FOR WIDOWS AND WIDOWERS 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 (1)	Yearly rate (2) £
1	5,689
2	5,439
3	5,313
4	5,188
5	5,089
6	4,987
7	4,959
8	4,912
9	4,894
10	4,874
11	4,844

TABLE 4

Article 29(1)(b)

YEARLY RATES OF PENSIONS FOR WIDOWS AND WIDOWERS OF OFFICERS WHO  
WERE MEMBERS OF THE FORCES BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER  
1921

Group (1)	Yearly rate (2) £
1	5,564
2	5,366
3	5,240
4	5,127
5	5,048
6	4,975
7	4,950
8	1,706
9	1,521
10	1,338
11	1,184

WEEKLY RATES OF PENSION FOR CHILDLESS WIDOWS AND WIDOWERS AGED UNDER 40 BEING WIDOWS OR WIDOWERS OF RATINGS, SOLDIERS OR AIRMEN

Group (1)	Weekly Rate (2) £
12	22.12
13	
14	
15	
16	
17	22.12

## SCHEDULE 7

Schedule 1 paragraph 18

## PART TO BE SUBSTITUTED FOR PART III OF SCHEDULE 2

## PART III

RATES OF PENSIONS, OTHER THAN WIDOWS' OR WIDOWERS' 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 a spouse	£4,694 per annum*	£89.95 per week*
2. Rent allowance under article 31	£1,816 per annum*	£34.80 per week*
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as a spouse—		
(a) if aged 65 but under 70	£550 per annum	£10.55 per week
(b) if aged 70 but under 80	£1,054 per annum	£20.20 per week
(c) if aged 80 or over	£1,568 per annum	£30.05 per week
4. Allowances in respect of children—		
(a) where the decision is made before 9th April 2001, under article 35(1) and, where the decision is made on or after that date, under article 35(2)(a)		
(i) in respect of the only, elder or eldest child of a member	£759 per annum	£14.55 per week
(ii) in respect of each other child of a member	£845 per annum	£16.20 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	£845 per annum	£16.20 per week
(b) where the decision is made before 9th April 2001, under article 35(3) and, where the decision is made on or after that date, under article 35(2)(b)		
(i) in respect of the only, elder or eldest child of a member	£861 per annum	£16.50 per week
(ii) in respect of each other child of a member	£947 per annum	£18.15 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	£947 per annum	£18.15 per week

\* maximum.

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
5. Pension under article 36 where the decision is made before 9th April 2001, to a motherless or fatherless child under the age limit and, where the decision is made on or after that date, to a child of a member with no parents living—		
(a) in respect of the only, elder or eldest child of a member	£861 per annum	£16.50 per week
(b) in respect of each other child of a member	£947 per annum	£18.15 per week
(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	£947 per annum	£18.15 per week
6. Pension or allowance under article 37(3) where the decision is made before 9th April 2001, and under article 37(2) where the decision is made on or after that date, to or in respect of a child who has attained the child's age limit	£3,702 per annum*	£70.95 per week*
7. Education allowance under article 38	£120 per annum*	£120 per annum*
8. Pensions to parents—		
(a) minimum rate under article 40(3)	£15 per annum	£0.25 per week
(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*	£1.00 per week*
	(ii) Group 11 £60 per annum*	
(ii) where there is more than one eligible parent	(i) Groups 1-10 £100 per annum*	£1.38 per week*
	(ii) Group 11 £85 per annum*	
(c) increase under article 40(3)(c)	£20 per annum*	(i) where there is only one eligible parent— £0.38 per week* (ii) where there is more than one eligible parent— £0.62 per week*
(d) under paragraph (d) of article 40(4)		£1.00 per week*
9. Pension to other dependants—		
(a) under article 41(2)	£54 per annum*	£1.00 per week*
(b) for each juvenile dependant under article 41(3)	(i) Groups 1-10 £26 per annum*	£0.30 per week*
	(ii) Group 11 £20 per annum*	
(c) aggregate rate under article 41(3)	(i) Groups 1-10 £75 per annum*	£1.00 per week*
	(ii) Group 11 £65 per annum*	

\* maximum.

SCHEDULE 7

DEDUCTIONS FOR THE PURPOSES OF ARTICLE 56

Article 56

TABLE

Allowance/Pension	Date of Deduction	Weekly Rate of Deduction
Constant attendance allowance (article 14)	After 4 weeks of falling within article 56 paragraph (1)	Total amount of Constant Attendance Allowance
Severe disablement occupational allowance (article 16)	After 4 weeks of falling within article 56 paragraph (1)	Total amount of Severe Disablement Occupational Allowance
Unemployability personal allowance (article 18)	After 8 weeks of falling within article 56 paragraph (1)	(i) Where member has no partner, spouse or dependants—£28.70 (ii) Where member has partner, spouse or dependants—£15.10
Unemployability allowance increase for wife, husband, unmarried dependant living as a spouse or adult dependant (article 18)	(i) After 8 weeks of falling within article 56 paragraph (1) (ii) After 104 weeks of falling within article 56 paragraph (1)	(i) £15.10 (ii) £28.70
Invalidity allowance (article 19)	After 52 weeks of falling within article 56 paragraph (1)	(i) Where member has no dependants—total amount of Invalidity Allowance (ii) Where member has dependants—nil
War widows pension and war widowers pension (article 29) and pension paid to an unmarried dependant who lived as spouse (article 30)	After 52 weeks of falling within article 56 paragraph (1)	£28.70

## EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 (“the principal Order”) which makes provisions for pensions and other awards in respect of disablement or death due to service in the naval, military and air forces.

Pensions for widows and widowers will, from 8th April 2002, be determined on the same basis and the amendments to the principal Order under paragraphs 1 and 2 and 6 to 16 of Schedule 1 amend articles 3A, 3B, 29, 31 to 38, 40 and 41 of the principal Order. References to widows will include widowers and references to a wife or husband shall be to a spouse. There are consequential amendments to remove references to pensions of dependant widowers.

Paragraphs 3 to 5 and 9(c) of Schedule 1 amend articles 18, 19, 27 and 33 of the principal Order to protect the position of certain recipients of unemployability allowance who wish to take up remunerative work, including training.

Under article 18 of the principal Order, where a member of the armed forces is in receipt of unemployability allowance and their claim was determined before 7th April 1997, the degree of disablement had to be 20 per cent or greater. If such a person gained remunerative work that terminated, a new claim for unemployability allowance would require a 60 per cent or greater disablement to be present. Therefore the amendments to the principal Order provide that where a person’s remunerative work terminates within 52 weeks of receiving the original unemployability allowance and there is no previous period of remunerative work in the 28 weeks prior to the loss of entitlement, their new claim will require a 20 per cent or greater disablement to be present.

Receipt of invalidity allowance under article 19 is dependent upon receipt of unemployability allowance. A member of the armed forces whose remunerative work terminated and who submitted a new claim for invalidity allowance more than 8 weeks after previous receipt may only receive invalidity allowance at a rate lower than the earlier level. Article 19(3) of the principal Order has been amended so that a period of up to 52 weeks will not be treated as a break for the purposes of eligibility to invalidity allowance, where remunerative work has been terminated and where there is no previous period of remunerative work in the 28 weeks prior to the loss of entitlement.

Articles 27 and 33 of the principal Order have been amended so that if a qualifying person dies during a qualifying period of remunerative work, the entitlement to allowances by their dependants will not be affected.

Paragraph 6 of Schedule 1 increases the amount of a widow’s pension payable under article 29 of the principal Order.

Paragraphs 17, 18 and 20 of Schedule 1 substitute Tables in Schedules 1, 2 and 7 to 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.





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PENSIONS

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