

2003 No. 434

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 2003

Made - - - - - 27th February 2003

Laid before Parliament 11th March 2003

Coming into force - - 7th April 2003

At the Court at Buckingham Palace, the 27th day of February 2003

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 2003 and shall come into force on 7th April 2003.

(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.

Amendments to the principal Order and application

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

A. K. Galloway
Clerk of the Privy Council

(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, 2001/409 and 2002/792.

(b) 1977 c. 5.

(c) 28 & 29 Vict c. 73.

(d) 47 & 48 Vict c. 55.

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

AMENDMENTS TO THE PRINCIPAL ORDER

Amendment of article 29

1. In paragraph (1A) of article 29 (pensions to widows and widowers) for the amount “£59.95” substitute the amount “£60.97”.

Amendment of Schedule 1

2. In Schedule 1 (rates of retired pay, pensions, gratuities and allowances in respect of disablement due to service in the armed forces)—

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

Amendment of Schedule 2

3. 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

4. In Part II of Schedule 4 (glossary of expressions) for item 50 (definition of “student”) substitute: “a person who is receiving full-time instruction at a university, college, secondary school or technical school, or at any other establishment which, in the opinion of the Secretary of State, is a comparable educational establishment, and for the purposes of this Order a person may continue to be a student for such period (being a period not exceeding 13 weeks) after he ceases to receive full-time instruction as aforesaid and before he attains the age of 19 as the Secretary of State may in any particular case determine”.

Amendment of Schedule 7

5. In Schedule 7 (deductions for the purposes of article 56) substitute the Table set out in Schedule 8 to this Order.

SCHEDULE 2

Schedule 1 paragraph 2

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

<i>Degree of Disability Per cent.</i>	<i>Weekly rate £</i>	<i>Yearly rate £</i>
100	123.90	6,465
90	111.51	5,819
80	99.12	5,172
70	86.73	4,526
60	74.34	3,879
50	61.95	3,233
40	49.56	2,586
30	37.17	1,940
20	24.78	1,293

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

Table 1

Article 11(1)

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

<i>Description of Injury For the loss of:</i>	<i>Assessments Per cent.</i>	<i>Groups 1–15 £</i>
A. FINGERS—		
Index Finger—more than 2 phalanges including loss of whole finger	14	5,890
More than 1 phalanx but not more than 2 phalanges	11	4,714
1 phalanx or part thereof	9	3,927
Guillotine amputation of tip without loss of bone	5	2,351
Middle finger—more than 2 phalanges including loss of whole finger	12	5,102
More than 1 phalanx but not more than 2 phalanges	9	3,927
1 phalanx or part thereof	7	3,139
Guillotine amputation of tip without loss of bone	4	1,963
Ring or little finger— more than 2 phalanges including loss of whole finger	7	3,139
More than 1 phalanx but not more than 2 phalanges	6	2,751
1 phalanx or part thereof	5	2,351
Guillotine amputation of tip without loss of bone	2	1,176
B. TOES—		
Great toe—through metatarso-phalangeal joint	14	5,890
Part, with some loss of bone	3	1,564
1 other toe—through metatarso-phalangeal joint	3	1,564
Part, with some loss of bone	1	788
2 toes, excluding great toe—through metatarso-phalangeal joint	5	2,351
Part, with some loss of bone	2	1,176
3 toes, excluding great toe—through metatarso-phalangeal joint	6	2,751
Part, with some loss of bone	3	1,564
4 toes, excluding great toe—through metatarso-phalangeal joint	9	3,927
Part, with some loss of bone	3	1,564

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

<i>Groups 1–15</i>	<i>Estimated duration of the disablement within the degree referred to</i>								
	<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>
	326	731	1,279	657	1,457	2,552	1,970	4,377	7,660

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

<i>Description of Allowance</i>	<i>Rates</i>	
	<i>Groups 1–9</i>	<i>Groups 10–15</i>
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)	£4,884 per annum*	£93.60 per week*
(b) under article 14(1)(a)	£2,442 per annum*	£46.80 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);	£1,221 per annum	£23.40 per week
(b) the full day rate of constant attendance allowance under article 14(3);	£2,442 per annum	£46.80 per week
(c) the intermediate rate of constant attendance allowance under article 14(4);	£3,663 per annum	£70.20 per week
(d) the exceptional rate of constant attendance allowance under article 14(5).	£4,884 per annum	£93.60 per week
3. Exceptionally severe disablement allowance under article 15	£2,442 per annum	£46.80 per week
4. Severe disablement occupational allowance under article 16	£1,221 per annum	£23.40 per week
5. Allowance for wear and tear of clothing under article 17(1)	£160 per annum	£160 per annum
6. Unemployability allowances—		
(a) personal allowance under article 18(1)(a)	£3,994 per annum	£76.55 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)	£2,252 per annum*	£43.15 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	£522 per annum	£10.00 per week
(bb) in respect of each other child of a member	£613 per annum	£11.75 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	£613 per annum	£11.75 per week
For decisions made on or after 9th April 2001		
(c) the annual earnings figure for the purposes of article 18(2) is £3,510		
(d) the weekly income figure for the purposes of article 18(5)(b) is £54.65		
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	£791 per annum	£15.15 per week

(a) 1992 c. 4.

*maximum

<i>Description of Allowance</i>	<i>Rates</i>	
	<i>Groups 1–9</i>	<i>Groups 10–15</i>
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		
(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	£506 per annum	£9.70 per week
(c) if heads (a) and (b) do not apply and on the relevant date the member was under the age of 60	£253 per annum	£4.85 per week
8. Comforts Allowance		
(a) under article 20(1)(a)	£1,044 per annum	£20.00 per week
(b) under article 20(1)(b)	£522 per annum	£10.00 per week
9. Allowance for lowered standard of occupation under article 21	£2,438 per annum*	£46.72 per week*
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent.	£433 per annum	£8.30 per week
(b) over 50 per cent, but not exceeding 70 per cent.	£665 per annum	£12.75 per week
(c) over 70 per cent, but not exceeding 90 per cent.	£947 per annum	£18.15 per week
(d) over 90 per cent.	£1,330 per annum	£25.50 per week
11. For decisions made before 9th April 2001 Treatment allowance—increase of personal allowances under article 23(3)	£1,330 per annum*	£25.50 per week*
12. Part-time treatment allowance under article 25	£56.80 per day*	£56.80 per day*
13. Mobility supplement under article 26A	£2,327 per annum	£44.60 per week

*maximum

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

<i>Group</i>	<i>Yearly rate £</i>
1	5,659
2	5,457
3	5,329
4	5,214
5	5,134
6	5,060
7	5,034
8	4,996
9	4,977
10	4,957
11	4,926

Table 2

Article 29(1)(a)

WEEKLY RATE OF PENSION FOR WIDOWS AND WIDOWERS OF RATINGS, SOLDIERS OR AIRMEN

<i>Group (1)</i>	<i>Weekly rate (2) £</i>
12	93.85
13	
14	
15	
16	
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

<i>Group (1)</i>	<i>Yearly rate (2) £</i>
1	5,786
2	5,531
3	5,403
4	5,276
5	5,176
6	5,072
7	5,043
8	4,996
9	4,977
10	4,957
11	4,926

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

<i>Group (1)</i>	<i>Yearly rate (2) £</i>
1	5,659
2	5,457
3	5,329
4	5,214
5	5,134
6	5,060
7	5,034
8	1,735
9	1,547
10	1,361
11	1,204

Table 5

Article 29(1)(b)

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

<i>Group (1)</i>	<i>Weekly rate (2) £</i>
12 } 13 } 14 } 15 } 16 } 17 }	22.50

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

<i>Description of Pension or Allowance</i>	<i>Rates</i>	
	<i>Groups 1–11</i>	<i>Groups 12–17</i>
1. Pension under article 30 to unmarried dependant who lived as a spouse	£4,774 per annum*	£91.50 per week*
2. Rent allowance under article 31	£1,847 per annum*	£35.40 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	£561 per annum	£10.75 per week
(b) if aged 70 but under 80	£1,072 per annum	£20.55 per week
(c) if aged 80 or over	£1,594 per annum	£30.55 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	£772 per annum	£14.80 per week
(ii) in respect of each other child of a member	£861 per annum	£16.50 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	£861 per annum	£16.50 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	£877 per annum	£16.80 per week
(ii) in respect of each other child of a member	£963 per annum	£18.45 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	£963 per annum	£18.45 per week
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	£877 per annum	£16.80 per week
(b) in respect of each other child of a member	£963 per annum	£18.45 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	£963 per annum	£18.45 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	£3,765 per annum*	£72.15 per week*
7. Education allowance under article 38	£120 per annum*	£120 per annum*

*maximum

<i>Description of Pension or Allowance</i>	<i>Rates</i>	
	<i>Groups 1–11</i>	<i>Groups 12–17</i>
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

<i>Allowance/Pension</i>	<i>Date of Deduction</i>	<i>Weekly Rate of Deduction</i>
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) where that has been reached on or before 30th September 2003 and in any other case after 13 weeks of falling within article 56 paragraph (1)	(i) Where member has no partner, spouse or dependants—£29.45 (ii) Where member has partner, spouse or dependants—£15.50
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) where that has been reached on or before 30th September 2003 and in any other case after 13 weeks of falling within article 56 paragraph (1) (ii) After 104 weeks of falling within article 56 paragraph (1)	(i) £15.50 (ii) £29.45
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)	£29.45

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Naval, Military and Air Forces Etc. (Disablement and Death) 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.

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

Paragraphs 2 and 3 of Schedule 1 substitute Tables in Schedules 1 and 2 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.

Paragraph 4 of Schedule 1 amends Schedule 4 to the principal Order by substituting a new definition of “student” into the glossary of expressions.

Paragraph 5 of Schedule 1 amends Schedule 7 to the principal Order by substituting a new table, thereby varying the amounts to be deducted under Article 56. Unemployability allowance will be subject to deduction under article 56 on or after 1st October 2003 after a period of 13 weeks hospitalisation rather than 8 weeks.

This Order does not impose any costs on business.

2003 No. 434

PENSIONS

**The Naval, Military and Air Forces Etc. (Disablement and
Death) Service Pensions Amendment Order 2003**

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