

**2005 No. 851**

**PENSIONS**

**The Naval, Military and Air Forces Etc. (Disablement and Death)  
Service Pensions (Amendment) Order 2005**

*Made* - - - - - *22nd March 2005*

*Laid before Parliament* *23rd March 2005*

*Coming into force in accordance with article 1(1)*

At the Court at Buckingham Palace, the 22nd day of March 2005

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 2005 and shall come into force—

- (a) for the purposes of this article, article 2 and paragraphs 1 to 10 (inclusive) and 12, 13 and 16 of Schedule 1 to this Order, on 6th April 2005.
- (b) for the purposes of paragraphs 11, 14, 15 and 17 of Schedule 1 to this Order, on 11th April 2005.

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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, 2001/409, 2002/792, 2003/434 and 2004/708.

(b) 1977 c.5.

(c) 1865 c.73; section 3 was amended by the Armed Forces (Pensions and Compensation) Act 2004 (c. 32), section 4.

(d) 1884 c.55; parts of section 2(1) were repealed by the Statute Law Revision Act 1898 (c. 22) and by the Statute Law (Repeals) Act 1976 (c. 16).

(e) 1917 c.51.

(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.

*AK Galloway*  
Clerk of the Privy Council

## SCHEDULE 1

Article 2

### AMENDMENTS TO THE PRINCIPAL ORDER

#### **Amendment of article 3 (basic conditions of awards under this Order)**

1. In article 3 after the word “service” there shall be inserted the words “before 6th April 2005”.

#### **Amendment of article 3A (making of claims)**

2. Article 3A shall be amended as follows—

(1) in paragraph (1) after the words “Subject to” there shall be inserted “paragraph (4) and”; and

(2) after paragraph (3) there shall be inserted—

“(4) Subject to paragraph (5), where a claim for injury or death benefit made by or in respect of a member of the Armed Forces has been refused under the 2005 Order, the Secretary of State may treat the claim under that Order as a claim under this Order.

(5) Paragraph (4) shall not apply to a claim made under the 2005 Order during the claimant’s service.”.

#### **Amendment of article 4 (entitlement where a claim is made in respect of a disablement, or death occurs, not later than 7 years after the termination of service)**

3. Article 4 shall be amended as follows—

(1) in paragraph (1) for the word “Where” there shall be substituted “Except where paragraph (1A) applies, where”;

(2) after paragraph (1) there shall be inserted—

“(1A) Where a person is entitled to benefit under the 2005 Order in respect of an injury or death, no claim in respect of that injury or death shall be accepted as due to service for the purposes of this Order.”; and

(3) in paragraph (6) after the words “30th September 1921” there shall be inserted “but before 6th April 2005”.

**Amendment of article 5 (entitlement where a claim is made in respect of disablement, or death occurs, more than 7 years after the termination of service)**

4. Article 5 shall be amended as follows—

(1) in paragraph (1) for the word “Where” there shall be substituted “Except where paragraph (1A) applies, where”;

(2) in paragraph (1) after the words “30<sup>th</sup> September 1921” there shall be inserted “but before 6th April 2005”; and

(3) after paragraph (1) there shall be inserted—

“(1A) Where a person is entitled to benefit under the 2005 Order in respect of an injury or death, no claim in respect of that injury or death shall be accepted as due to service for the purposes of this Order.”.

**Amendment of article 8 (general conditions)**

5. In paragraph (1) of article 8 after the words “due to service” there shall be inserted the words “before 6th April 2005”.

**Amendment of article 9 (determination of degree of disablement)**

6. In paragraph (1) of article 9 after the words “30th September 1921” there shall be inserted the words “but before 6th April 2005”.

**Amendment of article 10 (pension for disablement)**

7. In article 10 after the words “30th September 1921” there shall be inserted the words “but before 6th April 2005”.

**Amendment of article 11 (gratuity for minor disablement)**

8. In paragraph (1) of article 11 after the words “30th September 1921” there shall be inserted the words “but before 6th April 2005”.

**Amendment of article 26 (medical expenses)**

9. In article 26 after the words “due to service” there shall be inserted the words “before 6th April 2005”.

**Amendment of article 27 (application of Part IV)**

10. In article 27(1) after the words “due to service” there shall be inserted the words “before 6th April 2005”.

**Amendment of article 29 (pensions to widows and widowers)**

11. In paragraph (1A) of article 29 for the amount “£62.68” substitute the amount “£64.62”.

**Amendment of article 42 (effects of marriage and living together)**

12. Article 42 shall be amended as follows—

(1) in paragraph (1) for the words “paragraph (2)” there shall be substituted the words “paragraphs (1B) and (2)”;

(2) after paragraph (1A) there shall be inserted—

“(1B) Any pension or allowance awarded under articles 29 to 32 (inclusive) to a person in respect of a member of the armed forces who died or whose service terminated on or before the

31st March 1973 shall not cease if that person marries or begins to live with another person as the spouse of that person on or after the 6th April 2005.”.

**Amendment of article 42A (funeral expenses)**

13. In paragraph (2)(a) after the words “due to service” there shall be inserted the words “before 6th April 2005”.

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

14. In Schedule 1—

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

**Amendment of Schedule 2 (death due to service in the armed forces)**

15. In Schedule 2—

- (1) for Tables 1, 2, 3, 4, and 5 of Part II there shall respectively be substituted the Tables set out in Schedule 5 to this order; and
- (2) for the Table in Part III there shall be substituted the Table set out in Schedule 6 to this Order.

**Amendment of Schedule 4 (glossary of expressions)**

16. Part I (warrants and orders) shall be amended as follows—

- (1) in the first column (“item”) after item 14 there shall be inserted “14A”; and
- (2) in the corresponding second column (“expression”) there shall be inserted “the 2005 Order”; and
- (3) in the corresponding third column (“meaning”) there shall be inserted “the Armed Forces and Reserve Forces Compensation Scheme Order 2005(a)”.

**Amendment of Schedule 7 (deductions for the purposes of article 56)**

17. In Schedule 7 there shall be substituted the Table set out in Schedule 7 to this Order

**SCHEDULE 2**

Schedule 1 paragraph 14(1)

**TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT 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

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(a) 2005/439.

<i>Degree of disability Per cent.</i>	<i>Weekly Rate £</i>	<i>Yearly Rate £</i>
100	131.30	6,851
90	118.17	6,166
80	105.04	5,481
70	91.91	4,796
60	78.78	4,111
50	65.65	3,426
40	52.52	2,740
30	39.39	2,055
20	26.26	1,370

### SCHEDULE 3

Schedule 1 paragraph 14(2)

## TABLES TO BE SUBSTITUTED FOR TABLES 1 AND 2 SET OUT AT PART III OF SCHEDULE 1

### “Table 1

Article 11(1)

### GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

<i>Description of Injury:</i>	<i>Assessments</i>	<i>Groups 1-15</i>
<i>For the loss of:</i>	<i>Per cent.</i>	<i>£</i>
<b>A. Fingers</b>		
Index Finger—		
more than two phalanges including loss of whole finger	14	6,243
more than one phalanx but not more than two phalanges	11	4,996
one phalanx or part thereof	9	4,162
guillotine amputation of tip without loss of bone	5	2,492
Middle finger—		
more than two phalanges including loss of whole finger	12	5,408
more than one phalanx but not more than two phalanges	9	4,162
one phalanx or part thereof	7	3,327
guillotine amputation of tip without loss of bone	4	2,081
Ring or little finger—		
more than two phalanges including loss of whole finger	7	3,327
more than one phalanx but not more than two phalanges	6	2,916
one phalanx or part thereof	5	2,492
guillotine amputation of tip without loss of bone	2	1,246
<b>B. Toes</b>		
Great toe—		

<i>Description of Injury:</i>	<i>Assessments</i>	<i>Groups 1-15</i>
<i>For the loss of:</i>	<i>Per cent.</i>	£
through metatarso-phalangeal joint; part, with some loss of bone	14 3	6,243 1,658
One other toe— through metatarso-phalangeal joint part, with some loss of bone	3 1	1,658 835
Two toes, excluding great toe— through metatarso-phalangeal joint part, with some loss of bone	5 2	2,492 1,246
Three toes, excluding great toe— through metatarso-phalangeal joint part, with some loss of bone	6 3	2,916 1,658
Four toes, excluding great toe— through metatarso-phalangeal joint part, with some loss of bone	9 3	4,162 1,658

**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>
	£	£	£	£	£	£	£	£	£
	345	774	1,356	696	1,544	2,704	2,088	4,640	8,118

SCHEDULE 4

Schedule 1 paragraph 14(3)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART IV OF SCHEDULE 1

**“Table**

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)	£5,176 per annum *	£99.20 per week *
b) under article 14(1)(a)	£2,588 per annum *	£49.60 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)	£1,294 per annum	£24.80 per week
b) the full day rate of constant attendance allowance under article 14(3)	£2,588 per annum	£49.60 per week
c) the intermediate rate of constant attendance allowance under article 14(4)	£3,882 per annum	£74.40 per week
d) the exceptional rate of constant attendance allowance under article 14(5)	£5,176 per annum	£99.20 per week
3. Exceptionally severe disablement allowance under article 15	£2,588 per annum	£49.60 per week
4. Severe disablement occupational allowance under article 16	£1,294 per annum	£24.80 per week
5. Allowance for wear and tear of clothing under article 17(1)	£169 per annum	£169 per annum
6. Unemployability allowances—		
a) personal allowance under article 18(1)(a)	£4,234 per annum	£81.15 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)	£2,385 per annum *	£45.70 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	£553 per annum	£10.60 per week
(bb) in respect of each other child of a member	£652 per annum	£12.50 per week
(cc) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 <sup>(a)</sup> , or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£652 per annum	£12.50 per week
c) the annual earnings figure for the purposes of article 18(2) is £3,744		
d) the weekly income figure for the purposes of article 18(5)(b) is £55.65		
7. Invalidity allowance under article 19		

<i>Description of Allowance</i>	<i>Rates</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
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.	£837 per annum	£16.05 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 in respect of which payment of the allowance is to relate begins on or after 6th April 1979.	£537 per annum	£10.30 per week
c) if heads (a) and (b) do not apply and on the relevant date the member was under the age of 60.	£269 per annum	£5.15 per week
8. Comforts allowance a) under article 20(1)(a) b) under article 20(1)(b)	£1,106 per annum £553 per annum	£21.20 per week £10.60 per week
9. Allowance for lowered standard of occupation under article 21	£2,584 per annum*	£49.52 per week*
10. Age allowance under article 22 where the degree of pensioned disablement is— a) 40 to 50 per cent. b) over 50 per cent., but not exceeding 70 per cent. c) over 70 per cent., but not exceeding 90 per cent. d) over 90 per cent.	£459 per annum £704 per annum £1,004 per annum £1,409 per annum	£8.80 per week £13.50 per week £19.25 per week £27.00 per week
11. Treatment allowance – increase of personal allowances under article 23(3)	£1,409 per annum*	£27.00 per week*
12. Part-time treatment allowance under article 25	£59.00 per day*	£59.00 per day*
13. Mobility supplement under article 26A	£2,466 per annum	£47.25 per week

\* maximum

<sup>(a)</sup> 1992 (c.4).”



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

**“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	5,997
2	5,784
3	5,648
4	5,526
5	5,442
6	5,363
7	5,335
8	5,295
9	5,275
10	5,254
11	5,221

**Table 2**

Article 29(1)(a)

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

<i>Group</i> (1)	<i>Weekly Rate</i> (2) £
12 }	
13 }	
14 }	99.50
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</i> (1)	<i>Yearly rate</i> (2) £
1	6,132
2	5,862
3	5,723
4	5,592
5	5,486
6	5,376
7	5,345
8	5,295
9	5,275
10	5,254
11	5,221

**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</i> (1)	<i>Yearly rate</i> (2) £
1	5,997
2	5,784
3	5,648
4	5,526
5	5,442
6	5,363
7	5,335
8	1,839
9	1,639
10	1,442
11	1,276

**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</i> (1)	<i>Weekly rate</i> (2) £
12 }	
13 }	
14 }	23.85
15 }	
16 }	
17 }	”

## SCHEDULE 6

Schedule 1 paragraph 15(2)

## TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART III OF SCHEDULE 2

**“Table**

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	£5,069 per annum*	£97.15 per week*
2. Rent allowance under article 31	£1,959 per annum*	£37.55 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	£595 per annum	£11.40 per week
b) if aged 70 but under 80	£1,138 per annum	£21.80 per week
c) if aged 80 or over	£1,688 per annum	£32.35 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	£817 per annum	£15.65 per week
(ii) in respect of each other child of a member	£913 per annum	£17.50 per week
(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 <sup>(a)</sup> , or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£913 per annum	£17.50 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	£929 per annum	£17.80 per week
(ii) in respect of each other child of a member	£1,020 per annum	£19.55 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	£1,202 per annum	£19.55 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	£929 per annum	£17.80 per week
b) in respect of each other child of a member	£1,020 per annum	£19.55 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	£1,020 per annum	£19.55 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	£3,989 per annum*	£76.45 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*	

<sup>(a)</sup> 1992 (c.4).

\* maximum”

## SCHEDULE 7

Schedule 1 paragraph 17

### TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT SCHEDULE 7

**“Table**

Article 56

DEDUCTIONS FOR THE PURPOSES OF ARTICLE 56

<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

<i>Allowance/Pension</i>	<i>Date of Deduction</i>	<i>Weekly Rate of Deduction</i>
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 after 13 weeks of falling within article 56 paragraph (1) where that has been reached on or after 1st October 2003 and on or before 11th April 2004 and in any other case after 52 weeks of falling within article 56 paragraph (1)	(i) Where member has no partner, spouse or dependants - £31.20  (ii) Where member has partner, spouse or dependants - £16.40
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 after 13 weeks of falling within article 56 paragraph (1) where that has been reached on or after 1st October 2003 and on or before 11th April 2004 and in any other case after 52 weeks of falling within article 56 paragraph (1)	(i) £16.40
	(ii) After 104 weeks of falling within article 56 paragraph (1)	(ii) £31.20
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)	£31.20”

#### **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 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 amends Article 3 of the principal Order to restrict awards under the principal Order to circumstances where a death or disablement is due to service before 6th April 2005. Paragraphs 3(3), 4(2) 5, 6, 7, 8 and 10 further amend the principal Order to provide that only service before 6th April 2005 will be relevant for decisions on eligibility for pensions for disablement or death,

assessment of disablement or rate of pension or gratuity. Paragraphs 9 and 13 provide that only service before 6th April will be relevant for the purpose of decisions on defraying medical or funeral expenses.

Paragraph 16 of Schedule 1 inserts a reference to “the 2005 Order” (the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005) into the Glossary of Expressions. Paragraph 2 amends Article 3A to provide that claims under the 2005 Order (other than those made whilst the claimant is in service), that have been refused under the 2005 Order, may be treated as claims under the principal Order. Paragraphs 3(1) and (2) and 4(1) and (3) of Schedule 1 amend the principal Order to provide that where eligibility for benefit for an injury or illness has been determined under the 2005 Order, there can be no eligibility for that same injury or illness under the principal Order.

Paragraph 12 of Schedule 1 amends Article 42 of the principal Order by providing that awards under Articles 29 to 32 (inclusive) of the principal Order to widows, widowers or unmarried dependants living as spouses of former members who died or whose service terminated on or before the 31st March 1973 shall not cease in the event of the widow, widower or unmarried dependant living as a spouse marrying or living with another person as the spouse of that person, provided that such marriage or living with another commences on or after the 6th April 2005.

Paragraph 11 of Schedule 1 increases the amount of a widow’s or widower’s pension payable under article 29 of the principal Order.

Paragraphs 14 and 15 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 17 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.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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**PENSIONS**

**The Naval, Military and Air Forces Etc. (Disablement and Death)  
Service Pensions (Amendment) Order 2005**

**£3.00**

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