

SCHEDULE 1

Article 3(1)

DISABLEMENT DUE TO SERVICE IN THE ARMED FORCES

**PART I**

**GROUPING OF MEMBERS OF THE ARMED FORCES ACCORDING TO RANK OR STATUS**

1. In this Schedule—
  - (a) references to a Group shall be construed as references to those members of the armed forces who hold the rank or status listed under that Group; and
  - (b) the amount of any award in respect of that Group is that amount shown in the following Parts of this Schedule against that Group.
2. The Groups referred to in the foregoing paragraph comprise:—

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**GROUP 1:—**

<i>Royal Navy</i>	Rear-Admiral
<i>Royal Marines</i>	Major-General
<i>Army</i>	Major-General Chief Controller
<i>RAF</i>	Air Vice-Marshal

**GROUP 2:—**

<i>Army</i>	Brigadier-General
<i>RAF</i>	Air Commodore disabled as a result of service during the 1914 World War

**GROUP 3:—**

<i>Navy</i>	Commodore 1 <sup>st</sup> or 2 <sup>nd</sup> Class Captain with 6 or more years seniority whose service terminated on or after 1st April 1970.
<i>Royal Marines</i>	Colonel-Commandant Colonel whose service terminated on or after 1st April 1970.
<i>WRNS</i>	Commandant Member with status of Commodore
<i>Army</i>	Brigadier Senior Controller Member with status of Brigadier
<i>RAF</i>	Air Commodore Air Commandant Member with status of Air Commodore

**GROUP 4:—**

<i>Navy</i>	Captain of less than 6 years seniority or whose service terminated before 1st April 1970.
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**Status:** Point in time view as at 13/03/2014.

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<i>Royal Marines</i>	Colonel 2 <sup>nd</sup> Commandant Colonel whose service terminated before 1st April 1970 Lieutenant-Colonel and corresponding ranks, Temporary Marine Officer relinquishing commission etc. prior to 1st April 1919 to be included in Group 5
<i>WRNS</i>	Superintendent Member with status of Captain RN
<i>Army</i>	Colonel Controller Member with status of Colonel
<i>RAF</i>	Group Captain Group Officer Member with status of Group Captain
<b>GROUP 5:—</b>	
<i>Navy</i>	Commander
<i>Royal Marines</i>	Major and corresponding ranks, Temporary Marine Officer relinquishing commission etc. prior to 1st April 1919 to be included in Group 6
<i>WRNS</i>	Chief Officer Member with status of Commander RN
<i>Army</i>	Lieutenant-Colonel Chief Commander Member with status of Lieutenant-Colonel
<i>RAF</i>	Wing Commander Wing Officer Member with status of Wing Commander
<b>GROUP 6:—</b>	
<i>Navy</i>	Lieutenant-Commander
<i>Royal Marines</i>	Captain and corresponding ranks, Temporary Marine Officer relinquishing commission etc. prior to 1st April 1919, to be included in Group 7
<i>WRNS</i>	First Officer Member with status of Lieutenant-Commander RN
<i>Army</i>	Major Senior Commander Member with status of Major
<i>RAF</i>	Squadron Leader Squadron Officer Member with status of Squadron Leader

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**GROUP 7:—**

<i>Navy</i>	Lieutenant
<i>Royal Marines</i>	Lieutenant with 4 years commissioned service or over
<i>WRNS</i>	Second Officer Member with status of Lieutenant RN
<i>Army</i>	Captain Junior Commander Member with status of Captain
<i>RAF</i>	Flight Lieutenant Flight Officer Member with status of Flight Lieutenant

**GROUP 8:—**

<i>Navy</i>	Sub-Lieutenant Acting Sub-Lieutenant Senior Commissioned Officer (Branch List) Commissioned Officer from Warrant Rank >Midshipman (A) Midshipman or Cadet where service terminated on or after 1st January 1957
<i>Royal Marines</i>	Lieutenant with under 4 years commissioned service 2 <sup>nd</sup> Lieutenant Senior Commissioned Officer (Branch List) Commissioned Officer from Warrant Rank and corresponding ranks
<i>WRNS</i>	Third Officer Woman member with status below Lieutenant RN
<i>Army</i>	Lieutenant (Quartermasters, Assistant Pay Masters and Inspectors of Army Stores) Second Lieutenant Subaltern Second Subaltern Member with status below Captain
<i>RAF</i>	Flying Officer Pilot Officer Acting Pilot Officer Section Officer Assistant Section Officer Member with status below Flight Lieutenant

**GROUP 9:—**

<i>Navy</i>	Commissioned Officer (Branch List) Warrant Officer Midshipman
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	Cadet after completion of shore training where, in the case of any of these ranks, service terminated before 1st January 1957. Naval Cadet (Serving with the Fleet)
<i>Royal Marines</i>	Commissioned Officer (Branch List) Warrant Officer and corresponding ranks
<b>GROUP 10:–</b>	
<i>Navy</i>	Fleet Chief Petty Officer Fleet Chief Wren Member of a Voluntary Aid Detachment serving as an uncertificated Nurse Grade 1
<i>Royal Marines</i>	Regimental Sergeant-Major
<i>Army</i>	Warrant Officer Class 1
<i>RAF</i>	Warrant Officer Airman Class A Member of a Voluntary Aid Detachment serving as an uncertificated Nurse Grade 1
<b>GROUP 11:–</b>	
<i>Royal Marines</i>	Quartermaster Sergeant
<i>Army</i>	Warrant Officer Class II Non-Commissioned Officer Class I
<i>RAF</i>	Warrant Officer 2 <sup>nd</sup> Class Airman Class B
<b>GROUP 12:–</b>	
<i>Navy</i>	Chief Petty Officer Chief Wren
<i>Royal Marines</i>	Colour Sergeant
<i>Army</i>	Staff Sergeant Non-Commissioned Officer Class II
<i>RAF</i>	Flight Sergeant Airman Class C
<b>GROUP 13:–</b>	
<i>Navy</i>	Petty Officer Petty Officer Wren
<i>Royal Marines</i>	Sergeant
<i>Army</i>	Sergeant Non-Commissioned Officer Class III
<i>RAF</i>	Sergeant Airman Class D
<b>GROUP 14:–</b>	
<i>Navy</i>	Leading Rating Leading Wren
<i>Royal Marines</i>	Corporal

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<i>Army</i>	Corporal Non-Commissioned Officer Class IV
<i>RAF</i>	Corporal Airman Class E
<b>GROUP 15:--</b>	
<i>Navy</i>	A B Rating Ordinary Rating Boy Wren
<i>Royal Marines</i>	Marine
<i>Army</i>	Private etc. Class V
<i>RAF</i>	Senior Aircraftman Leading Aircraftman Aircraftsman Airman Class F Senior Aircraftwoman Leading Aircraftwoman Aircraftwoman

## PART II

### RATES OF RETIRED PAY, PENSIONS, GRATUITIES AND ALLOWANCES

#### [<sup>M1</sup>1. WEEKLY RATES OF PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 10-15 OF PART 1 OF THIS SCHEDULE

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

#### Marginal Citations

**M1** Sch. 1 Pt. 2 Table substituted (8.4.2013) by The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2013 (S.I. 2013/241), arts. 1, 5(a), **Sch. 1**

<i>Degree of Disablement Per Cent</i>	<i>Weekly Rate £</i>	<i>Yearly Rate £</i>
100	171.50	8,949
90	154.35	8,054
80	137.20	7,159
70	120.05	6,264
60	102.90	5,369
50	85.75	4,474
40	68.60	3,580

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30	51.45	2,685
20	34.30	1,790]

### PART III

#### GRATUITIES PAYABLE FOR MINOR INJURIES

<sup>M2</sup>Table 1 GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

<i>Description of Injury</i> <i>For the loss of:</i>	<i>Assessments</i> <i>Per cent</i>	<i>Groups 1-15</i> <i>£</i>
A. FINGERS		
Index finger—		
More than 2 phalanges including the loss of whole finger	14	8,154
More than 1 phalanx but not more than 2 phalanges	11	6,524
1 phalanx or part thereof	9	5,435
Guillotine amputation of tip without loss of bone	5	3,253
Middle finger—		
More than 2 phalanges including loss of whole finger	12	7,063
More than 1 phalanx but not more than 2 phalanges	9	5,435
1 phalanx or part thereof	7	4,346
Guillotine amputation of tip without loss of bone	4	2,716
Ring or little finger—		
More than 2 phalanges including loss of whole finger	7	4,346
More than 1 phalanx but not more than 2 phalanges	6	3,809
1 phalanx or part thereof	5	3,253
Guillotine amputation of tip without loss of bone	2	1,629
B. TOES		
Great toe—		
Through metatarso-phalangeal joint	14	8,154
Part, with some loss of bone	3	2,167
1 other toe—		
Through metatarso-phalangeal joint	3	2,167
Part, with some loss of bone	1	1,093
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	3,253
Part, with some loss of bone	2	1,629
3 toes, excluding great toe—		

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Through metatarso-phalangeal joint	6	3,809
Part, with some loss of bone	3	2,167
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	5,435
Part, with some loss of bone	3	2,167

#### Marginal Citations

**M2** Sch. 1 Pt. 2 Tables 1, 2 substituted (8.4.2013) by The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2013 (S.I. 2013/241), arts. 1, 5(b), Sch. 2

**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>Assessment of degree of disablement</i>			
Groups 1-15	1 to 5 per cent	6 to 14 per cent	15 to 19 per cent
	£2,726	£6,061	£10,601.]

## PART IV U.K.

### [<sup>F1</sup>RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT AND EARNINGS OR INCOME THRESHOLDS

#### Textual Amendments

**F1** Sch. 1 Pt. 4 Table substituted (8.4.2013) by The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2013 (S.I. 2013/241), arts. 1, 5(c), Sch. 3

#### Table

<i>Description of Allowance</i>	<i>Rate Groups 1-9</i>	<i>Groups 10-15</i>
1. Constant attendance allowance under article 8—		
(a) under article 8—		
(i) the part day rate of constant attendance allowance under article 8(2)	£1,688 per annum	£32.35 per week
(ii) the full day rate of constant attendance allowance under article 8(3)	£3,376 per annum	£64.70 per week
(iii) the intermediate rate of constant attendance allowance under article 8(4)	£5,064 per annum	£97.05 per week
(iv) the exceptional rate of constant attendance allowance under article 8(5)	£6,752 per annum	£129.40 per week
(b) under article 71(4)—		

\* maximum.]

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(i) the rate under paragraph 4(a)	£3,376 per annum*	£64.70 per week*
(ii) the rate under paragraph 4(b)	£6,752 per annum*	£129.40 per week*
2. Exceptionally severe disablement allowance under article 9	£3,376 per annum	£64.70 per week
3. Severe disablement occupational allowance under article 10	£1,688 per annum	£32.35 per week
4. Allowance for wear and tear of clothing under article 11	£221 per annum	£221 per annum
5. Unemployability allowances—		
(a) personal allowance under article 12(1)(a)	£5,528 per annum	£105.95 per week
(b) additional allowances for dependants by way of—		
(i) increase of allowances in respect of a spouse, civil partner, adult dependant, dependant living as a spouse or dependant living as a civil partner under article 12(6)(a)	£3,071 per annum*	£58.85 per week*
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or eldest child of a member	£715 per annum	£13.70 per week
(bb) in respect of each other child of a member	£840 per annum	£16.10 per week
(cc) 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	£840 per annum	£16.10 per week
For decisions made on or after 9th April 2001		
(c) the annual earnings figure for the purposes of article 12(4) is £5,174		
(d) the weekly income figure for the purposes of article 12(6)(a)(i) is £71.00		
6. Invalidity allowance under article 13—		
(a) if—		
(i) the relevant date fell before 5th July 1948;		
(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 a member being a	£1,096 per annum	£21.00 per week

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man, or 60, in the case of that person 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 head (a) does not apply and—		
(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 a member being a man, or 60, in the case of that person 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	£710 per annum	£13.60 per week
(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	£355 per annum	£6.80 per week
7. Comforts allowance—		
(a) under article 14(1)(a)	£1,451 per annum	£27.80 per week
(b) under article 14(1)(b)	£725 per annum	£13.90 per week
8. Allowance for lowered standard of occupation under article 15	£3,373 per annum*	£64.64 per week*
9. Age allowance under article 16 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent	£600 per annum	£11.50 per week
(b) over 50 per cent, but not exceeding 70 per cent	£921 per annum	£17.65 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,310 per annum	£25.10 per week
(d) over 90 per cent	£1,842 per annum	£35.30 per week
10. Part-time treatment allowance under article 19	£78.70 per day*	£78.70 per day*
11. Mobility supplement under article 20	£3,222 per annum	£61.75 per week

\* maximum.]

## PART V

### ASSESSMENT OF DISABLEMENT CAUSED BY SPECIFIED INJURIES AND OF CERTAIN OTHER DISABLEMENTS

<i>Description of Injury</i>	<i>Assessment</i>
<i>Amputation Cases – Upper Limbs</i>	<i>per cent</i>

Note:— Where the scheduled assessment for a specified injury involving multiple losses differs from the sum of the assessments for the separate injuries, the former is the appropriate assessment.

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Loss of both hands or amputation at higher sites	100
Forequarter amputation	100
Amputation through shoulder joint	90
Amputation below shoulder with stump less than 20.5 centimetres from tip of acromion	80
Amputation from 20.5 centimetres from tip of acromion to less than 11.5 centimetres below tip of olecranon	70
Amputation from 11.5 centimetres below tip of olecranon	60
Loss of thumb	30
Loss of thumb and its metacarpal bone	40
Loss of 4 fingers	50
Loss of 3 fingers	30
Loss of 2 fingers	20
Loss of terminal phalanx of thumb	20
<i>Amputation Cases – Lower Limbs</i>	<i>per cent</i>
Double amputation through thigh, or through thigh on one side and loss of other foot, or double amputation below thigh to 13 centimetres below knee	100
Double amputation through leg lower than 13 centimetres below knee	100
Amputation of one leg lower than 13 centimetres below knee and loss of other foot	100
Amputation of both feet resulting in end-bearing stumps	90
Amputation through both feet proximal to the metatarso-phalangeal joint	80
Loss of all toes of both feet through the metatarso-phalangeal joint	40
Loss of all toes of both feet proximal interphalangeal joint	30
Loss of all toes of both feet distal to the proximal interphalangeal joint	20
Hindquarter amputation	100
Amputation through hip joint	90

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Note:– Where the scheduled assessment for a specified injury involving multiple losses differs from the sum of the assessments for the separate injuries, the former is the appropriate assessment.

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Amputation below hip with stump not exceeding 13 centimetres in length measured from tip of great trochanter	80
Amputation below hip and above knee with stump exceeding 13 centimetres in length measured from tip of great trochanter, or at knee not resulting in end-bearing stump	70
Amputation at knee resulting in end-bearing stump, or below knee with stump not exceeding 9 centimetres	60
Amputation below knee with stump exceeding 9 centimetres but not exceeding 13 centimetres	50
Amputation below knee with stump exceeding 13 centimetres	40
Amputation of one foot resulting in end-bearing stump	30
Amputation through one foot proximal to the metatarso-phalangeal joint	30
Loss of all toes of one foot proximal to the proximal interphalangeal joint, including amputations through the metatarso-phalangeal joint.	20
<i>Other Specific Injuries</i>	<i>per cent</i>
Loss of a hand and a foot	100
Loss of one eye, without complications, the other being normal	40
Loss of vision of one eye, without complications or disfigurement of the eyeball, the other being normal	30
Loss of sight	100
<i>Other Disablements</i>	<i>per cent</i>
Very severe facial disfigurement	100
Absolute deafness	100
[ <sup>F2</sup> Mesothelioma	100]

Note:– Where the scheduled assessment for a specified injury involving multiple losses differs from the sum of the assessments for the separate injuries, the former is the appropriate assessment.

### Textual Amendments

**F2** Words in Sch. 1 Pt. 4 Table inserted (6.4.2009) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2009 \(S.I. 2009/706\)](#), arts. 1(1), **15(d)** (with art. 18)

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## PART VI

### ASSESSMENT OF DISABLEMENT IN RESPECT OF NOISE INDUCED SENSORINEURAL HEARING LOSS

<i>Average of hearing losses (db) at 1,2and 3 kHz frequencies</i>	<i>Degree of Disablement per cent</i>
50 – 53 dB	20
54 – 60 dB	30
61 – 66 dB	40
67 – 72 dB	50
73 – 79 dB	60
80 – 86 dB	70
87 – 95 dB	80
96 – 105 dB	90
106 dB or more	100

#### SCHEDULE 2

Article 3(1)

#### DEATH DUE TO SERVICE IN THE ARMED FORCES

### PART I

#### GROUPING OF MEMBERS OF THE ARMED FORCES ACCORDING TO RANK OR STATUS

1. In this Schedule—
  - (a) references to a Group shall be construed as references to those members of the armed forces who held the rank or status listed under that Group; and
  - (b) the amount of any award in respect of that Group is the amount shown in the following Parts of this Schedule against that Group.
2. The Groups referred to in the foregoing paragraph comprise:—

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#### **GROUP 1:—**

<i>Royal Navy</i>	Admiral of the Fleet
<i>Army</i>	Field Marshal
<i>Royal Air Force</i>	Marshal of the Royal Air Force

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#### **GROUP 2:—**

<i>Royal Navy</i>	Admiral
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<i>Royal Marines</i>	General
<i>Army</i>	General
<i>Royal Air Force</i>	Air Chief Marshal
<b>GROUP 3—</b>	
<i>Royal Navy</i>	Vice-Admiral
<i>Royal Marines</i>	Lieutenant-General
<i>Army</i>	Lieutenant-General
<i>Royal Air Force</i>	Air Marshal
<b>GROUP 4—</b>	
<i>Royal Navy</i>	Rear-Admiral
<i>Royal Marines</i>	Major-General
<i>Army</i>	Major-General
<i>Royal Air Force</i>	Air Vice-Marshal
<b>GROUP 5:—</b>	
<i>Royal Navy</i>	Commodore Commodore 1 <sup>st</sup> or 2 <sup>nd</sup> Class Captain with 6 or more years seniority whose service terminated on or after 1st April 1970
<i>Royal Marines</i>	Brigadier-General Colonel-Commandant Colonel whose service terminated on or after 1st April 1970
<i>Army</i>	Brigadier-General Brigadier
<i>Royal Air Force</i>	Air Commodore
<b>GROUP 6—</b>	
<i>Royal Navy</i>	Captain where death is due to service in the Navy during the 1914 World War Captain of less than 6 years seniority or whose service terminated before 1st April 1970
<i>Royal Marines</i>	Colonel: where death is due to service in the Army during the 1914 World War, Colonel means a Colonel who has been employed as a substantive Colonel if a combat officer, or in the rank of Colonel if a medical, veterinary or departmental officer Colonel 2 <sup>nd</sup> Commandant

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	Colonel whose service terminated before 1st April 1970
	Lieutenant-Colonel
<i>Army</i>	Colonel: where death is due to service in the Army during the 1914 World War, Colonel means a Colonel who has been employed as a substantive Colonel if a combat officer, or in the rank of Colonel if a medical, veterinary or departmental officer
<i>Royal Air Force</i>	Group Captain

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**GROUP 7:—**

<i>Royal Navy</i>	Commander
<i>Royal Marines</i>	Major
<i>Army</i>	Lieutenant-Colonel including a Colonel not employed as such where death is due to service in the Army during the 1914 World War
<i>Royal Air Force</i>	Wing Commander

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**GROUP 8:—**

<i>Royal Navy</i>	Lieutenant-Commander
<i>Royal Marines</i>	Captain
<i>Army</i>	Major
<i>Royal Air Force</i>	Squadron Leader

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**GROUP 9:—**

<i>Royal Navy</i>	Lieutenant
<i>Royal Marines</i>	Lieutenant with 4 years commissioned service or over
<i>Army</i>	Captain
<i>Royal Air Force</i>	Flight Lieutenant

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**GROUP 10:—**

<i>Royal Navy</i>	Sub-Lieutenant Acting Sub-Lieutenant Senior Commissioned Officer (Branch List) Commissioned Officer from Warrant rank Midshipman (A) and, where service terminated on or after 1st January 1957, Midshipman or Cadet
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<i>Royal Marines</i>	Lieutenant with less than 4 years commissioned service 2 <sup>nd</sup> Lieutenant Senior Commissioned Officer (Branch List) Commissioned Officer from Warrant rank Quartermaster
<i>Army</i>	Lieutenant and where death is due to service in the Army during the 1914 World War, Quartermasters, Assistant Paymasters and Inspectors of Army Schools, not holding permanent commissions in the Regular Forces may be treated as Lieutenants 2 <sup>nd</sup> Lieutenant
<i>Royal Air Force</i>	Flying (or Observer) Officer Pilot Officer Acting Pilot Officer

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**GROUP 11:—**

<i>Royal Navy</i>	Commissioned Officer (Branch List) Midshipman Cadet where in the case of any of these ranks, service terminated before 1st January 1957 Warrant Officer
<i>Royal Marines</i>	Commissioned Officer (Branch List) Warrant Officer

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**GROUP 12:—**

<i>Royal Navy</i>	Fleet Chief Petty Officer
<i>Royal Marines</i>	Regimental Sergeant-Major Marine Warrant Officer, Class 1
<i>Army</i>	Warrant Officer Class II
<i>Royal Air Force</i>	Warrant Officer Airman Class A

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**GROUP 13:—**

<i>Royal Marines</i>	Quartermaster Sergeant Marine Warrant Officer, Class II Warrant Officer Class II
<i>Army</i>	Non-Commissioned Officer Class I
<i>Royal Air Force</i>	Warrant Officer 2nd Class Airman Class B

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**GROUP 14:—**

**Status:** Point in time view as at 13/03/2014.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<i>Royal Navy</i>	Chief Petty Officer
<i>Royal Marines</i>	Colour Sergeant Staff Sergeant
<i>Army</i>	Staff Sergeant Non-Commissioned Officer Class II
<i>Royal Air Force</i>	Flight Sergeant Airman Class C
<hr/>	
<b>GROUP 15:—</b>	
<i>Royal Navy</i>	Petty Officer First Class Petty Officer (OS) Petty Officer (NS)
<i>Royal Marines</i>	Sergeant
<i>Army</i>	Sergeant Non-Commissioned Officer Class III
<i>Royal Air Force</i>	Sergeant Airman Class D
<hr/>	
<b>GROUP 16:—</b>	
<i>Royal Navy</i>	Second Class Petty Officer Leading Rating
<i>Royal Marines</i>	Corporal
<i>Army</i>	Corporal Non-Commissioned Officer Class IV
<i>Royal Air Force</i>	Corporal Airman Class E
<hr/>	
<b>GROUP 17:—</b>	
<i>Royal Navy</i>	AB Rating Ordinary Rating
<i>Royal Marines</i>	Marine
<i>Army</i>	Private, etc. Class V
<i>Royal Air Force</i>	Senior Aircraftman Leading Aircraftman Aircraftman Airman Class F
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## PART II

### RATES OF PENSIONS AND ALLOWANCES

<sup>F3</sup>**Table 1** YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS 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 (1)</i>	<i>Yearly Rate (2) £</i>
1	7,833
2	7,554
3	7,375
4	7,215
5	7149
6	7,004
7	6,967
8	6,915
9	6,889
10	6,861
11	6,820

#### Textual Amendments

**F3** Sch. 2 Pt. 2 Tables 1-7 substituted (8.4.2013) by The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2013 (S.I. 2013/241), arts. 1, 6(a), **Sch. 4**

**Table 2** WEEKLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS OR AIRMEN

<i>Group (1)</i>	<i>Weekly Rate (2) £</i>
12)	130.05
13)	
14)	
15)	
16)	
17)	

**Table 3** YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES BEFORE 14 AUGUST 1914 OR AFTER 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	8,008
2	7,655
3	7,480
4	7,302
5	7,165
6	7,021

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7	6,980
8	6,915
9	6,889
10	6,861
11	6,820

**Table 4** YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER 1921

<b>Group (1)</b>	<b>Yearly Rate (2) £</b>
1	7,833
2	7,554
3	7,375
4	7,215
5	7,149
6	7,004
7	6,967
8	2,402
9	2,142
10	1,884
11	1,667

**Table 5** WEEKLY RATES OF PENSION FOR CHILDLESS SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS AGED UNDER 40 BEING SURVIVING SPOUSES OR SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS OR AIRMEN

<b>Group (1)</b>	<b>Weekly Rate (2) £</b>
12)	31.15
13)	
14)	
15)	
16)	
17)	

**Table 6** YEARLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES AND WHOSE SERVICE TERMINATED ON OR BEFORE 31 MARCH 1973

<b>Group (1)</b>	<b>Yearly Rate (2) £</b>
(1-11)	4,539.14

**Table 7** WEEKLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS AND AIRMEN WHO WERE MEMBERS OF THE ARMED FORCES AND WHOSE SERVICE TERMINATED ON OR BEFORE 31 MARCH 1973

<b>Group (1)</b>	<b>Weekly Rate (2) £</b>
(12-17)	86.99]

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## PART III

### [<sup>F4</sup>RATES OF PENSIONS, OTHER THAN SURVIVING SPOUSES' AND SURVIVING CIVIL PARTNERS' PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

#### Textual Amendments

**F4** Sch. 2 Pt. 3 Table substituted (8.4.2013) by The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2013 (S.I. 2013/241), arts. 1, 6(b), **Sch. 5**

#### Table

<i>Description of Pension or Allowance</i>	<i>Rates Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 24 to dependant who lived as a spouse or dependant who lived as a civil partner	£6,663 per annum*	£127.70 per week*
2. Rent allowance under article 25	£2,557 per annum*	£49.00 per week*
3. Elderly persons allowance under article 26—		
(a) if aged 65 or over but under 70	£772 per annum	£14.80 per week
(b) if aged 70 or over but under 80	£1,487 per annum	£28.50 per week
(c) if aged 80 or over	£2,205 per annum	£42.25 per week
4. Allowances in respect of children—		
(a) under article 28(2)(a)—		
(i) in respect of the only, elder or eldest child of a member	£1,064 per annum	£20.40 per week
(ii) in respect of each other child of a member	£1,192 per annum	£22.85 per week
(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£1,192 per annum	£22.85 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,216 per annum	£23.30 per week
(ii) in respect of each other child of a member	£1,333 per annum	£25.55 per week
(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£1,333 per annum	£25.55 per week

\* maximum.]

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5. Pension under article 29 to a child of a member who has no parent living and has not attained the child's age limit—		
(a) in respect of the only, elder or eldest child of a member	£1,216 per annum	£23.30 per week
(b) in respect of each other child of a member	£1,333 per annum	£25.55 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£1,333 per annum	£25.55 per week
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit	£5,213 per annum*	£99.90 per week*

\* maximum.]

### SCHEDULE 3

Article 46

#### COMMENCING DATES OF AWARDS

1.—(1) Subject to the following provisions of this Schedule, an award or an adjustment of an award shall have effect from such date as may be specified in the award, being a date not earlier than the date specified in subparagraph (2) which is relevant in the claimant's case.

(2) The date specified in this subparagraph is whichever date is the latest in time of the date—

- (a) following the date of termination of service or, in a case under [<sup>F5</sup>Part III], following the date of death of the member;
- (b) of the claim;
- (c) of the last application for review; or

(3) Where in a case to which subparagraph (1) applies, the claimant satisfies the requirements of subparagraph (4) the award shall have effect from the date the subparagraph is satisfied.

(4) This paragraph is satisfied where the date of claim or application for review is made within 3 months of—

- (a) the date of termination of service, or the date of death where an award is made in respect of a member's death; or
- (b) except where paragraph (a) applies, the date of notification of a decision on the claim or review.

(5) Where the requirements of subparagraph (4) are satisfied on more than one occasion and the occasions on which they are satisfied are consecutive, subparagraph (3) shall apply as from the first occasion on which subparagraph (4) is satisfied.

(6) Subject to subparagraphs (7), (8) and (9), where an award is adjusted upon review instigated by the Secretary of State, the adjustment shall take effect from the date of the review.

(7) Where an award is reviewed as a result of a decision (“the original decision”) which arose from an official error, the reviewed decision shall take effect from the date of the original decision and for this purpose “official error” means an error made by Secretary of State or any officer of his carrying out functions in connection with war pensions, defence, or foreign and commonwealth

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affairs, to which no other person materially contributed, including reliance on erroneous medical advice but excluding any error of law which is only shown to have been an error by virtue of a subsequent decision of a court.

(8) Where an award is suspended pursuant to Article 65(3) but, on one of the conditions specified in article 65(5) being satisfied, the Secretary of State reviews the award, [<sup>F6</sup>the Secretary of State shall adjust the award in accordance with subparagraph 6 and shall make a backdating payment in respect of the award, which payment shall]—

- (a) apply in respect of the period between the date on which the suspension took effect and the date of the review, and
- (b) be calculated by reference to the rate at which the award was in payment prior to its suspension.

(9) Where, a pensioner's award has been cancelled (pursuant to Article 66(1) but, following submission of a further claim (in accordance with Article 66(2) the Secretary of State has made a further award in the pensioner's favour, such award shall take effect and payment shall be made—

- (a) from the date on which the suspension took effect,
- (b) at such rate as the Secretary of State determines to be appropriate when making the further award.

(10) For the purposes of this paragraph, a claim shall be treated as made for a pension or allowance for which a claim is not required by virtue of article 35 on the date on which the relevant conditions of entitlement to the pension or allowance first became satisfied.

#### Textual Amendments

- F5** Words in Sch. 3 para. 1(2)(a) substituted (7.4.2008 with application in accordance with art. 2(3) of the amending S.I.) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2008 \(S.I. 2008/679\)](#), art. 2(1)(2)(a), **Sch. 1 para. 9(a)**
- F6** Words in Sch. 3 para. 1(8) substituted (21.6.2006) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) \(No. 2\) Order 2006 \(S.I. 2006/1455\)](#), arts. 1(3), 5

2.—(1) In a case to which section 168 of the Pension Act 1995 <sup>M3</sup> (war pensions for widows: effect of remarriage) or article 33(2) applies, for paragraph 1(4)(a) of this Schedule substitute “the date of termination of a marriage or civil partnership, the date of judicial separation of the parties to a marriage, the date of a separation order relating to a civil partnership or the date the claimant ceased to live with another as a spouse or as a civil partner”.

(2) In this paragraph—

- (a) in relation to marriage “termination of marriage” and “judicial separation” have the meanings they bear in section 168 of the Pension Act 1995;
- (b) in relation to civil partners—
  - (i) the reference to the termination of a civil partnership is to the termination of a partnership by death, dissolution or annulment, and
  - (ii) the reference to a separation order includes any legal separation obtained in a country or territory outside the British Islands and recognised in the United Kingdom

and for those purposes a dissolution, annulment or legal separation obtained in a country or territory outside the British Islands must, if the Secretary of State so determines, be treated as recognised in the United Kingdom even though no declaration as to its validity has been made in any court in the United Kingdom.

**Status:** Point in time view as at 13/03/2014.

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#### Marginal Citations

**M3** 1995 c. 26.

3. Where an award is made pursuant to a successful appeal to the Social Security Commissioners<sup>M4</sup>[<sup>F7</sup>or the Upper Tribunal], the Secretary of State may make payment for a past period which does not exceed six years from the date of the application for leave to appeal to the [<sup>F8</sup>Social Security Commissioners][<sup>F7</sup>or the Upper Tribunal].

#### Textual Amendments

**F7** Words in Sch. 3 para. 3 inserted (3.11.2008) by [The Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), arts. 1, 6(1), **Sch. 1 para. 314(a)**

**F8** Words in Sch. 3 para. 3 substituted (7.4.2008 with application in accordance with art. 2(3) of the amending S.I.) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2008 \(S.I. 2008/679\)](#), art. 2(1)(2)(a), **Sch. 1 para. 9(b)**

#### Marginal Citations

**M4** See section 6(A) of the [Pensions Appeal Tribunals Act 1943 \(c. 39\)](#).

4. Where an award or an adjustment of an award is made following a decision of the President of the Pensions Appeal Tribunals that the decision of a Pensions Appeal Tribunal be treated as set aside, the Secretary of State shall make payment for a past period which does not exceed six years from the date of the application which led to the decision of the President of the Pensions Appeal Tribunal where the ground for setting the decision of the Pensions Appeal Tribunal aside is that the Tribunal's decision was erroneous in point of law<sup>M5</sup>.

#### Marginal Citations

**M5** See section 6A(6) and 6B(2) of the [Pensions Appeal Tribunals Act 1943 \(c. 39\)](#).

5. Where a claimant satisfies the Secretary of State that—

- (a) he would have made a claim or an application for a review on a date (“the earlier date”) earlier than that (“the actual date”) on which he actually did so but for the fact that he was incapable of so doing or of instructing someone to act on his behalf by reason of illness or disability; and
- (b) that illness or disability continued to be the cause of the delay up to the moment the claim or application was made

any reference in this Schedule to the date of claim or date of application for review shall be treated as a reference to the later of—

- (i) the earlier date; and
- (ii) the date three years before the actual date.

6.—(1) Where, upon a review of a decision rejecting a claim for pension, the Secretary of State makes an award on the basis that medical opinion has developed since the date of the decision which is the subject of the review, no payment shall be made in respect of any period preceding whichever is the later of—

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- (a) the date on which the Secretary of State considers that medical opinion had developed to the extent that an award in the claimant's case was justified; and
- (b) the date three years before the date of application for a review or, where the review is instigated by the Secretary of State, the date three years before the date of the Secretary of State's review decision.

(2) Where the Secretary of State accepts a claim and he is satisfied that the claimant would have made a claim at an earlier date but for advice he gave that a claim would be rejected on the basis of medical opinion, the Secretary of State may make payment in respect of a period commencing on, but not in respect of any period before, whichever is the later of—

- (a) the date on which the Secretary of State considers that medical opinion had developed to the extent that an award in the claimant's case was justified; and
- (b) the date three years before the date of claim.

7. Where a decision, which falls to be reviewed in the light of a decision of a court or a Commissioner in a case to which the claimant is not party, is revised, no payment may be made pursuant to the revision in respect of any period before the date three years before the decision of the court.

8. Where, either upon review of a decision rejecting a claim for pension or following a decision of the President of the Pensions Appeal Tribunals that the decision of a Pensions Appeal Tribunal be treated as set aside by reason of the availability of additional evidence, an award is made on the basis of evidence contained in documents produced by the claimant which were not available to the claimant at the time of the decision which is subject to the review or appeal because those documents were classified at the time, payment may be made in respect of a period commencing on, but not in respect of any period before, the date three years before the date of the application for review or, as the case may be, application to the President of the Pensions Appeal Tribunals that the decision of a Pensions Appeal Tribunal be treated as set aside.

9. Notwithstanding paragraph 1(7), where an award is made under article 6 or article 23 without a claim having been made for it, no payment shall be made in respect of a period before whichever is the later of—

- (a) the day following the date of death or termination of service; and
- (b) the date three years before the records were delivered to the Secretary of State by the Secretary of State for Defence.

10. Except in a case to which paragraph 6, 7 or 9 applies, where a claimant satisfies the Secretary of State that—

- (a) he would have made a claim or an application for a review on an earlier date than he actually did but for an act or omission of the Secretary of State or any officer of his carrying out functions in connection with war pensions, defence or foreign and commonwealth affairs, which wrongly caused him to delay the claim or application and that act or omission was the dominant cause of the delay; and
- (b) that act or omission continued to be the dominant cause of the delay up to the moment the claim or application was made

any reference in this Schedule to the date of a claim or date of application for review shall be treated as a reference to the earlier date referred to in this paragraph.

11. Where the Secretary of State reviews a decision which was made before 16th August 1943 and he is satisfied that an award would have been made in respect of a person provided the onus of proof were not on that person and that person were given the benefit of any reasonable doubt, he may make payment in respect of the period commencing on, but not in respect of any period before, that date.

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[<sup>F9</sup>12. Paragraphs 4 and 8 apply to a decision of the First-tier Tribunal that a decision made by it be treated as set aside as they apply to a decision of the President of the Pensions Appeals Tribunal that the decision of a Pensions Appeal Tribunal be treated as set aside.]

#### Textual Amendments

**F9** Sch. 3 para. 12 inserted (3.11.2008) by [The Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), arts. 1, 6(1), **Sch. 1 para. 314(b)**

## SCHEDULE 4

Article 71(1)

### TRANSITORY PROVISIONS

## PART I

### CONTINUATION OF TRANSITORY PROVISIONS IN SCHEDULE 5 TO THE SERVICE PENSIONS ORDER 1983

#### Interpretation of Part I

1. In this Part of this Schedule unless the context otherwise requires—

“1946 instrument” means the Order in Council of 4th June 1946 <sup>M6</sup>, the Royal Warrant of 12th April 1946 <sup>M7</sup> or, as the case may be, the Order by His Majesty of 12th June 1946;

“1949 instrument” means the Order in Council of 29th September 1949, the Royal Warrant of 24th May 1949 <sup>M8</sup> or, as the case may be, the Order by His Majesty of 27th September 1949;

“1973 instrument” means the Order in Council of 27th July 1973, the Royal Warrant of 24th July 1973 <sup>M9</sup> or, as the case may be, the Order by Her Majesty of 25th July 1973 <sup>M10</sup>;

“1974 instrument” means the Order in Council of 28th June 1974, the Royal Warrant of 18th June 1974 <sup>M11</sup> or, as the case may be, the Order by Her Majesty of 21st June 1974 <sup>M12</sup>

“1977 instrument” means the Order in Council of 9th March 1977, the Royal Warrant of 11th March 1977 <sup>M13</sup> or, as the case may be, the Order by Her Majesty of 15th March 1977 <sup>M14</sup>;

“member” means a member of the armed forces;

“unmarried dependant” means an unmarried dependant who lived as a wife of the member;

and the other expressions have the meanings assigned to them in Schedule 6.

#### Marginal Citations

**M6** S.R. and O. 1946/812.

**M7** Cmnd 6799 of 1946.

**M8** Cmnd 7699 of 1949.

**M9** Cmnd 5395 of 1973.

**M10** Cmnd 5396 of 1973.

**M11** Cmnd 5670 of 1974.

**M12** Cmnd 5671 of 1974.

**M13** Cmnd 6763 of 1977.



M14 Cmnd 6762 of 1977.

### **Pensions for unmarried dependants of deceased disablement pensioners under a 1946 instrument**

2. Where immediately before the death of a member there was payable to him, by virtue of article 71(6)(a) of a 1964 instrument and article 71(1) of and Schedule 4 to the Service Pensions Order 1978, an allowance under article 12(1) of a 1946 instrument (family allowances) in respect of an unmarried dependant, that dependant may, upon the member's death, be awarded a pension for which she would have been eligible under article 28 of the 1946 instrument (pensions for unmarried dependants), if that instrument had not been revoked and for so long as the conditions for an award under that article are fulfilled.

### **Continuation of pensions for unmarried dependants of deceased pensioners under a 1946 instrument**

3. Where immediately before the date on which this Order comes into operation, an unmarried dependant was, by virtue of article 71(6)(b) of a 1964 instrument and article 71(1) of and Schedule 4 to the Service Pensions Order 1978, in receipt of a pension under article 28(3) of a 1946 instrument (pension while in charge of member's child and in receipt of allowance under following provisions of that Part of that instrument in respect of the child) the award of that pension may be continued when she ceases to have that child in her care and to receive an allowance under Part IV of this Order in respect of that child if she is in pecuniary need and incapable of self-support.

### **Withholding or reduction of disablement pension under a 1949 instrument**

4. The Secretary of State may withhold or reduce an award under a 1949 instrument in respect of the disablement of an officer whose service was terminated voluntarily or on account of misconduct.

### **Transitional provision on abolition of killed in action gratuities**

5. Article 28 and column 2 of Schedule 5 to the 1964 instrument shall continue to apply to any deaths occurring before 1st August 1973 as they would have applied but for their revocation by the 1973 instrument.

### **Assessment of specified disablement under the 1964 instruments**

6. Where, on or after 22nd July 1974, it is necessary in any case for an assessment of disablement to be made in accordance with the provisions of Schedule 1 to a 1964 instrument for any period commencing prior to the said 22nd July, the provisions of the said Schedule 1 in force immediately prior to the said 22nd July shall continue to apply as they would have applied had other provision not been substituted for them by the 1974 instrument.

## **PART II**

### **CONTINUATION OF SAVINGS IN THE 1992 ORDER AND THE 1993 ORDER**

#### **Savings provisions made by the 1992 Order in respect of articles 12, 18, 23 and 53 of the Service Pensions Order 1983**

7.—(1) Notwithstanding—

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- (a) the revocation of article 12 of the Service Pensions Order 1983 (allowance for eligible members of the family), and
- (b) the amendment of—
  - (i) article 18(5) (additional unemployability allowances), and
  - (ii) article 23 (treatment allowance)
 of that Order (“the saved provisions”)

by the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1992 <sup>M15</sup> (“the 1992 Order”), and notwithstanding the revocation of the 1992 Order and the Service Pensions Order 1983 by this Order, in any case where a pension or allowance or any addition to a pension was payable under any of the saved provisions in respect of a period immediately before 6th April 1992 and is still payable immediately before 11th April 2006 by virtue of the savings set out in article 8 of the 1992 Order, the saved provisions shall continue to have effect as though this Order had not come into force.

(2) The rate for the allowance for eligible members of the family, continued by paragraph (1)(a), shall be the rate payable immediately before 6th April 1992 <sup>M16</sup>.

#### Marginal Citations

**M15** S.I. 1992/710.

**M16** See S.I. 1983/883, [article 12](#).

#### Savings provision made by the 1993 Order in respect of articles 13, 38, 40 and 41 of the Service Pensions Order 1983

- 8.—(1) Notwithstanding—
- (a) the revocation of—
    - (i) article 13 (education allowance for disablement),
    - (ii) article 38 (education allowance for death),
    - (iii) article 40 (pensions to parents), and
    - (iv) article 41 (pensions to other dependants)
 of the Service Pensions Order 1983; and
  - (b) the amendment of—
    - (i) article 23 (treatment allowance),
    - (ii) article 24 (allowance where abstention from work is necessary following treatment in a hospital or similar institution), and
    - (iii) article 25 (allowance for part-time treatment)
 of that Order (“the saved provisions”)

by the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1993 <sup>M17</sup> (“the 1993 Order”), and notwithstanding the revocation of the 1993 Order and the Service Pensions Order 1983 by this Order, in any case where a pension or allowance was awarded under any of the saved provisions in respect of a period immediately before 12th April 1993 and is still payable immediately before 11th April 2006 by virtue of the transitional provisions set out in article 16 of the 1993 Order, the saved provisions shall, for the duration of that award, continue to have effect as though this Order had not come into force.

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(2) The rates for the allowances and pensions specified in paragraph (2)(a) and continued by that paragraph shall be the rates payable immediately before 12th April 1993 <sup>M18</sup>.

(3) Notwithstanding the amendments made to articles 23, 24 and 25 of the Service Pensions Order 1983 by the 1993 Order, where treatment began before 12th April 1993 and a claim for an allowance under any of those provisions is made in respect of that treatment on or after 11 April 1993, the Secretary of State shall determine the claim as though this Order had not come into force.

#### Marginal Citations

**M17** S.I. 1993//598.

**M18** See S.I. 1993/598, [Schedule 8](#).

## PART III

### CONTINUATION OF TRANSITIONAL PROVISIONS IN THE 1996 ORDER

**9.**—(1) Notwithstanding the revocation of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1996 <sup>M19</sup> (“the 1996 Order”) and the Service Pensions Order 1983 by this Order, article 3 of, and Schedule 2 to, the 1996 Order (transitional provisions) shall continue to have effect as though this Order had not come into force.

(2) The provisions of Schedule 2 to the 1996 Order are set out below and any reference in that Schedule to—

- (a) “this Order” is a reference to the 1996 Order;
- (b) “the Service Pensions Order” is a reference to the Service Pensions Order 1983;
- (c) a numbered article is a reference to the article bearing that number in the Service Pensions Order 1983.

#### “SCHEDULE 2 TO THE 1996 ORDER

#### TRANSITIONAL PROVISIONS

##### 1. In this Schedule—

- (a) “commencement date” means the date on which this Order comes into force;
- (b) “first review” means the first review after commencement date of the entitlement of a member of the armed forces to a relevant allowance;
- (c) “relevant allowance” means any allowance, pension, retired pay or supplement payable either—
  - (i) under a provision which is revoked by article 4 of this Order; or
  - (ii) by virtue of a grant made by the Secretary of State for Defence out of monies provided by Parliamentunder conditions analogous to those relating to any allowance, pension, retired pay or supplement payable under the Service Pensions Order other than those formerly laid down in article 13 or 38 (education allowances) <sup>M20</sup>.

**2.** This Schedule applies where, immediately before commencement date a relevant allowance or an allowance analogous to an education allowance under article 13 or 38 was

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payable to or in respect of a member of the armed forces, and that allowance would have continued to be payable but for the coming into force of this Order.

**3.—**(1) after commencement date, and until the first review, the decision by virtue of which the relevant allowance was payable immediately before commencement date shall have effect as if it were a decision that the allowance, pension, retired pay or supplement under the Service Pensions Order to which the relevant allowance was analogous, should be payable at the same rate, subject to the same conditions and for the same term (subject to the following provisions of this Schedule) as the relevant allowance would have been if this Order had not come into force.

(2) Where on the first or any subsequent review of a decision referred to in subparagraph (1) that decision is reviewed to the disadvantage of the recipient there shall be paid to him under this paragraph an amount equal to the difference between the amount payable under the Service Pensions Order under the reviewed decision and the amount which would have been payable if the decision had not been reviewed, and that amount shall be increased in accordance with any subsequent general increase in the rate of the pension, retired pay, allowance or supplement to which it is analogous, except where—

- (a) it is determined that the decision which is the subject of the review was erroneous in law and that error was attributable to misrepresentation, or failure to disclose a material fact, by the recipient or someone acting on his behalf; or
- (b) he becomes entitled by virtue of another review to a higher total payment under the Service Pensions Order.

(3) In a case where head (a) of subparagraph (2) applies, the amount payable under this paragraph shall be reduced to that which would have been payable but for the misrepresentation or failure to disclose a material fact.

(4) In a case falling within head (b) of subparagraph (2), the amount of the payment under this paragraph shall be reduced by the amount of the increase in the total payment under the Service Pensions Order.

**4.** Any payment under paragraph 3 shall be in addition to any allowance, pension, retired pay or supplement which would have been payable under the Service Pensions Order if this Order had not been made.

**5.** Where immediately before the coming into force of this Order a person was in receipt by virtue of—

- (a) a provision revoked by article 4 of this Order; or
- (b) a grant made by the Secretary of State for Defence out of monies provided by Parliament, of an allowance analogous to that payable under article 13 or 38 (education allowances)

there may be paid to him an allowance under paragraph 6 below, subject to paragraphs 7 and 8 below.

**6.—**(1) Subject to subparagraphs (3), (4) and (5), there may be paid to a member of the armed forces who is in receipt of retired pay or pension, an allowance in respect of a child for the purpose of his education if the child is a child of the member or by virtue of article 18(5)(e) is treated as a child of the member.

(2) Subject to the following provisions of this paragraph, an allowance in respect of a child to whom or in respect of whom an award has or, but for the provisions of article 33, would have been made under article 35, 36, 37 or 39 may be awarded for the purpose of that child's education.

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(3) Subject to sub-paragraphs (4) and (5), an allowance under subparagraph (1) or (2) shall be payable only if—

- (a) the child has attained the age of 5 years; and
- (b) the circumstances of the family are such as to require it; and
- (c) the Secretary of State is satisfied that the type of education which the child is receiving or is to receive is suitable for that child.

(4) Where a child begins or is to begin school before the age of 5 years, subparagraph (3) (a) shall have effect as if for “has attained the age of 5 years” there were substituted the words “has commenced the term's attendance at school in the course of which he will attain the age of 5 years”.

(5) The amount of an allowance under this paragraph shall be determined by the Secretary of State, but the total payments made in respect of any period of 12 months for any one child shall not exceed £120.

7. An allowance payable under paragraph 6 of this Schedule shall not be payable if at any time after the coming into force of this Order—

- (a) the conditions set out in that paragraph cease to be satisfied; or
- (b) it appears to the Secretary of State that it is for any other reason inappropriate for payment of the allowance to continue.

8. Paragraphs 3 and 6 of this Schedule are without prejudice to any power now exercisable by the Secretary of State with the concurrence of the Treasury to make provision in excess of that permitted by this Order or the Service Pensions Order in exceptional circumstances conferred by—

- (a) the Order in Council dated 19th December 1881 concerning non-effective pay and allowances for the Royal Navy at rates, and under circumstances, other than those laid down in existing Regulations;
- (b) the Royal Warrant dated 27th October 1884 concerning the issue of pay, non-effective pay and allowances for the Army; or
- (c) the Order of His Majesty dated 14th January 1922 concerning the issue of pay, non-effective pay and allowances of the Royal Air Force,

and accordingly those instruments shall have effect as if a reference to those paragraphs of this Schedule were included in each of them.”.

#### **Marginal Citations**

**M19** [S.I. 1996/1638](#).

**M20** These articles were revoked by [S.I. 1993/598](#) but continue to have effect in respect of cases where awards under them were in payment immediately before their revocation.

## SCHEDULE 5

Article 71(2)

### REVOCATIONS

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*Instruments*

*References*

**Status:** Point in time view as at 13/03/2014.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983	S.I. 1983/883
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1983	S.I. 1983/1116
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1983	S.I. 1983/1521
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1984	S.I. 1984/1154
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1984	S.I. 1984/1687
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1985	S.I. 1985/1201
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1986	S.I. 1986/592
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1987	S.I. 1987/165
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1988	S.I. 1988/248
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order	S.I. 1988/2248
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1989	S.I. 1989/156
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1990	S.I. 1990/250
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1990	S.I. 1990/1308
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1991	S.I. 1991/766
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1992	S.I. 1992/710

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The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1992	S.I. 1992/3208
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1993	S.I. 1993/598
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1994	S.I. 1994/772
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1994	S.I. 1994/1906
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1995	S.I. 1995/766
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1996	S.I. 1996/732
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1996	S.I. 1996/1638
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 3) Order 1996	S.I. 1996/2882
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1997	S.I. 1997/286
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1998	S.I. 1998/262
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1999	S.I. 1999/294
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 2000	S.I. 2000/252
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 2001	S.I. 2001/409
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 2002	S.I. 2002/792
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 2003	S.I. 2003/434

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The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 2004	S.I. 2004/708
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 2005	S.I. 2005/851
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 2005	S.I. 2005/1471
The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 3) Order 2005	S.I. 2005/3187

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## SCHEDULE 6

Article 1(2)

### INTERPRETATION

## PART I

### WARRANTS AND ORDERS

<i>Item</i>	<i>Expression</i>	<i>Meaning</i>
1.	“the 1917 Warrant”	the Royal Warrant of 1st August 1917 <sup>1</sup> ;
2.	“the 1919 Warrant”	the Royal Warrant of 6th December 1919 <sup>2</sup> ;
3.	“the 1920 Warrant”	the Royal Warrant of 2nd July 1920 <sup>3</sup> ;
4.	“the 1917 (Officers) Order”	the Order in Council of 29th September 1917 <sup>4</sup> ;
5.	“the 1917 (Warrant Officers) Order”	the Order in Council of 29th September 1917 <sup>5</sup> ;
6.	“the 1920 Order in Council”	the Order in Council of 11th June 1920 <sup>6</sup> ;
7.	“the 1921 (Officers) Order”	the Order in Council of 9th March 1921 <sup>7</sup> ;
8.	“the 1921 (Warrant Officers) Order”	the Order in Council of 9th March 1921 <sup>8</sup> ;
9.	“the 1920 Order”	the Order by His Majesty of 11th May 1920 <sup>9</sup> ;



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10.	“the 1921 Order”	the Order by His Majesty of 25th September 1921 <sup>10</sup> ;
11.	“the 1919 to 1920 other ranks instruments”	the instruments specified in items 2, 6, and 9 above (and the expression “a 1919 to 1920 other ranks instrument” shall be construed accordingly);
12.	“the 1920 to 1921 (Officers) instruments”	the instruments specified in items 3, 7, 8 and 10 above (and the expression “a 1920 to 1921 instrument” shall be construed accordingly);
13.	“the 1919 to 1921 instruments”	the instruments specified in items 2,3, and 6 to 10 above (and the expression “ a 1919 to 1921 instrument” shall be construed accordingly);
14.	“the 1964 instrument”	the Order in Council of 25th September 1964 <sup>11</sup> , or the Royal Warrant of 19th September 1964 <sup>12</sup> , or the Order by Her Majesty of 24th September 1964 <sup>13</sup> , whichever instrument is appropriate in any particular case, and the expression “1964 instruments” shall be construed accordingly;
15.	“the Service Pensions Order 1978”	the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1978 <sup>14</sup> ;
16.	“the Service Pensions Order 1983”	the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 <sup>15</sup> ;
17.	“the 2005 Order”	the Armed Forces and Reserve Forces Compensation Scheme Order 2005 <sup>16</sup> .

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<sup>1</sup> Army Order 268 of 1917.

<sup>2</sup> Cmnd 457 of 1919; the relevant amending instruments are Cmnd 1701 of 1922; 1752 of 1922; 1852 of 1923; 2467 of 1964; 4134 of 1969; 5395 of 1973; and 5670 of 1974.

<sup>3</sup> Cmnd 811; the relevant amending instructions are Cmnd 1932 of 1923; 2013 of 1923; 2467 of 1964; 4134 of 1969; 5395 of 1973; and 5670 of 1974.

<sup>4</sup> S.R. & O. 1917/1022.

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<sup>5</sup> S.R. & O. 1917/1023.

<sup>6</sup> S.R. & O. 1920/1021; the relevant amending instruments are S.R. & O. 1924/505; 1924/1390; 1925/1034; 1928/46; Orders in Council dated 25th September 1964; 31st July 1969; 27th July 1973; and 28th June 1974.

<sup>7</sup> S.R. & O. 1921/360; the relevant amending instruments are S.R. & O. 1925/763; 1928/44; Orders in Council dated 25th September 1964; 31st July 1969; 27th July 1973; and 28th June 1974.

<sup>8</sup> S.R. & O. 1921/361; the relevant amending instruments are S.R. & O. 1925/764; 1928/45; Orders in Council dated 25th September 1964; 31st July 1969; 27th July 1973; and 28th June 1974.

<sup>9</sup> HC 120 of 1920; the relevant amendments are HC 133 of 1925; 133-1 of 1925; 134 of 1925; Cmnd. 2472 of 1964; 4135 of 1969; 5396 of 1973; and 5671 of 1974.

<sup>10</sup> The relevant amendments are HC 171 of 1925; 9 of 1928; 2472 of 1964; 4135 of 1969; 5396 of 1973 and 5671 of 1974.

<sup>11</sup> The relevant amending instruments are Orders in Council dated 22nd December 1964; 24th February 1966; 9th June 1966; 28th July 1966; 23rd August 1967; 14th February 1968; 26th July 1968; 31st July 1969; 4th February 1970; 28th July 1971; 26th July 1972; 27th July 1973; 28th June 1974; 18th March 1975; 17th September 1975; 23rd July 1976; 9th March 1977; S.I. 1977/1630; 1978/278; 1978/1404 and 1978/1405.

<sup>12</sup> Cmnd 2467; the relevant amending instruments are Cmnd 2553 of 1964; 2926 of 1966; 3023 of 1966; 3072 of 1966; 3385 of 1967; 3530 of 1968; 3728 of 1968; 4134 of 1969; 4287 of 1970; 4742 of 1971; 5077 of 1972; 5395 of 1973; 5670 of 1974; 6001 of 1975; 6247 of 1975; 6583 of 1976; 6763 of 1977 and S.I. 1977/1630; 1978/278; 1978/1404; and 1978/1405.

<sup>13</sup> Cmnd 2472; the relevant amending instruments are Cmnd 2554 of 1964; 2927 of 1966; 3024 of 1966; 3071 of 1966; 3384 of 1967; 3531 of 1968; 3729 of 1968; 4135 of 1969; 4286 of 1970; 4743 of 1971; 5078 of 1972; 5396 of 1973; 5671 of 1974; 6002 of 1975; 6246 of 1975; 6582 of 1976; 6762 of 1977; and S.I. 1977/1630; 1978/278; 1978/1404 and 1978/1405.

<sup>14</sup> S.I. 1978/1525.

<sup>15</sup> S.I. 1983/883.

<sup>16</sup> S.I. 2005/439.

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## PART II

### GENERAL

<i>Item</i>	<i>Expression</i>	<i>Meaning</i>
18.	“adopted”	adopted within the meaning of Part IV of the Adoption Act 1976 <sup>1</sup> or, in Scotland [F <sup>10</sup> section 39 of the Adoption and Children (Scotland) Act 2007] and “adoption” shall be construed accordingly;
19.	“adult dependant”	for the purposes of article 12— (a) a person who resides in the home of a member of the armed forces and who— (i) is his grandfather or father (including stepfather) and is incapable of self-support, (ii) is his grandmother or mother (including stepmother) who is incapable of self-support, (iii) is his son (including stepson, adopted son or

<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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- illegitimate son)  
and has attained the  
child's age limit and  
is incapable of self-  
support,
- (iv) is his daughter  
(including step-  
daughter, adopted  
daughter or  
illegitimate  
daughter) and has  
attained the child's  
age limit or is his  
sister (including  
half-sister or step-  
sister) and has  
attained the age  
of 16 years who is  
incapable of self-  
support; or
- (b) an adult <sup>F11</sup> . . . person  
who, in the home of a  
member, looks after any  
child of the member  
in respect of whom an  
allowance is being paid  
under article 12 being in  
each case a person who  
is in receipt of regular  
and substantial support or  
benefit from the member;

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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20. “Airman”
- (1) in relation to service during the 1914 World War, a person defined as airman in the Air Force Act 1917<sup>3</sup> who was enlisted or entered into service in any portion of the Royal Air Force, Air Force Reserve or Auxiliary Air Force ordinarily maintained by enlistment in the United Kingdom—
- (a) including any such person who was enlisted or entered into service in any troops raised within or without the United Kingdom whose terms of service included or, under due authority, were made to include the pension provisions for the time being for British Air Forces, if such provisions were a charge on British Revenues; but
- (b) not including any airman who was merely attested and passed to the

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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Reserve of any other person unless or until he actually served as airman in circumstances to which pension rights would normally, or under his conditions or service, have attached, had he been in the Royal Navy or the Regular Army;

(2) in relation to service after 30th September 1921, a member of the air forces who is not an officer;

- |     |                    |  |
|-----|--------------------|--|
| 21. | “apprentice”       | a person undergoing full-time training for any trade, business, profession, office, employment or vocation, and receiving not more than nominal wages;   |
| 22. | “authorised agent” | a person authorised by the Secretary of State for the purpose of receiving claims under this Order, including, without prejudice to the generality of the foregoing, a person exercising consular functions on behalf of Her |

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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		Majesty's Government in right of the United Kingdom in the territory or place whether the person making the claim is resident at the time when it is made;
23.	“child”	<p>in relation to a member of the armed forces, a child with respect to whom the member—</p> <ul style="list-style-type: none"><li>(a) is in law the mother or father of the child, including by adoption;</li><li>(b) is the child's step-parent; or</li><li>(c) is the child's foster parent within the meaning in the Children Act 1989<sup>4</sup> or, in Scotland, the Foster Children (Scotland) Act 1984<sup>5</sup>;</li></ul> <p>and in each case the member—</p> <ul style="list-style-type: none"><li>(i) is regularly maintaining him or contributing to his maintenance or could reasonably be expected to do so;</li><li>(ii) where the member has died, was regularly maintaining him or contributing to his maintenance up to the</li></ul>

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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		date of his death or could reasonably have been expected to do so; or
		(iii) where the child was unborn at the date of the member's death, would have so maintained him or contributed to his maintenance;
24.	“child's age limit”	in relation to a child or juvenile dependant of a member of the armed forces, the age of 16 years;
25.	“dependant living as a spouse”	(a) (a) in relation to a member of the armed forces whose disablement is due to service before the commencement of the 1914 World War or after 30th September 1921, a person [ <sup>M21</sup> of the opposite sex] who is not married to, [ <sup>M22</sup> or in a civil partnership with,] but who is wholly or substantially maintained by the member on a

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.



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permanent bona fide domestic basis throughout the period beginning 6 months prior to the commencement of his service and continuing, where the member is disabled, [<sup>F12</sup>up to the date of] any award under this Order in respect of his disablement and, where the award is reviewed up to the date of review or, where the member is dead, up to the date of his death;

- (b) in relation to a member whose disablement is due to service during the 1914 World War, a woman living with a soldier, rating or airman, as a wife if she has drawn in respect of him separation allowance as for a wife;

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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26.	“dependant living as a civil partner”	<p>(and the expression “dependant who lived as a spouse” shall be construed accordingly);</p> <p>in relation to a member of the armed forces whose disablement is due to service before the commencement of the 1914 World War or after 30th September 1921, a person of the same sex who has not [<sup>M23</sup>married or] formed a civil partnership with, but is wholly or substantially maintained by, the member on a permanent basis throughout the period beginning 6 months prior to the commencement of his service and continuing where the member is disabled, up to the date of any award under this Order in respect of his disablement, and where the award is reviewed, up to the date of review, or where the member is dead, up to the date of his death;</p> <p>(and the expression “dependant who lived as a civil partner” shall be construed accordingly);</p>
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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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27.	“disablement”	physical or mental injury or damage or loss of physical or mental capacity (and “disabled” shall be construed accordingly);
28.	“earnings”	any remuneration or profit derived from employment;
29.	“eligible dependant”	in relation to a course of treatment as defined in item 61, a person who is an eligible member of the family or who would be an eligible member of the family if for the date specified in items 25 or 26 of this Schedule as the terminating date of the period therein mentioned, there were substituted the date of commencement of that course of treatment;
30.	“eligible member of the family”	spouse, civil partner, dependant living as a spouse, dependant living as a civil partner or child of a member of the armed forces;
31.	“incapable of self-support”	in relation to any person, incapable of supporting himself solely by reason of—

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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32.	“injury”	<ul style="list-style-type: none"> <li>(a) physical or mental infirmity of a permanent or prolonged nature; or</li> <li>(b) old age; or</li> <li>(c) being a juvenile dependant;</li> </ul> <p>includes wound or disease but excludes any injury due to—</p> <ul style="list-style-type: none"> <li>(a) the use or effects of tobacco; or</li> <li>(b) the consumption of alcohol;</li> </ul> <p>except that paragraph (a) in so far as it relates to the use of tobacco, and paragraph (b) above shall not apply where the person suffers from a mental condition which is attributable to service if—</p> <ul style="list-style-type: none"> <li>(i) the degree of disablement in respect of that condition has been assessed at 50% or more; and</li> <li>(ii) he started or continued to use tobacco or to consume or continue to consume alcohol due to that condition;</li> </ul>
33.	“juvenile dependant”	a brother, sister, half-brother, half-sister, stepbrother,

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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34. “member of the air forces”
- stepsister or grandchild, who has not attained the child's age limit;
- (1) in relation to service during the 1914 World War, a person defined as officer in paragraph (1)(b) of the 3<sup>rd</sup> column of item 41 of this Schedule, in so far as that paragraph relates to an officer serving in or with the Royal Air Force, or a person defined as airman in paragraph (1) of the 3<sup>rd</sup> column of item 20 above;
- (2) in relation to service after 30th September 1921, an officer holding a commission in or an airman, of the Royal Air Force, excluding—
- (a) a member of a local force raised abroad for service with the Royal Air Force;
  - (b) a person excluded by the terms of his service from the benefits of this Order, or whose conditions of

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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service include other provisions of a like nature;

(c) a member of a category or class specifically excluded from the benefits of this Order;

(d) a member of the Polish Resettlement Corps (Royal Air Force);

35. “member of the armed forces” a member of the naval forces, the military forces or, as the case may be, of the air forces and any provision of this Order relating to a member of the armed forces shall, except where inappropriate, be construed as relating also to a woman member of the armed forces and as relating to a person whose service as a member or woman member has ended, and the expression “member” shall be construed accordingly;

36. “member of the military forces” (1) in relation to service before or during the 1914 World War, a person defined as officer

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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in paragraph (1)(b) of the 3<sup>rd</sup> column of item 41 of this Schedule, in so far as that paragraph relates to officers, other than air force officers, or a person defined as soldier in paragraph (1) of the 3<sup>rd</sup> column of item 55 below;

(2) in relation to service after 30th September 1921, an officer holding a commission in, or a soldier of, the army whose unit is based in the United Kingdom or the Isle of Man, excluding—

- (a) a member of the Army Audit Staff holding a commission in connection with the performance of his duties as such;
- (b) a person to whom article 499 or article 1127 of the Royal Warrant of 29th February 1940 is applicable;
- (c) a person excluded by the terms of his service from

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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the benefits of this Order, or whose conditions of service include other provisions of a like nature;

(d) a member of a category or class specifically excluded from the benefits of this Order;

(e) a member of the Polish Resettlement Corps;

37. “member of the naval forces”
- (1) in relation to service before or during the 1914 World War, a person defined as officer in paragraph (1)(a) of the 3<sup>rd</sup> column of item 41 of this Schedule or as rating in paragraph (1) of the 3<sup>rd</sup> column of item 51 below;
- (2) in relation to service after 30th September 1921 an officer or rating of the Royal Navy or the Royal Marines, within the meaning of the principal Naval Regulations, excluding—

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.



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- (a) an officer or rating serving under conditions other than those prescribed by the principal Naval Regulations;
- (b) a person entered abroad on a non-continuous service engagement for local service only;
- (c) a non-European Native rating (whether a British subject or not);
- (d) a person excluded by the terms of his service from the benefits of this Order, or whose conditions of service include other provisions of a like nature;
- (e) a person serving in one of Her Majesty's ships or in a Fleet Auxiliary or in any other vessel in the service of the Admiralty under an

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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agreement known as Agreement T.124 or a variant of that Agreement or under any other mercantile or special agreement;

(f) a member of a category or class specifically excluded from the benefits of this Order;

38. “member of the Reserve or Auxiliary Forces”
- a member of the armed forces after 30th September 1921, but otherwise than during any period during which he is embodied or mobilised or, pursuant to the provisions of the Reserve and Auxiliary Forces (Training) Act 1951<sup>6</sup> is called up for flying instructor duties, who is—
- (a) a member of the Royal Fleet Reserve;
  - (b) a member of the Royal Naval Reserve;
  - (c) a member of the Royal Marine Forces Volunteer Reserve;
  - (d) a member of the Royal Naval Special Reserve;

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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- (e) a member of the Royal Naval Volunteer Reserve, including the Royal Naval Volunteer Reserve (Supplementary), the Royal Naval Volunteer (Wireless) Reserve and the Royal Naval Volunteer (Postal) Reserve;
- (f) a member of the Women's Royal Naval Reserve, including the Women's Royal Naval Supplementary Reserve;
- (g) a member of the Women's Royal Naval Volunteer Reserve;
- (h) a member of the Regular Army Reserve of Officers, the Supplementary Reserve of Officers or the Army Emergency Reserve of Officers;
- (i) a member of the Royal Army Reserve, the Regular Reserve, the Supplementary Reserve (including the Militia) or the Army Emergency Reserve;

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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- (j) a member of the Territorial Army (including the Territorial Army Reserve of Officers) or the Territorial and Army Volunteer Reserve;
- (k) a member of the Auxiliary Territorial Services (Territorial Army), or of the Women's Royal Army Corps (Territorial Army or of the Women's Royal Corps (Territorial and Army Volunteer Reserve);
- (l) a member of the Royal Air Force Reserve (including the Reserve of Air Force Officers), the Women's Royal Air Force Reserve (including the Women's Royal Air Force Reserve of Officers), the Royal Air Force Volunteer Reserve and the Women's Royal Air Force Volunteer Reserve;
- (m) a member of the Royal Auxiliary Air Force,

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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- Royal Auxiliary Air Force Reserve (including the Royal Auxiliary Air Force Reserve of Officers), the Women's Royal Auxiliary Air Force Reserve and the Women's Auxiliary Air Force Reserve;
- (n) a member of Queen Alexandra's Royal Naval Nursing Service Reserve;
  - (o) a member of the Territorial Army Nursing Service or the reserve thereof or of Queen Alexandra's Royal Army Nursing Corps (Army Emergency Reserve) or of the Queen Alexandra's Royal Army Nursing Corps (Territorial Army) or of the Queen Alexandra's Royal Army Nursing Corps (Territorial and Army Volunteer Reserve);
  - (p) a member of Princess Mary's Royal Air Force Nursing Service Reserve;

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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		(q) a member of the Voluntary Aid Detachment Reserve;
		(r) a person called up for training pursuant to the provisions of the Reserve and Auxiliary Forces (Training) Act 1951;
39.	“noise-induced sensorineural hearing loss”	damage to the cochlea hair cells of the inner ear which is caused by the exposure of the cochlea to noise, and a condition or a symptom is to be treated as related to such hearing loss if it is another condition, or a symptom, which is the consequence of damage to the cochlea hair cells of the inner ear which is caused by the exposure of the cochlea to noise;
40.	“nurse”	a person described in paragraph (1) of the 3 <sup>rd</sup> column of item 62 of this Schedule;
41.	“officer”	(1) in relation to service before or during the 1914 World War— (a) a commissioned or subordinate officer (including

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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a commissioned officer from a warrant rank and a warrant officer, other than a warrant officer of the Royal Marines) on the permanent, temporary or reserve lists of the Royal Navy, Royal Marines or Reserves or, as the case may be, the Royal Naval Reserve, who served and was in receipt of naval pay as such during some period before or during the said war; or

(b) a commissioned officer whether he held a permanent, short service, temporary or local commission in the Regular or Reserve Forces or in the Territorial Force or in the Royal Air Force, who served and was in receipt

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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of military or, as the case may be, air force pay as such during some period of the said war, but excluding any officer of the Indian Army or of the Dominion, Colonial or Protectorate Forces, then existing, whether raised for general or local service, unless the terms of his service were made to include the pension rights of the Regular Army or, as the case may be, of the Regular Army or Air Force;

(2) in relation to service after 30th September 1921, a member of the armed forces who is a commissioned officer therein, including, as may be appropriate, a woman member with officer status, a subordinate officer or warrant officer (other than a sergeant-major) of the Royal Marines or

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

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		a woman member of the naval forces of warrant officer status;
42.	“officer on the Active List”	an officer who is on full pay, half pay or otherwise before his retirement but not an officer who has retired and is subsequently re-called to service or is re-employed;
43.	“other dependant”	grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild;
44.	“parent”	in relation to a deceased member of the armed forces— (a) a person of whom the member was a legitimate, legitimated or illegitimate child; or (b) a person who had adopted the member; or (c) a person who, for a period of 5 years (or such lesser period as the Secretary of State may determine in the exceptional circumstances of any case) during the minority of the member, acted in the place of a parent to,

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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		and wholly or mainly maintained, the member; or (d) a person who, for such period as is mentioned in paragraph (c) of this item, was the spouse (not being a separated spouse) or civil partner (not being a separated civil partner) of a person fulfilling the conditions set out in that paragraph;
45.	“Pay Warrant”	The Royal Warrant of 22nd August 1959 (and any reference to a provision of that Warrant shall, where the context so requires, be construed as a reference to any provision of an earlier Warrant replaced, with or without amendment, by the first mentioned provision);
46.	“pension”	in relation to a rating, soldier or airman, a disablement pension awarded under article 6 or under article 1 of a 1919 to 1920 other rank instrument and in relation to a nurse, a disablement pension or an

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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		addition to service retired pay awarded under article 23 of a 1920 to 1921 (officers) instrument or an addition to service pension awarded under column (6) in Schedule 3 to the 1917 (Officers) Order and, where appropriate, any pension referred to in article 4(a)(ii) or (iii);
47.	“Pension Warrant”	the Royal Warrant of 23rd December 1960 (and any reference to a provision of that Warrant shall, where the context so requires, be construed as a reference to any provision of an earlier Warrant replaced, with or without amendment, by the first mentioned provision);
48.	“principal Air Force Regulations”	the Queen's Regulations and Air Council Instructions for the Royal Air Force as amended from time to time, the Regulations governing the various Auxiliary and Reserve Forces and the Nursing Service, as so amended, and any other regulations, instructions and provisions issued or made from time

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.



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(c) moneys provided by any general or local rate or by a fund established under or by virtue of any public, general or local Act;

(d) moneys provided under the Local Government Finance Act 1992<sup>7</sup> or

(e) moneys payable under any enactment, ordinance, regulation or other instrument forming part of the law of any place outside the United Kingdom;

51.

“rating”

(1) in relation to service before or during the 1914 World War, a seaman or marine, including Chief Petty or Petty Officer and Warrant Officer (other than a Warrant Officer included in the definition of officer in item 41 of this Schedule) and a Non-

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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Commissioned Officer of the Royal Marines (other than a Royal Marine Gunner) who served or was in receipt of naval or marine pay as such before or during some period of the said war—

- (a) including any man belonging to the Naval and Marine Reserves and also any seaman or marine specially enlisted or deemed to be specially enlisted for the purpose of the said war and transferred forthwith to the Reserve, if—
  - (i) he was called into actual service; and
  - (ii) served; and
  - (iii) was in receipt of naval or marine pay as such during some period of the said war; but

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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(b) not including any person who was a seaman or marine of the Royal Indian Marine, or of Dominion, Colonial or Protectorate Forces, whether raised for local or general service;

(2) in relation to service after 30th September 1921, a member of the naval forces who is not an officer;

52.

“remunerative work”

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(i) of the Employment and Training Act 1973<sup>8</sup> or section 2(3) of the

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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		Enterprise and New Towns (Scotland) Act 1990 <sup>9</sup> or corresponding provisions in Northern Ireland;
53.	“retired pay”	(1) in relation to officers, other than any warrant officer member of the naval forces— (a) retired pay awarded under article 6 of this Order; (b) retired pay or additional retired pay awarded under article 1 of a 1920 to 1921 (Officers) instrument other than the 1921 (Warrant Officers) Order; or (c) additional retired pay or half-pay under the 1917 (Officers) Order, Schedule 1, column 8 or the 1917 Warrant, Schedule 1, column 9; or  (2) in relation to any warrant officer member of the naval forces—

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.



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- (a) retired pay awarded under article 10 of this Order;
- (b) retired pay or an addition to service retired pay, pension or gratuity awarded under article 1 of the 1921 (Warrant Officers) Order; or
- (c) an addition to service pension awarded under the 1917 (Warrant Officers) Order, Schedule 1, column (5) or (6); or, where appropriate,

(3) any retired pay referred to in article 4(a)(i);

54.	“service”	service as a member of the armed forces before 6th April 2005 and the word “served” shall be construed accordingly.
55.	“soldier”	(1) in relation to service before or during the 1914 World War, a person defined as soldier in the Army Act 1881 <sup>10</sup> , who was enlisted or entered

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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into service in any portion of the Regular Army, the Special Reserve, or the Territorial Force ordinarily maintained by enlistment in the United Kingdom—

- (a) including any such person who was enlisted or entered into service in any troops raised within or without the United Kingdom, whose terms of service included, or, under due authority were made to include, the pension provisions for the time being for British Troops, if such provisions were a charge on British revenues; but
- (b) not including soldiers who were merely attested and passed to the Reserve, or members of the Volunteer Force, or any other person unless or until he actually

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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served as a soldier in circumstances in which the pension rights of the Regular Army would normally, or under his conditions of service have attached;

(2) in relation to service after 30th September 1921, a member of the military forces who is not an officer;

56.

“student”

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

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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		of State may in any particular case determine;
57.	“surviving spouse”	the widow or, as the case may be, widower of a member of the armed forces;
58.	“surviving civil partner”	surviving civil partner of a member of the armed forces;
[ <sup>F13</sup> 58A.	“terminal illness”	a progressive disease where, in consequence of that disease, death can reasonably be expected within 6 months (and “terminally ill” shall be construed accordingly);]
59.	“termination”	in relation to service as a member of the armed forces— (a) subject to the provisions of paragraph (b) below, termination of service as such a member by reason of— (i) retirement (ii) discharge (iii) demobilisation (iv) transfer to the Emergency List or Reserve; or  (b) in any other manner; where the member renders service during

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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		more than one period, the date, having regard to the foregoing provisions of this item, of the end of the period which is relevant in his case; (and the word “terminated” shall be construed accordingly);
60.	“therapeutic earnings”	earnings from work for no more than 16 hours per week and which in the Secretary of State's view is not detrimental to the health of the member;
61.	“treatment”	(1) any treatment as an in-patient of a hospital or similar institution; or  (2) a course of medical, surgical or rehabilitative treatment of a remedial nature  which in either case the Secretary of State is satisfied that a member of the armed forces should receive in consequence of any disablement in respect of which an award under this Order or any previous Order or Royal Warrant may be or

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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- |     |                                    |   |
|-----|------------------------------------|---|
| 62. | “Veterans Agency”                  | has been made, but does not include any treatment which involves no or only occasional interruptions of the member's normal employment;<br>an office designated by the Secretary of State for the purpose of receiving and determining applications for a pension, allowance or supplement;   |
| 63. | “woman member of the armed forces” | (1) in relation to service before or during the 1914 World War, a member of—<br><ul style="list-style-type: none"> <li>(a) the Royal Naval Nursing Service;</li> <li>(b) the Royal Naval Nursing Service Reserve;</li> <li>(c) Queen Alexandra's Imperial Military Nursing Service;</li> <li>(d) the Territorial Force Nursing Service; or</li> <li>(e) the Royal Air Force Nursing Service;</li> </ul> |

<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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(2) in relation to service after 30th September 1921, a woman who is—

- (a) commissioned or enlisted or enrolled as a member of the armed forces;
- (b) enrolled in the Women's Royal Naval Service or a reserve thereof;
- (c) a member of the Army Emergency Reserve or the Territorial Army or the Territorial and Army Volunteer Reserve;
- (d) a member of the Women's Auxiliary Air Force or the reserve thereof (other than a member of the Polish Resettlement Section of the Women's Auxiliary Air Force);
- (e) a medical or dental practitioner employed with the Royal Army Medical

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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Corps or the Royal Army Dental Corps or the Medical or Dental Branches of the Royal Navy or Royal Air Force with relative rank as an officer or with naval status for general service as the case may be;

- (f) enrolled in Queen Alexandra's Royal Naval Nursing Service or Queen Alexandra's Imperial Military Nursing Service or the Territorial Army Nursing Service or Princess Mary's Royal Air Force Nursing Service or the respective Reserve or Auxiliary Sections thereof;
- (g) enrolled in the Auxiliary Territorial Service (other than a member of the Polish Resettlement Section

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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

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(Auxiliary Territorial Service));

- (h) a member of a Voluntary Aid Detachment enrolled for employment under the Defence Council;

64.	“the 1914 World War”	the war which began on 4th August 1914 and ended on 31st August 1921 (and the expression “during the 1914 World War” shall be construed as a reference to any period beginning on or after 4th August 1914 and ending on or before 30th September 1921 <sup>11</sup>
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<sup>1</sup> 1976 c. 3.

<sup>2</sup> 1978 c. 28.

<sup>3</sup> 1917 c. 51 see Army Act (1881 c. 58) as modified by 1917 c. 51, s.12(1)).

<sup>4</sup> 1989 c. 41.

<sup>5</sup> 1984 c. 56.

<sup>6</sup> 1951 c. 23.

<sup>7</sup> 1992 c. 14.

<sup>8</sup> 1973 c. 50.

<sup>9</sup> 1990 c. 35.

<sup>10</sup> 1881 c. 58.

<sup>11</sup> See War Pensions Act 1920 (c. 23), sections 1 and 2, and S.R. & O 1921/1276.

#### Textual Amendments

- F10** Words in Sch. 6 Pt. 2 Item 18 substituted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 45**
- F11** Word in Sch. 6 Pt. 2 Item 19(b) omitted (9.4.2012) by virtue of [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2012 \(S.I. 2012/359\)](#), arts. 1, 7
- F12** Words in Sch. 6 Pt. 2 item 25 inserted (21.6.2006) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) \(No. 2\) Order 2006 \(S.I. 2006/1455\)](#), arts. 1(3), 6
- F13** Sch. 6 Pt. 3 Item 58A inserted (6.4.2009) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2009 \(S.I. 2009/706\)](#), arts. 1(1), 17 (with art. 18)

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#### **Marginal Citations**

- M21** Words in Sch. 6 Pt. 2 omitted (E.W.) (13.3.2014) by virtue of The Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), arts. 1(2), 2, **Sch. 1 para. 43(a)(i)**
- M22** Words in Sch. 6 Pt. 2 inserted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), arts. 1(2), 2, **Sch. 1 para. 43(a)(ii)** and words inserted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), Sch. 6 para. 30(a)(ii)
- M23** Words in Sch. 6 Pt. 2 inserted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), arts. 1(2), 2, **Sch. 1 para. 43(b)** and words inserted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), Sch. 6 para. 30(b)

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