

**2007 No. 909**

**PENSIONS**

**The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2007**

*Made* - - - - - *21st March 2007*

*Laid before Parliament* *28th March 2007*

*Coming into force* - - - *9th April 2007*

At the Court at Buckingham Palace, the 21st day of March 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty considers it expedient to amend the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006<sup>(a)</sup>.

ACCORDINGLY, Her Majesty, in exercise of the powers conferred upon Her by sections 12(1) and 24(3) of the Social Security (Miscellaneous Provisions) Act 1977<sup>(b)</sup> and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order as follows:—

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions (Amendment) Order 2007 and shall come into force on 9th April 2007.

(2) In this Order, “the principal Order” means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, and, except where the context otherwise requires, a reference to a numbered article, Part, Table or Schedule is a reference to the article, Part, Table or Schedule in the principal Order which bears that number.

**Amendments to the principal Order and application**

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

*Christine Cook*  
Deputy Clerk of the Privy Council

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<sup>(a)</sup> S.I. 2006/606 as amended by S.I. 2006/1455.

<sup>(b)</sup> 1977 c.5, sub-section 24(3) of which was amended by the Social Security (Consequential Provisions) Act 1992 (1992 c.6), section 4 and Schedule 2, paragraph 46.

AMENDMENTS TO THE PRINCIPAL ORDER

**Amendment to article 12 (unemployability allowance)**

1. In article 12(3)(e) for “52” substitute “104”.

**Amendment to article 15 (allowance for lowered standard of occupation)**

2. In article 15(1) after the words “lowered standard of occupation at” insert the words “a rate not exceeding”.

**Amendment to article 23(2) (pensions to surviving spouses and surviving civil partners)**

3. In article 23(2) for “£68.42” substitute “£70.88”.

**Amendment of Schedule 1**

4. In Schedule 1 (disablement due to service in the armed forces)—

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

**Amendment of Schedule 2**

5. In Schedule 2 (death due to service in the armed forces)—

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

SCHEDULE 2

Schedule 1 paragraph 4(1)

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

“Table

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

<i>Degree of Disablement</i> <i>Per cent</i>	<i>Weekly Rate</i> <i>£</i>	<i>Yearly Rate</i> <i>£</i>
100	139.70	7,290
90	125.73	6,561
80	111.76	5,832
70	97.79	5,103
60	83.82	4,374
50	69.85	3,645
40	55.88	2,916
30	41.91	2,187
20	27.94	1,458”

SCHEDULE 3

Schedule 1 paragraph 4(2)

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

“Table 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups</i> 1-15
<i>For the loss of:</i>	<i>Per cent</i>	<i>£</i>
A. FINGERS		
Index finger— More than 2 phalanges including loss of whole finger	14	6,643
More than 1 phalanx but not more than 2 phalanges	11	5,316
1 phalanx or part thereof	9	4,428
Guillotine amputation of tip without loss of bone	5	2,651
Middle finger— More than 2 phalanges including loss of whole finger	12	5,754

More than 1 phalanx but not more than 2 phalanges	9	4,428
1 phalanx or part thereof	7	3,540
Guillotine amputation of tip without loss of bone	4	2,214
Ring or little finger—		
More than 2 phalanges including loss of whole finger	7	3,540
More than 1 phalanx but not more than 2 phalanges	6	3,103
1 phalanx or part thereof	5	2,651
Guillotine amputation of tip without loss of bone	2	1,326

B. TOES

Great toe—		
Through metatarso-phalangeal joint	14	6,643
Part, with some loss of bone	3	1,764
1 other toe—		
Through metatarso-phalangeal joint	3	1,764
Part, with some loss of bone	1	889
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	2,651
Part, with some loss of bone	2	1,326
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	3,103
Part, with some loss of bone	3	1,764
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	4,428
Part, with some loss of bone	3	1,764

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**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

Groups 1-15	<i>Estimated duration of the disablement within the degree referred to</i>								
	<i>Temporary less than a year</i>			<i>Temporary more than a year</i>			<i>Indeterminate</i>		
	<i>Per cent</i>			<i>Per cent</i>			<i>Per cent</i>		
	1-5 £	6-14 £	15-19 £	1-5 £	6-14 £	15-19 £	1-5 £	6-14 £	15-19 £
	367	824	1,443	741	1,643	2,877	2,221	4,937	8,637

## SCHEDULE 4

Schedule 1 paragraph 4(3)

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

**“Table**

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

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>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);	£1,375 per annum	£26.35 per week
(ii) the full day rate of constant attendance allowance under article 8(3);	£2,750 per annum	£52.70 per week
(iii) the intermediate rate of constant attendance allowance under article 8(4);	£4,125 per annum	£79.05 per week
(iv) the exceptional rate of constant attendance allowance under article 8(5)	£5,500 per annum	£105.40 per week
(b) under article 71(4)—		
(i) the rate under paragraph 4(a)	£2,750 per annum <sup>(*)</sup>	£52.70 per week <sup>(*)</sup>
(ii) the rate under paragraph 4(b)	£5,550 per annum <sup>(*)</sup>	£105.40 per week <sup>(*)</sup>
2.Exceptionally severe disablement allowance under article 9	£2,750 per annum	£52.70 per week
3.Severe disablement occupational allowance under article 10	£1,375 per annum	£26.35 per week
4.Allowance for wear and tear of clothing under article 11	£180 per annum	£180 per annum

5. Unemployability allowances—

(a) personal allowance under article 12(1)(a)	£4,506 per annum	£86.35 per week
(b) additional allowances for dependants by way of—		
(i) increase of allowance in respect of a spouse, civil partner, dependant living as a spouse, dependant living as a civil partner or an adult dependant under article 12(6)(b)	£2,539 per annum <sup>(*)</sup>	£48.65 per week <sup>(*)</sup>
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or the eldest child of a member	£590 per annum	£11.30 per week
(bb) in respect of each other child of a member	£694 per annum	£13.30 per week
(cc) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 <sup>(a)</sup> , or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£694 per annum	£13.30 per week

For decisions made on or after 9th April 2001

(c) the annual earnings figure for the purposes of article 12(4) is £4,472

(d) the weekly income figure for the purposes of article 12(6)(a)(i) is £59.15

6. Invalidity allowance under article 13—

(a) if—		
(i) the relevant date fell before 5th July 1948; or		
(ii) on the relevant date the member was under the age of 35; or		
(iii) on the relevant date the member was under the age of 40 and had not attained the age of 65 in the case of the member being a man, or 60 in the case of the member being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£892 per annum	£17.10 per week
(b) if—		
(i) on the relevant date the member was under the age of 45; or		
(ii) on the relevant date the member was under the age of 50 and had not attained the age of 65 in the case of the member being a man, or 60 in the case of a member being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979.	£574 per annum	£11.00 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	£287 per annum	£5.50 per week
7. Comforts allowance—		
(a) under article 14(1)(a)	£1,179 per annum	£22.60 per week
(b) under article 14(1)(b)	£590 per annum	£11.30 per week
8. Allowance for lowered standard of occupation under article 15	£2,749 per annum <sup>(*)</sup>	£52.68 per week <sup>(*)</sup>
9. Age allowance under article 16 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent	£490 per annum	£9.40 per week
(b) over 50 per cent, but not exceeding 70 per cent	£749 per annum	£14.35 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,067 per annum	£20.45 per week
(d) over 90 per cent	£1,498 per annum	£28.70 per week
10. Part-time treatment allowance under article 19	£64.10 per day <sup>(*)</sup>	£64.10 per day <sup>(*)</sup>
11. Mobility supplement under article 20	£2,625 per annum	£50.30 per week

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<sup>(\*)</sup> maximum

<sup>(a)</sup> 1992 c.4.”

SCHEDULE 5

Schedule 1 paragraph 5(1)

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

**“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	6,381
2	6,154
3	6,009
4	5,879
5	5,790
6	5,706
7	5,676
8	5,634
9	5,612
10	5,590
11	5,555

**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)	
13)	
14)	105.90
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 BETWEEN 14 AUGUST 1914 AND 30 SEPTEMBER 1921

PENSIONS AWARDED UNDER ARTICLE 7(1) OR (2) OF THE 1921 (OFFICERS) ORDER OR ARTICLE 7(1) OF THE 1921 (WARRANT OFFICERS) ORDER, OF THE 1920 WARRANT OR OF THE 1921 ORDER



<i>Group</i> (1)	<i>Yearly Rate</i> (2) £
1	6,525
2	6,237
3	6,093
4	5,950
5	5,837
6	5,720
7	5,687
8	5,634
9	5,612
10	5,590
11	5,555

**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

<i>Group</i> (1)	<i>Yearly Rate</i> (2) £
1	6,381
2	6,154
3	6,009
4	5,879
5	5,790
6	5,706
7	5,676
8	1,957
9	1,744
10	1,534
11	1,357

**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

<i>Group</i> (1)	<i>Weekly Rate</i> (2) £
12)	
13)	
14)	25.37
15)	
16)	
17)	”

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

**“Table**

RATES OF PENSIONS, OTHER THAN SURVIVING SPOUSES’ AND SURVIVING  
CIVIL PARTNERS’ PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF  
DEATH

<i>Description of Pension or Allowance</i>	<i>Rates</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 24 to dependant who lived as a spouse or dependant who lived as a civil partner	£5,403 per annum <sup>(*)</sup>	£103.55 per week <sup>(*)</sup>
2. Rent allowance under article 25	£2,085 per annum <sup>(*)</sup>	£39.95 per week <sup>(*)</sup>
3. Elderly persons allowance under article 26—		
(a) if aged 65 but under 70	£631 per annum	£12.10 per week
(b) if aged 70 but under 80	£1,211 per annum	£23.20 per week
(c) if aged 80 or over	£1,795 per annum	£34.40 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	£869 per annum	£16.65 per week
(ii) in respect of each other child of a member	£971 per annum	£18.60 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	£971 per annum	£18.60 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£989 per annum	£18.95 per week
(ii) in respect of each other child of a member	£1,085 per annum	£20.80 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 under the Isle of Man corresponding to that Act	£1,085 per annum	£20.80 per week
5. Pension under article 29 to a child 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	£989 per annum	£18.95 per week
(b) in respect of each other child of a member	£1,085 per annum	£20.80 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992, or under any legislation in Northern Ireland or	£1,085 per annum	£20.80 per week

the Isle of Man corresponding to that Act  
6.Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit    £4,245 per annum<sup>(\*)</sup>    £81.35 per week<sup>(\*)</sup>

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<sup>(\*)</sup> maximum”

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (“the principal Order”) which makes provision for pensions and other awards in respect of disablement or death due to service in the naval, military and air forces.

Paragraph 1 of Schedule 1 amends article 12(3)(e) of the principal Order by increasing the period between the termination of the original payment of unemployability allowance and the making of a new claim for unemployability allowance from 52 to 104 weeks for those persons who become engaged in remunerative work which then ceases, provided they meet the other criteria set out in article 12(3)(e).

Paragraph 2 of Schedule 1 corrects an omission in the principle Order which arose during the process of consolidating a number of earlier instruments into the principle Order.

Paragraph 3 of Schedule 1 varies the rate of supplementary pension payable to an entitled surviving spouse or surviving civil partner of a member whose service terminated before 31st March 1973.

Paragraphs 4 and 5 of Schedule 1 substitute Tables in Schedules 1 and 2 to the principal Order thereby varying the rates of retired pay, pensions, gratuities and allowances in respect of disablement or death due to service in the armed forces. In addition the rates set out in paragraphs 1(b)(i) and 1(b)(ii) of the Table at Schedule 4 of this Order, which replaces the Table at Part IV of Schedule 1 of the principal Order, have been revised to correct an error which arose during the process of consolidating a number of earlier instruments into the principal Order.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

£3.00

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Stationery Office and Queen’s Printer of Acts of Parliament.

E0522 3/2007 170522T 19585