
STATUTORY INSTRUMENTS

2009 No. 706

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2009

Amendment of article 15 (Allowance for lowered standard of occupation)

6. Article 15 is amended as follows—

- (a) in paragraph (1) for “Except in the circumstances specified in” substitute “Subject to”;
- (b) for paragraph (2) substitute—

“(2) No award of an allowance under this article shall be made where subparagraphs (a) or (b) or both apply—

(a) this subparagraph applies where a member submits a new claim (as defined in article 4(b))—

- (i) on or after the date he attained the age of 65, or
- (ii) where the degree of disablement is assessed at less than 40 per cent;

(b) this subparagraph applies where—

- (i) a member submits a claim on or after 6th April 2009,
 - (ii) on the day which immediately precedes the date of claim the member or, where the member has died, the person by or in respect of whom a claim is made does not have an award of the allowance, and
- (iii) the member is in receipt of—

(aa) incapacity benefit under Part II of the Social Security Contributions and Benefits Act 1992⁽¹⁾ or the corresponding provisions of the Social Security Contributions and Benefits Act (Northern Ireland) 1992⁽²⁾,

(bb) employment and support allowance under Part 1 of the Welfare Reform Act 2007⁽³⁾ or the corresponding provisions of the Welfare Reform Act (Northern Ireland) 2007, or

(cc) any benefit or allowance under the law of any place outside the United Kingdom which in the opinion of the Secretary of State is analogous to incapacity benefit or employment and support allowance.”.

(1) 1992 c. 4.
(2) 1992 c. 7. (N.I.).
(3) 2007 c. 5.