

2011 No. 235

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2011

Made - - - - - *9th February 2011*

Laid before Parliament *16th February 2011*

Coming into force - - - *11th April 2011*

At the Court at Buckingham Palace, the 9th day of February 2011

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^(a).

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^(b), 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 2011 and shall come into force on 11th April 2011.

(2) In this Order, “the principal Order” means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

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

2. In Schedule 1 to the principal Order—

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

^(a) S.I. 2006/606 as amended by S.I. 2006/1455, 2007/909, 2008/679, 2008/2683, 2009/706 and 2010/240.

^(b) 1977 c. 5, subsection 24(3) of which was amended by the Social Security (Consequential Provisions) Act 1992 c. 6, section 4 and Schedule 2, paragraph 46.

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

3. In Schedule 2 to the principal Order—

- (a) for Tables 1, 2, 3, 4, 5, 6 and 7 of Part 2 substitute Tables 1, 2, 3, 4, 5, 6 and 7 set out in Schedule 4 to this Order; and
- (b) for the Table in Part 3 substitute the Table set out in Schedule 5 to this Order.

Judith Simpson
Clerk of the Privy Council

SCHEDULE 1

Article 2(a)

**TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT
PART 2 OF SCHEDULE 1 TO THE PRINCIPAL ORDER**

“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	159.50	8,323
90	143.55	7,490
80	127.60	6,658
70	111.65	5,826
60	95.70	4,994
50	79.75	4,161
40	63.80	3,329
30	47.85	2,497
20	31.90	1,665”

SCHEDULE 2

Article 2(b)

**TABLES TO BE SUBSTITUTED FOR TABLES 1 AND 2 SET OUT
AT PART 3 OF SCHEDULE 1 TO THE PRINCIPAL ORDER**

“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	7,584

More than 1 phalanx but not more than 2 phalanges	11	6,068
1 phalanx or part thereof	9	5,055
Guillotine amputation of tip without loss of bone	5	3,026
Middle finger—		
More than 2 phalanges including loss of whole finger	12	6,569
More than 1 phalanx but not more than 2 phalanges	9	5,055
1 phalanx or part thereof	7	4,042
Guillotine amputation of tip without loss of bone	4	2,527
Ring or little finger—		
More than 2 phalanges including loss of whole finger	7	4,042
More than 1 phalanx but not more than 2 phalanges	6	3,543
1 phalanx or part thereof	5	3,026
Guillotine amputation of tip without loss of bone	2	1,515

B. TOES

Great toe—		
Through metatarso-phalangeal joint	14	7,584
Part, with some loss of bone	3	2,015
1 other toe—		
Through metatarso-phalangeal joint	3	2,015
Part, with some loss of bone	1	1,016
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	3,026
Part, with some loss of bone	2	1,515
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	3,543
Part, with some loss of bone	3	2,015
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	5,055
Part, with some loss of bone	3	2,015

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
	£2,535	£5,638	£9,860"

SCHEDULE 3

Article 2(c)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART 4 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

“Table

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

<i>Description of Allowance</i>	<i>Rate</i>	
	Groups 1-9	Groups 10-15
1. Constant attendance allowance under article 8—		
(a) under article 8—		
(i) the part day rate of constant attendance allowance under article 8(2)	£1,571 per annum	£30.10 per week
(ii) the full day rate of constant attendance allowance under article 8(3)	£3,141 per annum	£60.20 per week
(iii) the intermediate rate of constant attendance allowance under article 8(4)	£4,712 per annum	£90.30 per week
(iv) the exceptional rate of constant attendance allowance under article 8(5)	£6,282 per annum	£120.40 per week
(b) under article 71(4)—		
(i) the rate under paragraph 4(a)	£3,141 per annum ^(*)	£60.20 per week ^(*)
(ii) the rate under paragraph 4(b)	£6,282 per annum ^(*)	£120.40 per week ^(*)
2. Exceptionally severe disablement allowance under article 9	£3,141 per annum	£60.20 per week
3. Severe disablement occupational allowance under article 10	£1,571 per annum	£30.10 per week
4. Allowance for wear and tear of clothing under article 11	£205 per annum	£205 per annum
5. Unemployability allowances—		
(a) personal allowance under article 12(1)(a)	£5,142 per annum	£98.55 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)(a)	£2,857 per annum ^(*)	£54.75 per week ^(*)
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or the eldest child of a member	£665 per annum	£12.75 per week
(bb) in respect of each other child of a member	£780 per annum	£14.95 per week
(cc) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 ^(a) , or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£780 per annum	£14.95 per week

For decisions made on or after 9th April 2001

(c) the annual earnings figure for the purposes of article 12(4) is £4,940

(d) the weekly income figure for the purposes of article 12(6)(a)(i) is £67.50

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

£1,020 per annum £19.55 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

£657 per annum £12.60 per week

(c) if heads (a) and (b) do not apply and on £329 per annum £6.30 per week

(a) 1992 c. 4.

the relevant date the member was a man under the age of 60 or a woman under the age of 55

7. Comforts allowance—		
(a) under article 14(1)(a)	£1,351 per annum	£25.90 per week
(b) under article 14(1)(b)	£676 per annum	£12.95 per week
8. Allowance for lowered standard of occupation under article 15	£3,137 per annum ^(*)	£60.12 per week ^(*)
9. Age allowance under article 16 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent	£558 per annum	£10.70 per week
(b) over 50 per cent, but not exceeding 70 per cent	£856 per annum	£16.40 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,218 per annum	£23.35 per week
(d) over 90 per cent	£1,712 per annum	£32.80 per week
10. Part-time treatment allowance under article 19	£73.20 per day ^(*)	£73.20 per day ^(*)
11. Mobility supplement under article 20	£2,995 per annum	£57.40 per week

^(*) maximum.”

SCHEDULE 4

Article 3(a)

TABLES TO BE SUBSTITUTED FOR TABLES 1, 2, 3, 4, 5, 6 and 7
SET OUT AT PART 2 OF SCHEDULE 2 TO THE PRINCIPAL
ORDER

“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(a) OR ARTICLE 11(1) OF THE 1921 (WARRANT OFFICERS) ORDER(b), OF THE 1920 WARRANT(c) OR OF THE 1921 ORDER(d)

<i>Group</i>	<i>Yearly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
1	7,285
2	7,026
3	6,859
4	6,711
5	6,611
6	6,514
7	6,480
8	6,432
9	6,408
10	6,381
11	6,343

Table 2

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

<i>Group</i>	<i>Weekly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
12)	
13)	
14)	120.95
15)	
16)	
17)	

- (a) Order in Council of 9th March 1921.
(b) Order in Council of 9th March 1921.
(c) Royal Warrant of 2nd July 1920.
(d) Order of His Majesty of 25th September 1921.

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 11(1) OR (2) OF THE 1921 (OFFICERS) ORDER OR ARTICLE 11(1) OF THE 1921 (WARRANT OFFICERS) ORDER, OF THE 1920 WARRANT OR OF THE 1921 ORDER

<i>Group</i> (1)	<i>Yearly Rate</i> (2) £
1	7,449
2	7,120
3	6,957
4	6,792
5	6,664
6	6,530
7	6,492
8	6,432
9	6,408
10	6,381
11	6,343

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	7,285
2	7,026
3	6,859
4	6,711
5	6,611
6	6,514
7	6,480
8	2,234
9	1,992
10	1,752
11	1,550

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)	28.97
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

<i>Group</i> (1)	<i>Yearly Rate</i> (2) £
(1-11)	4,221.88

Table 7

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

<i>Group</i> (1)	<i>Weekly Rate</i> (2) £
(12-17)	80.91"

SCHEDULE 5

Article 3(b)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT
PART 3 OF SCHEDULE 2 TO THE PRINCIPAL ORDER

“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	£6,189 per annum ^(*)	£118.60 per week ^(*)
2. Rent allowance under article 25	£2,379 per annum ^(*)	£45.60 per week ^(*)
3. Elderly persons allowance under article 26—		
(a) if aged 65 but under 70	£720 per annum	£13.80 per week
(b) if aged 70 but under 80	£1,383 per annum	£26.50 per week
(c) if aged 80 or over	£2,051 per annum	£39.30 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	£989 per annum	£18.95 per week
(ii) in respect of each other child of a member	£1,109 per annum	£21.25 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	£1,109 per annum	£21.25 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,130 per annum	£21.65 per week
(ii) in respect of each other child of a member	£1,239 per annum	£23.75 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	£1,239 per annum	£23.75 per week
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	£1,130 per annum	£21.65 per week
(b) in respect of each other child of a member	£1,239 per annum	£23.75 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992, or	£1,239 per annum	£23.75 per week

under any legislation in Northern Ireland or
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	£4,848 per annum ^(*)	£92.90 per week ^(*)
---	---------------------------------	--------------------------------

^(*) 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 before 6th April 2005 in the naval, military and air forces. Articles 2 and 3 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.

© Crown copyright 2011

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£5.75