STATUTORY INSTRUMENTS

1979 No. 1312

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1979

Made - - - -	19*th October* 1979
Laid before Parliament	22*nd October* 1979
Coming into Operation	12*th November* 1979

At the Court at Buckingham Palace, the 19th day of October 1979

Present,

The Queen's Most Excellent Majesty in Council

WHEREAS Her Majesty deems it expedient to amend the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978(a) and to do so by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(b):

NOW, THEREFORE, Her Majesty in exercise of the powers conferred by the said section 12(1) and of all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1979, and, subject to paragraph (3) below, shall come into operation on 12th November 1979.

(2) In this Order the expression "the principal Order" means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978.

(3) In relation to any award under the principal Order which is payable weekly and to which any provision of this Order relates, the date prescribed in paragraph (1) above as the date on which the provision shall come into operation shall, where that date is not the normal weekly pay day for that award, be construed as a reference to the date of the first weekly pay day for that award immediately following the said prescribed date.

(a) S.I. 1978/1525, as amended by S.I. 1978/1902 and S.I. 1979/113.
(b) 1977 c. 5.

Amendment of articles 18 *and* 23 *of the principal Order*

2. Articles 18 and 23 of the principal Order (unemployability and treatment allowances) shall be amended as follows:—

(*a*) in article 18(2) for the amount "£572" there shall be substituted the amount "£676";

(*b*) in article 18(3)(*c*), (3A) and (5), and article 23(11)—

(i) for the reference to the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974 there shall be substituted a reference to the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979(a), and

(ii) for the reference to regulation 14, wherever that reference appears, there shall be substituted a reference to regulation 18.

Substitution for article 31(1) *and* (2) *of the principal Order*

3. For paragraphs (1) and (2) of article 31 of the principal Order (rent allowance to widows, and unmarried dependants who lived as wives, who have children) there shall be substituted the following paragraphs:—

"**31.**—(1) Where a widow of a member of the armed forces is in receipt of a pension under article 11 of a 1919 to 1921 instrument, or under article 29 of this Order, or an unmarried dependant of a member is in receipt of a pension under article 30 and—

(*a*) in the case of a widow, her household includes a child, or

(*b*) in the case of an unmarried dependant, her household includes a child of the member,

the widow or, as the case may be, unmarried dependant may be awarded a rent allowance at such weekly rate, not exceeding the appropriate rate specified in paragraph 2 of Part III of Schedule 2, as the Secretary of State may think fit having regard to her weekly rent and rates.

(2) Where, but for this provision, an allowance under this article would cease by reason of the household ceasing to include a child or, as the case may be, a child of the member, the allowance may be continued for the period of 26 weeks from the date on which the household so ceases to include that child, notwithstanding that the widow or the unmarried dependant is no longer in receipt of a pension under the said article 11 or the said article 29 or 30 for the whole or any part of that period unless that pension has ceased by virtue of the provisions of article 42 hereof."

Amendment of article 65 *of the principal Order*

4.—(1) In each of heads (i) and (ii) of article 65(*b*) (commencing date of awards)—

(*a*) after the words "rejection of that claim" there shall be inserted the words "or against the withholding or reduction of the award under article 6", and

(*b*) after the words "notification of such rejection" there shall be inserted the words "withholding or reduction".

(a) S.I. 1979/643.

(2) In head (iii) of the said article 65(*b*) after the words "rejection of such claim" there shall be added the words "or of the withholding or reduction of the award".

Amendment of Schedules to the principal Order

5.—(1) In Schedule 1 to the principal Order (rates of pension and other grants payable in respect of disablement)—

(*a*) for Tables 1 and 3 of Part II there shall respectively be substituted the Tables set out in Schedules 1 and 2 hereto;

(*b*) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 3 and 4 hereto;

(*c*) for Part IV there shall be substituted the Part set out in Schedule 5 hereto.

(2) In Schedule 2 to the principal Order (rates of pension and other grants payable in respect of death)—

(*a*) for Table 1A of Part II there shall be substituted the Table set out in Schedule 6 hereto;

(*b*) for the amount "£1319" in the second column of Table 1B of Part II there shall be substituted the amount "£1575";

(*c*) for the amounts "£25.30" and "£5.85" in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts "£30.20" and "£6.99";

(*d*) for Table 5 of Part II there shall be substituted the Table set out in Schedule 7 hereto;

(*e*) for Part III there shall be substituted the Part set out in Schedule 8 hereto.

Miscellaneous amendments

6. The provisions of the principal Order specified in the first column of Schedule 9 hereto shall be amended in accordance with the second column of that Schedule.

N. E. Leigh,

Clerk of the Privy Council.

SCHEDULE 1 *Article 5 (1) (a)*

Table to be substituted for Table 1 of Part II of Schedule 1 to the principal Order

TABLE 1

YEARLY RATES OF—

A. RETIRED PAY AND PENSIONS FOR DISABLED OFFICERS AND NURSES AND

B. DISABLEMENT ADDITION TO SERVICE RETIRED PAY

GROUPS 1–9

Degree of Disability	*Yearly Rate*
Per cent.	£
100	2,016
90	1,814
80	1,613
70	1,411
60	1,210
50	1,008
40	807
30	605
20	403

SCHEDULE 2 *Article 5 (1) (a)*

Table to be substituted for Table 3 of Part II of Schedule 1 to the principal Order

TABLE 3

WEEKLY RATES OF PENSION FOR DISABLED OTHER RANKS

GROUPS 10–15

Degree of Disability	*Weekly Rate*
Per cent.	£
100	38.00
90	34.20
80	30.40
70	26.60
60	22.80
50	19.00
40	15.20
30	11.40
20	7.60

SCHEDULE 3

Article 5 (1) (b)

Table to be substituted for Table 1 of Part III of Schedule 1 to the principal Order

TABLE 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

Description of Injury	*Groups 1–9*	*Groups 10–15*
	£	£
For the loss of:—		
A. FINGERS:—		
Index finger—		
Whole	1,958	1,928
2 phalanges	1,568	1,543
1 phalanx	1,305	1,285
Guillotine amputation of tip without loss of bone	779	769
Middle finger—		
Whole	1,695	1,670
2 phalanges	1,305	1,285
1 phalanx	1,042	1,027
Guillotine amputation of tip without loss of bone	653	643
Ring or little finger—		
Whole	1,042	1,027
2 phalanges	916	901
1 phalanx	779	769
Guillotine amputation of tip without loss of bone	390	385
B. TOES:—		
Great Toe—		
through metatarso-phalangeal joint	1,958	1,928
part, with some loss of bone	516	511
1 other toe—		
through metatarso-phalangeal joint	516	511
part, with some loss of bone	263	258
2 toes, excluding great toe—		
through metatarso-phalangeal joint	779	769
part, with some loss of bone	390	385
3 toes, excluding great toe—		
through metatarso-phalangeal joint	916	901
part, with some loss of bone	516	511
4 toes, excluding great toe—		
through metatarso-phalangeal joint	1,305	1,285
part, with some loss of bone	516	511

Article 5 (1) (b)

SCHEDULE 4

Table to be substituted for Table 2 of Part III of Schedule 1 to the principal Order

PART III

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

Group	*Estimated duration of the disablement within the degree referred to*								
	Temporary less than a year			*Temporary more than a year*			*Indeterminate*		
	Per cent.			*Per cent.*			*Per cent.*		
	1–5	6–14	15–19	1–5	6–14	15–19	1–5	6–14	15–19
	£	£	£	£	£	£	£	£	£
1	118	263	459	236	524	918	708	1,575	2,755
3	116	258	452	232	515	902	696	1,548	2,708
4	114	254	444	228	506	886	684	1,521	2,661
5	112	251	438	226	500	876	676	1,503	2,629
6	111	248	433	223	494	865	668	1,485	2,598
7, 8	109	243	425	219	485	849	656	1,458	2,551
9	107	239	417	215	476	834	644	1,431	2,503
10	108	240	419	217	479	838	643	1,429	2,495
11	108	239	418	216	478	835	641	1,424	2,486
12	107	239	416	215	476	832	639	1,419	2,477
13	107	238	415	215	474	829	637	1,414	2,469
14	106	237	413	214	473	826	634	1,409	2,460
15	106	236	412	213	471	823	632	1,404	2,451

SCHEDULE 5 *Article 5 (1) (c)*

Part to be substituted for Part IV of Schedule 1 to the principal Order

PART IV

RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

Description of Allowance	*Rate*	
	Groups 1–9	*Groups 10–15*
1. Education allowance under article 13...	£120.00 per annum (maximum)	£120.00 per annum (maximum)
2. Constant attendance allowance—		
(*a*) under article 14(1)(*b*) ...	£1585.06 per annum (maximum)	£30.40 per week (maximum)
(*b*) under article 14(1)(*a*) ...	£792.53 per annum (maximum)	£15.20 per week (maximum)
3. Exceptionally severe disablement allowance under article 15...	£792.53 per annum	£15.20 per week
4. Severe disablement occupational allowance under article 16...	£396.26 per annum	£7.60 per week
5. Allowance for wear and tear of clothing—		
(*a*) under article 17(1)(*a*) ...	£32.00 per annum	£32.00 per annum
(*b*) under article 17(1)(*b*) and 17(2)	£51.00 per annum	£51.00 per annum
6. Unemployability allowances—		
(*a*) personal allowance under article 18(1)(*a*)	£1287.86 per annum	£24.70 per week
(*b*) additional allowances for dependants by way of—		
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a wife, under article 18(4)(*b*)	£729.96 per annum (maximum)	£14.00 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(4)(*c*)	£729.96 per annum (maximum)	£14.00 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(4)(*d*)	£370.19 per annum	£7.10 per week

Description of Allowance	*Rate*	
	Groups 1-9	*Groups 10-15*
7. Invalidity allowance under article 19—		
(*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	£255.49 per annum	£4.90 per week
(*b*) if—		
(i) on the relevant date the member was under the age of 45; or		
(ii) on the relevant date the member was under the age of 50 and had not attained the age of 65, in the case of the member being a man, or 60, in the case of the member being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£161.63 per annum	£3.10 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	£80.82 per annum	£1.55 per week
8. Comforts allowance—		
(*a*) under article 20(1)(*a*) ...	£344.12 per annum	£6.60 per week
(*b*) under article 20(1)(*b*) ...	£172.06 per annum	£3.30 per week
9. Allowance for lowered standard of occupation under article 21	£792.53 per annum (maximum)	£15.20 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(*a*) 40 to 50 per cent	£138.17 per annum	£2.65 per week

Description of Allowance	*Rate*	
	Groups 1-9	*Groups 10-15*
(*b*) over 50 per cent, but not exceeding 70 per cent	£213.77 per annum	£4.10 per week
(*c*) over 70 per cent, but not exceeding 90 per cent	£307.63 per annum	£5.90 per week
(*d*) over 90 per cent	£427.55 per annum	£8.20 per week
11. Treatment allowances—		
(*a*) increase of personal allowance under article 23(3) ...	£427.55 per annum (maximum)	£8.20 per week (maximum)
(*b*) increase of personal allowance under article 23(4) (*a*)—		
(i) if the member has reached 65 years (60 if a woman) or if not eligible for invalidity pension and allowance solely because of failure to satisfy the contribution conditions	£23.30 per week	£23.30 per week
(ii) in any other case ...	£18.50 per week	£18.50 per week
(*c*) increase of personal allowance under article 23(4)(*c*)—		
(i) if on the relevant date the member was under the age of 35 or if that date fell before 5th July 1948; or		
(ii) if head (i) does not apply and 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	£255.49 per annum	£4.90 per week
(iii) if heads (i) and (ii) do not apply and on the relevant date the member was under the age of 45; or		
(iv) if heads (i) to (iii) do not apply and on the relevant date the member was under the age of 50 and had not attained the age of 65, in the case of the member being a man, or 60, in the case of the member being a woman, before 6th April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£161.63 per annum	£3.10 per week

Description of Allowance	*Rate*	
	Groups 1-9	*Groups 10-15*
(v) in any other case ...	£80.82 per annum	£1.55 per week
(*d*) increase of additional allowance under article 23(6) ...	£597.00 per annum	£11.45 per week
(*e*) increase of additional allowance in respect of each child under article 23(7) and (8) ...	£88.64 per annum	£1.70 per week
(*f*) additional allowance under article 23(9)	£597.00 per annum	£11.45 per week
(*g*) higher rate of increase of additional allowance (or of additional allowance, as the case may be) under article 23(10)—		
(i) in respect of the wife, husband, unmarried dependant living as a wife or adult dependant of a member ...	£729.96 per annum	£14.00 per week
(ii) in respect of each child of a member	£370.19 per annum	£7.10 per week
12. Part-time treatment allowance under article 25	£12.40 per day (maximum)	£12.40 per day (maximum)

Article 5 (2) (a) SCHEDULE 6

Table to be substituted for Table 1A Part II of Schedule 2 to the principal Order

Group (*1*)	*Rate* (*2*)	*Rate* (*3*)
	£	£
1	1575	1575
2		
3		
4		
5		
6		
7		
8		559
9		498
10		438
11		388

Article 5 (2) (d) SCHEDULE 7

Table to be substituted for Table 5 of Part II of Schedule 2 to the principal Order

TABLE 5

MAXIMUM YEARLY RATES OF PENSION FOR RELATIVES OF 1914 WORLD WAR OFFICERS

Group (*1*)	*Rate* (*2*)
	£
1	1575
2	
3	
4	
5	
6	
7	
8	559
9	498
10	438
11	388

Article 5 (2) (e)

SCHEDULE 8

Part to be substituted for Part III of Schedule 2 to the principal Order

PART III

RATES OF PENSIONS, OTHER THAN WIDOWS' PENSIONS, AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

Description of Pension or Allowance	*Rate*	
	Groups 1-11	*Groups 12-17*
1. Pension under article 30 to unmarried dependant who lived as wife	£1502.00 per annum (maximum)	£28.80 per week (maximum)
2. Rent allowance under article 31	£11.50 per week (maximum)	£11.50 per week (maximum)
3. Allowance under article 32 to elderly widow or unmarried dependant who lived as wife—		
(*a*) if aged 65 but under 70	£153.81 per annum	£2.95 per week
(*b*) if aged 70 or over ...	£307.63 per annum	£5.90 per week
4. Pension to widower under article 34	£1575.00 per annum (maximum)	£30.20 per week (maximum)
5. Allowances in respect of children—		
(*a*) under article 35(1) in respect of each child ...	£521.40 per annum	£10.00 per week
(*b*) under article 35(3) ...	£553.00 per annum	£10.60 per week
6. Pension under article 36 to a motherless or fatherless child of a member ...	£553.00 per annum	£10.60 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£1215.00 per annum (maximum)	£23.30 per week (maximum)
8. Education allowance under article 38	£120.00 per annum (maximum)	£120.00 per annum (maximum)

Description of Pension or Allowance	*Rate*	
	Groups 1-11	*Groups 12-17*
9. Pensions to parents—		
(*a*) minimum rate under article 40(3)	£15.00 per annum	£0.25 per week
(*b*) under paragraphs (*a*) and (*b*) of article 40(3)—		
(i) where there is only one eligible parent ...	(i) Groups 1–10— £75.00 per annum (maximum) (ii) Group 11— £60.00 per annum (maximum)	£1.00 per week (maximum)
(ii) where there is more than one eligible parent	(i) Groups 1-10— £100.00 per annum (maximum) (ii) Group 11— £85.00 per annum (maximum)	£1.38 per week (maximum)
(*c*) increase under article 40(3)(*c*)	£20.00 per annum (maximum)	(i) Where there is only one eligible parent —£0.38 per week (maximum) (ii) Where there is more than one eligible parent —£0.62 per week (maximum)
(*d*) under paragraph (*d*) of article 40(4)	—	£1.00 per week (maximum)
10. Pensions to other dependants—		
(*a*) under article 41(2) ...	£54.00 per annum (maximum)	£1.00 per week (maximum)
(*b*) for each juvenile dependant under article 41(3) ...	(i) Groups 1-10— £26.00 per annum (maximum) (ii) Group 11— £20.00 per annum (maximum)	£0.30 per week (maximum)
(*c*) aggregate rate under article 41(3)	(i) Groups 1-10— £75.00 per annum (maximum) (ii) Group 11— £65.00 per annum (maximum)	£1.00 per week (maximum)

Article 6

SCHEDULE 9

Amendments to the principal Order

Provision	*Amendment*
article 23(2) (*b*) (i) (treatment allowances)	for the figure "(19)" there shall be substituted the figure "19";
article 27(2) (application of Part IV)	for the words "claim to an award has been made" there shall be substituted the words "claim to an award has been accepted";
article 30(1) (pensions to unmarried dependants who lived as wives)	for the word "provision" there shall be substituted the word "provisions";
article 33(1)(*b*) (temporary allowances)	for the word "cease" there shall be substituted the word "ceased";
article 35(1)(*a*) (i) (allowances in respect of children under the age limit)	for the words "does not apply" there shall be substituted the words "do not apply";
article 48(1) (officers promoted from the ranks)	for the letter "(*a*)" identifying the second sub-paragraph there shall be substituted the letter "(*b*)";
article 51(1) (ratings, soldiers or airmen with previous pension)	after the figure "3rd" there shall be deleted the letters "f1";
article 71(4)(*b*) (transitional provisions)	for the words "claim, appear or review" there shall be substituted the words "claim, appeal or review";
Schedule 3 (glossary of expressions)	
item 16(*a*) (ii)	(*a*) before the words "has never been married" there shall be deleted the word "is"; and (*b*) after the words "married or" there shall be inserted the word "is";
item 54	(*a*) for the date "30th September 1921" there shall be substituted the date "31st August 1921"; (*b*) for the words "after the first date and ending on or before the second date" there shall be substituted the words "after 4th August 1914 and ending on or before 30th September 1921"(**a**);
Schedule 4 paragraph 3 (transitory provisions)	for the word "precuniary" there shall be substituted the word "pecuniary".

(**a**) See War Pensions Act 1920 (c. 23) sections 1 and 2 and S.R. & O. 1921/1276.

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 1978 ("the principal Order").

The Order provides for the payment of rent allowance to widows of servicemen and to unmarried dependants who lived as the wives of servicemen to be continued for a period of 26 weeks from the date upon which any child by reason of whose presence in the household the rent allowance was being paid ceases to be a member of that household. Previously, provision had been made to extend the payment of rent allowance for a period of only 13 weeks and only in the case of the death of the child.

Further, the Order amends article 65 of the principal Order to make specific provision for the commencement of payment of awards made following successful appeals against the reduction or withholding of an award.

This Order increases rates of retired pay, pensions, gratuities and allowances in respect of disablement and death due to service in the naval, military and air forces of the Crown during the 1914 World War and after 2nd September 1939. It also raises the maximum amount of annual earnings which may be received by a disabled person while deemed to be unemployable for the purposes of an award of unemployability allowance.

This Order also amends articles 18 and 23 of the principal Order by substituting for the references at present appearing in them to a set of regulations which have now been revoked and replaced references to the replacing regulations. The other amendments made by this Order are of a miscellaneous nature, largely in rectification of clerical and printer's errors.

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