STATUTORY INSTRUMENTS

1980 No. 1081

PENSIONS

WAR PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1980

Made - - - -	28*th July* 1980
Laid before Parliament	5*th August* 1980
Coming into Operation	
articles 1 *and* 3	14*th September* 1980
remainder	24*th November* 1980

At the Court at Buckingham Palace, the 28th day of July 1980

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 the 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 1980, and, subject to paragraph (3) below, shall come into operation, as to articles 1 and 3 on 14th September 1980 and, as to articles 2, 4 and 5 on 24th November 1980.

(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 foregoing reference to 24th November 1980 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 24th November 1980.

Amendment of article 18 *of the principal Order*

2. For the amount "£676" in paragraph (2) of article 18 of the principal

(a) S.I. 1978/1525 as amended by S.I. 1978/1902; 1979/113 and 1312; 1980/1080.
(b) 1977 c. 5.

Order (earnings allowed in relation to unemployability allowance) there shall be substituted the amount "£780".

Amendment of article 19 *of the principal Order*

3. For the period "13 weeks" in paragraph (3) of article 19 of the principal Order (unemployability allowance linking provision in relation to invalidity allowance) there shall be substituted the period "8 weeks".

Amendment of article 25 *of the principal Order*

4. For paragraph (2) of article 25 of the principal Order (allowance for part-time treatment) there shall be substituted the following paragraph:—

"(2) The amount of an allowance awarded to a member under this article in respect of any period of a week shall not exceed three times the said appropriate rate."

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 "£1,575" in the second column of Table 1B of Part II there shall be substituted the amount "£1,841";

(*c*) for the amounts "£30·20" and "£6·99" in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts "£35·30" and "£8·15";

(*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.

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 FOR ALL RANKS IN GROUPS 1–9 OF PART I OF THIS SCHEDULE

B. DISABLEMENT ADDITION ON A PENSION BASIS (ARTICLE 43(3)(*a*)) FOR ALL RANKS IN GROUPS 1–9 OF PART I OF THIS SCHEDULE AND GROUPS 2 AND 3 OF PART I OF SCHEDULE 2

Degree of Disability	*Yearly Rate*
Per cent.	£
100	2,345
90	2,111
80	1,876
70	1,642
60	1,407
50	1,173
40	938
30	704
20	469

Article 5(1)(a)

SCHEDULE 2

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	44·30
90	39·90
80	35·40
70	31·00
60	26·60
50	22·20
40	17·70
30	13·30
20	8·90

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	2,273	2,243
2 phalanges	1,820	1,795
1 phalanx	1,515	1,495
Guillotine amputation of tip without loss of bone	905	895
Middle finger—		
Whole	1,968	1,943
2 phalanges	1,515	1,495
1 phalanx	1,210	1,195
Guillotine amputation of tip without loss of bone	758	748
Ring or little finger—		
Whole	1,210	1,195
2 phalanges	1,063	1,048
1 phalanx	905	895
Guillotine amputation of tip without loss of bone	453	448
B. TOES:—		
Great Toe—		
through metatarso-phalangeal joint	2,273	2,243
part, with some loss of bone	600	595
1 other toe—		
through metatarso-phalangeal joint	600	595
part, with some loss of bone	305	300
2 toes, excluding great toe—		
through metatarso-phalangeal joint	905	895
part, with some loss of bone	453	448
3 toes, excluding great toe—		
through metatarso-phalangeal joint	1,063	1,048
part, with some loss of bone	600	595
4 toes, excluding great toe—		
through metatarso-phalangeal joint	1,515	1,495
part, with some loss of bone	600	595

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	136	302	527	270	601	1,053	812	1,806	3,159
3	134	297	520	266	592	1,037	800	1,779	3,112
4	132	293	512	262	583	1,021	788	1,752	3,065
5	130	290	506	260	577	1,011	780	1,734	3,033
6	129	287	501	257	571	1,000	772	1,716	3,002
7, 8	127	282	493	253	562	984	760	1,689	2,955
9	125	278	485	249	553	969	748	1,662	2,907
10	126	279	487	251	556	973	747	1,660	2,899
11	126	278	486	250	555	970	745	1,655	2,890
12	125	278	484	249	553	967	743	1,650	2,881
13	125	277	483	249	551	964	741	1,645	2,873
14	124	276	481	248	550	961	738	1,640	2,864
15	124	275	480	247	548	958	736	1,635	2,855

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*) ..	£1,845·76 per annum (maximum)	£35·40 per week (maximum)
(*b*) under article 14(1)(*a*) ..	£922·88 per annum (maximum)	£17·70 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£922·88 per annum	£17·70 per week
4. Severe disablement occupational allowance under article 16 ..	£461·44 per annum	£8·85 per week
5. Allowance for wear and tear of clothing— (*a*) under article 17(1)(*a*) ..	£37·00 per annum	£37·00 per annum
(*b*) under article 17(1)(*b*) and 17(2)	£59·00 per annum	£59·00 per annum
6. Unemployability allowances— (*a*) personal allowance under article 18(1)(*a*)	£1,501·63 per annum	£28·80 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*)	£849·88 per annum (maximum)	£16·30 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(4)(*c*)	£849·88 per annum (maximum)	£16·30 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(4)(*d*)	£391·05 per annum	£7·50 per week

SCHEDULE 5 (*contd.*)

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	£297·20 per annum	£5·70 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	£187·70 per annum	£3·60 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	£93·85 per annum	£1·80 per week
8. Comforts allowance—		
(*a*) under article 20(1)(*a*) ..	£401·48 per annum	£7·70 per week
(*b*) under article 20(1)(*b*) ..	£200·74 per annum	£3·85 per week
9. Allowance for lowered standard of occupation under article 21	£922·88 per annum (maximum)	£17·70 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(*a*) 40 to 50 per cent	£161·63 per annum	£3·10 per week

SCHEDULE 5 (*contd.*)

Description of Allowance	*Rate*	
	Groups 1–9	*Groups 10–15*
(*b*) over 50 per cent, but not exceeding 70 per cent	£250·27 per annum	£4·80 per week
(*c*) over 70 per cent, but not exceeding 90 per cent	£357·16 per annum	£6·85 per week
(*d*) over 90 per cent	£500·54 per annum	£9·60 per week
11. Treatment allowances—		
(*a*) increase of personal allowance under article 23(3) ..	£500·54 per annum (maximum)	£9·60 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	£27·15 per week	£27·15 per week
(ii) in any other case ..	£20·65 per week	£20.65 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 (iii) if heads (i) and (ii) do not apply and on the relevant date the member was under the age of 45; or	£297·20 per annum	£5·70 per week
(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	£187·70 per annum	£3·60 per week
(v) in any other case ..	£93·85 per annum	£1·80 per week

SCHEDULE 5 (*contd.*)

Description of Allowance	*Rate*	
	Group 1–9	*Groups 10–15*
(*d*) increase of additional allowance under article 23(6) ..	£664·79 per annum	£12·75 per week
(*e*) increase of additional allowance in respect of each child under article 23(7) and (8) ..	£65·18 per annum	£1·25 per week
(*f*) additional allowance under article 23(9)	£664·79 per annum	£12·75 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 ..	£849·88 per annum	£16·30 per week
(ii) in respect of each child of a member..	£391·05 per annum	£7·50 per week
12. Part-time treatment allowance under article 25	£14·00 per day (maximum)	£14·00 per day (maximum)

SCHEDULE 6 *Article 5(2)(a)*

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

Group (*1*)	*Rate* (*2*)	*Rate* (*3*)
	£	£
1	1,841	1,841
2		
3		
4		
5		
6		
7		
8		652
9		581
10		511
11		452

SCHEDULE 7 *Article 5(2)(d)*

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	1,841
2	
3	
4	
5	
6	
7	
8	652
9	581
10	511
11	452

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	£1,757·00 per annum (maximum)	£33·70 per week (maximum)
2. Rent allowance under article 31	£13·40 per week (maximum)	£13·40 per week (maximum)
3. Allowance under article 32 to elderly widow or unmarried dependant who lived as wife—		
(*a*) if age 65 but under 70 ..	£179·88 per annum	£3·45 per week
(*b*) if age 70 or over.. ..	£359·77 per annum	£6·90 per week
4. Pension to widower under article 34	£1,841·00 per annum (maximum)	£35·30 per week (maximum)
5. Allowances in respect of children—		
(*a*) under article 35(1) in respect of each child ..	£552·68 per annum	£10·60 per week
(*b*) under article 35(3) ..	£589·00 per annum	£11·30 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£589·00 per annum	£11·30 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£1,416·00 per annum (maximum)	£27·15 per week (maximum)
8. Education allowance under article 38	£120·00 per annum (maximum)	£120·00 per annum (maximum)
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)

SCHEDULE 8 (*Cont.*)

Description of Pension or Allowance	*Rate*	
	Groups 1–11	*Groups 12–17*
(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)

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 raises the maximum amount of annual earnings which may be received by a member of the armed forces in receipt of retired pay or pension while deemed to be unemployable for the purposes of an award of unemployability allowance.

The Order amends article 19 of the principal Order by reducing the maximum break which may separate two periods of entitlement to an unemployability allowance under article 18 of the principal Order and which is to be ignored in determining the first date of an award of the said allowance for the purposes of an award of invalidity allowance.

The Order amends article 25 of the principal Order by substituting for the existing provision for calculating the amount of part-time treatment allowance payable, by reference to the amount of treatment allowance which would have been payable if the recipient had been eligible under article 23 of the principal Order, a new provision for calculating the amount of part-time treatment allowance payable (by reference to the maximum daily rate for that allowance).

The Order also increases the 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.