STATUTORY INSTRUMENTS

1981 No. 1110

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1981

Made - - - -	31*st July* 1981
Laid before Parliament	10*th August* 1981
Coming into Operation	23*rd November* 1981

At the Court at Buckingham Palace, the 31st day of July 1981

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 the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1979(**b**) and to do so by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**c**):

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, which may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1981 shall come into operation on 23rd November 1981.

(2) In this Order unless the context otherwise requires:—

(*a*) "the principal Order" means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978;

(*b*) "the 1979 amendment Order" means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1979.

(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 23rd November 1981 shall, where that date is not the normal weekly

(**a**) S.I. 1978/1525, as amended by S.I. 1978/1902, 1979/113, 1312, 1980/1080, 1081, 1955.
(**b**) S.I. 1979/113. (**c**) 1977 c. 5.

pay day for that award, be construed as a reference to the date of the first weekly pay day for that award immediately following 23rd November 1981.

Amendment of article 2 of the principal Order

2. In article 2 of the principal Order (construction of Schedules) there shall be deleted the references "and (4) (*a*), (*b*), (*c*), and (*d*) and (6), (7), (9), (10)" from the reference to articles relevant to Schedule 1 Part IV of the principal Order.

Amendment of article 8 of the principal Order

3. Article 8 of the principal Order (general conditions for disablement awards) shall be amended as follows:—

(*a*) in paragraph (2) for the words "an officer on the active list, while he is in receipt of unemployed pay or half pay" there shall be substituted the words "an officer, while he is an officer on the Active List";

(*b*) in paragraph (3) for the words "nor under article 23(7) and (8) (education, unemployability and treatment allowances in respect of a child of a member)" there shall be substituted the words "(education and unemployability allowances in respect of a child of a member)";

(*c*) in paragraph (4) there shall be deleted the words "and article 23(7) and (8)".

Amendment of article 16 of the principal Order

4. In article 16 of the principal Order (severe disablement occupational allowance) for the words "a treatment allowance increased under article 23(4) or of any such benefit as is mentioned in article 23(11) other than injury benefit or sickness benefit" there shall be substituted the words "any personal benefit under Chapters I to III of Part II of the Social Security Act 1975(**a**) or the corresponding provisions of the Social Security (Northern Ireland) Act 1975(**b**), by way of retirement pension, invalidity pension and allowance, non-contributory invalidity pension, invalid care allowance or category A or B retirement pension as provided for by regulation 18 of the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979(**c**) or by corresponding regulations made in Northern Ireland, or any benefits similar to the aforesaid benefits under the law of any place outside the United Kingdom which in the opinion of the Secretary of State is analogous to the first mentioned Act of 1975".

Amendment of article 18 of the principal Order

5. For the amount "£780" in paragraph (2) of article 18 of the principal Order (earnings allowed in relation to unemployability allowances) there shall be substituted the amount "£858".

Amendment of article 23 of the principal Order

6. Article 23 of the principal Order (treatment allowances) shall be amended as follows:—

(*a*) in paragraph (1)(*a*) for the words "paragraphs (3) and (4)" there shall be substituted the words "paragraph (3)";

(*b*) for sub-paragraph (*b*) of paragraph (1) there shall be substituted the following sub-paragraph:—

"(*b*) an additional allowance for a dependant in accordance with paragraph 5 of this article";

(**a**) 1975 c. 14. (**b**) 1975 c. 15. (**c**) S.I. 1979/643.

(*c*) in head (iii) of paragraph (2)(*b*) there shall be deleted the words "where the member is not in receipt of an increase of his personal allowance under paragraph (4) of this article";

(*d*) paragraphs (4) and (6) to (11) are hereby revoked;

(*e*) in paragraph (5) there shall be deleted the words "(not being a child)".

Amendment of article 33(2)*(b) of the principal Order*

7. In article 33(2)(*b*) of the principal Order (temporary allowances following death) there shall be deleted the reference "23(4) or 23(6)".

Amendment of Schedule 3 *to the principal Order*

8. Schedule 3 to the principal Order (definitions) shall be amended as follows:—

(*a*) in the third column of item 16 for the words "articles 18 and 23" there shall be substituted the words "article 18";

(*b*) in paragraph (*b*) in the third column of item 16 for the words "article 12, 18 or 23" there shall be substituted the words "article 12 or 18";

(*c*) immediately after the entries in the first second and third columns of item 36 there shall be inserted the following new item and entries in the respective columns:—

"36A	"officer on the Active List"	an officer who is on full pay, half pay or otherwise before his retirement but not an officer who has retired and is subsequently re-called to service or re-employed".

Revocation of paragraphs 7, 8 *and* 9 *of Schedule* 4 *to the principal Order*

9. Paragraphs 7, 8 and 9 of Schedule 4 to the principal Order (transitional provisions) are hereby revoked.

Revocation of article 6 *of the* 1979 *amendment Order*

10. Article 6 of the 1979 amendment Order (transitional provisions) is hereby revoked.

Amendment of Schedules to the principal Order

11.—(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 "£1841" in the second column of Table 1B of Part II there shall be substituted the amount "£2005";

(*c*) for the amounts "£35·30" and "£8·15" in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts "£38·45" and "£8·88";

(*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.

Article 11(1)(*a*)

SCHEDULE 1

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	2,553·00
90	2,298·00
80	2,042·00
70	1,787·00
60	1,532·00
50	1,277·00
40	1,021·00
30	766·00
20	511·00

Article 11(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	48·30
90	43·47
80	38·64
70	33·81
60	28·98
50	24·15
40	19·32
30	14·49
20	9·66

SCHEDULE 3 Article 11(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	2,468	2,438
2 phalanges	1,976	1,951
1 phalanx	1,645	1,625
Guillotine amputation of tip without loss of bone	983	973
Middle finger—		
Whole	2,137	2,112
2 phalanges	1,645	1,625
1 phalanx	1,314	1,299
Guillotine amputation of tip without loss of bone	823	813
Ring or little finger—		
Whole	1,314	1,299
2 phalanges	1,154	1,139
1 phalanx	983	973
Guillotine amputation of tip without loss of bone	492	487
B. TOES:—		
Great toe—		
through metatarso-phalangeal joint	2,468	2,438
part, with some loss of bone	652	647
1 other toe—		
through metatarso-phalangeal joint	652	647
part, with some loss of bone	331	326
2 toes, excluding great toe—		
through metatarso-phalangeal joint	983	973
part, with some loss of bone	492	487
3 toes, excluding great toe—		
through metatarso-phalangeal joint	1,154	1,139
part, with some loss of bone	652	647
4 toes, excluding great toe—		
through metatarso-phalangeal joint	1,645	1,625
part, with some loss of bone	652	647

Article 11(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	146	326	569	292	649	1,136	876	1,949	3,410
3	144	321	562	288	640	1,120	864	1,922	3,363
4	142	317	554	284	631	1,104	852	1,895	3,316
5	140	314	548	282	625	1,094	844	1,877	3,284
6	139	311	543	279	619	1,083	836	1,859	3,253
7, 8	137	306	535	275	610	1,067	824	1,832	3,206
9	135	302	527	271	601	1,052	812	1,805	3,158
10	136	303	529	273	604	1,056	811	1,803	3,150
11	136	302	528	272	603	1,053	809	1,798	3,141
12	135	302	526	271	601	1,050	807	1,793	3,132
13	135	301	525	271	599	1,047	805	1,788	3,124
14	134	300	523	270	598	1,044	802	1,783	3,115
15	134	299	522	269	596	1,041	800	1,778	3,106

SCHEDULE 5 Article 11(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*)	£2023·03 per annum (maximum)	£38·80 per week (maximum)
(*b*) under article 14(1)(*a*)	£1011·52 per annum (maximum)	£19·40 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£1011·52 per annum	£19·40 per week
4. Severe disablement occupational allowance under article 16	£505·76 per annum	£9·70 per week
5. Allowance for wear and tear of clothing—		
(*a*) under article 17(1)(*a*)	£41·00 per annum	£41·00 per annum
(*b*) under article 17(1)(*b*) and 17(2)	£65·00 per annum	£65·00 per annum
6. Unemployability allowances—		
(*a*) personal allowance under article 18(1)(*a*)	£1637·20 per annum	£31·40 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*)	£925·49 per annum (maximum)	£17·75 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(4)(*c*)	£925·49 per annum (maximum)	£17·75 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(4)(*d*)	£401·48 per annum	£7·70 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	£323·27 per annum	£6·20 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	£208·56 per annum	£4·00 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	£104·28 per annum	£2·00 per week
8. Comforts allowance—		
(*a*) under article 20(1)(*a*)	£437·98 per annum	£8·40 per week
(*b*) under article 20(1)(*b*)	£218·99 per annum	£4·20 per week
9. Allowance for lowered standard of occupation under article 21 .	£1,007·34 per annum (maximum)	£19·32 per week (maximum)

SCHEDULE 5 (*contd.*)

Description of Allowance	*Rate*	
	Groups 1–9	*Groups 10–15*
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(*a*) 40 to 50 per cent	£174·67 per annum	£3·35 per week
(*b*) over 50 per cent, but not exceeding 70 per cent	£273·74 per annum	£5·25 per week
(*c*) over 70 per cent, but not exceeding 90 per cent	£391·05 per annum	£7·50 per week
(*d*) over 90 per cent	£547·47 per annum	£10·50 per week
11. Treatment allowances—		
(*a*) increase of personal allowance under article 23(3)	£547·47 per annum (maximum)	£10·50 per week (maximum)
12. Part-time treatment allowance under article 25	£17·00 per day (maximum)	£17·00 per day (maximum)

Article 11(2)(*a*)

SCHEDULE 6

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

TABLE 1

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS

A.—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*

Group (1)	*Rate* (2)	*Rate* (3)
	£	£
1		
2		
3		
4		2,005
5		
6	2,005	
7		
8		710
9		633
10		557
11		493

Article 11(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	
2	
3	
4	2,005
5	
6	
7	
8	710
9	633
10	557
11	493

SCHEDULE 8 Article 11(2)(*e*)

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	£1,908·00 per annum (maximum)	£36·60 per week (maximum)
2. Rent allowance under article 31	£14·65 per week (maximum)	£14·65 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	£195·53 per annum	£3·75 per week
(*b*) if age 70 or over	£391·06 per annum	£7·50 per week
4. Pension to widower under article 34	£2,005·00 per annum (maximum)	£38·45 per week (maximum)
5. Allowances in respect of children—		
(*a*) under article 35(1) in respect of each child	£565·72 per annum	£10·85 per week
(*b*) under article 35(3)	£607·00 per annum	£11·65 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£607·00 per annum	£11·65 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£1,543·00 per annum (maximum)	£29·60 per week (maximum)
8. Education allowance under article 38	£120·00 per annum (maximum)	£120·00 per annum (maximum)

SCHEDULE 8 (*contd.*)

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)

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") and the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1979 ("the 1979 amendment Order").

The Order amends article 8 of the principal Order in relation to officers on the Active List by removing the reference to their being in receipt of unemployed pay or half pay and adding the definition of "officer on the Active List" to Schedule 3 to 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 allowances under article 18 of the principal Order.

The Order amends article 23 of the principal Order (which makes provision for the award of allowances payable to a member of the armed forces who receives treatment in a hospital or similar institution) by revoking the provisions for making an increase of such allowances where such a member is ineligible, or eligible at a reduced rate, for specified social security benefits, a separate allowance for children, and increases and additional increases for certain dependants, and the Order also removes the limitation in the said article which prevents payment of an additional allowance to a child as an eligible dependant under article 23(5).

The Order makes amendments to the principal Order and to the 1979 amendment Order consequential upon the amendments to article 23 of the principal Order.

The Order revokes the transitional provisions in the principal Order and the 1979 amendment Order (which specify the rates of allowances and increase of allowances in respect of, and pension to, a child and preserve eligibilty for allowances in respect of certain officers' children over the age of 16) which no longer apply.

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.

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