STATUTORY INSTRUMENTS

1982 No. 845

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1982

Made - - - -	*23rd June* 1982
Laid before Parliament	*1st July* 1982
Coming into Operation	*22nd November* 1982

At the Court at Buckingham Palace, the 23rd day of June 1982
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, which may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1982, shall come into operation on 22nd November 1982.

(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 22nd November 1982 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 22nd November 1982.

Amendment of article 18 of the principal Order

2. For the amount "£858" in paragraph (2) of article 18 of the principal Order (earnings allowed in relation to unemployability allowances) there shall be substituted the amount "£1040".

(**a**) S.I. 1978/1525, as amended by S.I. 1978/1902, 1979/113, 1312, 1980/1080, 1081, 1955, 1981/1110, 1672.
(**b**) 1977 c.5.

Amendment of Schedules to the principal Order

3.—(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 "£2005" in the second column of Table 1B of Part II there shall be substituted the amount "£2226";

(*c*) for the amounts "£38.45" and "£8.88" in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts "£42.70" and "£9.86";

(*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 3(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	2830
90	2547
80	2264
70	1981
60	1698
50	1415
40	1132
30	849
20	566

SCHEDULE 2

Article 3(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	53.60
90	48.24
80	42.88
70	37.52
60	32.16
50	26.80
40	21.44
30	16.08
20	10.72

Article 3(1)(*b*)

SCHEDULE 3

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	*Assessments Per cent*	*Groups* 1–9	*Groups* 10–15
For the loss of:—		£	£
A. FINGERS:—			
Index finger—			
Whole	14	2730	2700
2 phalanges	11	2186	2161
1 phalanx	9	1820	1800
Guillotine amputation of tip without loss of bone	5	1088	1078
Middle finger—			
Whole	12	2364	2339
2 phalanges	9	1820	1800
1 phalanx	7	1454	1439
Guillotine amputation of tip without loss of bone	4	910	900
Ring or little finger—			
Whole	7	1454	1439
2 phalanges	6	1276	1261
1 phalanx	5	1088	1078
Guillotine amputation of tip without loss of bone	2	544	539
B. TOES:—			
Great Toe—			
through metatarso-phalangeal joint	14	2730	2700
part, with some loss of bone	3	722	717
1 other toe—			
through metatarso-phalangeal joint	3	722	717
part, with some loss of bone	1	366	361
2 toes, excluding great toe—			
through metatarso-phalangeal joint	5	1088	1078
part, with some loss of bone	2	544	539
3 toes, excluding great toe—			
through metatarso-phalangeal joint	6	1276	1261
part, with some loss of bone	3	722	717
4 toes, excluding great toe—			
through metatarso-phalangeal joint	9	1820	1800
part, with some loss of bone	3	722	717

SCHEDULE 4 Article 3(1)(*b*)

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	161	358	625	321	713	1249	963	2141	3747
3	159	353	618	317	704	1233	951	2114	3700
4	157	349	610	313	695	1217	939	2087	3653
5	155	346	604	311	689	1207	931	2069	3621
6	154	343	599	308	683	1196	923	2051	3590
7, 8	152	338	591	304	674	1180	911	2024	3543
9	150	334	583	300	665	1165	899	1997	3495
10	151	335	585	302	668	1169	898	1995	3487
11	151	334	584	301	667	1166	896	1990	3478
12	150	334	582	300	665	1163	894	1985	3469
13	150	333	581	300	663	1160	892	1980	3461
14	149	332	579	299	662	1157	889	1975	3452
15	149	331	578	298	660	1154	887	1970	3443

Article 3(1)(*c*)

SCHEDULE 5

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*) ..	£2,242.02 per annum (maximum)	£43.00 per week (maximum)
(*b*) under article 14(1)(*a*) ..	£1,121.01 per annum (maximum)	£21.50 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£1,121.01 per annum	£21.50 per week
4. Severe disablement occupational allowance under article 16	£560.51 per annum	£10.75 per week
5. Allowance for wear and tear of clothing—		
(*a*) under article 17(1)(*a*) ..	£46.00 per annum	£46.00 per annum
(*b*) under article 17(1)(*b*) and 17(2)	£72.00 per annum	£72.00 per annum
6. Unemployability allowances—		
(*a*) personal allowance under article 18(1)(*a*)	£1,817.08 per annum	£34.85 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*)	£1,027.16 per annum (maximum)	£19.70 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(4)(*c*)	£1,027.16 per annum (maximum)	£19.70 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(4)(*d*)	£414.51 per annum	£7.95 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	£359.77 per annum	£6.90 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	£229.42 per annum	£4.40 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 ..	£114.71 per annum	£2.20 per week
8. Comforts allowance—		
(*a*) under article 20(1)(*a*) ..	£484.90 per annum	£9.30 per week
(*b*) under article 20(1)(*b*) ..	£242.45 per annum	£4.65 per week
9. Allowance for lowered standard of occupation under article 21	£1,117.88 per annum (maximum)	£21.44 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	£192.92 per annum	£3.70 per week
(*b*) over 50 per cent, but not exceeding 70 per cent	£305.02 per annum	£5.85 per week
(*c*) over 70 per cent, but not exceeding 90 per cent	£435.37 per annum	£8.35 per week
(*d*) over 90 per cent	£610.04 per annum	£11.70 per week
11. Treatment allowances—		
(*a*) increase of personal allowance under article 23(3) ..	£610.04 per annum (maximum)	£11.70 per week (maximum)
12. Part-time treatment allowance under article 25	£19.00 per day (maximum)	£19.00 per day (maximum)

SCHEDULE 6

Article 3(2)(*a*)

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	2,226	2,226
2		
3		
4		
5		
6		
7		
8		788
9		703
10		618
11		547

SCHEDULE 7

Article 3(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	2,226
2	
3	
4	
5	
6	
7	
8	788
9	703
10	618
11	547

Article 3(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	£2119.00 per annum (maximum)	£40.65 per week (maximum)
2. Rent allowance under article 31	£16.25 per week (maximum)	£16.25 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 ..	£216.38 per annum	£4.15 per week
(*b*) if age 70 or over	£432.76 per annum	£8.30 per week
4. Pension to widower under article 34	£2226.00 per annum (maximum)	£42.70 per week (maximum)
5. Allowances in respect of children—		
(*a*) under article 35(1) in respect of each child	£586.58 per annum	£11.25 per week
(*b*) under article 35(3) ..	£634.00 per annum	£12.15 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£634.00 per annum	£12.15 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£1,713.00 per annum (maximum)	£32.85 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").

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 that person is deemed to be unemployable for the purposes of an award of unemployability allowances under article 18 of the principal Order.

The Order 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. In the Table to be substituted for Table 1 of Part III of Schedule 1 to the principal Order, which sets out the gratuities payable for specified minor injuries, the appropriate percentage assessments of disability are inserted.

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