STATUTORY INSTRUMENTS

# 1999 No. 294

# PENSIONS

## The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 1999

| | |
|---|---|
| *Made - - - -* | *10th February 1999* |
| *Laid before Parliament* | *22nd February 1999* |
| *Coming into force* | *12th April 1999* |

At the Court at Buckingham Palace, the 10th day of February 1999

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 1983**(a)** 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 section 3 of the Naval and Marine Pay and Pensions Act 1865**(c)**, section 2(1) of the Pensions and Yeomanry Pay Act 1884**(d)**, section 2(1) of the Air Force (Constitution) Act 1917**(e)**, and sections 12(1) and 24(3) of the said Act of 1977 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 Order 1999 and shall come into force on 12th April 1999.

(2) In this Order, "the principal Order" means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983.

**Amendment of article 18 of the principal Order**

**2.** In article 18 of the principal Order (unemployability allowances) in paragraph (2) for the amount "£2,496" there shall be substituted the amount "£3,016".

**Substitution of article 26 of the principal Order**

**3.** For article 26 (medical expenses) there shall be substituted the following article–

"**26.** Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a member of the armed forces and of appropriate aids and adaptations for disabled living may, in so far as the expenses wholly or mainly arise as a result of the disablement due to service and in so far as the treatment, aids or adaptations are not provided for, otherwise than

**(a)** S.I. 1983/883, as amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201, 1986/592, 1987/165, 1988/248, 2248, 1989/156, 1990/250, 1308, 1991/766, 1992/710, 3208, 1993/598, 1994/772, 1906, 1995/766, 1996/732, 1638, 2882, 1997/286 and 1998/262.
**(b)** 1977 c. 5.
**(c)** 28 & 29 Vict c. 73.
**(d)** 47 & 48 Vict c. 55.
**(e)** 7 & 8 Geo 5 c. 51.

on payment of a charge by the member, under legislation of the United Kingdom (other than any enactment under or by virtue of which this Order is made), be defrayed by the Secretary of State under such conditions and up to such amounts as he may determine.".

**Amendment of article 29 of the principal Order**

**4.** In article 29 of the principal Order (pensions to widows) in paragraph (1A) for the amount "£54.70" there shall be substituted the amount "£56.45".

**Amendment of Schedules to the principal Order**

**5.**—(1) In Schedule 1 to the principal Order (rates of retired pay, pensions, gratuities and allowances in respect of disablement)–

(a) for the Table in Part II there shall be substituted the Table set out in Schedule 1 to this Order;

(b) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 2 and 3 to this Order; and

(c) for Part IV there shall be substituted the Part set out in Schedule 4 to this Order.

(2) In Schedule 2 (rates of pensions and allowances in respect of death)–

(a) for Tables 1, 2, 3, 4 and 5 of Part II there shall be substituted the Tables set out in Schedule 5 to this Order; and

(b) for Part III there shall be substituted the Part set out in Schedule 6 to this Order.

*A.K. Galloway*
Clerk of the Privy Council

## SCHEDULE 1

Article 5(1)(a)

**TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT IN PART II OF SCHEDULE 1**

TABLE

Article 10

1. WEEKLY RATES OF PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 10–15 OF PART I OF THIS SCHEDULE.

2. YEARLY RATES OF RETIRED PAY AND PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 1–9 OF PART I OF THIS SCHEDULE.

| *Degree of Disability* | *Weekly rate* | *Yearly rate* |
|---|---|---|
| *Per cent.* | £ | £ |
| 100 | 114.70 | 5,985 |
| 90 | 103.23 | 5,387 |
| 80 | 91.76 | 4,788 |
| 70 | 80.29 | 4,190 |
| 60 | 68.82 | 3,591 |
| 50 | 57.35 | 2,993 |
| 40 | 45.88 | 2,394 |
| 30 | 34.41 | 1,796 |
| 20 | 22.94 | 1,197 |

## SCHEDULE 2

Article 5(1)(b)

**TABLE TO BE SUBSTITUTED FOR TABLE 1 OF PART III OF SCHEDULE 1**

TABLE 1

Article 11(1)

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

| *Description of Injury* | *Assessments* | *Groups 1–15* |
|---|---|---|
| *For the loss of:* | *Per cent.* | £ |
| **A. FINGERS–** | | |
| Index Finger– | | |
| More than 2 phalanges including loss of whole finger | 14 | 5,453 |
| More than 1 phalanx but not more than 2 phalanges | 11 | 4,364 |
| 1 phalanx or part thereof | 9 | 3,635 |
| Guillotine amputation of tip without loss of bone | 5 | 2,176 |
| Middle Finger– | | |
| More than 2 phalanges including loss of whole finger | 12 | 4,723 |

| *Description of Injury* | *Assessments* | *Groups 1–15* |
|---|---|---|
| More than 1 phalanx but not more than 2 phalanges | 9 | 3,635 |
| 1 phalanx or part thereof | 7 | 2,906 |
| Guillotine amputation of tip without loss of bone | 4 | 1,817 |
| Ring or little finger– | | |
| More than 2 phalanges including loss of whole finger | 7 | 2,906 |
| More than 1 phalanx but not more than 2 phalanges | 6 | 2,547 |
| 1 phalanx or part thereof | 5 | 2,176 |
| Guillotine amputation of tip without loss of bone | 2 | 1,089 |
| **B. TOES–** | | |
| Great toe– | | |
| through metatarso–phalangeal joint | 14 | 5,453 |
| part, with some loss of bone | 3 | 1,448 |
| 1 other toe– | | |
| through metatarso–phalangeal joint | 3 | 1,448 |
| part, with some loss of bone | 1 | 730 |
| 2 toes, excluding great toe– | | |
| through metatarso–phalangeal joint | 5 | 2,176 |
| part, with some loss of bone | 2 | 1,089 |
| 3 toes, excluding great toe– | | |
| through metatarso–phalangeal joint | 6 | 2,547 |
| part, with some loss of bone | 3 | 1,448 |
| 4 toes, excluding great toe– | | |
| through metatarso–phalangeal joint | 9 | 3,635 |
| part, with some loss of bone | 3 | 1,448 |

## SCHEDULE 3

Article 5(1)(b)

**TABLE TO BE SUBSTITUTED FOR TABLE 2 OF PART III OF SCHEDULE 1**

TABLE 2

Article 11(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

| *Groups 1–15* | *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* £ |
| | 303 | 677 | 1,184 | 608 | 1,349 | 2,362 | 1,824 | 4,052 | 7,091 |

## SCHEDULE 4

Article 5(1)(c)

**PART TO BE SUBSTITUTED FOR PART IV OF SCHEDULE 1**

PART IV

RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

| | *Rate* | |
|---|---|---|
| *Description of Allowance* | *Groups 1–9* | *Groups 10–15* |
| 1. Education allowance under article 13 | £120 per annum* | £120 per annum* |
| 2. Constant attendance allowance | | |
| (a) under article 14(1)(b) | £4,519 per annum* | £86.60 per week* |
| (b) under article 14(1)(a) | £2,259 per annum* | £43.30 per week* |
| 3. Exceptionally severe disablement allowance under article 15 | £2,259 per annum | £43.30 per week |
| 4. Severe disablement occupational allowance under article 16 | £1,130 per annum | £21.65 per week |
| 5. Allowance for wear and tear of clothing under article 17(1) | £147 per annum | £147 per annum |
| 6. Unemployability allowances– | | |
| (a) personal allowance under article 18(1)(a) | £3,697 per annum | £70.85 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 spouse or an adult dependant under article 18(5)(b) | £2,085 per annum* | £39.95 per week* |

* maximum

| *Description of Allowance* | *Rate* | |
|---|---|---|
| | *Groups 1–9* | *Groups 10–15* |
| (ii) increase of allowance under article 18(5)(d)– | | |
| (a) in respect of the only, elder or the eldest child of a member | £517 per annum | £9.90 per week |
| (b) in respect of each other child of a member | £592 per annum | £11.35 per week |
| (c) 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 | £592 per annum | £11.35 per week |
| 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 | £733 per annum | £14.05 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 | £464 per annum | £8.90 per week |

**(a)** 1992 c. 4.

| *Description of Allowance* | *Rate* | |
|---|---|---|
| | *Groups 1–9* | *Groups 10–15* |
| (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 | £232 per annum | £4.45 per week |
| 8. Comforts allowance– | | |
| (a) under article 20(1)(a) | £971 per annum | £18.60 per week |
| (b) under article 20(1)(b) | £485 per annum | £9.30 per week |
| 9. Allowance for lowered standard of occupation under article 21 | £2,256 per annum* | £43.24 per week* |
| 10. Age allowance under article 22 where the degree of pensioned disablement is– | | |
| (a) 40 to 50 per cent. | £399 per annum | £7.65 per week |
| (b) over 50 per cent, but not exceeding 70 per cent. | £616 per annum | £11.80 per week |
| (c) over 70 per cent, but not exceeding 90 per cent. | £877 per annum | £16.80 per week |
| (d) over 90 per cent. | £1,231 per annum | £23.60 per week |
| 11. Treatment allowances—increase of personal allowances under article 23(3) | £1,234 per annum* | £23.65 per week* |
| 12. Part-time treatment allowance under article 25 | £52.55 per day* | £52.55 per day* |
| 13. Mobility supplement under article 26A | £2,153 per annum | £41.25 per week |

* maximum

## SCHEDULE 5

Article 5(2)(a)

**TABLES TO BE SUBSTITUTED FOR TABLES 1, 2, 3, 4 AND 5 OF PART II OF SCHEDULE 2**

PART II

RATES OF PENSIONS AND ALLOWANCES

### TABLE 1

Article 29(1)(a)

YEARLY RATES OF PENSIONS FOR WIDOWS 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 OR ARTICLE 11(1) OF THE 1921 (WARRANT OFFICERS) ORDER, OF THE 1920 WARRANT OR OF THE 1921 ORDER

| *Group* | *Yearly rate*<br>£ |
|---|---|
| 1 | 5,238 |
| 2 | 5,051 |
| 3 | 4,933 |
| 4 | 4,827 |
| 5 | 4,753 |
| 6 | 4,684 |
| 7 | 4,661 |
| 8 | 4,625 |
| 9 | 4,607 |
| 10 | 4,590 |
| 11 | 4,561 |

### TABLE 2

Article 29(1)(a)

WEEKLY RATES OF PENSIONS FOR WIDOWS OF RATINGS, SOLDIERS OR AIRMEN

| *Group*<br>(1) | *Weekly rate*<br>(2)<br>£ |
|---|---|
| 12<br>13<br>14<br>15<br>16 | 86.90 |
| 17 | 86.60 |

## TABLE 3

Article 29(1)(a)

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE 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

| *Group*<br>(1) | *Yearly rate*<br>(2)<br>£ |
|---|---|
| 1 | 5,356 |
| 2 | 5,121 |
| 3 | 5,002 |
| 4 | 4,884 |
| 5 | 4,791 |
| 6 | 4,695 |
| 7 | 4,669 |
| 8 | 4,625 |
| 9 | 4,607 |
| 10 | 4,590 |
| 11 | 4,561 |

## TABLE 4

Article 29(1)(b)

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE FORCES BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER 1921

| *Group*<br>(1) | *Yearly rate*<br>(2)<br>£ |
|---|---|
| 1 | 5,238 |
| 2 | 5,051 |
| 3 | 4,933 |
| 4 | 4,827 |
| 5 | 4,753 |
| 6 | 4,684 |
| 7 | 4,661 |
| 8 | 1,605 |
| 9 | 1,432 |
| 10 | 1,260 |
| 11 | 1,115 |

TABLE 5 Article 29(1)(b)

WEEKLY RATES OF PENSION FOR CHILDLESS WIDOWS AGED UNDER 40 BEING WIDOWS OF RATINGS, SOLDIERS OR AIRMEN

| *Group* (1) | *Weekly rate* (2) £ |
|---|---|
| 12, 13, 14, 15, 16 | 20.33 |
| 17 | 20.03 |

## SCHEDULE 6

Article 5(2)(b)

**PART TO BE SUBSTITUTED FOR PART III OF SCHEDULE 2**

PART III

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

| | *Rate* | |
|---|---|---|
| *Description of Pension or Allowance* | *Groups 1–11* | *Groups 12–17* |
| 1. Pension under article 30 to unmarried dependant who lived as a spouse | £4,412 per annum* | £84.55 per week* |
| 2. Rent allowance under article 31 | £1,709 per annum* | £32.75 per week* |
| 3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse– | | |
| (a) if aged 65 but under 70 | £517 per annum | £9.90 per week |
| (b) if aged 70 but under 80 | £991 per annum | £19.00 per week |
| (c) if aged 80 or over | £1,477 per annum | £28.30 per week |
| 4. Pension to widower under article 34 | £5,356 per annum* | £86.90 per week* |
| 5. Allowances in respect of children– | | |
| (a) under article 35(1)– | | |
| (i) in respect of the only, elder or eldest child of a member | £749 per annum | £14.35 per week |
| (ii) in respect of each other child of a member | £824 per annum | £15.80 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 | £824 per annum | £15.80 per week |

* maximum

| *Description of Pension or Allowance* | *Rate* | |
|---|---|---|
| | *Groups 1–11* | *Groups 12–17* |
| (b) under article 35(3)– | | |
| (i) in respect of the only, elder or eldest child of a member | £845 per annum | £16.20 per week |
| (ii) in respect of each other child of a member | £921 per annum | £17.65 per week |
| (iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act | £921 per annum | £17.65 per week |
| 6. Pension under article 36 to a motherless or fatherless child of a member– | | |
| (a) in respect of the only, elder or eldest child of a member | £845 per annum | £16.20 per week |
| (b) in respect of each other child of a member | £921 per annum | £17.65 per week |
| (c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act | £921 per annum | £17.65 per week |
| 7. Pension or allowance under article 37(3) to or in respect of a child over the age limit | £3,483 per annum* | £66.75 per week* |
| 8. Education allowance under article 38 | £120 per annum* | £120 per annum* |
| 9. Pensions to parents– | | |
| (a) Minimum rate under article 40(3) | £15 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) Group 1–10 £75 per annum*<br>(ii) Group 11 £60 per annum* | £1.00 per week* |
| (ii) where there is more than one eligible parent | (i) Group 1–10 £100 per annum*<br>(ii) Group 11 £85 per annum* | £1.38 per week* |
| (c) increase under article 40(3)(c) | £20 per annum* | (i) where there is only one eligible parent— £0.38 per week*<br>(ii) where there is more than one eligible parent— £0.62 per week* |
| (d) under paragraph (d) of article 40(4) | | £1.00 per week* |

* maximum

| *Description of Pension or Allowance* | | | *Rate* | |
|---|---|---|---|---|
| | | | *Groups 1–11* | *Groups 12–17* |
| 10. | Pension to other dependants– | | | |
| | (a) | under article 41(2) | £54 per annum* | £1.00 per week* |
| | (b) | for each juvenile dependant under article 41(3) | (i) Groups 1–10 £26 per annum* | £0.30 per week* |
| | | | (ii) Group 11 £20 per annum* | |
| | (c) | aggregate rate under article 41(3) | (i) Groups 1–10 £75 per annum* | £1.00 per week* |
| | | | (ii) Group 11 £65 per annum* | |

* 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 1983 ("the principal Order") which makes provision for pensions and other awards in respect of disablement or death due to service in the naval, military and air forces.

Article 2 increases the maximum amount of annual earnings which may be received by a disabled person whilst he is deemed to be unemployable for the purposes of unemployability allowances under article 18 of the principal Order.

Article 3 makes an amendment to article 26 of the principal Order to clarify that the Secretary of State's discretion to defray medical expenses extends to cases where treatment, adaptations or aids are provided for under other legislation on payment of a charge by a member of the armed forces.

Article 4 increases the amount of a widow's pension payable under article 29 of the principal Order.

Articles 5(1) and (2) 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.

This Order does not impose any costs on business.

STATUTORY INSTRUMENTS

# 1999 No. 294

# PENSIONS

## The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 1999

**£3.00**

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WO 4085 2/99 ON (MFK)