STATUTORY INSTRUMENTS

2004 No. 708

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2004

Made - - - -	*10th March 2004*
Laid before Parliament	*22nd March 2004*
Coming into force - -	*12th April 2004*

At the Court at Buckingham Palace, the 10th day of March 2004

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 section 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 2004 and shall come into force on 12th April 2004.

(2) In this Order "the principal Order" means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983, and, except where the context otherwise requires, a reference to a numbered article, Part, Table or Schedule is to the article, Part, Table or Schedule in the principal Order which bears that number.

(**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 and 2882, 1997/286, 1998/262, 1999/294, 2000/252, 2001/409, 2002/792 and 2003/434.
(**b**) 1977 c. 5.
(**c**) 28 & 29 Vict c. 73.
(**d**) 47 & 48 Vict c..55.
(**e**) 7 & 8 Geo 5 c. 51.

Amendments to the principal Order and application

2. The amendments to the principal Order contained in Schedule 1 to this Order shall have effect.

A.K. Galloway
Clerk of the Privy Council

SCHEDULE 1

Article 2

AMENDMENTS TO THE PRINCIPAL ORDER

Amendment of article 9

1. In article 9 (determination of degree of disablement)—

(a) at the beginning of sub-paragraph (2)(d) insert the words "subject to sub-paragraph (e)"

(b) after sub-paragraph (2)(d) insert—

"(e) the degree of disablement in respect of noise-induced sensorineural hearing loss shall be assessed on a final basis."

(c) after paragraph (4) insert—

"(4A) An assessment of the degree of disablement due to service in respect of noise-induced sensorineural hearing loss shall be based solely on hearing loss due to service and shall not include any hearing loss due to age or other factors which are not related to service as a member of the armed forces and which arise after service.

(4B)

(a) Noise-induced sensorineural hearing loss shall be measured by reference to audiometric tests, where available, conducted at or about the termination of the member's service and the degree of disablement due to service shall be assessed in accordance with paragraph (4C).

(b) Where no such tests were conducted or are available, the assessment of the degree of disablement due to service shall be informed by the earliest available evidence, whether in terms of audiometric tests or other evidence relevant to the level of hearing loss that existed at termination of service. The assessment shall have regard to the relative percentages of degrees of disablement and measured hearing loss specified in Table 1 of Part VI of Schedule 1 but any hearing loss arising after termination of service shall not be included in the assessment.

(4C) Subject to paragraphs (4A), (4B)(b) and (4D), the degree of disablement in respect of noise-induced sensorineural hearing loss which is due to service shall be assessed by—

(a) determining the average total hearing loss for each ear at 1,2 and 3 kHz frequencies; and then by

(b) determining the percentage degree of disablement for each ear in accordance with Table 1 of Part VI of Schedule 1; and then by

(c) determining the average percentage degree of binaural disablement in accordance with the following formula:

((Degree of disablement of better ear x 4) + (Degree of disablement of worse ear)) divided by 5

(d) in subparagraph (c) "better ear" means that ear in which the claimant's hearing loss is the less and "worse ear" means that ear in which the claimant's hearing loss is the more.

(4D) Paragraphs (4B) and (4C) shall not be applied so as to reduce any award made prior to 12 April 2004.

(4E) For the purpose of determining the percentage degree of disablement in Table 1 of Part VI of Schedule 1 any fraction of an average hearing loss shall, where the average hearing loss is over 50dB, be rounded down to the next whole figure."

Amendment of article 29

2. In paragraph (1A) of article 29 (pensions to widows and widowers) for the amount "£60.97" substitute the amount "£62.68".

Amendment of article 42A

3. In article 42A (funeral expenses)—

(1) in paragraph (1)—

(a) omit the words "Subject to paragraph (3)";

(b) for subparagraph (a) substitute—

"(a) the funeral of that member has taken place, provided that in any case where the date of the funeral is on or before 11th April 2004 the funeral took place in the British Islands or the Republic of Ireland; and";

(c) omit the words ", including the cost of transporting the body of the deceased member but only within the area of the British Islands and the Republic of Ireland";

(2) in paragraph (3)—

(a) at the beginning insert the words "Subject to paragraph (4)

(b) omit the words ", and after deduction of any amount payable in respect of death benefit in the Isle of Man or any of the Channel Islands";

(c) for subparagraph (b) substitute—

"(b) transportation of the body, but for funerals taking place on or before 11th April 2004 transportation only within the British Islands and the Republic of Ireland";

(d) for subparagraph (c) substitute—

"(c) travelling costs of one return journey by the person responsible for the funeral to arrange or attend the funeral, but for funerals taking place on or before 11th April 2004 only travelling costs of one return journey within the British Islands and the Republic of Ireland."

(3) At the end insert—

"(4) In the case of a funeral which takes place on or after 12th April 2004, the reasonable funeral expenses shall not exceed a total of £1400."

Amendment of Schedule 1

4. In Schedule 1 (rates of retired pay, pensions, gratuities and allowances in respect of disablement due to service in the armed forces)—

(a) for the Table in Part II substitute the Table set out in Schedule 2 to this Order;

(b) for Tables 1 and 2 in Part III substitute the Tables set out in Schedules 3 and 4 respectively to this Order;

(c) for Part IV substitute the Part set out in Schedule 5 to this Order;

(d) at the end insert the Part set out in Schedule 6 to this Order.

Amendment of Schedule 2

5. In Schedule 2 (rates of provisions and allowances in respect of death due to service in the armed forces)—

(a) for Tables 1, 2, 3, 4 and 5 of Part II substitute the Tables set out in Schedule 7 to this Order; and

(b) for Part III substitute the Part set out in Schedule 8 to this Order.

Amendment of Schedule 7

6. In Schedule 7 (deductions for the purposes of article 56) substitute the Table set out in Schedule 9 to this Order.

SCHEDULE 2

Schedule 1 paragraph 4

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	127.40	6,648
90	114.66	5,983
80	101.92	5,318
70	89.18	4,654
60	76.44	3,989
50	63.70	3,324
40	50.96	2,659
30	38.22	1,994
20	25.48	1,330

SCHEDULE 3

Schedule 1 paragraph 4

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	5,951
More than 1 phalanx but not more than 2 phalanges	11	4,762
1 phalanx or part thereof	9	3,967
Guillotine amputation of tip without loss of bone	5	2,357
Middle finger—more than 2 phalanges including loss of whole finger	12	5,154
More than 1 phalanx but not more than 2 phalanges	9	3,967
1 phalanx or part thereof	7	3,171
Guillotine amputation of tip without loss of bone	4	1,983
Ring or little finger—more than 2 phalanges including loss of whole finger	7	3,171
More than 1 phalanx but not more than 2 phalanges	6	2,779
1 phalanx or part thereof	5	2,375
Guillotine amputation of tip without loss of bone	2	1,188
B. TOES—		
Great toe—through metatarso-phalangeal joint	14	5,951
Part, with some loss of bone	3	1,580
1 other toe—through metatarso-phalangeal joint	3	1,580
Part, with some loss of bone	1	810
2 toes, excluding great toe—through metatarso-phalangeal joint	5	2,375
Part, with some loss of bone	2	1,188
3 toes, excluding great toe—through metatarso-phalangeal joint	6	2,779
Part, with some loss of bone	3	1,580
4 toes, excluding great toe—through metatarso-phalangeal joint	9	3,967
Part, with some loss of bone	3	1,580

SCHEDULE 4

Schedule 1 paragraph 4

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* £
	335	739	1,292	664	1,472	2,578	1,990	4,422	7,874

SCHEDULE 5

Schedule 1 paragraph 4

PART TO BE SUBSTITUTED FOR PART IV OF SCHEDULE 1

PART IV

RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT AND EARNINGS OR INCOME THRESHOLDS

Description of Allowance	*Rates*	
	Groups 1-9	*Groups 10-15*
1. Education allowance under article 13	£120 per annum*	£120 per annum*
2. Constant attendance allowance under article 14—		
A. For decisions made before 9th April 2001		
a) under article 14 (1)(b)	£5,020 per annum*	£96.20 per week *
b) under article 14 (1)(a)	£2,510 per annum*	£48.10 per week*
B. For decisions made on or after 9th April 2001		
a) the part day rate of constant attendance allowance under article 14(2);	£1,255 per annum	£24.05 per week
b) the full day rate of constant attendance allowance under article 14(3);	£2,510 per annum	£48.10 per week
c) the intermediate rate of constant attendance allowance under article 14(4);	£3,765 per annum	£72.15 per week

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

*maximum

Description of Allowance	*Rates*	
	Groups 1-9	*Groups 10-15*
d) the exceptional rate of constant attendance allowance under article 14(5).	£5,020 per annum	£96.20 per week
3. Exceptionally severe disablement allowance under article 15	£2,510 per annum	£48.10 per week
4. Severe disablement occupational allowance under article 16	£1,255 per annum	£24.05 per week
5. Allowance for wear and tear of clothing under article 17(1)	£164 per annum	£164 per annum
6. Unemployability allowances—		
a) personal allowance under article 18(1)(a)	£4,107 per annum	£78.70 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 spouse or an adult dependant under article 18(5)(b)	£2,314 per annum*	£44.35 per week*
(ii) increase of allowance under article 18(5)(d)—		
(aa) in respect of the only, elder or the eldest child of a member	£537 per annum	£10.30 per week
(bb) in respect of each other child of a member	£631 per annum	£12.10 per week
(cc) 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.	£631 per annum	£12.10 per week
For decisions made on or after 9th April 2001		
c) the annual earnings figure for the purposes of article 18(2) is £3,744		
d) the weekly income figure for the purposes of article 18(5)(b) is £55.65		
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	£811 per annum	£15.55 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	£522 per annum	£10.00 per week

Description of Allowance	*Rates*	
	Groups 1-9	*Groups 10-15*
c) if heads (a) and (b) do not apply and on the relevant date the member was under the age of 60	£261 per annum	£5.00 per week
8. Comforts allowance		
a) under article 20(1)(a)	£1,075 per annum	£20.60 per week
b) under article 20(1)(b)	£537 per annum	£10.30 per week
9. Allowance for lowered standard of occupation under article 21	£2,507 per annum*	£48.04 per week*
10. Age allowance under article 22 where the degree of pensioned disablement is—		
a) 40 to 50 per cent.	£446 per annum	£8.55 per week
b) over 50 per cent, but not exceeding 70 per cent.	£684 per annum	£13.10 per week
c) over 70 per cent, but not exceeding 90 per cent.	£973 per annum	£18.65 per week
d) over 90 per cent.	£1,367 per annum	£26.20 per week
11. For decisions made before 9th April 2001 Treatment allowance— increase of personal allowances under article 23(3)	£1,367 per annum*	£26.20 per week*
12. Part-time treatment allowance under article 25	£58.40 per day*	£58.40 per day*
13. Mobility supplement under article 26A	£2,392 per annum	£45.85 per week

*maximum

SCHEDULE 6

Schedule 1 paragraph 4

PART VI

ASSESSMENT OF DISABLEMENT IN RESPECT OF NOISE INDUCED SENSORINEURAL HEARING LOSS

Table 1

Average of hearing losses (dB) at 1, 2 and 3 kHz frequencies	*Degree of Disablement per cent.*
50 – 53 dB	20
54 – 60 dB	30
61 – 66 dB	40
67 – 72 dB	50
73 – 79 dB	60
80 – 86 dB	70
87 – 95 dB	80
96 – 105 dB	90
106 dB or more	100

SCHEDULE 7

Schedule 1 paragraph 5

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 AND WIDOWERS 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*
	£
1	5,817
2	5,610
3	5,478
4	5,360
5	5,278
6	5,202
7	5,175
8	5,136
9	5,116
10	5,096
11	5,064

Table 2

Article 29(1)(a)

WEEKLY RATE OF PENSION FOR WIDOWS AND WIDOWERS OF RATINGS, SOLDIERS OR AIRMEN

Group	*Weekly Rate*
(1)	*(2)*
	£
12 }	
13 }	
14 }	96.50
15 }	
16 }	
17 }	

Table 3 Article 29(1)(a)

YEARLY RATES OF PENSIONS FOR WIDOWS AND WIDOWERS 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 *(1)*	*Yearly rate* *(2)* *£*
1	5,948
2	5,686
3	5,554
4	5,424
5	5,321
6	5,214
7	5,184
8	5,136
9	5,116
10	5,096
11	5,064

Table 4 Article 29(1)(b)

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

Group *(1)*	*Yearly rate* *(2)* *£*
1	5,817
2	5,610
3	5,478
4	5,360
5	5,278
6	5,202
7	5,175
8	1,784
9	1,590
10	1,399
11	1,238

Table 5 Article 29(1)(b)

WEEKLY RATE OF PENSION FOR CHILDLESS WIDOWS AND WIDOWERS AGED UNDER 40 BEING WIDOWS OR WIDOWERS OF RATINGS, SOLDIERS OR AIRMEN

Group (1)	*Weekly rate* (2) £
12 } 13 } 14 } 15 } 16 } 17 }	23.13

SCHEDULE 8

Schedule 1 paragraph 5

PART TO BE SUBSTITUTED FOR PART III OF SCHEDULE 2

PART III

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

Description of Pension or Allowance	*Rates*	
	Groups 1-11	*Groups 12-17*
1. Pension under article 30 to unmarried dependant who lived as a spouse	£4,913 per annum*	£94.15 per week*
2. Rent allowance under article 31	£1,899 per annum*	£36.40 per week*
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as a spouse—		
a) if aged 65 but under 70	£577 per annum	£11.05 per week
b) if aged 70 but under 80	£1,104 per annum	£21.15 per week
c) if aged 80 or over	£1,638 per annum	£31.40 per week
4. Allowances in respect of children—		
a) where the decision is made before 9th April 2001, under article 35(1) and, where the decision is made on or after that date, under article 35(2)(a)		
(i) in respect of the only, elder or eldest child of a member	£793 per annum	£15.20 per week
(ii)in respect of each other child of a member	£884 per annum	£16.95 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	£884 per annum	£16.95 per week

***** maximum

Description of Pension or Allowance	*Rates*	
	Groups 1-11	*Groups 12-17*
or the Isle of Man corresponding to that Act		
b) where the decision is made before 9th April 2001, under article 35(3) and, where the decision is made on or after that date, under article 35(2)(b)		
(i) in respect of the only, elder or eldest child of a member	£900 per annum	£17.25 per week
(ii) in respect of each other child of a member	£989 per annum	£18.95 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	£989 per annum	£18.95 per week
5. Pension under article 36 where the decision is made before 9th April 2001 to a motherless or fatherless child under the age limit and, where the decision is made on or after that date, to a child of a member with no parents living—		
a) in respect of the only, elder or eldest child of a member	£900 per annum	£17.25 per week
b) in respect of each other child of a member	£989 per annum	£18.95 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	£989 per annum	£18.95 per week
6. Pension or allowance under article 37(3) where the decision is made before 9th April 2001, and under article 37(2) where the decision is made on or after that date, to or in respect of a child who has attained the child's age limit	£3,869 per annum*	£74.15 per week*
7. Education allowance under article 38	£120 per annum*	£120 per annum*
8. 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) Groups 1-10 £75 per annum* (ii) Group 11 £60 per annum*	£1.00 per week*
(ii) where there is more than one eligible parent	(i) Groups 1-10 £100 per annum* (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—

* maximum

Description of Pension or Allowance	*Rates*	
	Groups 1-11	*Groups 12-17*
		£0.38 per week* (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*
9. 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* (ii) Group 11 £20 per annum*	£0.30 per week*
c) aggregate rate under article 41(3)	(i) Groups 1-10 £75 per annum* (ii) Group 11 £65 per annum*	£1.00 per week*

* maximum

SCHEDULE 9

Schedule 1 paragraph 6

SCHEDULE 7

DEDUCTIONS FOR THE PURPOSES OF ARTICLE 56

Article 56

Table

Allowance/Pension	*Date of Deduction*	*Weekly Rate of Deduction*
Constant attendance allowance (article 14)	After 4 weeks of falling within article 56 paragraph (1)	Total amount of Constant attendance allowance
Severe disablement occupational allowance (article 16)	After 4 weeks of falling within article 56 paragraph (1)	Total amount of Severe disablement occupational allowance
Unemployability personal allowance (article 18)	After 8 weeks of falling within article 56 paragraph (1) where that has been reached on or before 30th September 2003 and after 13 weeks of falling within article 56 paragraph (1) where that has been reached on or after 1st October 2003 and on or before 11th April 2004 and in any other case after 52 weeks of falling within article 56 paragraph (1)	(i) Where member has no partner, spouse or dependants - £30.25 (ii) Where member has partner, spouse or dependants - £15.90

Unemployability allowance increase for wife, husband, unmarried dependant living as a spouse or adult dependant (article 18)	(i) After 8 weeks of falling within article 56 paragraph (1) where that has been reached on or before 30th September 2003 and after 13 weeks of falling within article 56 paragraph (1) where that has been reached on or after 1st October 2003 and on or before 11th April 2004 and in any other case after 52 weeks of falling within article 56 paragraph (1) (ii) After 104 weeks of falling within article 56 paragraph (1)	(i) £15.90 (ii) £30.25
Invalidity allowance (article 19)	After 52 weeks of falling within article 56 paragraph (1)	(i) Where member has no dependants – total amount of Invalidity allowance (ii) Where member has dependants – nil
War widows pension and war widowers pension (article 29) and pension paid to an unmarried dependant who lived as spouse (article 30)	After 52 weeks of falling within article 56 paragraph (1)	£30.25

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Naval, Military and Air Forces Etc. (Disablement and Death) 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.

Paragraph 1 of Schedule 1 amends article 9 of the principal Order to provide that disablement in respect of noise-induced sensorineural hearing loss is to be assessed on a final basis. The assessment is to take account only of hearing loss due to service and is not to include any hearing loss due to age or other factors arising after service. The degree of hearing loss is to be measured by audiometric tests conducted at or about the termination of service (where available). The degree of disablement referable to noise-induced sensorineural hearing loss is to be determined in accordance with paragraphs (4A) to (4E) and Table 1 of Part VI of Schedule 1 which is inserted by Schedule 6 to this Order.

Paragraph 2 of Schedule 1 increases the amount of a widow's or widower's pension payable under article 29 of the principal Order.

Paragraph 3 of Schedule 1 amends article 42A (funeral expenses) of the principal Order to allow funeral expenses to be paid in respect of funerals which take place on or after 12th April 2004 outside the British Islands and the Republic of Ireland. Article 42A is also amended so that a maximum of £1400 is applied to the funeral expenses which may be payable in respect of all funerals which take place on or after 12th April 2004.

Paragraphs 4 and 5 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,

Paragraph 6 of Schedule 1 amends Schedule 7 to the principal Order by substituting a new table, thereby varying the amounts to be deducted under article 56. Unemployability allowance will be subject to deduction under article 56 on or after 12th April 2004 after a period of 52 weeks hospitalisation rather than 13 weeks.

This Order does not impose any costs on business.

£3.00

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