STATUTORY INSTRUMENTS

2010 No. 240

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2010

Made - - - -	*10th February 2010*
Laid before Parliament	*17th February 2010*
Coming into force - -	*12th April 2010*

At the Court at Buckingham Palace, the 10th day of February 2010

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty considers it expedient to amend the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(**a**).

ACCORDINGLY, Her Majesty, in exercise of the powers conferred upon Her by sections 12(1) and 24(3) of the Social Security (Miscellaneous Provisions) Act 1977(**b**), and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order 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 2010 and shall come into force on 12th April 2010.

(2) In this Order, "the principal Order" means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

Amendment of Schedule 1 (Disablement due to service in the armed forces)

2. In Schedule 1 to the principal Order—

(a) for the Table in Part 2 substitute the Table set out in Schedule 1 to this Order;

(b) for Tables 1 and 2 in Part 3 substitute Tables 1 and 2 set out in Schedule 2 to this Order; and

(c) for the Table in Part 4 substitute the Table set out in Schedule 3 to this Order.

(**a**) S.I. 2006/606 as amended by S.I. 2006/1455, 2007/909, 2008/679, 2008/2683 and 2009/706.
(**b**) 1977 c. 5, sub-section 24(3) of which was amended by the Social Security (Consequential Provisions) Act 1992 c. 6, section 4 and Schedule 2, paragraph 46.

Amendment of Schedule 2 (Death due to service in the armed forces)

3. In Schedule 2 to the principal Order—

(a) for Tables 1, 2, 3, 4, 5, 6 and 7 of Part 2 substitute Tables 1, 2, 3, 4 5, 6 and 7 set out in Schedule 4 to this Order; and

(b) for the Table in Part 3 substitute the Table set out in Schedule 5 to this Order.

Judith Simpson
Clerk of the Privy Council

SCHEDULE 1

Article 2(a)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART 2 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

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

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

Degree of Disablement	*Weekly Rate*	*Yearly Rate*
Per cent	£	£
100	154.70	8,072
90	139.23	7,265
80	123.76	6,458
70	108.29	5,650
60	92.82	4,843
50	77.35	4,036
40	61.88	3,229
30	46.41	2,422
20	30.94	1,614"

SCHEDULE 2

Article 2(b)

TABLES TO BE SUBSTITUTED FOR TABLES 1 AND 2 SET OUT AT PART 3 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

"Table 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	7,356

More than 1 phalanx but not more than 2 phalanges	11	5,886
1 phalanx or part thereof	9	4,903
Guillotine amputation of tip without loss of bone	5	2,935
Middle finger—		
More than 2 phalanges including loss of whole finger	12	6,371
More than 1 phalanx but not more than 2 phalanges	9	4,903
1 phalanx or part thereof	7	3,920
Guillotine amputation of tip without loss of bone	4	2,451
Ring or little finger—		
More than 2 phalanges including loss of whole finger	7	3,920
More than 1 phalanx but not more than 2 phalanges	6	3,436
1 phalanx or part thereof	5	2,935
Guillotine amputation of tip without loss of bone	2	1,469
B. TOES		
Great toe—		
Through metatarso-phalangeal joint	14	7,356
Part, with some loss of bone	3	1,954
1 other toe—		
Through metatarso-phalangeal joint	3	1,954
Part, with some loss of bone	1	985
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	2,935
Part, with some loss of bone	2	1,469
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	3,436
Part, with some loss of bone	3	1,954
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	4,903
Part, with some loss of bone	3	1,954

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

Assessment of degree of disablement			
Groups 1-15	1 to 5 per cent	6 to 14 per cent	15 to 19 per cent
	£2,459	£5,468	£9,564”

SCHEDULE 3

Article 2(c)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART 4 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

“Table

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

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
1.Constant attendance allowance under article 8—		
(a) under article 8—		
(i) the part day rate of constant attendance allowance under article 8(2)	£1,524 per annum	£29.20 per week
(ii) the full day rate of constant attendance allowance under article 8(3)	£3,047 per annum	£58.40 per week
(iii) the intermediate rate of constant attendance allowance under article 8(4)	£4,571 per annum	£87.60 per week
(iv) the exceptional rate of constant attendance allowance under article 8(5)	£6,095 per annum	£116.80 per week
(b) under article 71(4)—		
(i) the rate under paragraph 4(a)	£3,047 per annum(*)	£58.40 per week(*)
(ii) the rate under paragraph 4(b)	£6,095 per annum(*)	£116.80 per week(*)
2.Exceptionally severe disablement allowance under article 9	£3,047 per annum	£58.40 per week
3.Severe disablement occupational allowance under article 10	£1,524 per annum	£29.20 per week
4.Allowance for wear and tear of clothing under article 11	£199 per annum	£199 per annum
5.Unemployability allowances—		
(a) personal allowance under article 12(1)(a)	£4,988 per annum	£95.60 per week
(b) additional allowances for dependants by way of—		
(i) increase of allowance in respect of a	£2,771 per annum(*)	£53.10 per week(*)

spouse, civil partner, dependant living as a spouse, dependant living as a civil partner or an adult dependant under article12(6)(a)		
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or the eldest child of a member	£644 per annum	£12.35 per week
(bb) in respect of each other child of a member	£757 per annum	£14.50 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	£757 per annum	£14.50 per week
For decisions made on or after 9th April 2001		
(c) the annual earnings figure for the purposes of article 12(4) is £4,836		
(d) the weekly income figure for the purposes of article 12(6)(a)(i) is £65.45		
6. Invalidity allowance under article 13—		
(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	£989 per annum	£18.95 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 a 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	£637 per annum	£12.20 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	£318 per annum	£6.10 per week

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

age of 55		
7.Comforts allowance—		
(a) under article 14(1)(a)	£1,310 per annum	£25.10 per week
(b) under article 14(1)(b)	£655 per annum	£12.55 per week
8.Allowance for lowered standard of occupation under article 15	£3,043 per annum(*)	£58.32 per week(*)
9.Age allowance under article 16 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent	£543 per annum	£10.40 per week
(b) over 50 per cent, but not exceeding 70 per cent	£830 per annum	£15.90 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,182 per annum	£22.65 per week
(d) over 90 per cent	£1,659 per annum	£31.80 per week
10.Part-time treatment allowance under article 19	£71.00 per day(*)	£71.00 per day(*)
11.Mobility supplement under article 20	£2,904 per annum	£55.65 per week

(*) maximum."

SCHEDULE 4

Article 3(a)

TABLES TO BE SUBSTITUTED FOR TABLES 1, 2, 3, 4, 5, 6 and 7 SET OUT AT PART 2 OF SCHEDULE 2 TO THE PRINCIPAL ORDER

"Table 1

YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS 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 *(1)*	*Yearly Rate* *(2)* £
1	7,066
2	6,815
3	6,653
4	6,509
5	6,412
6	6,318
7	6,285
8	6,239
9	6,215
10	6,189
11	6,152

Table 2

WEEKLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS OR AIRMEN

Group *(1)*	*Weekly Rate* *(2)* £
12) 13) 14) 15) 16) 17)	117.30

Table 3

YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED 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	7,225
2	6,906
3	6,748
4	6,588
5	6,464
6	6,334
7	6,297
8	6,239
9	6,215
10	6,189
11	6,152

Table 4

YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER 1921

Group *(1)*	*Yearly Rate* *(2)* £
1	7,066
2	6,815
3	6,653
4	6,509
5	6,412
6	6,318
7	6,285
8	2,167
9	1,932
10	1,699
11	1,503

Table 5

WEEKLY RATES OF PENSION FOR CHILDLESS SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS AGED UNDER 40 BEING SURVIVING SPOUSES OR SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS OR AIRMEN

Group (1)	*Weekly Rate* (2) £
12) 13) 14) 15) 16) 17)	28.10

Table 6

YEARLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES AND WHOSE SERVICE TERMINATED ON OR BEFORE 31 MARCH 1973

Group (1)	*Yearly Rate* (2) £
(1–11)	4,095.09

Table 7

WEEKLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS OR AIRMEN WHO WERE MEMBERS OF THE ARMED FORCES AND WHOSE SERVICE TERMINATED ON OR BEFORE 31 MARCH 1973

Group (1)	*Weekly Rate* (2) £
(12–17)	78.48

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SCHEDULE 5

Article 3(b)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART 3 OF SCHEDULE 2 TO THE PRINCIPAL ORDER

"Table

RATES OF PENSIONS, OTHER THAN SURVIVING SPOUSES' AND SURVIVING CIVIL PARTNERS' PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

	Rates	
Description of Pension or Allowance	*Groups 1-11*	*Groups 12-17*
1.Pension under article 24 to dependant who lived as a spouse or dependant who lived as a civil partner	£5,998 per annum(*)	£114.95 per week(*)
2.Rent allowance under article 25	£2,309 per annum(*)	£44.25 per week(*)
3.Elderly persons allowance under article 26—		
(a) if aged 65 but under 70	£699 per annum	£13.40 per week
(b) if aged 70 but under 80	£1,341 per annum	£25.70 per week
(c) if aged 80 or over	£1,988 per annum	£38.10 per week
4.Allowances in respect of children—		
(a) under article 28(2)(a)—		
(i) in respect of the only, elder or eldest child of a member	£960 per annum	£18.40 per week
(ii) in respect of each other child of a member	£1,075 per annum	£20.60 per week
(iii) where the child does not quality 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	£1,075 per annum	£20.60 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,096 per annum	£21.00 per week
(ii) in respect of each other child of a member	£1,203 per annum	£23.05 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 under the Isle of Man corresponding to that Act	£1,203 per annum	£23.05 per week
5.Pension under article 29 to a child of a member who has no parent living and has not attained the child's age limit—		
(a) in respect of the only, elder or eldest child of a member	£1,096 per annum	£21.00 per week
(b) in respect of each other child of a member	£1,203 per annum	£23.05 per week
(c) where the child does not quality for child benefit under the Social Security Contributions and Benefits Act 1992, or	£1,203 per annum	£23.05 per week

under any legislation in Northern Ireland or the Isle of Man corresponding to that Act		
6.Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit	£4,701 per annum(*)	£90.10 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 2006 ("the principal Order") which makes provision for pensions and other awards in respect of disablement or death due to service before 6th April 2005 in the naval, military and air forces. Articles 2 and 3 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.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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