STATUTORY INSTRUMENTS

2019 No. 186

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2019

Made - - - -	*13th February 2019*
Laid before Parliament	*20th February 2019*
Coming into force - -	*8th April 2019*

At the Court at Buckingham Palace, the 13th day of February 2019

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 and commencement

1. This Order may be cited as the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2019 and comes into force on 8th April 2019.

Amendment of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006

2. The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 ("the principal Order") is amended as follows.

(**a**) S.I. 2006/606; relevant amending instruments are S.I. 2006/1455, 2007/909, 2008/679, 2009/706, 2010/240, 2011/235, 2012/359, 2013/241, 2013/630, 2014/505, 2015/208, 2016/374, 2017/161 and 2018/176.

(**b**) 1977 c. 5; section 24(3) was amended by section 4 of, and paragraph 46 of Schedule 2 to, the Social Security (Consequential Provisions) Act 1992 (c. 6).

Amendment of article 27 (temporary allowances)

3. In article 27 of the principal Order(**a**)—

(a) for paragraph (3)(a) substitute—

"(a) for the period of 26 weeks commencing on the relevant day; and"

(b) after paragraph (7) insert—

"(8) In this article, "relevant day" means—

(a) in the case of the surviving spouse or surviving civil partner of an officer, the day after the day of the officer's death;

(b) in the case of the surviving spouse or surviving civil partner of any other member—

(i) where the member died before 8th April 2019, the Wednesday next following the day of the member's death;

(ii) where the member died on or after 8th April 2019, the day after the day of the member's death."

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

4. In Schedule 1 to the principal Order—

(a) for the table in Part 2 substitute the table in Schedule 1 to this Order;

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

(c) for the table in Part 4 substitute the table in Schedule 3 to this Order.

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

5. In Schedule 2 to the principal Order—

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

(b) for the table in Part 3 substitute the table in Schedule 5 to this Order.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 4(a)

TABLE TO BE SUBSTITUTED FOR THE TABLE IN 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	189.80	9,904
90	170.82	8.913

(**a**) Article 27 was amended by S.I. 2008/679.

80	151.84	7,923
70	132.86	6,933
60	113.88	5,942
50	94.90	4,952
40	75.92	3,962
30	56.94	2,971
20	37.96	1,981”

SCHEDULE 2

Article 4(b)

TABLES TO BE SUBSTITUTED FOR TABLES 1 AND 2 IN 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 the loss of whole finger	14	9,028
More than 1 phalanx but not more than 2 phalanges	11	7,222
1 phalanx or part thereof	9	6,017
Guillotine amputation of tip without loss of bone	5	3,601
Middle finger—		
More than 2 phalanges including the loss of whole finger	12	7,819
More than 1 phalanx but not more than 2 phalanges	9	6,017
1 phalanx or part thereof	7	4,812
Guillotine amputation of tip without loss of bone	4	3,006
Ring or little finger—		
More than 2 phalanges including the loss of whole finger	7	4,812
More than 1 phalanx but not more than 2 phalanges	6	4,218
1 phalanx or part thereof	5	3,601
Guillotine amputation of tip without loss of bone	2	1,803
B. TOES		
Great toe—		
Through metatarso-phalangeal joint	14	9,028
Part, with some loss of bone	3	2,400
1 other toe—		
Through metatarso-phalangeal joint	3	2,400
Part, with some loss of bone	1	1,209
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	3,601

Description of Injury	*Assessments*	*Groups 1 – 15*
For the loss of	*Per cent*	*£*
Part, with some loss of bone	2	1,803
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	4,218
Part, with some loss of bone	3	2,400
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	6,017
Part, with some loss of bone	3	2,400

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
	£3,019	£6,711	£11,737”

SCHEDULE 3

Article 4(c)

TABLE TO BE SUBSTITUTED FOR THE TABLE IN PART 4 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

“**Table**

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

Description of Allowance	*Rate*	
	Groups 1 – 9	*Groups 10 – 15*
1. Constant attendance allowance—		
(a) under article 8—		
(i) the part day rate of constant attendance allowance under paragraph (2)	£1,868 per annum	£35.80 per week
(ii) the full day rate of constant attendance allowance under paragraph (3)	£3,736 per annum	£71.60 per week
(iii) the intermediate rate of constant attendance allowance under paragraph (4)	£5,604 per annum	£107.40 per week
(iv) the exceptional rate of constant attendance allowance under paragraph (5)	£7,472 per annum	£143.20 per week
(b) under article 71(4)—		
(i) the rate under paragraph (4)(a)	£3,736 per annum(†)	£71.60 per week(†)
(ii) the rate under paragraph (4)(b)	£7,472 per annum(†)	£143.20 per week(†)
2. Exceptionally severe disablement allowance under article 9	£3,736 per annum	£71.60 per week

3. Severe disablement occupational allowance under article 10	£1,868 per annum	£35.80 per week
4. Allowance for wear and tear of clothing under article 11	£245 per annum	£245 per annum
5. Unemployability allowances—		
(a) Personal allowance under article 12(1)(a)	£6,121 per annum	£117.30 per week
(b) Additional allowances for dependants by way of—		
(i) increase of allowance in respect of a spouse, civil partner, adult dependant, dependant living as a spouse or dependant living as a civil partner under article 12(6)(a)	£3,402 per annum	£65.20 per week(†)
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or eldest child of a member	£791 per annum	£15.15 per week
(bb) in respect of each other child of a member	£929 per annum	£17.80 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	£929 per annum	£17.80 per week
For decisions made on or after 9th April 2001		
(c) the annual earnings figure for the purposes of article 12(4) is £6,838		
(d) the weekly income figure for the purposes of article 12(6)(a)(i) is £73.10		
6. Invalidity allowance under article 13—		
(a) If—		
(i) the relevant date fell before 5th July 1948;		
(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	£1,211 per annum	£23.20 per week
(b) if head (a) does not apply and—		
(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	£788 per annum	£15.10 per week

	relate begins on or after 6th April 1979		
(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	£394 per annum	£7.55 per week
7. Comforts allowance—			
(a)	under article 14(1)(a)	£1,607 per annum	£30.80 per week
(b)	under article 14(1)(b)	£804 per annum	£15.40 per week
8. Allowance for lowered standard of occupation under article 15		£3,736 per annum(†)	£71.60 per week(†)
9. Age allowance under article 16 where the degree of pensioned disablement is—			
(a)	40 to 50 per cent	£663 per annum	£12.70 per week
(b)	over 50 per cent, but not exceeding 70 per cent	£1,020 per annum	£19.55 per week
(c)	over 70 per cent, but not exceeding 90 per cent	£1,451 per annum	£27.80 per week
(d)	over 90 per cent	£2,040 per annum	£39.10 per week
10. Part-time treatment allowance under article 19		£87.10 per day(†)	£87.10 per day(†)
11. Mobility supplement under article 20		£3,567 per annum	£68.35 per week

(†) Maximum amount payable

(a) 1992 c. 4."

SCHEDULE 4

Article 5(a)

TABLES TO BE SUBSTITUTED FOR TABLES 1, 2, 3, 4, 5, 6 AND 7 IN 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(**a**) OR ARTICLE 11(1) OF THE 1921 (WARRANT OFFICERS) ORDER(**b**), OF THE 1920 WARRANT(**c**) OR OF THE 1921 ORDER(**d**)

Group *(1)*	*Yearly Rate* *(2)* £
1	8,672
2	8,364
3	8,165
4	7,988
5	7,914
6	7,755
7	7,713
8	7,656

(**a**) Order in Council of 9th March 1921.
(**b**) Order in Council of 9th March 1921.
(**c**) Royal Warrant of 2nd July 1920.
(**d**) Order of His Majesty of 25th September 1921.

9	7,628
10	7,595
11	7,551

Table 2

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

Group *(1)*	*Weekly Rate* *(2)* £
12 – 17	143.95

Table 3

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 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	8,866
2	8,476
3	8,282
4	8,084
5	7,933
6	7,773
7	7,729
8	7,656
9	7,628
10	7,595
11	7,551

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	8,672
2	8,364
3	8,165
4	7,988
5	7,914
6	7,755
7	7,713
8	2,659

9	2,369
10	2,086
11	1,844

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 – 17	34.48

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	5,025.46

Table 7

WEEKLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS AND 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	96.31”

SCHEDULE 5

Article 5(b)

TABLE TO BE SUBSTITUTED FOR THE TABLE IN 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

Description of Pension or Allowance	*Rates*	
	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	£7,389 per annum(†)	£141.60 per week(†)

2. Rent allowance under article 25	£2,828 per annum(†)	£54.20 per week(†)
3. Elderly persons allowance under article 26—		
(a) if aged 65 or over but under 70	£856 per annum	£16.40 per week
(b) if aged 70 or over but under 80	£1,646 per annum	£31.55 per week
(c) if aged 80 or over	£2,442 per annum	£46.80 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	£1,179 per annum	£22.60 per week
(ii) in respect of each other child of a member	£1,320 per annum	£25.30 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	£1,320 per annum	£25.30 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,349 per annum	£25.85 per week
(ii) in respect of each other child of a member	£1,474 per annum	£28.25 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	£1,474 per annum	£28.25 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	£1,349 per annum	£25.85 per week
(b) in respect of each other child of a member	£1,474 per annum	£28.25 per week
(c) 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	£1,474 per annum	£28.25 per week
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit	£5,774 per annum(†)	£110.65 per week(†)

(†) Maximum amount payable"

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. The principal Order contains the scheme which provides the pensions and other awards.

Article 3 amends the principal Order so that a temporary personal allowance awarded under Article 27 to a surviving spouse or civil partner commences on the day after the armed forces member dies, irrespective of the rank of the member, if the date of death is on or after 8th April 2019.

The tables in Schedules 1 to 5 to this Order replace tables in Schedules 1 and 2 to the principal Order, in order to adjust the rates prescribed for retired pay, pensions, gratuities and allowances in respect of disablement or death due to service in the armed forces.

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

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