STATUTORY INSTRUMENTS

2020 No. 150

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2020

Made - - - -	*12th February 2020*
Laid before Parliament	*19th February 2020*
Coming into force - -	*6th April 2020*

At the Court at Buckingham Palace, the 12th day of February 2020

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 2020 and comes into force on 6th April 2020.

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.

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

3. 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

(**a**) S.I. 2006/606; relevant amending instruments are S.I. 2007/909, 2008/679, 2009/706, 2010/240, 2011/235, 2012/359, 2013/241, 2014/505, 2015/208, 2016/374, 2017/161, 2018/176 and 2019/186.

(**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).

(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)

4. 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 3(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 per cent	*Weekly Rate £*	*Yearly Rate £*
100	193	10,071
90	173.70	9,064
80	154.40	8,057
70	135.10	7,050
60	115.80	6,042
50	96.50	5,035
40	77.20	4,028
30	57.90	3,021
20	38.60	2,014"

SCHEDULE 2

Article 3(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	14	9,181

	finger		
	More than 1 phalanx but not more than 2 phalanges	11	7,345
	1 phalanx or part thereof	9	6,119
	Guillotine amputation of tip without loss of bone	5	3,662
	Middle finger—		
	More than 2 phalanges including the loss of whole finger	12	7,952
	More than 1 phalanx but not more than 2 phalanges	9	6,119
	1 phalanx or part thereof	7	4,894
	Guillotine amputation of tip without loss of bone	4	3,057
	Ring or little finger—		
	More than 2 phalanges including the loss of whole finger	7	4,894
	More than 1 phalanx but not more than 2 phalanges	6	4,290
	1 phalanx or part thereof	5	3,662
	Guillotine amputation of tip without loss of bone	2	1,834
B. TOES			
	Great toe—		
	Through metatarso-phalangeal joint	14	9,181
	Part, with some loss of bone	3	2,441
	1 other toe—		
	Through metatarso-phalangeal joint	3	2,441
	Part, with some loss of bone	1	1,230
	2 toes, excluding great toe—		
	Through metatarso-phalangeal joint	5	3,662
	Part, with some loss of bone	2	1,834
	3 toes, excluding great toe—		

	Through metatarso-phalangeal joint	6	4,290
	Part, with some loss of bone	3	2,441
	4 toes, excluding great toe—		
	Through metatarso-phalangeal joint	9	6,119
	Part, with some loss of bone	3	2,441

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
	£3,070	£6,825	£11,937”

SCHEDULE 3

Article 3(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)	£1,899 per annum	£36.40 per week
	(ii) the full day rate of constant attendance allowance under paragraph (3)	£3,799 per annum	£72.80 per week
	(iii) the intermediate rate of constant attendance allowance under paragraph (4)	£5,698 per annum	£109.20 per week
	(iv) the exceptional rate of constant attendance allowance under paragraph (5)	£7,597 per annum	£145.60 per week
(b)	under article 71(4)—		
	(i) the rate under paragraph (4)(a)	£3,799 per annum*	£72.80 per week*
	(ii) the rate under paragraph (4)(b)	£7,597 per annum*	£145.60 per week*
2. Exceptionally severe disablement allowance under article 9		£3,799 per annum	£72.80 per week

3. Severe disablement occupational allowance under article 10	£1,899 per annum	£36.40 per week
4. Allowance for wear and tear of clothing under article 11	£249 per annum	£249 per annum
5. Unemployability allowances—		
(a) Personal allowance under article 12(1)(a)	£6,225 per annum	£119.30 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)	£3,460 per annum	£66.30 per week*
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or eldest child of a member	£804 per annum	£15.40 per week
(bb) in respect of each other child of a member	£944 per annum	£18.10 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	£944 per annum	£18.10 per week
For decisions made on or after 9th April 2001		
(c) the annual earnings figure for the purposes of article 12(4) is £7,280		
(d) the weekly income figure for the purposes of article 12(6)(a)(i) is £74.35		
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	£1,231 per annum	£23.60 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	£804 per annum	£15.40 per week

	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		
(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	£402 per annum	£7.70 per week
7. Comforts allowance—			
(a)	under article 14(1)(a)	£1,623 per annum	£31.10 per week
(b)	under article 14(1)(b)	£811 per annum	£15.55 per week
8. Allowance for lowered standard of occupation under article 15		£3,799 per annum*	£72.80 per week*
9. Age allowance under article 16 where the degree of pensioned disablement is—			
(a)	40 to 50 per cent	£673 per annum	£12.90 per week
(b)	over 50 per cent, but not exceeding 70 per cent	£1,038 per annum	£19.90 per week
(c)	over 70 per cent, but not exceeding 90 per cent	£1,474 per annum	£28.25 per week
(d)	over 90 per cent	£2,077 per annum	£39.80 per week
10. Part-time treatment allowance under article 19		£88.60per day*	£88.60 per day*
11. Mobility supplement under article 20		£3,627 per annum	£69.50 per week

* Maximum amount payable.

(a) 1992 c. 4."

SCHEDULE 4

Article 4(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	£8,819
2	£8,506
3	£8,304
4	£8,124
5	£8,049
6	£7,887
7	£7,844
8	£7,786
9	£7,758
10	£7,724
11	£7,679

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	146.40

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	9,017
2	8,620
3	8,423
4	8,221
5	8,068
6	7,905
7	7,860
8	7,786
9	7,758

(**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.

10	7,724
11	7,679

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	8,819
2	8,506
3	8,304
4	8,124
5	8,049
6	7,887
7	7,844
8	2,704
9	2,409
10	2,121
11	1,875

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	35.07

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	5,111.03

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	97.95”

SCHEDULE 5

Article 4(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	£7,517 per annum*	£144.05 per week*
2. Rent allowance under article 25	£2,875 per annum*	£55.10 per week*
3. Elderly persons allowance under article 26—		
(a) if aged 65 or over but under 70	£871 per annum	£16.70 per week
(b) if aged 70 or over but under 80	£1,675 per annum	£32.10 per week
(c) if aged 80 or over	£2,484 per annum	£47.60 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	£1,200 per annum	£23 per week
(ii) in respect of each other child of a member	£1,333 per annum	£25.55 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	£1,333 per annum	£25.55 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,372 per annum	£26.30 per week
(ii) in respect of each other child of a member	£1,500 per annum	£28.75 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	£1,500 per annum	£28.75 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	£1,372 per annum	£26.30 per week
(b)	in respect of each other child of a member	£1,500 per annum	£28.75 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	£1,500 per annum	£28.75 per week
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit		£5,873 per annum*	£112.55 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.

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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