

STATUTORY INSTRUMENTS

1983 No. 1116

PENSIONS

**The Naval, Military and Air Forces etc. (Disablement and Death)
Service Pensions Amendment Order 1983**

Made - - - - - 27th July 1983
Laid before Parliament 4th August 1983
Coming into Operation 21st November 1983

At the Court at Buckingham Palace, the 27th day of July 1983

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) and to do so 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 the said section 12(1) 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, which may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1983, shall come into operation on 21st November 1983.

(2) In this Order the expression “the principal Order” means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983.

(3) In relation to any award under the principal Order which is payable weekly and to which any provision of this Order relates, the foregoing reference to 21st November 1983 shall, where that date is not the normal weekly pay day for that award, be construed as a reference to the date of the first weekly pay day for that award immediately following 21st November 1983.

^(a) S.I. 1983/883.

^(b) 1977 c. 5.

Amendment of article 2 of the principal Order

2. In article 2 of the principal Order (scheduled rates and amounts of pensions, grants and allowances etc. and construction of Schedules relevant thereto)—

- (a) after the word “allowances” there shall be inserted the word “, supplement”; and
- (b) for the words “and 25(1)” there shall be substituted the words “25(1) and 26A(1)”.

Amendment of article 18 of the principal Order

3. For the amount “£1040” in paragraph (2) of article 18 of the principal Order (earnings allowed in relation to unemployment allowances) there shall be substituted the amount “£1170”.

Insertion of new article in the principal Order

4. In Part III of the principal Order (awards in respect of disablement) after article 26 there shall be inserted the following new article:—

“Mobility supplement

26A.—(1) Subject to the provisions of this article a mobility supplement may be awarded at the rate specified in paragraph 13 of Part IV of Schedule 1 to a member of the armed forces who is in receipt of retired pay or a pension in respect of—

- (a) disablement as a result of the amputation of both legs, at least one of which has been amputated either through or at a point above the knee; or
- (b) disablement due to any other injury which is, and is likely to remain for at least 12 months from the date on which the question of eligibility for a supplement under this article is considered by the Secretary of State (either at first instance or on review), wholly or mainly responsible for—
 - (i) rendering him unable to walk, or
 - (ii) restricting his leg movements to such an extent that his ability to walk without severe discomfort is of little or no practical use to him, or
 - (iii) rendering the exertion required to walk a danger to his life or a likely cause of serious deterioration in his health; or
- (c) disablement by reason of which, immediately prior to the date on which the question of his eligibility for a supplement under this article is first considered by the Secretary of State, he—
 - (i) has had the use of an invalid carriage or other vehicle provided by the Secretary of State under section 5(2) of, and Schedule 2 to, the

National Health Service Act 1977(a) or section 46 of the National Health Service (Scotland) Act 1978(b), or by the Department of Health and Social Services for Northern Ireland under article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972(c), which is a vehicle propelled by petrol engine or by electric power for use on the road and to be controlled by the occupant, or

- (ii) has received any payment by way of grant under the said section 5(2) and Schedule 2 or the said section 46 or the said article 30 towards the cost of running a private car, or any payment out of public funds which the Secretary of State is satisfied is analogous thereto, or
- (iii) has been in receipt of a mobility allowance under section 37A of the Social Security Act 1975(d) or section 37A of the Social Security (Northern Ireland) Act 1975(e) having been deemed, by virtue of section 13 of the Social Security (Miscellaneous Provisions) Act 1977 or, as the case may be, article 10 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(f), to be suffering from such disablement as is mentioned in subsection (1) of that section 37A and to satisfy the requirements of subsection (2)(a) of that section.

(2) In determining for the purposes of paragraph (1)(b)(i) and (ii) the extent of a person's walking ability regard shall be had to his ability to walk with a suitable prosthesis or artificial aid which he habitually wears or uses, or which he might reasonably be expected to wear or use.

(3) A mobility supplement under this article shall not be payable to a member for any period in respect of which he—

- (a) has the use of an invalid carriage or other vehicle provided under any of the statutory provisions referred to in paragraph (1)(c); or
- (b) is in receipt of a mobility allowance under section 37A of the Social Security Act 1975 or section 37A of the Social Security (Northern Ireland) Act 1975.”.

Amendment of Schedules to the principal Order

5.—(1) In Schedule 1 to the principal Order (rates of pension and other grants payable in respect of disablement)—

- (a) for Tables 1 and 3 of Part II there shall respectively be substituted the Tables set out in Schedules 1 and 2 hereto;
- (b) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 3 and 4 hereto;

(a) 1977 c. 49.

(b) 1978 c. 29.

(c) S.I. 1972/1265 (N.I. 14), as amended by section 40 of, and paragraph 8 of Schedule 5 to, the Northern Ireland Constitution Act 1973 (c. 36).

(d) 1975 c. 14; section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975 (c. 60), and amended by section 3 of the Social Security Act 1979 (c. 18).

(e) 1975 c. 15 (N.I.); section 37A was inserted by article 24 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)).

(f) S.I. 1977/610 (N.I. 11).

- (c) for Part IV there shall be substituted the Part set out in Schedule 5 hereto.
- (2) In Schedule 2 to the principal Order (rates of pension and other grants payable in respect of death)—
- (a) for Table 1A of Part II there shall be substituted the Table set out in Schedule 6 hereto;
 - (b) for the amount “£2226” in the second column of Table 1B of Part II there shall be substituted the amount “£2307”;
 - (c) for the amounts “£42.70” and “£9.86” in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts “£44.25” and “£10.22”;
 - (d) for Table 5 of Part II there shall be substituted the Table set out in Schedule 7 hereto;
 - (e) for Part III there shall be substituted the Part set out in Schedule 8 hereto.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE 1

Article 5(1)(a)

Table to be substituted for Table 1 of Part II of Schedule 1 to the principal Order.

TABLE 1

YEARLY RATES OF—

- A. RETIRED PAY AND PENSIONS FOR DISABLED OFFICERS AND NURSES FOR ALL RANKS IN GROUPS 1–9 OF PART I OF THIS SCHEDULE
- B. DISABLEMENT ADDITION ON A PENSION BASIS (ARTICLE 43(3)(a)) FOR ALL RANKS IN GROUPS 1–9 OF PART I OF THIS SCHEDULE AND GROUPS 2 AND 3 OF PART I OF SCHEDULE 2

<i>Degree of Disability</i>	<i>Yearly Rate</i>
Per cent.	£
100	2934
90	2641
80	2347
70	2054
60	1760
50	1467
40	1174
30	880
20	587

SCHEDULE 2

Article 5(1)(a)

Table to be substituted for Table 3 of Part II of Schedule 1 to the principal Order

TABLE 3

WEEKLY RATES OF PENSION FOR DISABLED OTHER RANKS
GROUPS 10–15

<i>Degree of Disability</i>	<i>Weekly Rate</i>
Per cent.	£
100	55.60
90	50.04
80	44.48
70	38.92
60	33.36
50	27.80
40	22.24
30	16.68
20	11.12

Article 5(1)(b)

SCHEDULE 3

Table to be substituted for Table 1 of Part III of Schedule 1 to the principal Order

TABLE 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

<i>Description of Injury</i>	<i>Assessments Per cent.</i>	<i>Groups 1-9</i>	<i>Groups 10-15</i>
		£	£
For the loss of:—			
A. FINGERS:—			
Index finger—			
Whole	14	2828	2798
2 phalanges	11	2264	2239
1 phalanx	9	1885	1865
Guillotine amputation of tip with- out loss of bone	5	1127	1117
Middle finger—			
Whole	12	2449	2424
2 phalanges	9	1885	1865
1 phalanx	7	1506	1491
Guillotine amputation of tip with- out loss of bone	4	943	933
Ring or little finger—			
Whole	7	1506	1491
2 phalanges	6	1322	1307
1 phalanx	5	1127	1117
Guillotine amputation of tip with- out loss of bone	2	564	559
B. TOES:—			
Great toe—			
through metatarso-phalangeal joint	14	2828	2798
part, with some loss of bone...	3	748	743
1 other toe—			
through metatarso-phalangeal joint	3	748	743
part, with some loss of bone...	1	379	374
2 toes, excluding great toe—			
through metatarso-phalangeal joint	5	1127	1117
part, with some loss of bone...	2	564	559
3 toes, excluding great toe—			
through metatarso-phalangeal joint	6	1322	1307
part, with some loss of bone...	3	748	743
4 toes, excluding great toe—			
through metatarso-phalangeal joint	9	1885	1865
part, with some loss of bone...	3	748	743

SCHEDULE 4

Article 5(1)(b)

Table to be substituted for Table 2 of Part III of Schedule 1 to the principal Order

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

Group	<i>Estimated duration of the disablement within the degree referred to</i>								
	<i>Temporary less than a year</i>			<i>Temporary more than a year</i>			<i>Indeterminate</i>		
	<i>Per cent.</i>			<i>Per cent.</i>			<i>Per cent.</i>		
	1-5	6-14	15-19	1-5	6-14	15-19	1-5	6-14	15-19
	£	£	£	£	£	£	£	£	£
1	166	370	646	331	737	1290	995	2213	3872
3	164	365	639	327	728	1274	983	2186	3825
4	162	361	631	323	719	1258	971	2159	3778
5	160	358	625	321	713	1248	963	2141	3746
6	159	355	620	318	707	1237	955	2123	3715
7, 8	157	350	612	314	698	1221	943	2096	3668
9	155	346	604	310	689	1206	931	2069	3620
10	156	347	606	312	692	1210	930	2067	3612
11	156	346	605	311	691	1207	928	2062	3603
12	155	346	603	310	689	1204	926	2057	3594
13	155	345	602	310	687	1201	924	2052	3586
14	154	344	600	309	686	1198	921	2047	3577
15	154	343	599	308	684	1195	919	2042	3568

Article 5(1)(c)

SCHEDULE 5

Part to be substituted for Part IV of Schedule 1 to the principal Order

PART IV

RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
1. Education allowance under article 13	£120 per annum (maximum)	£120 per annum (maximum)
2. Constant attendance allowance—		
(a) under article 14(1)(b) ...	£2325 per annum (maximum)	£44.60 per week (maximum)
(b) under article 14(1)(a) ...	£1163 per annum (maximum)	£22.30 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£1163 per annum	£22.30 per week
4. Severe disablement occupational allowance under article 16	£581 per annum	£11.15 per week
5. Allowance for wear and tear of clothing—		
(a) under article 17(1)(a) ...	£48 per annum	£48 per annum
(b) under article 17(1)(b) and 17(2)	£75 per annum	£75 per annum
6. Unemployability allowances—		
(a) personal allowance under article 18(1)(a)	£1885 per annum	£36.15 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 wife, under article 18(5)(b)	£1066 per annum (maximum)	£20.45 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(5)(c)	£1066 per annum (maximum)	£20.45 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(5)(d) ...	£396 per annum	£7.60 per week

SCHEDULE 5 (Contd.)

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
7. Invalidation allowance under article 19—		
(a) if—		
(i) the relevant date fell before 5th July 1948; or	£373 per annum	£7.15 per week
(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		
(b) if—		
(i) on the relevant date the member was under the age of 45; or	£240 per annum	£4.60 per week
(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		
(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 ...	£120 per annum	£2.30 per week
8. Comforts allowance—		
(a) under article 20(1)(a) ...	£501 per annum	£9.60 per week
(b) under article 20(1)(b) ...	£250 per annum	£4.80 per week
9. Allowance for lowered standard of occupation under article 21	£1160 per annum (maximum)	£22.24 per week (maximum)

SCHEDULE 5 (Contd.)

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent.	£201 per annum	£3.85 per week
(b) over 50 per cent., but not exceeding 70 per cent.	£315 per annum	£6.05 per week
(c) over 70 per cent., but not exceeding 90 per cent.	£451 per annum	£8.65 per week
(d) over 90 per cent.	£631 per annum	£12.10 per week
11. Treatment allowances— increase of personal allowance under article 23(3)... ..	£631 per annum (maximum)	£12.10 per week (maximum)
12. Part-time treatment allowance under article 25	£21 per day (maximum)	£21 per day (maximum)
13. Mobility supplement under article 26A	£21.15 per week	£21.15 per week

Article 5(2)(a)

SCHEDULE 6

Table to be substituted for Table 1A of Part II of Schedule 2 to the principal Order

TABLE 1

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS

A.—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)	Rate (2)	Rate (3)
1	} 2307	} 2307
2		
3		
4		
5		
6		
7	} 817	} 817
8		
9		
10		
11		

SCHEDULE 7

Article 5(2)(d)

Table to be substituted for Table 5 of Part II of Schedule 2 to the principal Order

TABLE 5

MAXIMUM YEARLY RATES OF PENSION FOR RELATIVES OF 1914 WORLD WAR OFFICERS

<i>Group</i> (1)	<i>Rate</i> (2)
	£
1	} 2307
2	
3	
4	
5	
6	
7	
8	817
9	729
10	641
11	567

Article 5(2)(e)

SCHEDULE 8

Part to be substituted for Part III of Schedule 2 to the principal Order

PART III

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

<i>Description of Pension or Allowance</i>	<i>Rate</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 30 to unmarried dependant who lived as wife	£2200 per annum (maximum)	£42.20 per week (maximum)
2. Rent allowance under article 31	£16.85 per week (maximum)	£16.85 per week (maximum)
3. Allowance under article 32 to elderly widow or unmarried dependant who lived as wife— (a) if age 65 but under 70... (b) if age 70 or over	£224 per annum £448 per annum †	£4.30 per week £8.60 per week
4. Pension to widower under article 34	£2307 per annum (maximum)	£44.25 per week (maximum)
5. Allowances in respect of children— (a) under article 35(1) in respect of each child (b) under article 35(3)... ..	£571 per annum £620 per annum	£10.95 per week £11.90 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£620 per annum	£11.90 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£1775 per annum (maximum)	£34.05 per week (maximum)
8. Education allowance under article 38	£120 per annum (maximum)	£120 per annum (maximum)

SCHEDULE 8 (Contd.)

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
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) Groups 1-10— £75 per annum (maximum)	£1.00 per week (maximum)
	(ii) Group 11— £60 per annum (maximum)	
(ii) where there is more than one eligible parent... ..	(i) Groups 1-10— £100 per annum (maximum)	£1.38 per week (maximum)
	(ii) Group 11— £85 per annum (maximum)	
(c) increase under article 40(3)(c)	£20 per annum (maximum)	(i) where there is only one eligible parent —£0.38 per week (maximum)
		(ii) where there is more than one eligible parent — £0.62 per week (maximum)
(d) under paragraph (d) of article 40(4)	—	£1.00 per week (maximum)
10. Pensions to other depen- dants—		
(a) under article 41(2)... ..	£54 per annum (maximum)	£1.00 per week (maximum)
(b) for each juvenile depen- dant under article 41(3) ...	(i) Groups 1-10— £26 per annum (maximum)	£0.30 per week (maximum)
	(ii) Group 11— £20 per annum (maximum)	
(c) aggregate rate under arti- cle 41(3)	(i) Groups 1-10— £75 per annum (maximum)	£1.00 per week (maximum)
	(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").

The Order inserts in the principal Order a new article 26A to make provision for a mobility supplement to be payable to certain members of the armed forces who are in receipt of retired pay or a pension in respect of disablement. Consequential amendments are also made to article 2 of the principal Order.

The Order raises the maximum amount of annual earnings which may be received by a member of the armed forces in receipt of retired pay or a pension while that person is deemed to be unemployable for the purposes of an award of unemployability allowances under article 18 of the principal Order.

The Order also varies the rates of retired pay, pensions, gratuities and allowances in respect of disablement and death due to service in the Naval, Military and Air Forces of the Crown during the 1914 World War and after 2nd September 1939. In the Part to be substituted for Part IV of Schedule 1 to the principal Order, which sets out the rates of allowances payable in respect of disablement, the rate for mobility supplement is inserted.

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