
 STATUTORY INSTRUMENTS

1986 No. 592**PENSIONS****The Naval, Military and Air Forces etc. (Disablement and Death)
Service Pensions Amendment Order 1986**

Made - - - - - 26th March 1986

Laid before Parliament 8th April 1986

Coming into Operation 28th July 1986

At the Court at Buckingham Palace, the 26th day of March 1986

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 1986, shall come into operation on 28th July 1986.

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

Amendment of article 3 of the principal Order

2. For article 3 of the principal Order (basic condition of awards) there shall be substituted the following article:—

“Basic condition of awards and the making of claims

3.—(1) Under this Order awards may be made where the disablement or death of a member of the armed forces is due to service, provided that, except in cases where paragraphs (3) or (4) have effect, a claim for any such award has been made in the manner specified in paragraph (2).

(2) A claim for an award of any pension or allowance under this Order shall state the pension or allowance being claimed and shall be made to the Secretary of State either

(a) S.I. 1983/883, as amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201.

(b) 1977 c.5.

- (a) in a form approved by him for that purpose; or
- (b) in such other manner, whether in writing or otherwise as he may accept as sufficient in any case.

(3) A claim for an award shall be treated by the Secretary of State, both at the date of the claim and at any subsequent date, as including a claim for an allowance under any of the following articles, without reference to any such allowance being included in the claim:—

- (a) article 15 (exceptionally severe disablement allowance);
- (b) article 16 (severe disablement occupational allowance);
- (c) article 19 (invalidity allowance);
- (d) article 20 (comforts allowance);
- (e) article 22 (age allowance);
- (f) article 32 (allowance to elderly widows and unmarried dependants who lived as wives);
- (g) article 33 (temporary allowances for widows).

(4) Where an award is in payment under this Order and the conditions for entitlement to any of the allowances referred to in paragraph (3) become satisfied, a claim for any such allowance shall be treated as having been made at the date when the relevant conditions first became satisfied.”.

Amendment of article 8 of the principal Order

3. In article 8 of the principal Order (general conditions relating to awards in respect of disablement) at the end of paragraph (1) there shall be added the words:—

“provided that, in cases where a claim for such an award is required under article 3, a claim has been made in accordance with that article.”.

Amendment of article 18 of the principal Order

4. In article 18 of the principal Order (unemployability allowances) in paragraph (2) for the amount “£1300” there shall be substituted the amount “£1326”.

Amendment of article 23 of the principal Order

5. In article 23 of the principal Order (treatment allowances) after paragraph (6) there shall be inserted the following new paragraph:—

“(6A) A member who is not normally in employment, or who is retired from employment, shall not be entitled to treatment allowance in respect of treatment which, if he were normally in employment, would in the opinion of the Secretary of State involve no or only occasional interruptions of that employment.”.

Amendment to article 26A of the principal Order

6. In paragraph (1)(b) of article 26A of the principal Order (mobility supplement)

(a) the following head shall be inserted as a new head (iii)—

“(iii) restricting by physical pain or breathlessness his ability to walk to such an extent that it is of little or no practical use to him, or”;

(b) the existing head (iii) shall be renumbered head (iv).

Amendment of article 27 of the principal Order

7. In article 27 of the principal Order (application of Part IV of the Order relating to awards in respect of death) at the end of paragraph (1) shall be added the words:—

“provided that, in cases where a claim for such an award is required under article 3, a claim has been made in accordance with that article.”.

Amendment of Schedules to the principal Order

8.—(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;
- (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 “£2597” in the second column of Table 1B of Part II there shall be substituted the amount “£2623”;
- (c) for the amounts “£49.80” and “£11.49” in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts “£50.30” and “£11.61”;
- (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.

G. I. de Deney,
Clerk of the Privy Council.

Article 8(1)(a)

SCHEDULE 1

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	3330
90	2997
80	2664
70	2331
60	1998
50	1665
40	1332
30	999
20	666

Article 8(1)(a)

SCHEDULE 2

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	63.20
90	56.88
80	50.56
70	44.24
60	37.92
50	31.60
40	25.28
30	18.96
20	12.64

SCHEDULE 3

Article 8(1)(b)

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>Assess-ments</i>	<i>Groups 1-9</i>	<i>Groups 10-15</i>
For the loss of:—	<i>Per cent.</i>	£	£
A. FINGERS:—			
Index Finger—			
More than 2 phalanges, including loss of whole finger	14	3210	3180
More than 1 phalanx, but not more than 2 phalanges	11	2570	2545
1 phalanx or part thereof	9	2140	2120
Guillotine amputation of tip without loss of bone	5	1280	1270
Middle Finger—			
More than 2 phalanges, including loss of whole finger	12	2780	2755
More than 1 phalanx, but not more than 2 phalanges	9	2140	2120
1 phalanx or part thereof	7	1710	1695
Guillotine amputation of tip without loss of bone	4	1070	1060
Ring or little Finger—			
More than 2 phalanges, including loss of whole finger	7	1710	1695
More than 1 phalanx, but not more than 2 phalanges	6	1500	1485
1 phalanx or part thereof	5	1280	1270
Guillotine amputation of tip without loss of bone	2	640	635
B. TOES:—			
Great toe—			
through metatarso-phalangeal joint	14	3210	3180
part, with some loss of bone	3	850	845
1 other toe—			
through metatarso-phalangeal joint	3	850	845
part, with some loss of bone	1	430	425
2 toes, excluding great toe—			
through metatarso-phalangeal joint	5	1280	1270
part, with some loss of bone	2	640	635

SCHEDULE 3 (contd.)

Description of Injury	Assess-ments	Groups 1-9	Groups 10-15
	Per cent.	£	£
For the loss of:—			
3 toes, excluding great toe—			
through metatarso-phalangeal joint	6	1500	1485
part, with some loss of bone	3	850	845
4 toes, excluding great toe—			
through metatarso-phalangeal joint	9	2140	2120
part, with some loss of bone	3	850	845

Article 8(1)(b)

SCHEDULE 4

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	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
	£	£	£	£	£	£	£	£	£
1	187	417	728	374	830	1454	1122	2493	4363
3	185	412	721	370	821	1438	1110	2466	4316
4	183	408	713	366	812	1422	1098	2439	4269
5	181	405	707	364	806	1412	1090	2421	4237
6	180	402	702	361	800	1401	1082	2403	4206
7,8	178	397	694	357	791	1385	1070	2376	4159
9	176	393	686	353	782	1370	1058	2349	4111
10	177	394	688	355	785	1374	1057	2347	4103
11	177	393	687	354	784	1371	1055	2342	4094
12	176	393	685	353	782	1368	1053	2337	4085
13	176	392	684	353	780	1365	1051	2332	4077
14	175	391	682	352	779	1362	1048	2327	4068
15	175	390	681	351	777	1359	1046	2322	4059

SCHEDULE 5

Article 8(1)(c)

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	£120.00 per annum (maximum)	£120.00 per annum (maximum)
2. Constant attendance allowance—		
(a) under article 14(1)(b) ...	£2638 per annum (maximum)	£50.60 per week (maximum)
(b) under article 14(1)(a) ...	£1319 per annum (maximum)	£25.30 per week (maximum)
3. Exceptionally severe disablement allowance under article 15 ...	£1319 per annum	£25.30 per week
4. Severe disablement occupational allowance under article 16 ...	£660 per annum	£12.65 per week
5. Allowance for wear and tear of clothing—		
(a) under article 17(1)(a) ...	£55.00 per annum	£55.00 per annum
(b) under article 17(1)(b) and 17(2)	£86.00 per annum	£86.00 per annum
6. Unemployability allowances		
(a) personal allowance under article 18(1)(a)	£2,143.00 per annum	£41.10 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)	£1,212.00 per annum (maximum)	£23.25 per week
(ii) allowance in respect of an adult dependant under article 18(5)(c)	£1,212.00 per annum (maximum)	£23.25 per week
(iii) increase of allowance in respect of each child under article 18(5)(d)	£420.00 per annum (maximum)	£8.05 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	£425.00 per annum	£8.15 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	£271.00 per annum	£5.20 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	£136.00 per annum	£2.60 per week
8. Comforts allowance—		
(a) under article 20(1)(a) ...	£568 per annum	£10.90 per week
(b) under article 20(1)(b) ...	£284 per annum	£5.45 per week
9. Allowance for lowered standard of occupation under article 21	£1,318.00 per annum (maximum)	£25.28 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent. ...	£229 per annum	£4.40 per week
(b) over 50 per cent., but not exceeding 70 per cent. ...	£357 per annum	£6.85 per week

SCHEDULE 5 (contd.)

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
(c) over 70 per cent., but not exceeding 90 per cent.	£514 per annum	£9.85 per week
(d) over 90 per cent.	£714 per annum	£13.70 per week
11. Treatment allowances— increase of personal allowance under article 23(3)	£714 per annum (maximum)	£13.70 per week (maximum)
12. Part-time treatment allowance under article 25	£24 per day (maximum)	£24 per day (maximum)
13. Mobility supplement under arti- cle 26A	£24.05 per week	£24.05 per week

SCHEDULE 6

Article 8(2)(a)

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	£ } 2,623 }	£ } 2,623 }
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
		929
		829
		729
		645

Article 8(2)(d)

SCHEDULE 7

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	£
2	} 2,623
3	
4	
5	
6	
7	
8	
9	829
10	729
11	645

Article 8(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	£2,516.00 per annum (maximum)	£48.25 per week (maximum)
2. Rent allowance under article 31	£19.15 per week (maximum)	£19.15 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	£282.00 per annum	£5.40 per week
(b) if age 70 but under 80	£563.00 per annum	£10.80 per week
(c) if age 80 or over	£706.00 per annum	£13.55 per week
4. Pension to widower under article 34	£3,233.00 per annum (maximum)	£50.30 per week (maximum)

SCHEDULE 8 (contd.)

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
5. Allowances in respect of children—		
(a) under article 35(1) in respect of each child	£602.00 per annum	£11.55 per week
(b) under article 35(3)	£657.00 per annum	£12.60 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£657.00 per annum	£12.60 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£2,018.00 per annum (maximum)	£38.70 per week (maximum)
8. Education allowance under article 38	£120.00 per annum (maximum)	£120.00 per annum (maximum)
9. Pensions to parents—		
(a) minimum rate under article 40(3)	£15.00 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 £75.00 per annum (maximum) (ii) Group 11 £60.00 per annum (maximum)	£1.00 per week (maximum)
(ii) where there is more than one eligible parent	(i) Groups 1-10 £100.00 per annum (maximum) (ii) Group 11 £85.00 per annum (maximum)	£1.38 per week (maximum)
(c) increase under article 40(3)(c)	£20.00 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 dependants—		
(a) under article 41(2)	£54.00 per annum (maximum)	£1.00 per week (maximum)

SCHEDULE 8 (*contd.*)

<i>Description of Pension or Allowance</i>	<i>Rate</i>	
	<i>Groups 1–11</i>	<i>Groups 12–17</i>
(b) for each juvenile dependant under article 41(3)	(i) Groups 1–10 £26.00 per annum (maximum) (ii) Group 11 £20.00 per annum (maximum)	£0.30 per week (maximum)
(c) aggregate rate under article 41(3)	(i) Groups 1–10 £75.00 per annum (maximum) (ii) Group 11 £65.00 per annum (maximum)	£1.00 per week (maximum)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions 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 during the 1914 World War and after 2nd September 1939.

Article 3 of the principal Order is amended so that, with certain exceptions, it is a condition of an award being made under the Order that a claim should have been made in a form approved by the Secretary of State or form which he is prepared to accept and that the claim should state the awards and allowances being claimed (articles 2, 3 and 7).

Article 23 of the principal Order is amended so that a member of the armed forces who has claimed treatment allowance under the Order but who is not normally in employment or has retired, shall not be eligible for an award under that article where it is considered by the Secretary of State that if the member were in normal employment any treatment he receives would involve no interruption of that employment or would interrupt it only occasionally (article 5).

Article 26A of the principal Order (mobility supplement) is amended so that entitlement to an award of mobility supplement may arise where a claimant’s ability to walk is so restricted by pain or breathlessness that it is of little or no practical use to him (article 6).

This Order also raises the maximum amount of annual earnings which may be received by a disabled person while he is deemed to be unemployable for the purposes of unemployability allowances under article 18 of the principal Order and substitutes Schedules in 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 (articles 4 and 8).

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