
STATUTORY INSTRUMENTS

1992 No. 710

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1992

<i>Made</i>	- - - -	<i>12th March 1992</i>
<i>Laid before Parliament</i>		<i>13th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

At the Court at Buckingham Palace, the 12th day of March 1992

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(1) and to do so by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(2):

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred by sections 12(1) and 24(3) of the said Act of 1977 and of all 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, may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1992, and shall come into force on the 6th April 1992.

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

Omission of article 12 of the principal Order

2. Article 12 of the principal Order (allowances for eligible members of the family) shall be omitted.

(1) S.I. 1983/883, as amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201, 1986/592, 1987/165, 1988/248, 2248, 1989/156, 1990/250, 1308 and 1991/766.
(2) 1977 c. 5.

Amendment of article 18 of the principal Order

3. In article 18 of the principal Order (unemployability allowances) —
- (a) in paragraph (2) for the amount “£2,028” there shall be substituted the amount “£2,106”;
 - (b) in paragraph (5) —
 - (i) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—
 - “(b) subject to sub-paragraph (c) below, an allowance may be awarded in respect of a wife or husband or unmarried dependant living as a spouse or adult dependant at a rate not exceeding the appropriate rate specified in paragraph 6(b)(i) of Part IV of Schedule 1 if the Secretary of State thinks fit having regard to the financial circumstances of the person in respect of whom the allowance is claimed;
 - (c) an allowance shall not be awarded in respect of more than one adult dependant;”;
 - (ii) in paragraph (5)(d) for the words “paragraph 6(b)(iii)” there shall be substituted “paragraph 6(b)(ii)”.

Amendment of article 23 of the principal Order

4. In article 23 of the principal Order (treatment allowances) paragraph (1)(b) and paragraph (4) shall be omitted.

Amendment of article 26A of the principal Order

5. In article 26A of the principal Order (mobility supplement) in paragraph (1)(b) for the words “12 months” there shall be substituted the words “6 months”.

Amendment of article 53 of the principal Order

6. In article 53 of the principal Order (general provisions relating to awards under Part V) paragraph (2)(a) shall be omitted.

Amendment of Schedules to the principal Order

- 7.—(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 to this Order;
 - (b) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 3 and 4 to this Order;
 - (c) for Part IV there shall be substituted the Part set out in Schedule 5 to this Order.
- (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 to this Order;
 - (b) for the amount “£3,525” in the second column of Table 1B of Part II there shall be substituted the amount “£3,668”;
 - (c) for the amounts “£67.60” and “£15.60” in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts “£70.35” and “£16.25”;

- (d) for Table 5 of Part II there shall be substituted the Table set out in Schedule 7 to this Order;
- (e) for Part III there shall be substituted the Part set out in Schedule 8 to this Order.

Saving provision in relation to allowances for eligible members of the family

8. Notwithstanding the revocation of article 12, and the amendment to article 18(5), articles 23 and 53 of the principal Order, in any case where a pension or allowance or any addition to pension is payable in respect of the period immediately before 6th April 1992 those provisions shall continue to have effect as though this Order had not come into force.

G.I. de Deney
Clerk of the Privy Council

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SCHEDULE 1

Article 7(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 1 OF THIS SCHEDULE.B. DISABLEMENT ADDITION ON A PENSION BASIS (ARTICLE 43(3)(A)) FOR ALL RANKS IN GROUPS 1—9 OF PART 1 OF THIS SCHEDULE AND GROUPS 2 AND 3 OF PART 1 OF SCHEDULE 2.

<i>Degree of Disability</i>	<i>Yearly rate</i>
Per cent.	£
100	4,685
90	4,217
80	3,748
70	3,280
60	2,811
50	2,343
40	1,874
30	1,406
20	937

SCHEDULE 2

Article 7(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	89.00
90	80.10
80	71.20
70	62.30
60	53.40
50	44.50
40	35.60

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<i>Degree of Disability</i>	<i>Weekly rate</i>
30	26.70
20	17.80

SCHEDULE 3

Article 7(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>Assessment</i>	<i>Groups 1-9</i>	<i>Groups 10-15</i>
For the loss of:	Per cent.	£	£
A. FINGERS—			
Index Finger—			
More than 2 phalanges, including loss of whole finger	14	4,463	4,433
More than 1 phalanx, but not more than 2 phalanges	11	3,572	3,547
1 phalanx or part thereof	9	2,975	2,955
Guillotine amputation of tip without loss of bone	5	1,781	1,771
Middle Finger—			
More than 2 phalanges, including loss of whole finger	12	3,866	3,841
More than 1 phalanx, but not more than 2 phalanges	9	2,975	2,955
1 phalanx or part thereof	7	2,378	2,363
Guillotine amputation of tip without loss of bone	4	1,488	1,478
Ring or little finger—			

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<i>Description of Injury</i>	<i>Assessment</i>	<i>Groups 1-9</i>	<i>Groups 10-15</i>
For the loss of:	Per cent.	£	£
More than 2 phalanges, including loss of whole finger	7	2,378	2,363
More than 1 phalanx, but not more than 2 phalanges	6	2,085	2,070
1 phalanx or part thereof	5	1,781	1,771
Guillotine amputation of tip without loss of bone	2	891	886
B. TOES—			
Great toe—			
through metatarso-phalangeal joint	14	4,463	4,433
part, with some loss of bone	3	1,184	1,179
1 other toe—			
through metatarso-phalangeal joint	3	1,184	1,179
part, with some loss of bone	1	597	592
2 toes, excluding great toe—			
through metatarso-phalangeal joint	5	1,781	1,771
part, with some loss of bone	2	891	886
3 toes, excluding great toe—			
through metatarso-phalangeal joint	6	2,085	2,070
part, with some loss of bone	3	1,184	1,179
4 toes, excluding great toe—			
through metatarso-Phalangeal joint	9	2,975	2,955
part, with some loss of bone	3	1,184	1,179

SCHEDULE 4

Article 7(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>		
	<i>1-5</i>	<i>6-14</i>	<i>15-19</i>	<i>1-5</i>	<i>6-14</i>	<i>15-19</i>	<i>1-5</i>	<i>6-14</i>	<i>15-19</i>
	£	£	£	£	£	£	£	£	£
1	256	570	996	511	1136	1989	1535	3412	5970
2	254	565	989	507	1127	1973	1523	3385	5923
4	252	561	981	503	1118	1957	1511	3358	5876
5	250	558	975	501	1112	1947	1503	3340	5844
6	249	555	970	498	1106	1936	1495	3322	5813
7, 8	247	550	962	494	1097	1920	1483	3295	5766
9	245	546	954	490	1088	1905	1471	3268	5718
10	246	547	956	492	1091	1909	1470	3266	5710
11	246	546	955	491	1090	1906	1468	3261	5701
12	245	546	953	490	1088	1903	1466	3256	5692
13	245	545	952	490	1086	1900	1464	3251	5684
14	244	544	950	489	1085	1897	1461	3246	5675
15	244	543	949	488	1083	1894	1459	3241	5666

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SCHEDULE 5

Article 7(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 per annum (maximum)	£120 per annum (maximum)
2. Constant attendance allowance—	£3,692 per annum (maximum)	£70.80 per week (maximum)
(a) under article 14(1)(b)		
(b) (b) under article 14(1)(a)	£3,692 per annum (maximum)	£70.80 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£1,846 per annum	£35.40 per week
4. Severe disablement occupational allowance under article 16	£923 per annum	£17.70 per week
5. Allowance for wear and rear of clothing—	£76 per annum	£76 per annum
(a) under article 17(1)(a)		
(b) (b) under article 17(1)(b) & 17(2)	£120 per annum	£120 per annum
6. Unemployability allowances—	£2,998 per annum	£57.50 per week
(a) personal allowance under article 18(1)(a)		
(b) (b) additional allowances for dependants by way of—	£1,697 per annum (Maximum)	£32.55 per week (maximum)
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a spouse or an adult		

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
dependant under article 18(5)(b)		
(ii) increase of allowance under article 18(5)(d)—	£508	£9.75 per week
(a) in respect of the only, elder or the eldest child of a member		
(b) in respect of each other child of a member	£566 per annum	£10.85 per week
(c) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£566 per annum	£10.85 per week
7. Invalidation allowance under article 19—	£602 per annum	£11.55 per week
(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		

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
<p>April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979</p> <p>(b) (b) if—</p> <p>(i) in the relevant date the member was under the age of 45; or</p> <p>(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</p> <p>(c) (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</p>	<p>£375 per annum</p>	<p>£7.20 per week</p>
<p>8. Comforts allowance—</p> <p>(a) under article 20(1)(a)</p>	<p>£793 per annum</p>	<p>£7.60 per week</p>

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
(b) (b) under article 20(1)(b)	£396 per annum	£7.60 per week
9. Allowance for lowered standard of occupation under article 21—	£1,844 per annum (maximum)	£35.36 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—	£326 per annum	£6.25 per week
(a) 40 to 50 per cent.		
(b) (b) over 50 per cent., but not exceeding 70 per cent.	£503 per annum	£9.65 per week
(c) (c) over 70 per cent. but not exceeding 90 per cent.	£720 per annum	£13.80 per week
(d) (d) over 90 per cent.	£1,006 per annum	£19.30 per week
11. Treatment allowances— increase of personal allowances under article 23(3)	£1,006 per annum	£19.30 per week
12. Part-time treatment allowances under article 25	£38.50 per day (maximum)	£38.50 per day (maximum)
13. Mobility supplement under article 26A	£1,757 per annum	£33.70 per week

SCHEDULE 6

Article 7(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

<i>Group</i>	<i>Rate</i>	<i>Rate</i>
(1)	(2)	(3)
£	£	£
1	3,668	3,668

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<i>Group</i> (1) £	<i>Rate</i> (2) £	<i>Rate</i> (3) £
2	3,668	3,668
3	3,668	3,668
4	3,668	3,668
5	3,668	3,668
6	3,668	3,668
7	3,668	3,668
8	3,668	1,302
9	3,668	1,162
10	3,668	1,023
11	3,668	904

SCHEDULE 7

Article 7(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	3,668
2	3,668
3	3,668
4	3,668
5	3,668
6	3,668
7	3,668
8	1,308
9	1,162
10	1,023
11	904

SCHEDULE 8

Article 7(2)(e)

**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 Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 30 to unmarried dependant who lived as a spouse	£3,561 per annum (maximum)	£68.30 per week (maximum)
2. Rent allowance under article 31	£26.80 per week (maximum)	£26.80 per week (maximum)
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as a spouse—	£420 per annum	£8.05 per week
(a) if age 65 but under 70		
(b) (b) if age 70 but under 80	£811 per annum	£15.55 per week
(c) (c) if age 80 or over	£1,204 per annum	£23.10 per week
4. Pension to widower under article 34	£4,278 per annum (maximum)	£70.35 per week (maximum)
5. Allowances in respect of children	£717 per annum	£13.75 per week
(a) under article 35(1)—		
(i) in respect of the only, elder or eldest child of a member		
(ii) in respect of each other child of a member	£774 per annum	£14.85 per week
(iii) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£774 per annum	£14.85 per week

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<i>Description of Pension or Allowance</i>	<i>Rate Groups 1-11</i>	<i>Groups 12-17</i>
(b) (b) under article 35(3)—	£798 per annum	£15.30 per week
(i) in respect of the only, elder or eldest child of a member		
(ii) in respect of each other child or a member	£855 per annum	£16.40 per week
(iii) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£855 per annum	£16.40 per week
6. Pension under article 36 to a motherless or fatherless child of a member—	£798 per annum	£15.30 per week
(a) in respect of the only, elder or the eldest child of a member		
(b) (b) in respect of each other child of a member	£855 per annum	£16.40 per week
(c) (c) where the child does not qualify for child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£855 per annum	£16.40 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£2,823 per annum (maximum)	£34.15 per week (maximum)
8. Education allowance under article 38	£120 per annum (maximum)	£120 per annum (maximum)
9. Pensions to parents—	£15 per annum	£0.25 per week
(a) minimum rate under article 40(3)		

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<i>Description of Pension or Allowance</i>	<i>Rate</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
(b) (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) (ii) Group 11 £60 per annum (maximum)	£1.00 per week (maximum)
(ii) where there is more than one eligible parent	(i) Group 1-10 £100 per annum (maximum) (ii) Group 11 £85 per annum (maximum)	£1.38 per week (maximum)
(c) (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) (d) under paragraph (d) of article 40(4)	—	£1.00 per week (maximum)
10. Pension to other dependants—	£54 per annum (maximum)	£ 1.00 per week (maximum)
(a) under article 41(2)		
(b) (b) for each juvenile dependant under article 41(3)	(i) Groups 1-10 £26 per annum (maximum) (ii) Group 11 £20 per annum (maximum)	£0.30 per week (maximum)
(c) (c) aggregate rate under article 41(3)	(i) Groups 1-10 £75 per annum (maximum) (ii) Group 11 £65 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

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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 2 of this Order abolishes allowances for eligible members of the family under article 12 for the period which occurs after the coming into force of this Order. As a consequence articles 18, 23 and 53 have been amended to remove the references to article 12 (article 3(b), 4 and 6).

Article 3(a) of this Order 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.

Article 5 reduces the time limit from 12 months to 6 months for which a disablement is likely to remain for the purposes of qualifying for a mobility supplement.

Article 7(1) and (2) substitutes tables in the Schedules in the principal Order thereby varying the rates of retired pay, pension, gratuities and allowances in respect of disablement or death due to service in the armed forces.

Article 8 provides that allowances for eligible members of the family will still be payable for any period prior to the coming into force of this Order.