

2012 No. 359

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2012

Made - - - - *15th February 2012*

Laid before Parliament *22nd February 2012*

Coming into force - - *9th April 2012*

At the Court at Buckingham Palace, the 15th day of February 2012

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 2012 and shall come into force on 9th April 2012.

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

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

Amendment of article 12 (unemployability allowances)

3. In article 12(6)(a) of the principal Order for "in respect of a spouse, civil partner, dependant living as a spouse or dependant living as a civil partner" substitute "in respect of a spouse, civil partner, adult dependant, dependant living as a spouse or dependant living as a civil partner".

(a) S.I.2006/606 as amended by S.I. 2006/1455, 2007/909, 2008/679, 2008/2683, 2009/706, 2010/240 and 2011/235.
(b) 1977 c. 5, subsection 24(3) of which was amended by the Social Security (Consequential Provisions) Act 1992 c. 6, section 4 and Schedule 2, paragraph 46.

Amendment of article 36 (withdrawal of claims)

4. In article 36(1) of the principal Order after “specified in article 34 has been made” insert “or where article 35 applies”.

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

5. In Schedule 1 to the principal Order—

- (a) for the Table in Part 2 substitute the Table set out in Schedule 1 to this Order;
- (b) for Tables 1 and 2 in Part 3 substitute Tables 1 and 2 set out in Schedule 2 to this Order;
and
- (c) for the Table in Part 4 substitute the Table set out in Schedule 3 to this Order.

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

6. In Schedule 2 to the principal Order—

- (a) for Tables 1, 2, 3, 4, 5, 6 and 7 of Part 2 substitute Tables 1, 2, 3, 4, 5, 6 and 7 set out in Schedule 4 to this Order; and
- (b) for the Table in Part 3 substitute the Table set out in Schedule 5 to this Order.

Amendment of Schedule 6 (interpretation)

7. In Schedule 6, part II, item (19)(b) to the principal Order after “an adult” omit “female”.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 5(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**

<i>Degree of Disablement</i>	<i>Weekly Rate</i>	<i>Yearly Rate</i>
<i>Per Cent</i>	<i>£</i>	<i>£</i>
100	167.80	8,756
90	151.02	7,880
80	134.24	7,005
70	117.46	6,129
60	100.68	5,253
50	83.90	4,378
40	67.12	3,502
30	50.34	2,627
20	33.56	1,751”

SCHEDULE 2

Article 5(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

<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 1-15</i>
<i>For the loss of:</i>	<i>Per cent</i>	<i>£</i>
A. FINGERS		
Index finger—		
More than 2 phalanges including the loss of whole finger	14	7,978
More than 1 phalanx but not more than 2 phalanges	11	6,384
1 phalanx or part thereof	9	5,318
Guillotine amputation of tip without loss of bone	5	3,183
Middle finger—		
More than 2 phalanges including loss of whole finger	12	6,911
More than 1 phalanx but not more than 2 phalanges	9	5,318
1 phalanx or part thereof	7	4,252
Guillotine amputation of tip without loss of bone	4	2,658
Ring or little finger—		
More than 2 phalanges including loss of whole finger	7	4,252
More than 1 phalanx but not more than 2 phalanges	6	3,727
1 phalanx or part thereof	5	3,183
Guillotine amputation of tip without loss of bone	2	1,594
B. TOES		
Great toe—		
Through metatarso-phalangeal joint	14	7,978
Part, with some loss of bone	3	2,120
1 other toe—		
Through metatarso-phalangeal joint	3	2,120
Part, with some loss of bone	1	1,069
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	3,183
Part, with some loss of bone	2	1,594
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	3,727
Part, with some loss of bone	3	2,120
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	5,318
Part, with some loss of bone	3	2,120

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

<i>Assessment of degree of disablement</i>			
Groups 1-15	1 to 5 per cent	6 to 14 per cent	15 to 19 per cent
	£2,667	£5,931	£10,373.”

SCHEDULE 3

Article 5(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
EARNINGS OR INCOME THRESHOLDS

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
1. Constant attendance allowance under article 8—		
(a) under article 8—		
(i) the part day rate of constant attendance allowance under article 8(2)	£1,651 per annum	£31.65 per week
(ii) the full day rate of constant attendance allowance under article 8(3)	£3,303 per annum	£63.30 per week
(iii) the intermediate rate of constant attendance allowance under article 8(4)	£4,954 per annum	£94.95 per week
(iv) the exceptional rate of constant attendance allowance under article 8(5)	£6,606 per annum	£126.60 per week
(b) under article 71(4)—		
(i) the rate under paragraph 4(a)	£3,303 per annum*	£63.30 per week*
(ii) the rate under paragraph 4(b)	£6,606 per annum*	£126.60 per week*
2. Exceptionally severe disablement allowance under article 9	£3,303 per annum	£63.30 per week
3. Severe disablement occupational allowance under article 10	£1,651 per annum	£31.65 per week
4. Allowance for wear and tear of clothing under article 11	£216 per annum	£216 per annum
5. Unemployability allowances—		
(a) personal allowance under article 12(1)(a)	£5,408 per annum	£103.65 per week
(b) additional allowances for dependants by way of—		
(i) increase of allowances 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)	£3,006 per annum*	£57.60 per week*
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or eldest child of a member	£699 per annum	£13.40 per week
(bb) in respect of each other child of a member	£822 per annum	£15.75 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	£822 per annum	£15.75 per week

For decisions made on or after 9th April 2001

(a) 1992 c. 4.

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
(c) the annual earnings figure for the purposes of article 12(4) is £5,070		
(d) the weekly income figure for the purposes of article 12(6)(a)(i) is £71.00		
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 a member being a man, or 60, in the case of that person 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	£1,072 per annum	£20.55 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 a member being a man, or 60, in the case of that person 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	£694 per annum	£13.30 per week
(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	£347 per annum	£6.65 per week
7. Comforts allowance—		
(a) under article 14(1)(a)	£1,419 per annum	£27.20 per week
(b) under article 14(1)(b)	£710 per annum	£13.60 per week
8. Allowance for lowered standard of occupation under article 15	£3,300 per annum*	£63.24 per week*
9. Age allowance under article 16 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent	£587 per annum	£11.25 per week
(b) over 50 per cent, but not exceeding 70 per cent	£900 per annum	£17.25 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,281 per annum	£24.55 per week
(d) over 90 per cent	£1,800 per annum	£34.50 per week
10. Part-time treatment allowance under article 19	£77.00 per day*	£77.00 per day*
11. Mobility supplement under article 20	£3,152 per annum	£60.40 per week

* maximum.”

SCHEDULE 4

Article 6(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)

<i>Group</i> (1)	<i>Yearly Rate</i> (2) £
1	7,664
2	7,391
3	7,216
4	7,060
5	6,955
6	6,853
7	6,817
8	6,766
9	6,741
10	6,713
11	6,673

Table 2

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

<i>Group</i> (1)	<i>Weekly Rate</i> (2) £
12)	
13)	
14)	127.25
15)	
16)	
17)	

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

-
- (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.

<i>Group</i> <i>(1)</i>	<i>Yearly Rate</i> <i>(2)</i> £
1	7,836
2	7,490
3	7,319
4	7,145
5	7,011
6	6,870
7	6,830
8	6,766
9	6,741
10	6,713
11	6,673

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

<i>Group</i> <i>(1)</i>	<i>Yearly Rate</i> <i>(2)</i> £
1	7,664
2	7,391
3	7,216
4	7,060
5	6,955
6	6,853
7	6,817
8	2,350
9	2,096
10	1,843
11	1,631

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

<i>Group</i> <i>(1)</i>	<i>Weekly Rate</i> <i>(2)</i> £
12)	
13)	
14)	30.48
15)	
16)	
17)	

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

<i>Group</i> (1)	<i>Yearly Rate</i> (2) £
(1-11)	4,441.56

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

<i>Group</i> (1)	<i>Weekly Rate</i> (2) £
(12-17)	85.12"

SCHEDULE 5

Article 6(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

<i>Description of Pension or Allowance</i>	<i>Rates</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 24 to dependant who lived as a spouse or dependant who lived as a civil partner	£6,517 per annum*	£124.90 per week*
2. Rent allowance under article 25	£2,502 per annum*	£47.95 per week*
3. Elderly persons allowance under article 26—		
(a) if aged 65 or over but under 70	£757 per annum	£14.50 per week
(b) if aged 70 or over but under 80	£1,456 per annum	£27.90 per week
(c) if aged 80 or over	£2,158 per annum	£41.35 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	£1,041 per annum	£19.95 per week
(ii) in respect of each other child of a member	£1,166 per annum	£22.35 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	£1,166 per annum	£22.35 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,190 per annum	£22.80 per week
(ii) in respect of each other child of a member	£1,305 per annum	£25.00 per week

<i>Description of Pension or Allowance</i>	<i>Rates</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
(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	£1,305 per annum	£25.00 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	£1,190 per annum	£22.80 per week
(b) in respect of each other child of a member	£1,305 per annum	£25.00 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	£1,305 per annum	£25.00 per week
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit	£5,101 per annum*	£97.75 per week*

* 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 2006 (“the 2006 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.

Article 3 inserts ‘adult dependant’ into the list of dependants at article 12 paragraph (6)(a) in relation to whom additional unemployment allowances may be awarded. ‘Adult dependant’ is defined in Part II of Schedule 6 of the 2006 Order.

Article 4 widens the category of cases which can be considered and if appropriate, treated as withdrawn under article 36 of the 2006 Order.

Articles 5 and 6 substitute Tables in Schedules 1 and 2 to the 2006 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. Item 6(b) of the new Table in Schedule 1 Part 4 puts beyond doubt that 6(b) applies only where 6(a) does not apply.

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STATUTORY INSTRUMENTS

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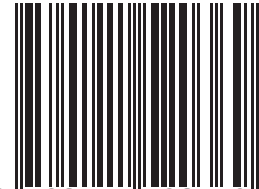
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