
 STATUTORY INSTRUMENTS

1984 No. 1154**PENSIONS****The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1984**

<i>Made - - - -</i>	31st July 1984
<i>Laid before Parliament</i>	8th August 1984
<i>Coming into Operation</i>	26th November 1984

At the Court at Buckingham Palace, the 31st day of July 1984

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 1984, shall come into operation on 26th November 1984.

(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 12 of the principal Order

2. In article 12 of the principal Order (allowance for eligible members of the family)—

- (a) in paragraphs (2)(b) and (5) for the references to an “unmarried dependant living as a wife” there shall be substituted references to an “unmarried dependant living as a spouse”;
- (b) paragraph (4) shall be omitted.

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 “£1170” there shall be substituted the amount “£1222”;

(a) S.I. 1983/883, as amended by S.I. 1983/1116, 1521.

(b) 1977 c.5.

(b) in paragraph (5)—

- (i) sub-paragraph (a) shall be omitted,
- (ii) in sub-paragraph (b) the words from “, or where” to “this paragraph” shall be omitted,
- (iii) in sub-paragraphs (b) and (c) for the references to an “unmarried dependant living as a wife” there shall be substituted references to an “unmarried dependant living as a spouse”,
- (iv) in sub-paragraph (c) for the words from “or under” to “date)” there shall be substituted the words “in respect of a wife, husband”.

Amendment of articles 30, 40 and 68 of the principal Order

4. In article 30 (pensions to unmarried dependants who lived as wives), article 40 (pensions to parents) and article 68(1)(b) (meaning of “designated person” for purposes of posthumous awards) for any reference to an “unmarried dependant” or to an “unmarried dependant who lived as a wife” there shall be substituted a reference to an “unmarried dependant who lived as a spouse”.

Amendment of article 31 of the principal Order

5. In article 31 of the principal Order (rent allowances to widows, and unmarried dependants who lived as wives, who have children)—

- (a) for any reference to a “widow” there shall be substituted a reference to a “surviving spouse”;
- (b) for any reference to an “unmarried dependant” there shall be substituted a reference to an “unmarried dependant who lived as a spouse”;
- (c) in paragraph (1) after the words “article 29” there shall be inserted the words “or 34”;
- (d) in paragraph (2) for the words “or 30” there shall be substituted the words “, 30 or 34”.

Amendment of article 32 of the principal Order

6. In article 32 of the principal Order (allowance to elderly widows and unmarried dependants who lived as wives)—

- (a) for the word “woman” there shall be substituted the word “person”;
- (b) in sub-paragraph (a)(ii) for the words “or 30” there shall be substituted the words “, 30 or 34”;
- (c) in sub-paragraph (b) for the words “or, as the case may be, 70” there shall be substituted the words “, 70 or, as the case may be, 80”.

Amendment of article 39 of the principal Order

7. For article 39 of the principal Order (awards to or in respect of ineligible members of the families of unemployable pensioners) there shall be substituted the following article:—

“Awards to or in respect of ineligible members of the families of unemployable pensioners

39. Where a member of the armed forces was at the date of his death in receipt of an allowance in respect of a child under article 18(5)(d) by virtue of article 18(5)(e), a pension to, or an allowance in respect of, the child may

be awarded at the rate and subject to the conditions which would have been appropriate under the foregoing provisions of this Part of this Order if the child had been an eligible member of the family.”.

Amendment of article 42 of the principal Order

8. In paragraph (1) of article 42 of the principal Order (marriage of female persons)—

- (a) the word “female” shall be omitted;
- (b) for the words “lives with a man as his wife” there shall be substituted the words “lives with another person as the spouse of that person”.

Amendment of article 66 of the principal Order

9. Article 66 of the principal Order (payment of pensions) shall be re-designated paragraph (1) of article 66 and after that paragraph there shall be added the following new paragraph:—

“(2) Where, by reason of any provision in any instrument which amends a provision of this Order,—

- (a) a change falls to be made in the rate of any pension which, by virtue of paragraph (1), is payable weekly; and
- (b) the date on which that change would, but for this paragraph, fall to be made (hereinafter referred to as “the prescribed date”) is not the day of the week on which payment of pension is normally made (hereinafter referred to as “the weekly pay day”),

that change shall have effect only as from the first weekly pay day immediately following the prescribed date.”.

Amendment of article 67 of the principal Order

10. In paragraph (3) of article 67 of the principal Order (review of decisions, assessments and awards) after sub-paragraph (a) there shall be inserted the following sub-paragraph:—

“(aa) in the case of a decision accepting a claim for pension—

- (i) the decision was given after it had been certified pursuant to article 1(4)(b)(i) that the member of the armed forces was suffering from a specified disablement (hereinafter referred to as “the certified condition”) which was attributable to, or aggravated by, his service, and
- (ii) since the date of the decision it has been further certified pursuant to article 1(4)(b)(i) that the claimant was not, at the date of the earlier certification, suffering from the certified condition; or”.

Amendment of Schedules to the principal Order

11.—(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 “£2307” in the second column of Table 1B of Part II there shall be substituted the amount “£2427”;
- (c) for the amounts “£44.25” and “£10.22” in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts “£46.55” and “£10.74”;
- (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;

(3) In Part II of Schedule 4 (glossary of expressions)—

(a) for paragraphs (f), (g), and (h) in the third column of item 19 there shall be substituted the following paragraphs:—

“(f) illegitimate child, whose other parent is, or was at the date of his death, an unmarried dependant living as a spouse of the member;

(g) illegitimate child, to whom paragraph (c), (f) or (h) of this item does not apply who—

(i) where the member is disabled, is being regularly maintained in whole or in part by him,

(ii) where the member is dead and the child was born before his death, was regularly maintained in whole or in part by the member up to the date of his death or, where the deceased was a male member, was the subject of an affiliation order at date of his death;

(h) foster-child, that is to say, a child who, where the member is disabled, is being regularly maintained in whole or in part by him, or who, where the member is dead, was regularly so maintained by the member up to the date of his death.”;

(b) in the third column of item 23—

(i) the words from “, for any date” to “Schedule, and” shall be omitted,

(ii) for the words “item 52(a)” there shall be substituted the words “items 51A or 52(a)”;

(c) in item 24 for the reference to “an unmarried dependant living as a wife” there shall be substituted a reference to “an unmarried dependant living as a spouse”;

(d) item 25 shall be omitted;

(e) in the third column of item 29 for paragraphs (a) and (b) there shall be substituted the following paragraphs:—

(a) subject to paragraph (b) below, in relation to any widower of a member of the armed forces, the date when the member sustained the wound or injury, or was first removed from duty on account of the disease, on which the claim under this Order in respect of his disablement or death is or, as the case may be, was based, or, if there was no such occurrence, the date of the termination of his service; or

(b) where the member suffered aggravation of the injury (being aggravation which, in the case of death, persisted until death) as a result of service after the date of her marriage, the expression "material date" in relation to her widower shall mean the date when the member's service terminated:"

(f) after item 50 there shall be inserted the following item:—

"50A	"surviving spouse"	the widow or, as the case may be, widower of a member of the armed forces:";
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(g) after item 51 there shall be inserted the following item:—

"51A	"unmarried dependant living as a spouse"	<p>(a) in relation to a member of the armed forces whose disablement is due to service after 2nd September 1939, a person of the opposite sex wholly or substantially maintained by the member on a permanent bona fide domestic basis throughout the period beginning 6 months prior to the commencement of his service and continuing, where the member is disabled, up to the date of any award under this Order in respect of his disablement and, where the award is reviewed, up to the date of review or, where the member is dead, up to the date of his death;</p> <p>(b) in relation to a member whose disablement is due to service during the 1914 World War, a woman living with a soldier, rating or airman, as a wife if she has drawn in respect of him separation allowance as for a wife;</p> <p>(and the expression "unmarried dependant who lived as a spouse" shall be construed accordingly)".</p>
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N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE 1

Article 11(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	3080
90	2772
80	2464
70	2156
60	1848
50	1540
40	1232
30	924
20	616

SCHEDULE 2

Article 11(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	58.40
90	52.56
80	46.72
70	40.88
60	35.04
50	29.20
40	23.36
30	17.52
20	11.68

Article 11(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>Assess- ments</i>	<i>Groups 1-9</i>	<i>Groups 10-15</i>
	<i>Per cent.</i>	£	£
For the loss of:—			
A. FINGERS:—			
Index Finger—			
More than 2 phalanges, including loss of whole finger	14	2970	2940
More than 1 phalanx, but not more than 2 phalanges	11	2378	2353
1 phalanx or part thereof	9	1980	1960
Guillotine amputation of tip without loss of bone	5	1184	1174
Middle Finger—			
More than 2 phalanges, including loss of whole finger	12	2572	2547
More than 1 phalanx, but not more than 2 phalanges	9	1980	1960
1 phalanx or part thereof	7	1582	1567
Guillotine amputation of tip without loss of bone	4	990	980
Ring or little finger—			
More than 2 phalanges, including loss of whole finger	7	1582	1567
More than 1 phalanx, but not more than 2 phalanges	6	1388	1373
1 phalanx or part thereof	5	1184	1174
Guillotine amputation of tip without loss of bone	2	592	587
B. TOES:—			
Great toe—			
through metatarso-phalangeal joint	14	2970	2940
part, with some loss of bone	3	786	781
1 other toe—			
through metatarso-phalangeal joint	3	786	781
part, with some loss of bone	1	398	393
2 toes, excluding great toe—			
through metatarso-phalangeal joint	5	1184	1174
part, with some loss of bone	2	592	587
3 toes, excluding great toe—			
through metatarso-phalangeal joint	6	1388	1373
part, with some loss of bone	3	786	781
4 toes, excluding great toe—			
through metatarso-phalangeal joint	9	1980	1960
part, with some loss of bone	3	786	781

SCHEDULE 4

Article 11(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 DISABILITY 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	174	387	676	347	772	1351	1042	2317	4055
3	172	382	669	343	763	1335	1030	2290	4008
4	170	378	661	339	754	1319	1018	2263	3961
5	168	375	655	337	748	1309	1010	2245	3929
6	167	372	650	334	742	1298	1002	2227	3898
7, 8	165	367	642	330	733	1282	990	2200	3851
9	163	363	634	326	724	1267	978	2173	3803
10	164	364	636	328	727	1271	977	2171	3795
11	164	363	635	327	726	1268	975	2166	3786
12	163	363	633	326	724	1265	973	2161	3777
13	163	362	632	326	722	1262	971	2156	3769
14	162	361	630	325	721	1259	968	2151	3760
15	162	360	629	324	719	1256	966	2146	3751

SCHEDULE 5

Article 11(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 DISABILITY

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
1. Education allowance under article 13	£120 per annum (maximum)	£120 per annum (maximum)
2. Constant attendance allowance—		
(a) under article 14(1)(b)	£2440 per annum (maximum)	£46.80 per week (maximum)
(b) under article 14(1)(a)	£1220 per annum (maximum)	£23.40 per week (maximum)
3. Exceptionally severe disability allowance under article 15	£1220 per annum	£23.40 per week
4. Severe disability occupational allowance under article 16	£610 per annum	£11.70 per week

SCHEDULE 5 (Contd.)

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
5. Allowance for wear and tear of clothing—		
(a) under article 17(1)(a)	£50 per annum	£50 per annum
(b) under article 17(1)(b) and 17(2)	£79 per annum	£79 per annum
6. Unemployability allowances—		
(a) personal allowance under article 18(1)(a)	£1981 per annum	£38 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 spouse under article 18(5)(b)	£1121 per annum (maximum)	£21.50 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(5)(c)	£1121 per annum (maximum)	£21.50 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(5)(d)	£399 per annum	£7.65 per week
7. Invalidity allowance under article 19—		
(a) if—		
(i) the relevant date fell before 5th July 1948; or	£391 per annum	£7.50 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		

SCHEDULE 5 (Contd.)

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
(b) if—		
(i) on the relevant date the member was under the age of 45; or	£250 per annum	£4.80 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	£125 per annum	£2.40 per week
8. Comforts allowance—		
(a) under article 20(1)(a)	£527 per annum	£10.10 per week
(b) under article 20(1)(b)	£263 per annum	£5.05 per week
9. Allowance for lowered standard of occupation under article 21 ...	£1218 per annum (maximum)	£23.36 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent.	£211 per annum	£4.05 per week
(b) over 50 per cent., but not exceeding 70 per cent.	£331 per annum	£6.35 per week
(c) over 70 per cent., but not exceeding 90 per cent.	£474 per annum	£9.10 per week
(d) over 90 per cent.	£662 per annum	£12.70 per week
11. Treatment allowances— increase of personal allowance under article 23(3)	£662 per annum (maximum)	£12.70 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	£22.25 per week	£22.25 per week

Article 11(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	} 2,427	} 2,427
2		
3		
4		
5		
6		
7		
8	} 859	859
9		766
10		674
11		596

Article 11(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

Group (1)	Rate (2)
	£
1	} 2,427
2	
3	
4	
5	
6	
7	
8	859
9	766
10	674
11	596

SCHEDULE 8

Article 11(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</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 30 to unmarried dependant who lived as a spouse	£2,320 per annum (maximum)	£44.50 per week (maximum)
2. Rent allowance under article 31	£17.70 per week (maximum)	£17.70 per week (maximum)
3. Allowance under article 32 to elderly widow, widower or unmarried dependant who lived as a spouse—		
(a) if age 65 but under 70	£261 per annum	£5.00 per week
(b) if age 70 but under 80	£521 per annum	£10.00 per week
(c) if age 80 or over	£652 per annum	£12.50 per week
4. Pension to widower under article 34	£3,037 per annum (maximum)	£46.55 per week (maximum)
5. Allowances in respect of children—		
(a) under article 35(1) in respect of each child	£576 per annum	£11.05 per week
(b) under article 35(3)	£628 per annum	£12.05 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£628 per annum	£12.05 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£1,867 per annum	£35.80 per week
8. Education allowance under article 38	£120 per annum (maximum)	£120 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)	£1.00 per week (maximum)
	(ii) Group 11— £60.00 per annum (maximum)	

SCHEDULE 8 (Contd.)

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
(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 elig- ible parent—£0.62 per week (maximum)
(d) under paragraph (d) of arti- cle 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)
(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.

The principal Order is extensively amended so that male dependants of a member of the armed forces are made eligible for certain awards on the same conditions as female dependants. In particular, husbands become eligible for dependency allowances under articles 12 and 23 of the principal Order, widows’ rent and age allowances are extended to widowers, and a man who lived with a female member of the armed forces as her husband although not married to her becomes eligible for a pension, an age allowance and a rent allowance on the same conditions as a woman in the equivalent situation. The provisions governing age allowances are also amended to insert an additional rate of allowance for widows and widowers who are aged 80 or over.

This Order amends article 66 of the principal Order to insert a provision identifying the day of the week from which changes in the rate of weekly pension made by this or any future amending Order are to have effect (article 9).

The provisions of the principal Order governing the circumstances in which a decision accepting a claim may be revised on review are amended to enable such a decision to be revised to the detriment of a member of the armed forces where it is certified that the nature of the disablement had been incorrectly diagnosed (article 10).

This 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 the principal Order (article 3(a)). Article 11(1) and (2) of this Order 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. In addition, Schedule 3 amends the Table in the principal Order which provides for the calculation of the gratuity payable for loss of a finger or part thereof, and Schedule 8 inserts the new rate of allowance for widows and widowers aged 80 or over in the Table which contains the rates of pensions and allowances payable in respect of death.

The definition of “dependent child” in Schedule 4 to the principal Order is amended so as to remove the requirement that foster children and certain illegitimate children should be maintained by, or dependent on, the member of the armed forces for a period determined by reference to the date of his injury, his removal from duty or the termination of his service.

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