
 STATUTORY INSTRUMENTS

1985 No. 1201

PENSIONS

**The Naval, Military and Air Forces etc. (Disablement and Death)
Service Pensions Amendment Order 1985**

<i>Made - - - -</i>	31st July 1985
<i>Laid before Parliament</i>	8th August 1985
<i>Coming into Operation</i>	25th November 1985

At the Court at Buckingham Palace, the 31st day of July 1985

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 1985, shall come into operation on 25th November 1985.

(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 18 of the principal Order

2. In article 18 of the principal Order (unemployability allowances)—

(a) in paragraph (2) for the amount “£1222” there shall be substituted the amount “£1300”;

(b) after paragraph (2) there shall be inserted the following new paragraph:—

“(2A) A member shall not be eligible for any award under this article in respect of a period in which he is over pensionable age unless, on the relevant day, he was unemployable by reason of pensioned disablement.”;

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

(b) 1977 c.5.

(c) after paragraph (6) there shall be added the following new paragraph:—

“(7) In this article—

(a) “pensionable age” means—

- (i) in the case of the member being a man, the age of 65, or
- (ii) in the case of the member being a woman, the age of 60;

(b) “pensioned disablement” means disablement in respect of which the member was, or would, if he had claimed it, have been, in receipt of retired pay or a pension on the relevant day;

(c) “the relevant day” means—

- (i) the day immediately preceding that on which the member attained pensionable age, or
- (ii) the day immediately following that on which the member was last engaged in work from which he derived earnings in excess of the figure for the time being specified in paragraph (2), whichever is the later.”.

Amendment of article 21 of the principal Order

3. In article 21 of the principal Order (allowance for lowered standard of occupation)—

(a) after paragraph (1) there shall be inserted the following new paragraph:—

“(1A) A member shall not be eligible for an award under this article in respect of a period in which he is over pensionable age unless on the relevant day his qualifying disablement was such as to render him incapable, and likely to remain permanently incapable, of following his regular occupation, and incapable of following any other occupation which was of an equivalent standard and was suitable in his case.”;

(b) for paragraph (2) there shall be substituted the following paragraph:—

“(2) In this article—

(a) “pensionable age” means—

- (i) in the case of the member being a man, the age of 65, or
- (ii) in the case of the member being a woman, the age of 60;

(b) “qualifying disablement” means disablement in respect of which the member had, on or before the relevant day, been awarded retired pay or a pension, or a gratuity under article 11, or would have been awarded such pay, pension or gratuity had he claimed it;

(c) “regular occupation” means—

- (i) where the member’s disablement is due to service between 2nd September 1939 and 1st August 1973, the occupation which was his regular occupation before his service, or
- (ii) where there was no such regular occupation or where the member’s disablement is due to service after 31st July 1973, the occupation which was his regular occupation on the date when he sustained the wound or injury, or was first removed from duty on account of the disease on which his award is based, or if there were no such occurrences, the date of the termination of his service, or

- (iii) where the member's disablement is due to service during the 1914 World War, the occupation which was the most remunerative occupation which, in the opinion of the Secretary of State, accounted for a substantial period of his employment during the period beginning with 1st July 1944 and ending with 1st July 1945;
- (d) "the relevant day" means—
 - (i) the day immediately preceding that on which the member attained pensionable age, or
 - (ii) the day immediately following that on which the member was last engaged in remunerative work, whichever is the later."

Amendment of article 67 of the principal Order

4. In article 67 of the principal Order (review of decisions, assessment and awards)—

- (a) in paragraph (2) for the words "Subject as aforesaid" there shall be substituted the words "Subject to the provisions of paragraphs (3), (4), (7), (7A) and (8)";
- (b) after paragraph (7) there shall be inserted the following new paragraph:—

"(7A) Where a member has 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, paragraph (2)(b) shall not apply so as to enable an award of allowance for lowered standard of occupation under article 21 to be reviewed on the ground that the rate of the member's earnings has, or would, in his regular occupation, have changed since the date of the award."

Amendment of article 69 of the principal Order

5. In article 69 of the principal Order (power to dispense with probate) for paragraph (1) there shall be substituted the following paragraph:—

"(1) Where a person to whom any payment could have been made under this Order or a 1919 to 1921 instrument before his death dies before the payment is made, and the amount unpaid does not exceed £5,000, the amount so unpaid may be paid to the personal representative or, in Scotland, the executor of the deceased person, without probate, confirmation or other proof of title, or may be paid or distributed to or among the persons appearing to the Secretary of State to be the persons beneficially entitled to the personal estate of the deceased person, or, in Scotland, the persons entitled to the moveable estate of the deceased person, or to or among any one or more of those persons, and, in determining the persons to whom and the proportions in which the amount so unpaid shall be paid or distributed, the Secretary of State may have regard to any payments made or expenses incurred by any such person for or on account of the funeral of the deceased person."

Amendment of Schedules to the principal Order

6.—(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 “£2427” in the second column of Table 1B of Part II there shall be substituted the amount “£2597”;
- (c) for the amounts “£46.55” and “£10.74” in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts “£49.80” and “£11.49”;
- (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 6 (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	3294
90	2965
80	2635
70	2306
60	1976
50	1647
40	1318
30	988
20	659

SCHEDULE 2

Article 6 (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	62.50
90	56.25
80	50.00
70	43.75
60	37.50
50	31.25
40	25.00
30	18.75
20	12.50

SCHEDULE 3

Article 6 (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>Assessments</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	3173	3143
More than 1 phalanx, but not more than 2 phalanges	11	2540	2515
1 phalanx or part thereof	9	2115	2095
Guillotine amputation of tip without loss of bone	5	1265	1255
Middle Finger—			
More than 2 phalanges, including loss of whole finger	12	2748	2723
More than 1 phalanx, but not more than 2 phalanges	9	2115	2095
1 phalanx or part thereof	7	1690	1675
Guillotine amputation of tip without loss of bone	4	1058	1048
Ring or little finger—			
More than 2 phalanges, including loss of whole finger	7	1690	1675
More than 1 phalanx, but not more than 2 phalanges	6	1483	1468
1 phalanx or part thereof	5	1265	1255

SCHEDULE 3 (contd.)

Description of Injury	Assess-ments	Groups 1-9	Groups 10-15
	Per cent.	£	£
Guillotine amputation of tip without loss of bone	2	633	628
B. TOES:—			
Great toe—			
through metatarso-phalangeal joint	14	3173	3143
part, with some loss of bone	3	840	835
1 other toe—			
through metatarso-phalangeal joint	3	840	835
part, with some loss of bone	1	425	420
2 toes, excluding great toe—			
through metatarso-phalangeal joint	5	1265	1255
part, with some loss of bone	2	633	628
3 toes, excluding great toe—			
through metatarso-phalangeal joint	6	1483	1468
part, with some loss of bone	3	840	835
4 toes, excluding great toe—			
through metatarso-phalangeal joint	9	2115	2095
part, with some loss of bone	3	840	835

Article 6 (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	185	412	719	369	821	1438	1109	2466	4314
3	183	407	712	365	812	1422	1097	2439	4267
4	181	403	704	361	803	1406	1085	2412	4220
5	179	400	698	359	797	1396	1077	2394	4188
6	178	397	693	356	791	1385	1069	2376	4157
7, 8	176	392	685	352	782	1369	1057	2349	4110
9	174	388	677	348	773	1354	1045	2322	4062
10	175	389	679	350	776	1358	1044	2320	4054
11	175	388	678	349	775	1355	1042	2315	4045
12	174	388	676	348	773	1352	1040	2310	4036
13	174	387	675	348	771	1349	1038	2305	4028
14	173	386	673	347	770	1346	1035	2300	4019
15	173	385	672	346	768	1343	1033	2295	4010

SCHEDULE 5

Article 6 (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—		
(a) under article 14(1)(b)	£2607 per annum (maximum)	£50 per week (maximum)
(b) under article 14(1)(a)	£1304 per annum (maximum)	£25 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£1304 per annum	£25 per week
4. Severe disablement occupational allowance under article 16	£652 per annum	£12.50 per week
5. Allowance for wear and tear of clothing—		
(a) under article 17(1) (a)	£54 per annum	£54 per annum
(b) under article 17(1)(b) and 17(2) ...	£85 per annum	£85 per annum
6. Unemployability allowances—		
(a) personal allowance under article 18(1)(a)	£2119 per annum	£40.65 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)	£1199 per annum (maximum)	£23 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(5)(c)	£1199 per annum (maximum)	£23 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(5)(d)	£420 per annum	£8.05 per week
7. Invalidity allowance under article 19—		
(a) if—		
(i) the relevant date fell before 5th July 1948; or	£420 per annum	£8.05 per week
(ii) on the relevant date the member was under the age of 35; or		

SCHEDULE 5 (contd.)

Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
(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	£420 per annum	£8.05 per week
(b) if—		
(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 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	£266 per annum	£5.10 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	£133 per annum	£2.55 per week
8. Comforts allowance—		
(a) under article 20(1)(a)	£563 per annum	£10.80 per week
(b) under article 20(1)(b)	£282 per annum	£5.40 per week
9. Allowance for lowered standard of occupation under article 21	£1304 per annum (maximum)	£25 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent.	£227 per annum	£4.35 per week
(b) over 50 per cent., but not exceeding 70 per cent.	£355 per annum	£6.80 per week
(c) over 70 per cent., but not exceeding 90 per cent.	£508 per annum	£9.75 per week
(d) over 90 per cent.	£709 per annum	£13.60 per week
11. Treatment allowances— increase of personal allowance under article 23(3)	£709 per annum (maximum)	£13.60 per week (maximum)
12. Part-time treatment allowance under article 25	£22.50 per day (maximum)	£22.50 per day (maximum)
13. Mobility supplement under article 26A	£23.80 per week	£23.80 per week

SCHEDULE 6

Article 6 (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	} 2,597	} 2,597
2		
3		
4		
5		
6		} 919
7		
8		
9		
10		
11		

NOTE:—For rank addition see Table 2A below.

SCHEDULE 7

Article 6 (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 PENSIONS FOR RELATIVES OF 1914 WORLD WAR OFFICERS

Group (1)	Rate (2)
	£
1	} 2,597
2	
3	
4	
5	
6	
7	
8	919
9	820
10	721
11	638

NOTE:—For rank addition see Table 6 below.

Article 6 (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 a spouse	£2490 per annum (maximum)	£47.75 per week (maximum)
2. Rent allowance under article 31	£18.95 per week (maximum)	£18.95 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	£279 per annum	£5.35 per week
(b) if age 70 but under 80	£558 per annum	£10.70 per week
(c) if age 80 or over	£699 per annum	£13.40 per week
4. Pension to widower under article 34 ...	£3207 per annum (maximum)	£49.80 per week (maximum)
5. Allowances in respect of children—		
(a) under article 35(1) in respect of each child	£602 per annum	£11.55 per week
(b) under article 35(3)	£657 per annum	£12.60 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£657 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	£1997 per annum (maximum)	£38.30 per week (maximum)
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 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) (ii) Group 11— £60 per annum (maximum)	£1 per week (maximum)
(ii) where there is more than one eligible parent	(i) Groups 1-10— £100 per annum (maximum) (ii) Group 11— £85 per annum (maximum)	£1.38 per week (maximum)

SCHEDULE 8 (contd.)

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
(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 per week (maximum)
10. Pensions to other dependants—		
(a) under article 41(2)	£54 per annum (maximum)	£1 per week (maximum)
(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) aggregate rate under article 41(3)	(i) Groups 1-10— £75 per annum (maximum) (ii) Group 11— £65 per annum (maximum)	£1 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 amended so as to restrict the circumstances in which members of the armed forces over the age of 65 (in the case of a man) or 60 (in the case of a woman) may be eligible for unemployability allowance or allowance for lowered standard of occupation (articles 2 and 3).

This Order amends article 67 of the principal Order to preclude a review of an award of allowance for lowered standard of occupation to reflect any subsequent change in the rate of earnings of a member of the armed forces who is over the age of 65 (in the case of a man) or 60 (in the case of woman) (article 4).

The provisions of article 69 of the principal Order are amended to increase the maximum amount which the Secretary of State may, without proof of title, pay to the personal representatives of a deceased person, or to persons entitled to his estate, in respect of payments due under the principal Order to the deceased person prior to his death. Article 69 is also amended to make further provision for its application to Scotland (article 5).

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 2(a)). Article 6(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.

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