

1989 No. 156

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1989

Made - - - - - *7th February 1989*

Laid before Parliament *15th February 1989*

Coming into force
for the purposes of articles 1, 3 and 5 *1st April 1989*
for all other purposes *10th April 1989*

At the Court at Buckingham Palace, the 7th day of February 1989

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 sections 12(1) and 24(3) of the said Act 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 1989, shall come into force for the purposes of this article and articles 3 and 5 on 1st April 1989 and for all other purposes on 10th April 1989.

(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) in paragraph (2) for the amount "£1,404" there shall be substituted the amount "£1,482".

Amendment of article 31 of the principal Order

3. At the end of paragraph (1) of article 31 of the principal Order (Rent allowance to widows, and unmarried dependants who lived as wives, who have children) there shall be added the words "and to any community charge payable by her."

(a) S.I. 1983/883, as amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201, 1986/592, 1987/165, 1988/248 and 2248.
(b) 1977 c.5.

Amendment of Schedules to the principal Order

4.—(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 “£2,789” in the second column of Table 1B of Part II there shall be substituted the amount “£2,954”;
- (c) for the amounts “£53.50” and “£12.35” in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts “£56.65” and “£13.08”;
- (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.

Amendment of Schedule 4 to the principal Order

5. In Part II of Schedule 4 to the principal Order, in column (3) of item 45 (meaning of the expression “public funds”) after paragraph (c) there shall be inserted the following paragraph—

“(cc) moneys provided under the Abolition of Domestic Rates Etc. (Scotland) Act 1987(a); or”.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE 1

Article 4(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 OF SCHEDULE 2

<i>Degree of Disability</i>	<i>Yearly rate</i>
Per cent.	£
100	3747
90	3372
80	2998
70	2623
60	2248
50	1874
40	1499
30	1124
20	749

(a) 1987 c.47.

SCHEDULE 2

Article 4(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 1015

<i>Degree of Disability</i>	<i>Weekly rate</i>
Per cent.	£
100	71.20
90	64.08
80	56.96
70	49.84
60	42.72
50	35.60
40	28.48
30	21.36
20	14.24

SCHEDULE 3

Article 4(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>	<i>£</i>	<i>£</i>
For the loss of:			
A. FINGERS-			
Index Finger-			
More than 2 phalanges, including loss of whole finger	14	3608	3578
More than 1 phalanx, but not more than 2 phalanges	11	2888	2863
1 phalanx or part thereof	9	2405	2385
Guillotine amputation of tip without loss of bone	5	1439	1429
Middle Finger-			
More than 2 phalanges, including loss of whole finger	12	3125	3100
More than 1 phalanx, but not more than 2 phalanges	9	2405	2385
1 phalanx or part thereof	7	1922	1907
Guillotine amputation of tip without loss of bone	4	1203	1193
Ring or little finger-			
More than 2 phalanges, including loss of whole finger	7	1922	1907
More than 1 phalanx, but not more than 2 phalanges	6	1686	1671
1 phalanx or part thereof	5	1439	1429
Guillotine amputation of tip without loss of bone	2	720	715
B. TOES-			
Great Toe-			
through metatarso-phalangeal joint	14	3608	3578
part, with some loss of bone	3	956	951
1 other toe-			
through metatarso-phalangeal joint	3	956	951
part, with some loss of bone	1	483	478
2 toes, excluding great toe-			
through metatarso-phalangeal joint	5	1439	1429
part, with some loss of bone	2	720	715

<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 1-9</i>	<i>Groups 10-15</i>
	<i>Per cent.</i>	<i>£</i>	<i>£</i>
3 toes, excluding great toe— through metatarso-phalangeal joint part, with some loss of bone	6	1686	1671
	3	956	951
4 toes, excluding great toe— through metatarso-phalangeal joint part, with some loss of bone	9	2405	2385
	3	956	951

SCHEDULE 4

Article 4(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 I

<i>Group</i>	<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>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
1	209	465	813	417	927	1624	1253	2785	4873
3	207	460	806	413	918	1608	1241	2758	4826
4	205	456	798	409	909	1592	1229	2731	4779
5	203	453	792	407	903	1582	1221	2713	4747
6	202	450	787	404	897	1571	1213	2695	4716
7, 8	200	445	779	400	888	1555	1201	2668	4669
9	198	441	771	396	879	1540	1189	2641	4621
10	199	442	773	398	882	1544	1188	2639	4613
11	199	441	772	397	881	1541	1186	2634	4604
12	198	441	770	396	879	1538	1184	2629	4595
13	198	440	769	396	877	1535	1182	2624	4587
14	197	439	767	395	876	1532	1179	2619	4578
15	197	438	766	394	874	1529	1177	2614	4569

SCHEDULE 5

Article 4(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)	£2972 per annum (maximum)	£57.00 per week (maximum)
(b) under article 14(1)(a)	£1486 per annum (maximum)	£28.50 per week (maximum)

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
3. Exceptionally severe disablement allowance under article 15	£1486 per annum	£28.50 per week
4. Severe disablement occupational allowance under article 16	£743 per annum	£14.25 per week
5. Allowance for wear and tear of clothing-		
(a) under article 17(1)(a)	£61 per annum	£61 per annum
(b) under article 17(1)(b) and 17(2)	£97 per annum	£97 per annum
6. Unemployability allowances-		
(a) personal allowance under article 18(1)(a)	£2414 per annum	£46.30 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)	£1366 per annum (maximum)	£26.20 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(5)(c)	£1366 per annum (maximum)	£26.20 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(5)(d)	£467 per annum	£8.95 per week
7. Invalidity allowance under article 19-		
(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 April 1979 and the period in respect of which payment of the allowance is to relate begins on or after 6th April 1979	£480 per annum	£9.20 per week

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
(b) if		
(i) on the relevant date the member was under the age of 45; or	£302 per annum	£5.80 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	£151 per annum	£2.90 per week
8. Comforts allowance—		
(a) under article 20(1)(a)	£641 per annum	£12.30 per week
(b) under article 20(1)(b)	£321 per annum	£6.15 per week
9. Allowance for lowered standard of occupation under article 21	£1485 per annum (maximum)	£28.48 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent.	£261 per annum	£5.00 per week
(b) over 50 per cent., but not exceeding 70 per cent.	£404 per annum	£7.75 per week
(c) over 70 per cent., but not exceeding 90 per cent.	£579 per annum	£11.10 per week
(d) over 90 per cent.	£808 per annum	£15.50 per week
11. Treatment allowances—increase of personal allowance under article 23(3)	£808 per annum (maximum)	£15.50 per week (maximum)
12. Part-time treatment allowance under article 25	£29.70 per day (maximum)	£29.70 per day (maximum)
13. Mobility supplement under article 26A	£27.10 per week	£27.10 per week

SCHEDULE 6

Article 4(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 (1)</i>	<i>Rate (2)</i>	<i>Rate (3)</i>
	£	£
1	} 2954	} 2954
2		
3		
4		
5		
6		
7		
8		1048
9		935
10		823
11		728

SCHEDULE 7

Article 4(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

<i>Group (1)</i>	<i>Rate (2)</i>
	£
1	} 2954
2	
3	
4	
5	
6	
7	
8	1048
9	935
10	823
11	728

SCHEDULE 8

Article 4(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

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
1. Pension under article 30 to unmarried dependant who lived as spouse	£2847 per annum (maximum)	£54.60 per week (maximum)
2. Rent allowance under article 31	£21.55 per week (maximum)	£21.55 per week (maximum)
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse—		
(a) if age 65 but under 70	£318 per annum	£6.10 per week
(b) if age 70 but under 80	£636 per annum	£12.20 per week
(c) if age 80 or over	£798 per annum	£15.30 per week
4. Pension to widower under article 34	£3564 per annum (maximum)	£56.65 per week (maximum)
5. Allowances in respect of children—		
(a) under article 35(1) in respect of each child	£657 per annum	£12.60 per week
(b) under article 35(3)	£720 per annum	£13.80 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£720 per annum	£13.80 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£2273 per annum (maximum)	£43.60 per week (maximum)
8. Education allowance under article 38	£120 per annum (maximum)	£120 per annum (maximum)
9. Pension 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)	£1.00 per week (maximum)
	(ii) Group 11 £60 per annum (maximum)	
(ii) where there is more than one eligible parent	(i) Groups 1-10 £100 per annum (maximum)	£1.38 per week (maximum)
	(ii) Group 11 £85 per annum (maximum)	
(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)	—	£1.00 per week (maximum)

<i>Description of Pension or Allowance</i>	<i>Rate</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
10. Pension to other dependants-		
(a) under article 41(2)	£54 per annum (maximum)	£1.00 per week (maximum)
(b) for each juvenile dependant under article 41(3)	(i) Groups 1-10 £26 per annum (maximum)	£0.30 per week (maximum)
	(ii) Group 11 £20 per annum (maximum)	
(c) aggregate rate under article 41(3)	(i) Groups 1-10 £75 per annum (maximum)	£1.00 per week (maximum)
	(ii) Group 11 £65 per annum (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 2 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 3 enables the Secretary of State to take account of any community charge paid by a widow, or by an unmarried dependant who lived as a spouse, in determining whether to pay a weekly rent allowance to the pensioner.

Article 4(1) and (2) substitutes tables in the 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.

Article 5 adds to the definition of "public funds" a reference to moneys provided under the Abolition of Domestic Rates Etc. (Scotland) Act 1987.