
STATUTORY INSTRUMENTS

1994 No. 772

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1994

<i>Made</i>	- - - -	<i>15th March 1994</i>
<i>Laid before Parliament</i>		<i>25th March 1994</i>
<i>Coming into force</i>		
<i>for the purpose of articles 1, 4, 5(3)</i>		<i>28th March 1994</i>
<i>for all other purposes</i>		<i>11th April 1994</i>

At the Court at Buckingham Palace, the 15th day of March 1994

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 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 may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1994 and shall come into force for the purposes of this article, and articles 4 and 5(3) on 28th March 1994 and for all other purposes on 11th April 1994.

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

(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, 1991/766, 1992/710, 3208 and 1993/598.
(2) 1977 c. 5.

Amendment of article 18 of the principal Order

2. In article 18 of the principal Order (unemployability allowances) in paragraph (2) for the amount “£2,184” there shall be substituted the amount “£2,236”.

Amendment of article 67 of the principal Order

3. In article 67 of the principal Order (review of decisions, assessments and awards)—
- (a) in paragraphs (1) and (2) for the reference to paragraph “(7)” there shall be substituted the reference “(6A)”;
 - (b) after paragraph (6) there shall be inserted the following paragraph—

“(6A) Subject to the provision in paragraph (7), nothing in this article shall be taken to authorise the review of any assessment or decision made, given, or upheld by the Pensions Appeal Tribunal under section 8 of the War Pensions (Administrative Provisions) Act 1919⁽³⁾ or the Pensions Appeal Tribunals Acts 1943 and 1949⁽⁴⁾.”; and
 - (c) for paragraph (7) there shall be substituted the following paragraph—

“(7) Any assessment made, given or upheld by the Pensions Appeal Tribunal under the Pensions Appeal Tribunals Acts 1943 and 1949 may be reviewed and revised by the Secretary of State where he is satisfied by fresh medical evidence of a deterioration in the disablement in respect of which the assessment was made.”.

Insertion of articles 67A, 67B and 67C into the principal Order

4. After article 67 of the principal Order (review of decisions, assessments and awards) there shall be inserted the following articles—

“Suspension in individual cases Pensions Appeal Tribunal

67A.—(1) Where it appears to the Secretary of State that a question arises whether an appeal ought to be brought against the decision of a Pensions Appeal Tribunal, he may, subject to paragraph (2), direct that payment of a pension or gratuity in accordance with that decision be suspended, in whole or in part, pending the determination of that question on appeal.

(2) Where it appears to the Secretary of State that a question arises under paragraph (1), he may only give directions that payment of the pension or gratuity in accordance with that decision be suspended within the relevant period.

(3) A suspension under paragraph (1) shall cease unless, within the relevant period, the person awarded the pension or gratuity by virtue of the decision (“the pensioner”) is given notice in writing that an application for leave to appeal has been made against that decision.

(4) Subject to paragraph (5), where the pensioner has been given notice within the relevant period that an application for leave to appeal against a decision of a Pensions Appeal Tribunal has been made, the suspension may continue until that application for leave to appeal and, where leave has been granted, any subsequent appeal is determined.

(5) Where an application for leave to appeal against a decision of a Pensions Appeal Tribunal is made to a Pensions Appeal Tribunal and that application is refused, the

(3) 1919 c. 53.

(4) 1943 c. 39; this Act was amended and modified by the Pensions Appeal Tribunals Act 1949 (c. 12); sub-section (3A) was added to section 1 by the Pensions Appeal Tribunals Act (Modification) Order 1947 (S.I. 1947/1143) and sections 5 and 6 were amended by section 23 of the Chronically Sick and Disabled Persons Act 1970 (c. 44). Section 5 and 6 were also amended by section 16 of the Social Security Act 1980 (c. 30), and section 6 was also amended by section 43 of the Social Security and Housing Benefits Act 1982 (c. 24).

suspension shall cease unless the Secretary of State, within a period of 28 days beginning with the date on which notice in writing of the decision of the Pensions Appeal Tribunal refusing leave to appeal is received by him, makes a further application for leave to appeal, and, if he has so applied, the suspension may continue until that application for leave to appeal and any subsequent appeal is determined.

(6) Where, on an appeal against a decision of a Pensions Appeal Tribunal, the court remits the matter for rehearing and determination by a Pensions Appeal Tribunal, the appeal is not determined for the purposes of paragraphs (4) and (5) until the matter remitted for rehearing has been determined.

(7) A pensioner is to be treated as having been given the notice required by paragraph (3) on the date that it is posted to him at his last known address.

(8) In this article—

- (a) “appeal” means an appeal under section 6(2) of the Pensions Appeal Tribunals Act 1943⁽⁵⁾;
- (b) “application for leave to appeal” means an application for leave to appeal in the proceedings referred to in sub-paragraph (a) above, and, in England and Wales, an application for leave to appeal under Order 101, rule 3 of the Rules of the Supreme Court 1965⁽⁶⁾, in Scotland under rule 285 of the Act of Sederunt (Rules of Court, consolidation and amendment) 1965⁽⁷⁾ or, in Northern Ireland, under Order 101, rule 2 of the Rules of the Supreme Court (Northern Ireland) 1980⁽⁸⁾;
- (c) “relevant period” means the period of one month beginning with the date on which notice in writing of the decision in question and of the reasons for it is received by the Secretary of State.

Suspension in individual cases courts

67B.—(1) Where it appears to the Secretary of State that a question arises whether an appeal ought to be brought against the decision of a court, he may, subject to paragraph (2), direct that payment of the pension or gratuity in accordance with that decision be suspended, in whole or in part, pending the determination of that question on appeal.

(2) Where it appears to the Secretary of State that a question arises under paragraph(1), he may only give directions that payment of the pension or gratuity in accordance with that decision besuspended within the relevant period.

(3) A suspension under paragraph (1) shall cease unless, within the relevant period, the person awarded the pension or gratuity by virtue of the decision (“the pensioner”) is given notice in writing that an application for leave to appeal has been made against that decision.

(4) Where the pensioner has been given notice within the relevant period that an application for leave to appeal has been made, the suspension may continue until that application for leave to appeal and any subsequent appeal is determined.

(5) A pensioner is to be treated as having been given the notice required by paragraph (3) on the date that it is posted to him at his last known address.

(6) In this article—

- (a) “appeal” means—

(5) 1943 c. 39. Section 6(2) has been amended as it applies to Northern Ireland by the Judicature (Northern Ireland) Act 1978 (c. 23), section 122(1), Schedule 5, Part II.

(6) S.I. 1965/1776.

(7) S.I. 1965/321.

(8) S.R. 1980 No. 346.

- (i) in England, Wales and Northern Ireland an appeal to the Court of Appeal or, in Scotland, a reclaiming motion to the Inner House of the Court of Session, against the determination of an application for judicial review;
- (ii) in England, Wales and Northern Ireland an appeal to the House of Lords against a decision of the Court of Appeal in an application referred to in head (i) above, or in Scotland, an appeal to the House of Lords against a decision of the Inner House of the Court of Session in a reclaiming motion in an application referred to in head (i) above;
- (b) “application for leave to appeal” means an application or petition for leave to appeal as the case may be in the proceedings referred to in heads (i) and (ii) of sub-paragraph (a) above;
- (c) “relevant period” means the period of three months beginning with the date on which notice in writing of the decision in question and of the reasons for it is received by the Secretary of State.

Suspension in other cases

67C.—(1) Where it appears to the Secretary of State that—

- (a) an appeal has been brought or a question arises whether an appeal ought to be brought against a decision of a court in relation to a case (“the primary case”); and
- (b) if such an appeal were to be allowed a question would arise in relation to another case (“the secondary case”) whether the award of pension or gratuity in that case ought to be reviewed,

he may direct that payment of the pension or gratuity under the award in the secondary case be suspended, in whole or in part—

- (i) until the time limit for making an application for leave to appeal in the primary case has expired; or
- (ii) if such an application is made, until such time as that application and any subsequent appeal has been determined, whichever is the later.

(2) In this article the expressions “appeal” and “application for leave to appeal” have the same meanings as they have in article 67B.”.

Amendment of Schedules to the principal Order

5.—(1) In Schedule 1 to the principal Order (rates of retired pay, pensions, gratuities and allowances)—

- (a) for the Table in Part II there shall be substituted the Table set out in Schedule 1 to this Order;
 - (b) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 2 and 3 to this Order; and
 - (c) for Part IV there shall be substituted the Part set out in Schedule 4 to this Order.
- (2) In Schedule 2 to the principal Order (rates of pensions and allowances in respect of death)—
- (a) for Tables 1, 2, 3, 4 and 5 of Part II there shall be substituted the Tables set out in Schedule 5 to this Order;
 - (b) for Part III there shall be substituted the Part set out in Schedule 6 to this Order.

(3) In Schedule 4 to the principal Order for item 27 of Part II of Schedule 4 there shall be substituted the following item—

“27. “injury” includes wound or disease but excludes any injury due to—

- (a) the use or effects of tobacco; or
- (b) the consumption of alcohol;

except that paragraph (a), in so far as it relates to the use of tobacco, and paragraph (b) above shall not apply where the person suffers from a mental condition which is attributable to service if—

- (i) the degree of disablement in respect of that condition has been assessed at 50% or more; and
- (ii) he started or continued to use tobacco or to consume or continue to consume alcohol due to that condition.”.

N. H. Nicholls
Clerk of the Privy Council

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SCHEDULE 1

Article 5(1)(a)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT IN PART II OF SCHEDULE 1 TO THE PRINCIPAL ORDER

Article 10

TABLE

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 Disability</i> <i>Per cent</i>	<i>Weekly rate</i> <i>£</i>	<i>Yearly rate</i> <i>£</i>
100	98.90	5161
90	89.01	4645
80	79.12	4129
70	69.23	3613
60	59.34	3097
50	49.45	2581
40	39.56	2064
30	29.67	1548
20	19.78	1032

SCHEDULE 2

Article 5(1)(b)

TABLE TO BE SUBSTITUTED FOR TABLE 1 OF PART III OF SCHEDULE 1 TO THE PRINCIPAL ORDER

Article 11(1)

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>
For the loss of:	Per cent	£	£
A. FINGERS—			
Index Finger—			

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<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 1-9</i>	<i>Groups 10-15</i>
More than 2 phalanges including loss of whole finger	14	4703	4673
More than 1 phalanx but not more than 2 phalanges	11	3764	3739
1 phalanx or part thereof	9	3135	3115
Guillotine amputation of tip without loss of bone	5	1877	1867
Middle Finger—			
More than 2 phalanges including loss of whole finger	12	4074	4049
More than 1 phalanx but not more than 2 phalanges	9	3135	3115
1 phalanx or part thereof	7	2506	2491
Guillotine amputation of tip without loss of bone	4	1568	1558
Ring or little finger—			
More than 2 phalanges, including loss of whole finger	7	2506	2491
More than 1 phalanx, but not more than 2 phalanges	6	2197	2182
1 phalanx or part thereof	5	1877	1867
Guillotine amputation of tip without loss of bone	2	939	934
B. TOES—			
Great toe—			
through metatarso— phalangeal joint part, with some loss of bone	14	4703	4673
1 other toe— through metatarso phalangeal	3	1248	1243
	3	1248	1243
	1	629	624

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<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 1-9</i>	<i>Groups 10-15</i>
joint part, with some loss of bone			
2 toes, excluding great toe— through metatarso—	5	1877	1867
phalangeal joint part, with some loss of bone	2	939	934
3 toes, excluding great toe— through	6	2197	2182
3 metatarso— phalangeal joint part, with some loss of bone	3	1248	1243
4 toes, excluding great toe— through metatarso—	9	3135	3115
phalangeal joint part, with some loss of bone	3	1248	1243

SCHEDULE 3

Article 5(1)(b)

TABLE TO BE SUBSTITUTED FOR TABLE 2 OF PART III OF SCHEDULE 1 TO THE PRINCIPAL ORDER

Article 11(2)

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

Estimated duration of the disablement within the degree referred to

<i>Group</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	269	600	1047	538	1195	2092	1614	3588	6278
3	267	595	1040	534	1186	2076	1602	3561	6231
4	265	591	1032	530	1177	2060	1590	3534	6184
5	263	588	1026	528	1171	2050	1582	3516	6152
6	262	585	1021	525	1165	2039	1574	3498	6121
7,8	260	580	1013	521	1156	2023	1562	3471	6074

Group	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 £
9	258	576	1005	517	1147	2008	1550	3444	6026
10	259	577	1007	519	1150	2012	1549	3442	6018
11	259	576	1006	518	1149	2009	1547	3437	6009
12	258	576	1004	517	1147	2006	1545	3432	6000
13	258	575	1003	517	1145	2003	1543	3427	5992
14	257	574	1001	516	1144	2000	1540	3422	5983
15	257	573	1000	515	1142	1997	1538	3417	5974

SCHEDULE 4

Article 5(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

Description of Allowance	Rate	
	Groups 19	Groups 10-15
1. Education allowance under article 13	£120 per annum (maximum)	£120 per annum (maximum)
2. Constant attendance allowance	£3903 per annum (maximum)	£74.80 per week (maximum)
(a) under article 14(1)(b)		
(b) (b) under article 14(1)(a)	£1952 per annum (maximum)	£37.40 per week (maximum)
3. Exceptionally severe disablement allowance	£1952 per annum	£37.40 per week
4. Severe disablement occupational allowance under article 16	£976 per annum	£18.70 per week
5. Allowance for wear and tear of clothing—	£80 per annum	£80 per annum
(a) under article 17(1)(a)		
(b) (b) under article 17(1)(b) & 17(2)	£126 per annum	£126 per annum

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 19</i>	<i>Groups 10-15</i>
6. Unemployability allowances—	£3188 per annum	£61.10 per week
(a) personal allowance under article 18(1)(a)		
(b) (b) additional allowances for dependants by way of—	£1800 per annum (maximum)	£34.50 per week (maximum)
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a spouse or an adult dependant under article 18(5)(b)		
(ii) increase of allowance under article 18(5)(d)—		
(a) (a) in respect of the only, elder or the eldest child of a member	£511 per annum	£9.80 per week
(b) (b) in respect of each other child of a member	£574 per annum	£11.00 per week
(c) (c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992(9) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£574 per annum	£11.00 per week
7. Invalidity allowance under article 14	£634 per annum	£12.15 per week
(a) if—		

(9) 1992 c. 4.

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 19</i>	<i>Groups 10-15</i>
<p>(i) the relevant date fell before 5th July 1948; or</p> <p>(ii) on the relevant date the member was under the age of 35; or</p> <p>(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</p>		
<p>(b) (b) if—</p> <p>(i) on 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</p>	<p>£397 per annum</p>	<p>£7.60 per week</p>

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 19</i>	<i>Groups 10-15</i>
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) (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	£198 per annum	£3.80 per week
8. Comforts allowance—	£835 per annum	£16.00 per week
(a) under article 20(1)(a)		
(b) (b) under article 20(1)(b)	£417 per annum	£8.00 per week
9. Allowance for lowered standard of occupation under article 21	£1945 per annum	£37.28 per week
10. Age allowance under article 22 where the degree of pensioned disablement is—	£344 per annum	£6.60 per week
(a) 40 to 50 per cent		
(b) (b) over 50 per cent, but not exceeding 70 per cent	£532 per annum	£10.20 per week
(c) (c) over 70 per cent, but not exceeding 90 per cent	£759 per annum	£14.55 per week
(d) (d) over 90 per cent	£1064 per annum	£20.40 per week
11. Treatment allowances— increase of personal allowances under article 23(3)	£1064 per annum	£20.40 per week
12. Part-time allowance under article 25	£43.90 per day (maximum)	£43.90 per day (maximum)

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 19</i>	<i>Groups 10-15</i>
13. Mobility supplement under article 26A	£1855 per annum	£35.55 per week

SCHEDULE 5

Article 5(2)(a)

TABLES TO BE SUBSTITUTED FOR TABLES 1, 2, 3, 4 AND 5 OF SCHEDULE 2 PART II

PART II

RATES OF PENSIONS AND ALLOWANCES

Article 29(1)(a)

“TABLE 1

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES AFTER 2 SEPTEMBER 1939

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>Yearly rate (2) £</i>
1	4520
2	4357
3	4255
4	4163
5	4102
6	4041
7	4021
8	3990
9	3975
10	3960
11	3934

Article 29(1)(a)

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TABLE 2

WEEKLY RATES OF PENSIONS FOR WIDOWS OF RATINGS SOLDIERS OR AIRMEN WHO WERE MEMBERS OF THE FORCES BETWEEN 14 AUGUST 1914 AND 30 SEPTEMBER 1921 OR AFTER 2 SEPTEMBER 1939

<i>Group (1)</i>	<i>Weekly rate (2) £</i>
12, 13, 14, 15, 16 }	74.95
17	74.70

Article 29(1)(a)

TABLE 3

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE FORCES BETWEEN 14 AUGUST 1914 AND 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

<i>Group (1)</i>	<i>Yearly rate (2) £</i>
1	4621
2	4418
3	4316
4	4214
5	4133
6	4051
7	4027
8	3990
9	3975
10	3960
11	3934

Article 29(1)(b)

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TABLE 4
YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO
WERE MEMBERS OF THE FORCES AFTER 2 SEPTEMBER 1939

<i>Group (1)</i>	<i>Yearly rate (2) £</i>
1	4520
2	4357
3	4255
4	4163
5	4102
6	4041
7	4021
8	1385
9	1236
10	1088
11	962

Article 29(1)(b)

TABLE 5
WEEKLY RATES OF PENSION FOR CHILDLESS WIDOWS AGED
UNDER 40 BEING WIDOWS OF RATINGS SOLDIERS OR AIRMEN
WHO WERE MEMBERS OF THE FORCES AFTER 2 SEPTEMBER 1939

<i>Group (1)</i>	<i>Weekly rate (2) £</i>
12, 13, 14, 15, 16 }	17.54
17	17.28 ^o

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SCHEDULE 6

Article 5(2)(b)

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 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	£3791 per annum (maximum)	£72.65 per week (maximum)
2. Rent allowance under article 31	£1474 per annum	£28.25 per week
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse—	£444 per annum	£8.50 per week
(a) if age 65 but under 70		
(b) (b) if age 70 but under 80	£856 per annum	£16.40 per week
(c) (c) if age 80 or over	£1273 per annum	£24.40 per week
4. Pension to widower under article 34	£4621 per annum	£74.95 per week
5. Allowances in respect of children—	£725 per annum	£13.90 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	£788 per annum	£15.10 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	£788 per annum	£15.10 per week

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
(b) (b) under article 35(3)—	£809 per annum	£15.50 per week
(i) in respect of the only, elder or eldest child of a member		
(ii) in respect of each other child of a member	£871 per annum	£16.70 per week
(iii) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£871 per annum	£16.70 per week
6. Pension under article 36 to a motherless or fatherless child of a member—	£809 per annum	£15.50 per week
(a) in respect of the only, elder or eldest child of a member		
(b) (b) in respect of each other child of a member	£871 per annum	£16.70 per week
(c) (c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£871 per annum	£16.70 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£3006 per annum (maximum)	£57.60 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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
(a) Minimum rate under article 40(3)		
(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) Groups 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 £0.30 per week (maximum) (ii) Group 11 £20 per annum (maximum)	£26 per annum(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 in respect of disablement or death due to service in the naval, military and airforces 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 of this Order enables the Secretary of State to review and revise an assessment decision of a Pensions Appeal Tribunal where he is satisfied by fresh medical evidence of a deterioration in the disablement in respect of which an assessment was made.

Article 4 of this Order inserts new articles 67A, 67B and 67C into the principal Order which deal with the suspension of benefit pending an appeal.

Article 5(1) and (2) substitute tables in the Schedule 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(3) amends Schedule 4 of the principal Order by inserting a provision which limits the definition of “injury” in the principal Order so as to exclude injuries due to the use or effects of tobacco, and the consumption of alcohol. This limitation is subject to an exception where the use of tobacco and the consumption of alcohol is by an injured person who suffers from a mental condition attributable to service causing a degree of disablement of 50% or more provided he started or continued to use tobacco or continued to consume alcohol as a result of his mental condition.

This Order does not impose any costs on business.