
STATUTORY INSTRUMENTS

1996 No. 732

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1996

<i>Made</i>	- - - -	<i>13th March 1996</i>
<i>Laid before Parliament</i>		<i>25th March 1996</i>
<i>Coming into force</i>	- -	<i>8th April 1996</i>

At the Court at Buckingham Palace, the 13th day of March 1996

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) 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 section 3 of the Naval and Marine Pay and Pensions Act 1865(3), section 2(1) of the Pensions and Yeomanry Pay Act 1884(4), section 2(1) of the Air Force (Constitution) Act 1917(5), and 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 1996 and shall come into force on 8th April 1996.

(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, 1993/598, 1994/772, 1906 and 1995/766.
(2) 1977 c. 5.
(3) 28 & 29 Vict. c.73.
(4) 47 & 48 Vict. c.55.
(5) 7 & 8 Geo. 5 c.51.

Amendment of article 18 of the principal Order

2. In article 18 of the principal Order (unemployability allowances) in paragraph (2) for the amount “£2,288” there shall be substituted the amount “£2,366”.

Amendment of article 29 of the principal Order

3. In article 29 of the principal Order (pensions to widows)(6) in paragraph (1A) for the amount “£49.77” there shall be substituted the amount “£51.71”.

Amendment of article 42 of the principal Order

4. The heading of article 42 of the principal Order (marriage of female persons) shall be changed to “Effects of marriage and living together” and article 42(7) shall be amended as follows—

- (a) in paragraph (3) for the words “paragraphs (4) and (7)” there shall be substituted the words “paragraph (7)”;
- (b) paragraph (4) shall be omitted; and
- (c) in paragraph (6) for the words “paragraphs (3) and (4)” there shall be substituted the words “paragraph (3)”.

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.

N. H. Nicholls
Clerk of the Privy Council

(6) Paragraph (1A) was added to article 29 by S.I. 1994/1906.

(7) Article 42 has been amended by S.I. 1984/1154 and 1993/598.

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.

Degree of Disability Per cent.	Weekly rate £	Yearly rate £
100	105.00	5,479
90	94.50	4,931
80	84.00	4,383
70	73.50	3,835
60	63.00	3,287
50	52.50	2,740
40	42.00	2,192
30	31.50	1,644
20	21.00	1,096

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

Description of Injury For the loss of:	Assessments Per cent.	Groups 1-9 £	Groups 10-15 £
A. FINGERS— Index Finger— More than 2 phalanges including	14	4,995	4,965

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Description of Injury For the loss of:	Assessments Per cent.	Groups 1-9 £	Groups 10-15 £
loss of whole finger			
More than 1 phalanx but not more than 2 phalanges	11	3,998	3,973
1 phalanx or part thereof	9	3,330	3,310
Guillotine amputation of tip without loss of bone	5	1,994	1,984
Middle Finger— More than 2 phalanges including loss of whole finger	12	4,327	4,302
More than 1 phalanx but not more than 2 phalanges	9	3,330	3,310
1 phalanx or part thereof	7	2,662	2,647
Guillotine amputation of tip without loss of bone	4	1,665	1,655
Ring or little finger— More than 2 phalanges including loss of whole finger	7	2,662	2,647
More than 1 phalanx but not more than 2 phalanges	6	2,333	2,318

Description of Injury For the loss of:	Assessments Per cent.	Groups 1-9 £	Groups 10-15 £
1 phalanx or part thereof	5	1,994	1,984
Guillotine amputation of tip without loss of bone	2	997	992
B. TOES—	14	4,995	4,965
Great toe— through metatarso-phalangeal joint			
part, with some loss of bone	3	1,326	1,321
1 other toe— through metatarso-phalangeal joint	3	1,326	1,321
part, with some loss of bone	1	668	663
2 toes, excluding great toe— through metatarso-phalangeal joint	5	1,994	1,984
part, with some loss of bone	2	997	992
3 toes, excluding great toe— through metatarso-phalangeal joint	6	2,333	2,318
part, with some loss of bone	3	1,326	1,321
4 toes, excluding great toe— through metatarso-phalangeal joint	9	3,330	3,310
part, with some loss of bone	3	1,326	1,321

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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

Group	Estimated duration of the disablement within the degree referred to								
	Temporary less than a year Per cent.			Temporary more than a year Per cent.			Indeterminate Per cent.		
	1-5£	6-14 £	15-19 £	1-5 £	6-14 £	15-19 £	1-5 £	6-14 £	15-19 £
1	285	635	1,110	570	1,266	2,217	1,711	3,802	6,653
3	283	630	1,103	566	1,257	2,201	1,699	3,775	6,606
4	281	626	1,095	562	1,248	2,185	1,687	3,748	6,559
5	279	623	1,089	560	1,242	2,175	1,679	3,730	6,527
6	278	620	1,084	557	1,236	2,164	1,671	3,712	6,496
7,8	276	615	1,076	553	1,227	2,148	1,659	3,685	6,449
9	274	611	1,068	549	1,218	2,133	1,647	3,658	6,401
10	275	612	1,070	551	1,221	2,137	1,646	3,656	6,393
11	275	611	1,069	550	1,220	2,134	1,644	3,651	6,384
12	274	611	1,067	549	1,218	2,131	1,642	3,646	6,375
13	274	610	1,066	549	1,216	2,128	1,640	3,641	6,367
14	273	609	1,064	548	1,215	2,125	1,637	3,636	6,358
15	273	608	1,063	547	1,213	2,122	1,635	3,631	6,349

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 1-9	Groups 10-15
1. Education allowance under article 13	£120 per annum (maximum)	£120 per annum (maximum)
2. Constant attendance allowance	£4,143 per annum (maximum)	£79.40 per week (maximum)
(a) under article 14(1)(b)		
(b) (b) under article 14(1)(a)	£2,072 per annum (maximum)	£39.70 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£2,072 per annum	£39.70 per week
4. Severe disablement occupational allowance under article 16	£1,036 per annum	£19.85 per week
5. Allowance for wear and tear of clothing—	£85 per annum	£85 per annum
(a) under article 17(1)(a)		
(b) (b) under article 17(1)(b) & 17(2)	£134 per annum	£134 per annum
6. Unemployability allowances—	£3,386 per annum	£64.90 per week
(a) personal allowance under article 18(1)(a)		
(b) (b) additional allowances for dependants by way of	£1,910 per annum (maximum)	£36.60 per week (maximum)
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a spouse or an adult dependant		

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Description of Allowance	Rate Groups 1-9	Groups 10-15
under article 18(5)(b)		
(ii) increase of allowance under article 18(5)(d)—	£517 per annum	£9.90 per week
(a) in respect of the only, elder or the eldest child of a member		
(b) in respect of each other child of a member	£582 per annum	£11.15 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992(7) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£582 per annum	£11.15 per week
7. Invalidation allowance under article 19—	£673 per annum	£12.90 per week
(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		

(7) Article 42 has been amended by S.I. [1984/1154](#) and [1993/598](#).

Description of Allowance	Rate Groups 1-9	Groups 10-15
<p>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 style="padding-left: 20px;">(i) on the relevant date the member was under the age of 45; or</p> <p style="padding-left: 20px;">(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</p> <p>(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</p>	<p>£423 per annum</p> <p>£211 per annum</p>	<p>£8.10 per week</p> <p>£4.05 per week</p>

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Description of Allowance	Rate	
	Groups 1-9	Groups 10-15
8. Comforts allowance—	£887 per annum	£17.00 per week
(a) under article 20(1)(a)		
(b) (b) under article 20(1)(b)	£444 per annum	£8.50 per week
9. Allowance for lowered standard of occupation under article 21	£2,066 per annum (maximum)	£39.60 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—	£365 per annum	£7.00 per week
(a) 40 to 50 per cent.		
(b) (b) over 50 per cent., but not exceeding 70 per cent.	£564 per annum	£10.80 per week
(c) (c) over 70 per cent., but not exceeding 90 per cent.	£806 per annum	£15.45 per week
(d) (d) over 90 per cent.	£1,127 per annum	£21.60 per week
11. Treatment allowances— increase of personal allowances under article 23(3)	£1,127 per annum (maximum)	£21.60 per week (maximum)
12. Part-time treatment allowance under article 25	£48.12 per day (maximum)	£48.12 per day (maximum)
13. Mobility supplement under article 26A	£1,970 per annum	£37.75 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

Group	Yearly rate £
1	4,799
2	4,627
3	4,519
4	4,421
5	4,355
6	4,291
7	4,269
8	4,237
9	4,220
10	4,205
11	4,178

Article 29(1)(a)

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

Group (1)	Weekly rate (2) £
12 }	79.60
13 }	
14 }	
15 }	
16 }	

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Group (1)	Weekly rate (2) £
17	79.35

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

Group (1)	Yearly rate (2) £
1	4,907
2	4,691
3	4,583
4	4,475
5	4,389
6	4,301
7	4,277
8	4,237
9	4,220
10	4,205
11	4,178

Article 29(1)(b)

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

Group (1)	Yearly rate (2) £
1	4,799
2	4,627
3	4,519
4	4,421
5	4,355
6	4,291
7	4,269
8	1,470
9	1,312
10	1,155
11	1,021

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

Group (1)	Weekly rate (2) £
12 }	18.63
13 }	
14 }	
15 }	
16 }	
17	18.35

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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

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
1. Pension under article 30 to unmarried dependant who lived as a spouse	£4,034 per annum (maximum)	£77.30 per week (maximum)
2. Rent allowance under article 31	£1,565 per annum (maximum)	£30.00 per week (maximum)
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse—	£472 per annum	£9.05 per week
(a) if aged 65 but under 70		
(b) (b) if aged 70 but under 80	£908 per annum	£17.40 per week
(c) (c) if aged 80 or over	£1,351 per annum	£25.90 per week
4. Pension to widower under article 34	£4,907 per annum (maximum)	£79.60 per week (maximum)
5. Allowances in respect of children—	£736 per annum	£14.10 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	£801 per annum	£15.35 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	£801 per annum	£15.35 per week

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
(b) (b) under article 35(3)—	£827 per annum	£15.85 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	£892 per annum	£17.10 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	£892 per annum	£17.10 per week
6. Pension under article 36 to a motherless or fatherless child of a member—	£827 per annum	£15.85 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	£892 per annum	£17.10 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	£892 per annum	£17.10 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£3,191 per annum (maximum)	£61.15 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

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Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
(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 £26 per annum (maximum) (ii) Group 11 £20 per annum (maximum)	£0.30 per week (maximum)
(c) (c) aggregate rate under article 41(3)	(i) Groups 1-10 £75 per annum (maximum) (ii) Groups 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 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 increases the amount of a widow’s pension payable under article 29 of the principal Order.]

Article 4 makes an amendment to article 42 of the principal Order which is consequential on section 168 of the Pensions Act 1995 (c. 26), which provides for the restoration of a war widow’s pension on the termination of a subsequent marriage or judicial separation of the parties to such a marriage.

Article 5 substitutes tables in Schedules 1 and 2 to 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.

This Order does not impose any costs on business.