
STATUTORY INSTRUMENTS

1998 No. 262

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 1998

Made - - - - *11th February 1998*
Laid before Parliament *23rd February 1998*
Coming into force - - *6th April 1998*

At the Court at Buckingham Palace, the 11th day of February 1998

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 1998 and shall come into force on 6th April 1998.

(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, 1995/766, 1996/732, 1638, 2882 and 1997/286.

(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 “£2,418” there shall be substituted the amount “£2,496”.

Amendment of article 29 of the principal Order

3. In article 29 of the principal Order (pensions to widows) in paragraph (1A) for the amount “£52.80” there shall be substituted the amount “£54.70”.

Amendment of Schedules to the principal Order

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

- (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 (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; and
- (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

SCHEDULE 1

Article 4(1)(a)

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

Article 10

TABLE

1. WEEKLY RATES OF PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 1015 OF PART I OF THIS SCHEDULE.

2. YEARLY RATES OF RETIRED PAY AND PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 19 OF PART I OF THIS SCHEDULE.

<i>Degree of Disability</i>	<i>Weekly rate</i>	<i>Yearly rate</i>
Per cent.	£	£
100	111.10	5,797
90	99.99	5,217
80	88.88	4,638
70	77.77	4,058
60	66.66	3,478
50	55.55	2,899
40	44.44	2,319
30	33.33	1,739
20	22.22	1,159

SCHEDULE 2

Article 4(1)(b)

TABLE TO BE SUBSTITUTED FOR TABLE 1 OF PART III OF SCHEDULE 1

Article 11(1)

TABLE 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 115</i>
For the loss of:	Per cent.	£
A. FINGERS—		
Index Finger— More than 2 phalanges including loss of whole finger	14	5,284

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<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 115</i>
For the loss of:	Per cent.	£
More than 1 phalanx but not more than 2 phalanges	11	4,229
1 phalanx or part thereof	9	3,522
Guillotine amputation of tip without loss of bone	5	2,109
Middle Finger—	12	4,577
More than 2 phalanges including loss of whole finger		
More than 1 phalanx but not more than 2 phalanges	9	3,522
1 phalanx or part thereof	7	2,816
Guillotine amputation of tip without loss of bone	4	1,761
Ring or little finger—	7	2,816
More than 2 phalanges including loss of whole finger		
More than 1 phalanx but not more than 2 phalanges	6	2,468
1 phalanx or part thereof	5	2,109
Guillotine amputation of tip without loss of bone	2	1,055
B. TOES—		
Great toe—	14	5,284
through metatarso phalangeal joint		
part, with some loss of bone	3	1,403
1 other toe—	3	1,403
through metatarso phalangeal joint		
part, with some loss of bone	1	707
2 toes, excluding great toe—	5	2,109
through metatarso phalangeal joint		
part, with some loss of bone	2	1,055

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<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 115</i>
For the loss of:	Per cent.	£
3 toes, excluding great toe— through metatarso phalangeal joint	6	2,468
part, with some loss of bone	3	1,403
4 toes, excluding great toe— through metatarso phalangeal joint	9	3,522
part, with some loss of bone	3	1,403

SCHEDULE 3

Article 4(1)(b)

TABLE TO BE SUBSTITUTED FOR TABLE 2 OF PART III OF SCHEDULE 1
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**

<i>Groups</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>1-15</i>	294	656	1,147	589	1,307	2,289	1,767	3,926	6,871

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SCHEDULE 4

Article 4(1)(c)

PART TO BE SUBSTITUTED FOR PART IV OF SCHEDULE 1

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*	£120 per annum*
2. Constant attendance allowance	£4,383 per annum*	£84.00 per week*
(a) under article 14(1)(b)		
(b) (b) under article 14(1)(a)	£2,192 per annum*	£42.00 per week*
3. Exceptionally severe disablement allowance under article 15	£2,192 per annum	£42.00 per week
4. Severe disablement occupational allowance under article 16	£1,096 per annum	£21.00 per week
5. Allowance for wear and tear of clothing under article 17(1)	£142 per annum	£142 per annum
6. Unemployability allowances—	£3,582 per annum	£68.65 per week
(a) personal allowance under article 18(1)(a)		
(b) (b) additional allowances for dependants by way of—	£2,019 per annum*	£38.70 per week*
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a spouse or an adult dependant		

* Maximum

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
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	£590 per annum	£11.30 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992(6), or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£590 per annum	£11.30 per week
7. Invalidation allowance under article 19	£710 per annum	£13.60 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		
* Maximum		

(6) 1992 c. 4.

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
<p>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 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</p>	<p>£449 per annum</p>	<p>£8.60 per week</p>
	<p>£224 per annum</p>	<p>£4.30 per week</p>
<p>* Maximum</p>		

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
of 60 or a woman under the age of 55		
8. Comforts allowance—	£939 per annum	£18.00 per week
(a) under article 20(1)(a)		
(b) (b) under article 20(1)(b)	£470 per annum	£9.00 per week
9. Allowance for lowered standard of occupation under article 21	£2,185 per annum*	£41.88 per week*
10. Age allowance under article 22 where the degree of pensioned disablement is—	£386 per annum	£7.40 per week
(a) 40 to 50 per cent.		
(b) (b) over 50 per cent, but not exceeding 70 per cent.	£597 per annum	£11.45 per week
(c) (c) over 70 per cent, but not exceeding 90 per cent.	£851 per annum	£16.30 per week
(d) (d) over 90 per cent.	£1,195 per annum	£22.90 per week
11. Treatment allowances— increase of personal allowances under article 23(3)	£1,195 per annum*	£22.90 per week*
12. Part-time treatment allowance under article 25	£50.90 per day*	£50.90 per day*
13. Mobility supplement under article 26A	£2,085 per annum	£39.95 per week

* Maximum

SCHEDULE 5

Article 4(2)(a)

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

Article 29(1)(a)

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TABLE 1

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS
WHO WERE MEMBERS OF THE ARMED FORCES
BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER 1921
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</i>	<i>Yearly rate</i> £
1	5,076
2	4,894
3	4,780
4	4,677
5	4,606
6	4,539
7	4,516
8	4,482
9	4,464
10	4,448
11	4,420

Article 29(1)(a)

TABLE 2

WEEKLY RATES OF PENSIONS FOR WIDOWS
OF RATINGS, SOLDIERS OR AIRMEN

<i>Group</i> (1)	<i>Weekly rate</i> (2) £
12	84.20
13	
14	
15	
16	

<i>Group</i> <i>(1)</i>	<i>Weekly rate</i> <i>(2)</i> £
17	83.90

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</i> <i>(1)</i>	<i>Yearly rate</i> <i>(2)</i> £
1	5,190
2	4,962
3	4,847
4	4,733
5	4,642
6	4,549
7	4,524
8	4,482
9	4,464
10	4,448
11	4,420

Article 29(1)(b)

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TABLE 4
YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE FORCES BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER 1921

<i>Group (1)</i>	<i>Yearly rate (2) £</i>
1	5,076
2	4,894
3	4,780
4	4,677
5	4,606
6	4,539
7	4,516
8	1,555
9	1,388
10	1,221
11	1,080

Article 29(1)(b)

TABLE 5
WEEKLY RATES OF PENSION FOR CHILDLESS WIDOWS AGED UNDER 40 BEING WIDOWS OF RATINGS, SOLDIERS OR AIRMEN

<i>Group (1)</i>	<i>Weekly rate (2) £</i>
12	19.70
13	
14	
15	
16	
17	19.41

SCHEDULE 6

Article 4(2)(b)

PART TO BE SUBSTITUTED FOR PART III OF SCHEDULE 2**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 Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 30 to unmarried dependant who lived as a spouse	£4,271 per annum*	£81.85 per week*
2. Rent allowance under article 31	£1,657 per annum*	£31.75 per week*
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse—	£501 per annum	£9.60 per week
(a) if aged 65 but under 70		
(b) (b) if aged 70 but under 80	£960 per annum	£18.40 per week
(c) (c) if aged 80 or over	£1,430 per annum	£27.40 per week
4. Pension to widower under article 34	£5,190 per annum*	£84.20 per week*
5. Allowances in respect of children—	£744 per annum	£14.25 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	£817 per annum	£15.65 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	£817 per annum	£15.65 per week

* *Maximum

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<i>Description of Pension or Allowance</i>	<i>Rate Groups 1-11</i>	<i>Groups 12-17</i>
or the Isle of Man corresponding to that Act		
(b) (b) under article 35(3)—	£837 per annum	£16.05 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	£911 per annum	£17.45 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	£911 per annum	£17.45 per week
6. Pension under article 36 to a motherless or fatherless child of a member—	£837 per annum	£16.05 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	£911 per annum	£17.45 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	£911 per annum	£17.45 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£3,376 per annum *	£64.70 per week *

* *Maximum

<i>Description of Pension or Allowance</i>	<i>Rate</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
8. Education allowance under article 38	£120 per annum*	£120 per annum*
9. Pensions to parents—	£15 per annum	£0.25 per week
(a) Minimum rate under article 40(3)		
(b) (b) under paragraphs (a) and (b) of article 40(3)	(i) Groups 110 £75 per annum*	£1.00 per week*
(i) where there is only one eligible parent	(ii) Group 11 £60 per annum*	
(ii) where there is more than one eligible parent	(i) Groups 110£100 per annum*	£1.38 per week*
	(ii) Group 11£85 per annum*	
(c) (c) increase under article 40(3)(c)	£20 per annum*	(i) where there is only one eligible parent—£0.38 per week*
		(ii) where there is more than one eligible parent—£0.62 per week*
(d) (d) under paragraph (d) of article 40(4)—		£1.00 per week*
10. Pension to other dependants—	£54 per annum*	£1.00 per week*
(a) under article 41(2)		
(b) (b) for each juvenile dependant under article 41(3)	(i) Groups 110 £26 per annum*	£0.30 per week*
	(ii) Group 11£20 per annum*	
(c) (c) aggregate rate under article 41(3)	(i) Groups 110 £75 per annum*	£1.00 per week*
	(ii) Group 11£65 per annum*	

* *Maximum

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order 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.

Article 2 increases the maximum amount of annual earnings which may be received by a disabled person whilst 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 substitutes 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.

This Order does not impose any costs on business.