STATUTORY INSTRUMENTS

2006 No. 606

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006

Made - - - -	*8th March 2006*
Laid before Parliament	*20th March 2006*
Coming into force	*10th April 2006*

THE NAVAL, MILITARY AND AIR FORCES ETC. (DISABLEMENT AND DEATH) SERVICE PENSIONS ORDER 2006

PART I

GENERAL

1. Citation, commencement and interpretation
2. Interpretation – further provision
3. Rank or status

PART II

AWARDS IN RESPECT OF DISABLEMENT

4. Interpretation of Part II
5. General conditions for Part II
6. Retired pay or pension for disablement
7. Gratuity for minor disablement
8. Constant attendance allowance
9. Exceptionally severe disablement allowance
10. Severe disablement occupational allowance
11. Clothing allowance
12. Unemployability allowances
13. Invalidity allowance
14. Comforts allowance
15. Allowance for lowered standard of occupation
16. Age allowance
17. Treatment allowance

18. Abstention from work following treatment in a hospital or similar institution
19. Part-time treatment allowance
20. Mobility Supplement
21. Medical expenses

PART 2A

ENTITLEMENT OF RECIPIENTS OF DIFFUSE MESOTHELIOMA LUMP SUMS

21A Entitlement of recipients of diffuse mesothelioma lump sums to other awards

PART III

AWARDS IN RESPECT OF DEATH

22. General conditions for Part III
23. Pensions to surviving spouses and surviving civil partners
24. Pensions to dependants who lived as spouses or civil partners
25. Rent allowance to surviving spouses, surviving civil partners and dependants who lived as spouses or civil partners, who have children
26. Elderly persons allowance
27. Temporary allowances
28. Allowances for children under the child's age limit
29. Pensions for orphans under the child's age limit
30. Award for children who have attained the child's age limit
31. Awards to or in respect of ineligible members of the families of unemployable pensioners
32. Funeral expenses
33. Relationships subsequent to the award of a pension

PART IV

CLAIMS

34. Making of claims
35. Cases where claims are not required
36. Withdrawal of Claims
37. Date of claim

PART V

ADJUDICATION

38. Interpretation of Part V
39. Administration of this Order
40. Entitlement where a claim is made in respect of a disablement, or death occurs, not later than 7 years after the termination of service
41. Entitlement where a claim is made in respect of a disablement, or death occurs, more than 7 years after the termination of service
42. Determination of degree of disablement
43. Certification
44. Review of decisions, assessments and awards

PART VI

PAYMENT

45. Interpretation of Part VI
46. Commencing dates of awards
47. Payment of Pensions
48. Direct credit transfer
49. Administration of pensions etc.
50. Payment of public claims out of pensions

PART VII

REDUCTION AND CANCELLATION OF AWARDS

51. Interpretation of Part VII
52. Adjustment of awards in respect of other compensation
53. Maintenance in hospital or an institution
54. Chelsea pensioners
55. Children whose maintenance is otherwise provided for
56. Abatement of awards in respect of social security benefits
57. Forfeiture of pensions etc.
58. Refusal of treatment
59. Serious negligence or misconduct
60. Failure to draw pension
61. Suspension in individual cases – . . . an appropriate tribunal
62. Suspension – Social Security Commissioner and Upper Tribunal
63. Suspension in individual cases – courts
64. Suspension in other cases
65. Suspension – failure to comply with request or pensioner not at last known address
66. Cancellation – failure to comply with request

PART VIII

MISCELLANEOUS PROVISIONS

67. Invalidity of assignments
68. Posthumous awards
69. Power to dispense with probate
70. Transferred powers
71. Revocations, general and transitory provisions
Signature

SCHEDULE 1 — DISABLEMENT DUE TO SERVICE IN THE ARMED FORCES
PART I — GROUPING OF MEMBERS OF THE ARMED FORCES ACCORDING TO RANK OR STATUS
1. In this Schedule— (a) references to a Group shall be...
2. The Groups referred to in the foregoing paragraph comprise:— GROUP1: —...
PART II — RATES OF RETIRED PAY, PENSIONS, GRATUITIES AND ALLOWANCES
PART III — GRATUITIES PAYABLE FOR MINOR INJURIES

PART IV
PART V — ASSESSMENT OF DISABLEMENT CAUSED BY SPECIFIED INJURIES AND OF CERTAIN OTHER DISABLEMENTS
PART VI — ASSESSMENT OF DISABLEMENT IN RESPECT OF NOISE INDUCED SENSORINEURAL HEARING LOSS

SCHEDULE 1A — DIFFUSE MESOTHELIOMA LUMP SUMS
1. Interpretation
2. Entitlement to diffuse mesothelioma lump sum
3. Election to receive diffuse mesothelioma lump sum
4. Period for making an election
5. Calculation of the diffuse mesothelioma lump sum
6. Payment of diffuse mesothelioma lump sum
7. Circumstances in which a person may be required to repay

SCHEDULE 2 — DEATH DUE TO SERVICE IN THE ARMED FORCES
PART I — GROUPING OF MEMBERS OF THE ARMED FORCES ACCORDING TO RANK OR STATUS
1. In this Schedule— (a) references to a Group shall be...
2. The Groups referred to in the foregoing paragraph comprise:— GROUP...
PART II — RATES OF PENSIONS AND ALLOWANCES
PART III

SCHEDULE 3 — COMMENCING DATES OF AWARDS
1. (1) Subject to the following provisions of this Schedule, an...
2. (1) In a case to which section 168 of the...
3. Where an award is made pursuant to a successful appeal...
4. Where an award or an adjustment of an award is...
5. Where a claimant satisfies the Secretary of State that—
6. (1) Where, upon a review of a decision rejecting a...
7. Where a decision, which falls to be reviewed in the...
8. Where, either upon review of a decision rejecting a claim...
9. Notwithstanding paragraph 1(7), where an award is made under article...
10. Except in a case to which paragraph 6, 7 or...
11. Where the Secretary of State reviews a decision which was...
12. Paragraphs 4 and 8 apply to a decision of the...

SCHEDULE 4 — TRANSITORY PROVISIONS
PART I — CONTINUATION OF TRANSITORY PROVISIONS IN SCHEDULE 5 TO THE SERVICE PENSIONS ORDER 1983
1. Interpretation of Part I
2. Pensions for unmarried dependants of deceased disablement pensioners under a 1946 instrument
3. Continuation of pensions for unmarried dependants of deceased pensioners under a 1946 instrument
4. Withholding or reduction of disablement pension under a 1949 instrument
5. Transitional provision on abolition of killed in action gratuities
6. Assessment of specified disablement under the 1964 instruments
PART II — CONTINUATION OF SAVINGS IN THE 1992 ORDER AND THE 1993 ORDER
7. Savings provisions made by the 1992 Order in respect of articles 12, 18, 23 and 53 of the Service Pensions Order 1983

8. Savings provision made by the 1993 Order in respect of articles 13, 38, 40 and 41 of the Service Pensions Order 1983
PART III — CONTINUATION OF TRANSITIONAL PROVISIONS IN THE 1996 ORDER
9. (1) Notwithstanding the revocation of the Naval, Military and Air...

SCHEDULE 5 — REVOCATIONS

SCHEDULE 6 — INTERPRETATION
PART I — WARRANTS AND ORDERS
PART II — GENERAL

Explanatory Note

Changes to legislation:
There are currently no known outstanding effects for the The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.