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STATUTORY INSTRUMENTS

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**2011 No. 235**

**PENSIONS**

**The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2011**

*Made* - - - - *9th February 2011*  
*Laid before Parliament* *16th February 2011*  
*Coming into force* - - *11th April 2011*

At the Court at Buckingham Palace, the 9th day of February 2011

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty considers it expedient to amend the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006<sup>(1)</sup>.

ACCORDINGLY, Her Majesty, in exercise of the powers conferred upon Her by sections 12(1) and 24(3) of the Social Security (Miscellaneous Provisions) Act 1977<sup>(2)</sup>, and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order 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 2011 and shall come into force on 11th April 2011.

(2) In this Order, “the principal Order” means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

**Amendment of Schedule 1 (Disablement due to service in the armed forces)**

2. In Schedule 1 to the principal Order—

- (a) for the Table in Part 2 substitute the Table set out in Schedule 1 to this Order;
- (b) for Tables 1 and 2 in Part 3 substitute Tables 1 and 2 set out in Schedule 2 to this Order; and

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<sup>(1)</sup> [S.I. 2006/606](#) as amended by [S.I. 2006/1455](#), [2007/909](#), [2008/679](#), [2008/2683](#), [2009/706](#) and [2010/240](#).

<sup>(2)</sup> [1977 c. 5](#), subsection 24(3) of which was amended by the Social Security (Consequential Provisions) Act [1992 c. 6](#), section 4 and Schedule 2, paragraph 46.

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(c) for the Table in Part 4 substitute the Table set out in Schedule 3 to this Order.

**Amendment of Schedule 2 (Death due to service in the armed forces)**

**3.** In Schedule 2 to the principal Order—

- (a) for Tables 1, 2, 3, 4, 5, 6 and 7 of Part 2 substitute Tables 1, 2, 3, 4 5, 6 and 7 set out in Schedule 4 to this Order; and
- (b) for the Table in Part 3 substitute the Table set out in Schedule 5 to this Order.

*Judith Simpson*  
Clerk of the Privy Council

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SCHEDULE 1

Article 2(a)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART 2 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

“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 Disablement Per cent</i>	<i>Weekly Rate £</i>	<i>Yearly Rate £</i>
100	159.50	8,323
90	143.55	7,490
80	127.60	6,658
70	111.65	5,826
60	95.70	4,994
50	79.75	4,161
40	63.80	3,329
30	47.85	2,497
20	31.90	1,665”

SCHEDULE 2

Article 2(b)

TABLES TO BE SUBSTITUTED FOR TABLES 1 AND 2 SET OUT AT PART 3 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 1-15</i>
<i>For the loss of:</i>	<i>Per cent</i>	<i>£</i>
<b>A. FINGERS</b>		
Index finger—		
More than 2 phalanges including loss of whole finger	14	7,584
More than 1 phalanx but not more than 2 phalanges	11	6,068
1 phalanx or part thereof	9	5,055

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<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 1-15</i>
<i>For the loss of:</i>	<i>Per cent</i>	<i>£</i>
Guillotine amputation of tip without loss of bone	5	3,026
Middle finger—		
More than 2 phalanges including loss of whole finger	12	6,569
More than 1 phalanx but not more than 2 phalanges	9	5,055
1 phalanx or part thereof	7	4,042
Guillotine amputation of tip without loss of bone	4	2,527
Ring or little finger—		
More than 2 phalanges including loss of whole finger	7	4,042
More than 1 phalanx but not more than 2 phalanges	6	3,543
1 phalanx or part thereof	5	3,026
Guillotine amputation of tip without loss of bone	2	1,515
<b>B. TOES</b>		
Great toe—		
Through metatarso-phalangeal joint	14	7,584
Part, with some loss of bone	3	2,015
1 other toe—		
Through metatarso-phalangeal joint	3	2,015
Part, with some loss of bone	1	1,016
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	3,026

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<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups 1-15</i>
<i>For the loss of:</i>	<i>Per cent</i>	<i>£</i>
Part, with some loss of bone	2	1,515
3 toes, excluding great toe— Through metatarso-phalangeal joint	6	3,543
Part, with some loss of bone	3	2,015
4 toes, excluding great toe— Through metatarso-phalangeal joint	9	5,055
Part, with some loss of bone	3	2,015

**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>Assessment of degree of disablement</i>			
Groups 1-15	1 to 5 per cent	6 to 14 per cent	15 to 19 per cent
	£2,535	£5,638	£9,860”

SCHEDULE 3

Article 2(c)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART 4 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

“Table

**RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT AND EARNINGS OR INCOME THRESHOLDS**

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>

1. Constant attendance allowance under article 8—

(a) under article 8—

(\*) maximum.

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
(i) the part day rate of constant attendance allowance under article 8(2)	£1,571 per annum	£30.10 per week
(ii) the full day rate of constant attendance allowance under article 8(3)	£3,141 per annum	£60.20 per week
(iii) the intermediate rate of constant attendance allowance under article 8(4)	£4,712 per annum	£90.30 per week
(iv) the exceptional rate of constant attendance allowance under article 8(5)	£6,282 per annum	£120.40 per week
(b) under article 71(4)—		
(i) the rate under paragraph 4(a)	£3,141 per annum <sup>(*)</sup>	£60.20 per week <sup>(*)</sup>
(ii) the rate under paragraph 4(b)	£6,282 per annum <sup>(*)</sup>	£120.40 per week <sup>(*)</sup>
<b>2.</b> Exceptionally severe disablement allowance under article 9	£3,141 per annum	£60.20 per week
<b>3.</b> Severe disablement occupational allowance under article 10	£1,571 per annum	£30.10 per week
<b>4.</b> Allowance for wear and tear of clothing under article 11	£205 per annum	£205 per annum
<b>5.</b> Unemployability allowances—		
(a) personal allowance under article 12(1)(a)	£5,142 per annum	£98.55 per week
(b) additional allowances for		

(\*) maximum.

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
dependants by way of—		
(i) increase of allowance in respect of a spouse, civil partner, dependant living as a spouse, dependant living as a civil partner or an adult dependant under article 12(6)(a)	£2,857 per annum <sup>(*)</sup>	£54.75 per week <sup>(*)</sup>
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or the eldest child of a member	£665 per annum	£12.75 per week
(bb) in respect of each other child of a member	£780 per annum	£14.95 per week
(cc) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992(3), or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£780 per annum	£14.95 per week
For decisions made on or after 9th April 2001		
(a) the annual earnings figure for the purposes of article 12(4) is £4,940		
(b) the weekly income figure for the purposes of article 12(6)(a)(i) is £67.50		
<b>6. Invalidity allowance under article 13—</b>		

(\*) maximum.

(3) 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>
(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	£1,020 per annum	£19.55 per week
(b) if—		
(i) on the relevant date the member was under the age of 45; or		
(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 a 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	£657 per annum	£12.60 per week
(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	£329 per annum	£6.30 per week

(\*) maximum.



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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1-9</i>	<i>Groups 10-15</i>
<b>7. Comforts allowance—</b>		
(a) under article 14(1)(a)	£1,351 per annum	£25.90 per week
(b) under article 14(1)(b)	£676 per annum	£12.95 per week
<b>8. Allowance for lowered standard of occupation under article 15</b>	£3,137 per annum <sup>(*)</sup>	£60.12 per week <sup>(*)</sup>
<b>9. Age allowance under article 16 where the degree of pensioned disablement is—</b>		
(a) 40 to 50 per cent	£558 per annum	£10.70 per week
(b) over 50 per cent, but not exceeding 70 per cent	£856 per annum	£16.40 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,218 per annum	£23.35 per week
(d) over 90 per cent	£1,712 per annum	£32.80 per week
<b>10. Part-time treatment allowance under article 19</b>	£73.20 per day <sup>(*)</sup>	£73.20 per day <sup>(*)</sup>
<b>11. Mobility supplement under article 20</b>	£2,995 per annum	£57.40 per week <sup>**</sup>

(\*) maximum.

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## SCHEDULE 4

Article 3(a)

TABLES TO BE SUBSTITUTED FOR TABLES 1, 2, 3, 4, 5, 6 and 7  
SET OUT AT PART 2 OF SCHEDULE 2 TO THE PRINCIPAL ORDER

“Table 1

**YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING  
CIVIL PARTNERS 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(4) OR ARTICLE 11(1) OF THE 1921 (WARRANT OFFICERS) ORDER(5), OF THE 1920 WARRANT(6) OR OF THE 1921 ORDER(7)

<i>Group</i> <i>(1)</i>	<i>Yearly Rate</i> <i>(2)</i> £
1	7,285
2	7,026
3	6,859
4	6,711
5	6,611
6	6,514
7	6,480
8	6,432
9	6,408
10	6,381
11	6,343

Table 2

**WEEKLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND  
SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS OR AIRMEN**

<i>Group</i> <i>(1)</i>	<i>Weekly Rate</i> <i>(2)</i> £
12)	
13)	120.95
14)	

- (4) Order in Council of 9th March 1921.  
(5) Order in Council of 9th March 1921.  
(6) Royal Warrant of 2nd July 1920.  
(7) Order of His Majesty of 25th September 1921.

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

<i>Group</i> (1)	<i>Weekly Rate</i> (2) £
15)	
16)	
17)	

**Table 3**

**YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED 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> (1)	<i>Yearly Rate</i> (2) £
1	7,449
2	7,120
3	6,957
4	6,792
5	6,664
6	6,530
7	6,492
8	6,432
9	6,408
10	6,381
11	6,343

**Table 4**

**YEARLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER 1921**

<i>Group</i> (1)	<i>Yearly Rate</i> (2) £
1	7,285
2	7,026
3	6,859

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<i>Group (1)</i>	<i>Yearly Rate (2) £</i>
4	6,711
5	6,611
6	6,514
7	6,480
8	2,234
9	1,992
10	1,752
11	1,550

**Table 5**

**WEEKLY RATES OF PENSION FOR CHILDLESS SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS AGED UNDER 40 BEING SURVIVING SPOUSES OR SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS OR AIRMEN**

<i>Group (1)</i>	<i>Weekly Rate (2) £</i>
12)	
13)	
14)	
15)	28.97
16)	
17)	

**Table 6**

**YEARLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS WHO WERE MEMBERS OF THE ARMED FORCES AND WHOSE SERVICE TERMINATED ON OR BEFORE 31 MARCH 1973**

<i>Group (1)</i>	<i>Yearly Rate (2) £</i>
(1-11)	4,221.88

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**Table 7**

**WEEKLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS OR AIRMEN WHO WERE MEMBERS OF THE ARMED FORCES AND WHOSE SERVICE TERMINATED ON OR BEFORE 31 MARCH 1973**

<i>Group</i>	<i>Weekly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
(12–17)	80.91”

SCHEDULE 5

Article 3(b)

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT AT PART 3 OF SCHEDULE 2 TO THE PRINCIPAL ORDER

“Table

**RATES OF PENSIONS, OTHER THAN SURVIVING SPOUSES’ AND SURVIVING CIVIL PARTNERS’ PENSIONS AND ALLOWANCES PAYABLE IN RESPECT OF DEATH**

<i>Description of Pension or Allowance</i>	<i>Rates</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 24 to dependant who lived as a spouse or dependant who lived as a civil partner	£6,189 per annum <sup>(*)</sup>	£118.60 per week <sup>(*)</sup>
2. Rent allowance under article 25	£2,379 per annum <sup>(*)</sup>	£45.60 per week <sup>(*)</sup>
3. Elderly persons allowance under article 26—		
(a) if aged 65 but under 70	£720 per annum	£13.80 per week
(b) if aged 70 but under 80	£1,383 per annum	£26.50 per week
(c) if aged 80 or over	£2,051 per annum	£39.30 per week

(\*) maximum.

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<i>Description of Pension or Allowance</i>	<i>Rates Groups 1-11</i>	<i>Groups 12-17</i>
<b>4. Allowances in respect of children—</b>		
(a) under article 28(2)(a)—		
(i) in respect of the only, elder or eldest child of a member	£989 per annum	£18.95 per week
(ii) in respect of each other child of a member	£1,109 per annum	£21.25 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	£1,109 per annum	£21.25 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,130 per annum	£21.65 per week
(ii) in respect of each other child of a member	£1,239 per annum	£23.75 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 under the Isle of Man corresponding to that Act	£1,239 per annum	£23.75 per week
<b>5. Pension under article 29 to a child of a member who has no parent living and has not attained the child's age limit—</b>		
(a) in respect of the only, elder or eldest child of a member	£1,130 per annum	£21.65 per week

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Description of Pension or Allowance	Rates	
	Groups 1-11	Groups 12-17
(b) in respect of each other child of a member	£1,239 per annum	£23.75 per week
(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	£1,239 per annum	£23.75 per week
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit	£4,848 per annum <sup>(*)</sup>	£92.90 per week <sup>(*)</sup>

(\*) maximum.

### 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 2006 (“the principal Order”) which makes provision for pensions and other awards in respect of disablement or death due to service before 6th April 2005 in the naval, military and air forces. Articles 2 and 3 substitute 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.