STATUTORY INSTRUMENTS

2012 No. 359

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2012

Made - - - - 15th February 2012
Laid before Parliament 22nd February 2012
Coming into force - - 9th April 2012

At the Court at Buckingham Palace, the 15th day of February 2012 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(1).

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(2), 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 and commencement

1. This Order may be cited as the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2012 and shall come into force on 9th April 2012.

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

2. The rules of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 ("the principal Order") are amended as follows.

⁽¹⁾ S.I.2006/606 as amended by S.I. 2006/1455, 2007/909, 2008/679, 2008/2683, 2009/706, 2010/240 and 2011/235.

^{(2) 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.

Amendment of article 12 (unemployability allowances)

3. In article 12(6)(a) of the principal Order for "in respect of a spouse, civil partner, dependant living as a spouse or dependant living as a civil partner" substitute "in respect of a spouse, civil partner, adult dependant, dependant living as a spouse or dependant living as a civil partner".

Amendment of article 36 (withdrawal of claims)

4. In article 36(1) of the principal Order after "specified in article 34 has been made" insert "or where article 35 applies".

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

- 5. 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
 - (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)

- 6. 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.

Amendment of Schedule 6 (interpretation)

7. In Schedule 6, part II, item (19)(b) to the principal Order after "an adult" omit "female".

Richard Tilbrook Clerk of the Privy Council SCHEDULE 1 Article 5(a)

TABLE TO BE SUBSTITUTED FOR THE TABLE IN 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

Degree of Disablement	Weekly Rate	Yearly Rate	
Per Cent	£	£	
100	167.80	8,756	
90	151.02	7,880	
80	134.24	7,005	
70	117.46	6,129	
60	100.68	5,253	
50	83.90	4,378	
40	67.12	3,502	
30	50.34	2,627	
20	33.56	1,751"	

SCHEDULE 2 Article 5(b)

TABLES TO BE SUBSTITUTED FOR TABLES 1 AND 2 IN PART 3 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

"Table 1
GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

Description of Injury	Assessments	Groups
		1-15
For the loss of:	Per cent	£
A. FINGERS		
Index finger—		
More than 2 phalanges including the loss of whole finger	14	7,978
More than 1 phalanx but not more than 2 phalanges	11	6,384
1 phalanx or part thereof	9	5,318
Guillotine amputation of tip without loss of bone	5	3,183
Middle finger—		
More than 2 phalanges including loss of whole finger	12	6,911

Description of Injury	Assessments	Groups
		1-15
For the loss of:	Per cent	£
More than 1 phalanx but not more than 2 phalanges	9	5,318
1 phalanx or part thereof	7	4,252
Guillotine amputation of tip without loss of bone	4	2,658
Ring or little finger—		
More than 2 phalanges including loss of whole finger	7	4,252
More than 1 phalanx but not more than 2 phalanges	6	3,727
1 phalanx or part thereof	5	3,183
Guillotine amputation of tip without loss of bone	2	1,594
B. TOES		
Great toe—		
Through metatarso-phalangeal joint	14	7,978
Part, with some loss of bone	3	2,120
1 other toe—		
Through metatarso-phalangeal joint	3	2,120
Part, with some loss of bone	1	1,069
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	3,183
Part, with some loss of bone	2	1,594
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	3,727
Part, with some loss of bone	3	2,120
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	5,318
Part, with some loss of bone	3	2,120

Table 2GRATUITIES 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

Assessment of deg	ree of disablement		
Groups 1-15	1 to 5 per cent	6 to 14 per cent	15 to 19 per cent
	£2,667	£5,931	£10,373."

SCHEDULE 3

Article 5(c)

TABLE TO BE SUBSTITUTED FOR THE TABLE IN PART 4 OF SCHEDULE 1 TO THE PRINCIPAL ORDER

"TableRATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT AND EARNINGS OR INCOME THRESHOLDS

INCOME THRESHOLDS		
Description of Allowance	Rate	Groups 10-15
	Groups 1-9	
1. Constant attendance allowance under article 8—		
(a) under article 8—		
(i) the part day rate of constant attendance allowance under article 8(2)	£1,651 per annum	£31.65 per week
(ii) the full day rate of constant attendance allowance under article 8(3)	£3,303 per annum	£63.30 per week
(iii) the intermediate rate of constant attendance allowance under article 8(4)	£4,954 per annum	£94.95 per week
(iv) the exceptional rate of constant attendance allowance under article 8(5)	£6,606 per annum	£126.60 per week
(b) under article 71(4)—		
(i) the rate under paragraph 4(a)	£3,303 per annum*	£63.30 per week*
(ii) the rate under paragraph 4(b)	£6,606 per annum*	£126.60 per week*
2. Exceptionally severe disablement allowance under article 9	£3,303 per annum	£63.30 per week
3. Severe disablement occupational allowance under article 10	£1,651 per annum	£31.65 per week
4. Allowance for wear and tear of clothing under article 11	£216 per annum	£216 per annum
5. Unemployability allowances—		
(a) personal allowance under article 12(1)(a)	£5,408 per annum	£103.65 per week
(b) additional allowances for dependants by way of—		
(i) increase of allowances in respect of a spouse, civil partner, adult dependant, dependant living as a spouse or dependant living as a civil partner under article 12(6)(a	£3,006 per annum*	£57.60 per week*
(ii) increase of allowance under article 12(6) (b)—		
(aa) in respect of the only, elder or eldest child of a member	£699 per annum	£13.40 per week

Description of Allowance	Rate	Groups 10-15
	Groups 1-9	
(bb) in respect of each other child of a member	£822 per annum	£15.75 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	£822 per annum	£15.75 per week
For decisions made on or after 9th April 2001		
(c) the annual earnings figure for the purposes of article 12(4) is £5,070		
(d) the weekly income figure for the purposes of article $12(6)(a)(i)$ is £71.00		
6. Invalidity allowance under article 13—		
(a) if—		
(i) the relevant date fell before 5th July 1948;		
(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 a member being a man, or 60, in the case of that person 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	£1,072 per annum	£20.55 per week
(b) if head (a) does not apply and—		
(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 a member being a man, or 60, in the case of that person 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	£694 per annum	£13.30 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	£347 per annum	£6.65 per week
7. Comforts allowance—		
(a) under article 14(1)(a)	£1,419 per annum	£27.20 per week

⁽**3**) 1992 c. 4.

Description of Allowance	Rate	Groups 10-15
	Groups 1-9	
(b) under article 14(1)(b)	£710 per annum	£13.60 per week
8. Allowance for lowered standard of occupation under article 15	£3,300 per annum*	£63.24 per week*
9. Age allowance under article 16 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent	£587 per annum	£11.25 per week
(b) over 50 per cent, but not exceeding 70 per cent	£900 per annum	£17.25 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,281 per annum	£24.55 per week
(d) over 90 per cent	£1,800 per annum	£34.50 per week
10. Part-time treatment allowance under article 19	£77.00 per day*	£77.00 per day*
11. Mobility supplement under article 20	£3,152 per annum	£60.40 per week

^{*} maximum."

SCHEDULE 4

Article 6(a)

TABLES TO BE SUBSTITUTED FOR TABLES 1, 2, 3, 4, 5, 6 AND 7 IN 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)

Group	Yearly Rate
(1)	(2)
	${\mathfrak L}$
1	7,664
2	7,391
3	7,216
4	7,060

⁽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.

Group	Yearly Rate
(1)	(2)
	£
5	6,955
6	6,853
7	6,817
8	6,766
9	6,741
10	6,713
11	6,673

Table 2WEEKLY RATES OF PENSIONS FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF RATINGS. SOLDIERS OR AIRMEN

Group		Weekly Rate	
(1)	(2)		
		£	
	12)	127.25	
	13)		
	14)		
	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 BEFORE 14 AUGUST 1914 OR AFTER 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	Yearly Rate
(1)	(2)
	£
1	7,836
2	7,490
3	7,319
4	7,145
5	7,011
6	6,870
7	6,830
8	6,766
9	6,741
10	6,713
11	6,673

Table 4YEARLY 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

Group	Yearly Rate
(1)	(2)
	£
1	7,664
2	7,391
3	7,216
4	7,060
5	6,955
6	6,853
7	6,817
8	2,350

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

Group		Yearly Rate	
(1)		(2)	
		£	
	9		2,096
	10		1,843
	11		1,631

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

Group		Weekly Rate	
(1)		(2)	
		£	
	12)	30.48	
	13)		
	14)		
	15)		
	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

Group	Yearly Rate
(1)	(2)
	${\mathcal L}$
(1-11)	4,441.56

Table 7

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

Group	Weekly Rate
(1)	(2)
	${oldsymbol{\mathcal{L}}}$
(12-17)	85.12"

SCHEDULE 5

Article 6(b)

TABLE TO BE SUBSTITUTED FOR THE TABLE IN 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

Description of Pension or Allowance	Rates	Groups 12-17
	Groups 1-11	
1. Pension under article 24 to dependant who lived as a spouse or dependant who lived as a civil partner	£6,517 per annum*	£124.90 per week*
2. Rent allowance under article 25	£2,502 per annum*	£47.95 per week*
3. Elderly persons allowance under article 26—		
(a) if aged 65 or over but under 70	£757 per annum	£14.50 per week
(b) if aged 70 or over but under 80	£1,456 per annum	£27.90 per week
(c) if aged 80 or over	£2,158 per annum	£41.35 per week
4. Allowances in respect of children—		
(a) under article 28(2)(a)—		
(i) in respect of the only, elder or eldest child of a member	£1,041 per annum	£19.95 per week
(ii) in respect of each other child of a member	£1,166 per annum	£22.35 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	£1,166 per annum	£22.35 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,190 per annum	£22.80 per week
(ii) in respect of each other child of a member	£1,305 per annum	£25.00 per week

Description of Pension or Allowance	Rates	<i>Groups 12-17</i>
	Groups 1-11	
(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		£25.00 per week
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—		
(a) in respect of the only, elder or eldest child of a member	£1,190 per annum	£22.80 per week
(b) in respect of each other child of a member	£1,305 per annum	£25.00 per week
(c) 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	· •	£25.00 per week
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit	£5,101 per annum*	£97.75 per week*

^{*} 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 2006 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.

Article 3 inserts 'adult dependant' into the list of dependants at article 12 paragraph (6)(a) in relation to whom additional unemployment allowances may be awarded. 'Adult dependant' is defined in Part II of Schedule 6 of the 2006 Order.

Article 4 widens the category of cases which can be considered and if appropriate, treated as withdrawn under article 36 of the 2006 Order.

Articles 5 and 6 substitute Tables in Schedules 1 and 2 to the 2006 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. Item 6(b) of the new Table in Schedule 1 Part 4 puts beyond doubt that 6(b) applies only where 6(a) does not apply.

Document Generated: 2023-05-11

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