
STATUTORY INSTRUMENTS

2015 No. 208

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2015

<i>Made</i>	- - - -	<i>11th February 2015</i>
<i>Laid before Parliament</i>		<i>18th February 2015</i>
<i>Coming into force</i>	- -	<i>6th April 2015</i>

At the Court at Buckingham Palace, the 11th day of February 2015

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.—(1) This Order may be cited as the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2015 and shall come into force on 6th April 2015.

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

Amendment to article 33 (relationships subsequent to the award of a pension) of the principal Order

2. Article 33 (relationships subsequent to the award of a pension) of the principal Order is amended by—

(1) S.I. 2006/606 as amended by S.I. 2006/1455, 2007/909, 2008/679, 2008/2683, 2009/706, 2010/240, 2011/235, 2012/359, 2013/241 and 2014/505.
(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.

- (a) inserting at the end of paragraph (1) “before the 1st April 2015”,
 - (b) substituting for paragraph (2)—
 - “(2) Where—
 - (a) in accordance with paragraph (1), an award to a person ceased, and
 - (b) that person applies to restore the award in respect of a period which begins after the end of the relationship that led to the cessation of the award,
- the claim shall be determined as though the relationship had never existed.”

Amendment to the schedules to the principal Order

- 3. The schedules to the principal Order are amended by substituting—
 - (a) the table in Schedule 1 for the table in Schedule 1, Part II of the principal Order,
 - (b) the tables in Schedule 2 for tables 1 and 2 in Schedule 1, Part III of the principal Order,
 - (c) the table in Schedule 3 for the table in Schedule 1, Part IV of the principal Order,
 - (d) the tables in Schedule 4 for the tables in Schedule 2, Part II of the principal Order, and
 - (e) the table in Schedule 5 for the table in Schedule 2, Part III of the principal Order.

Richard Tilbrook
Clerk of the Privy Council

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SCHEDULE 1

Article 3(a)

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

“1. WEEKLY RATES OF PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 10-15 OF PART I OF THIS SCHEDULE

2. YEARLY RATES OF RETIRED PAY AND PENSIONS FOR DISABLED MEMBERS OF THE ARMED FORCES IN GROUPS 1-9 OF PART I OF THIS SCHEDULE

<i>Degree of Disablement</i>	<i>Weekly Rate</i>	<i>Yearly Rate</i>
<i>Per Cent</i>	<i>£</i>	<i>£</i>
100	178.20	9,298
90	160.38	8,369
80	142.56	7,439
70	124.74	6,509
60	106.92	5,579
50	89.10	4,649
40	71.28	3,719
30	53.46	2,790
20	35.64	1,860”

SCHEDULE 2

Article 3(b)

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

“Table 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

<i>Description of injury</i>	<i>Assessments</i>	<i>Groups</i>
		<i>1-15</i>
<i>For the loss of:</i>	<i>Per cent</i>	<i>£</i>
A. FINGERS		
Index finger—		
More than 2 phalanges including loss of whole finger	14	8,474
More than 1 phalanx but not more than 2 phalanges	11	6,780
1 phalanx or part thereof	9	5,649
Guillotine amputation of tip without loss of bone	5	3,381

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<i>Description of injury</i>	<i>Assessments</i>	<i>Groups</i>
		<i>1-15</i>
Middle finger—		
More than 2 phalanges including loss of whole finger	12	7,341
More than 1 phalanx but not more than 2 phalanges	9	5,649
1 phalanx or part thereof	7	4,517
Guillotine amputation of tip without loss of bone	4	2,822
Ring or little finger—		
More that 2 phalanges including loss of whole finger	7	4,517
More that 1 phalanx but not more that 2 phalanges	6	3,959
1 phalanx or part thereof	5	3,381
Guillotine amputation of tip without loss of bone	2	1,693
B. TOES		
Great toe—		
Through metatarso-phalangeal joint	14	8,474
Part, with some loss of bone	3	2,253
1 other toe—		
Through metatarso-phalangeal joint	3	2,253
Part, with some loss of bone	1	1,136
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	3,381
Part, with some loss of bone	2	1,693
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	3,959
Part, with some loss of bone	3	2,253
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	5,649
Part, with some loss of bone	3	2,253

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
	£2,834	£6,300	£11,018”

SCHEDULE 3

Article 3(c)

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

“Table

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

<i>Description of Allowance</i>	<i>Rate Groups 1-9</i>	<i>Groups 10-15</i>
1. Constant attendance allowance—		
(a) under article 8—		
(i) the part day rate of constant attendance allowance under paragraph (2)	£1,753 per annum	£33.60 per week
(ii) the full day rate of constant attendance allowance under paragraph (3)	£3,506 per annum	£67.20 per week
(iii) the intermediate rate of constant attendance allowance under paragraph (4)	£5,260 per annum	£100.80 per week
(iv) the exceptional rate of constant attendance allowance under paragraph (5)	£7,013 per annum	£134.40 per week
(b) under article 71(4)—		
(i) the rate under sub-paragraph (4)(a)	£3,506 per annum*	£67.20 per week*
(ii) the rate under sub-paragraph (4)(b)	£7,013 per annum*	£134.40 per week*
2. Exceptionally severe disablement allowance under article 9	£3,506 per annum	£67.20 per week
3. Severe disablement occupational allowance under article 10	£1,753 per annum	£33.60 per week
4. Allowance for wear and tear of clothing under article 11	£230 per annum	£230 per annum
5. Unemployability allowances—		
(a) personal allowance under article 12(1)(a)	£5,745 per annum	£110.10 per week
(b) additional allowance 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)	£3,193 per annum*	£61.20 per week*
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or eldest child of a member	£741 per annum	£14.20 per week
(bb) in respect of each other child of a member	£874 per annum	£16.75 per week

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<i>Description of Allowance</i>	<i>Rate Groups 1-9</i>	<i>Groups 10-15</i>
(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 For decisions made on or after 9th April 2001	£874 per annum	£16.75 per week
(c) the annual earnings figure for the purposes of article 12(4) is £5,408		
(d) the weekly income figure for the purposes of article 12(6)(a)(i) is £73.10		
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	£1,138 per annum	£21.80 per week
(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		
(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 in or after 6th April 1979	£741 per annum	£14.20 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	£370 per annum	£7.10 per week
7. Comforts allowance—		
(a) under article 14(1)(a)	£1,508 per annum	£28.90 per week
(b) under article 14(1)(b)	£754 per annum	£14.45 per week
8. Allowance for lowered standard of occupation under article 15	£3,506 per annum*	£67.20 per week*

(3) 1992 C.4

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<i>Description of Allowance</i>	<i>Rate Groups 1-9</i>	<i>Groups 10-15</i>
9. Age allowance under article 16 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent	£624 per annum	£11.95 per week
(b) over 50 per cent, but not exceeding 70 per cent	£958 per annum	£18.35 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,362 per annum	£26.10 per week
(d) over 90 per cent	£1,915 per annum	£36.70 per week
10. Part-time treatment allowance under article 19	£81.75 per day*	£81.75 per day*
11. Mobility supplement under article 20	£3,347 per annum	£64.15 per week

*maximum”

SCHEDULE 4

Article 3(d)

TABLES TO BE SUBSTITUTED FOR TABLES 1 TO 7
IN SCHEDULE 2, PART II OF 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>Weekly Rate</i>
(1)	(2)
	£
1	8,141
2	7,851
3	7,665
4	7,499
5	7,430
6	7,279
7	7,241

- (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.

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<i>Group</i>	<i>Weekly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
8	7,187
9	7,160
10	7,130
11	7,088

Table 2

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

<i>Group</i>	<i>Weekly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
12)	
13)	
14)	135.15
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

<i>Group</i>	<i>Yearly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
1	8,323
2	7,956
3	7,774
4	7,589

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<i>Group</i>	<i>Yearly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
5	7,447
6	7,297
7	7,255
8	7,187
9	7,160
10	7,130
11	7,088

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>	<i>Yearly Rates</i>
<i>(1)</i>	<i>(2)</i>
	£
1	8,141
2	7,851
3	7,665
4	7,499
5	7,430
6	7,279
7	7,241
8	2,496
9	2,226
10	1,958
11	1,732

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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</i>	<i>Weekly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
12)	
13)	
14)	32.37
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

<i>Group</i>	<i>Yearly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
(1-11)	4,717.59

Table 7

WEEKLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF RATINGS, SOLDIERS AND AIRMEN WHO WERE MEMBER 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)	90.41”

SCHEDULE 5

Article 3(e)

TABLE TO BE SUBSTITUTED FOR THE TABLE IN
SCHEDULE 2 PART III 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 12 -17</i>
	<i>Groups 1-11</i>	
1. Pension under article 24 to dependant who lived as a spouse or dependant who lived as a civil partner	£6,930 per annum*	£132.80 per week*
2. Rent allowance under article 25	£2,656 per annum*	£50.90 per week*
3. Elderly persons allowance under article 26—		
(a) if aged 65 or over but under 70	£804 per annum	£15.40 per week
(b) if aged 70 or over but under 80	£1,545 per annum	£29.60 per week
(c) if aged over 80	£2,291 per annum	£43.90 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	£1,106 per annum	£21.20 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 the Isle of Man corresponding to that Act	£1,239 per annum	£23.75 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,265 per annum	£24.25 per week
(ii) in respect of each other child of a member	£1,385 per annum	£26.55 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	£1,385 per annum	£26.55 per week
5. Pensions under article 29 to a child of a member who has no parent living and has not attained the child’s age limit—		

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<i>Description of Pension or Allowance</i>	<i>Rates</i>	<i>Groups 12 -17</i>
	<i>Groups 1-11</i>	
(a) in respect of the only, elder or eldest child of a member	£1,265 per annum	£24.25 per week
(b) in respect of each other child of a member	£1,385 per annum	£26.55 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	£1,385 per annum	£26.55 per week
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit	£5,419 per annum*	£103.85 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 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 2 makes amendments to stop the cessation of pensions to surviving spouses and civil partners in the event that they co-habit or remarry. This provision also enables persons whose subsequent relationship has come to an end, to apply for the restoration of their surviving spouse or civil partner pension.

Article 3 substitutes the Tables in Schedules 1 to 5 thereby varying the rates of retired pay, pensions, gratuities and allowances in respect of disablement or death due to service in the armed forces.