

1988 No. 248

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1988

Made - - - - - *17th February 1988*
Laid before Parliament *25th February 1988*
Coming into force - *11th April 1988*

At the Court at Buckingham Palace, the 17th day of February 1988

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(a) and to do so by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(b):

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred by the said section 12(1) 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, which may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1988, shall come into force on 11th April 1988.

(2) In this Order, the expression "the principal Order" means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983.

Amendment of article 18 of the principal Order

2. In article 18 of the principal Order (unemployability allowances) in paragraph (2) for the amount "£1,352" there shall be substituted the amount "£1,404".

Amendment of Schedules to the principal Order

3.—(1) In Schedule 1 to the principal Order (rates of pension and other grants payable in respect of disablement)—

- (a) for Tables 1 and 3 of Part II there shall respectively be substituted the Tables set out in Schedules 1 and 2 hereto;
- (b) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 3 and 4 hereto;

(a) S.I. 1983/883, as amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201, 1986/592 and 1987/165.
(b) 1977 c.5.

(c) for Part IV there shall be substituted the Part set out in Schedule 5 hereto.

(2) In Schedule 2 to the principal Order (rates of pension and other grants payable in respect of death)–

- (a) for Table 1A of Part II there shall be substituted the Table set out in Schedule 6 hereto;
- (b) for the amount “£2,677” in the second column of Table 1B of Part II there shall be substituted the amount “£2,789”;
- (c) for the amounts “£51.35” and “£11.85” in the second and third columns of Table 3 of Part II there shall respectively be substituted the amounts “£53.50” and “£12.35”;
- (d) for Table 5 of Part II there shall be substituted the Table set out in Schedule 7 hereto;
- (e) for Part III there shall be substituted the Part set out in Schedule 8 hereto.

Amendment of article 60(2) of the principal Order

4. For paragraph (2) of article 60 of the principal Order there shall be substituted the following paragraph:

“(2) Where payment in respect of a pension is in arrears for any period and any one or more of the following, that is to say–

- (a) benefit under the Supplementary Benefits Act 1976(a), or
- (b) income support under the Social Security Act 1986(b) or under the Income Support (Transitional) Regulations 1987(c), or
- (c) any amount payable under any legislation having effect in Northern Ireland or the Isle of Man which corresponds to benefit under the 1976 Act or, as the case may be, income support under the 1986 Act, or the Income Support (Transitional) Regulations 1987,

has been paid for that period to the person to whom the payment is due, the amount by which the amount of benefit or income support paid (including any corresponding amount mentioned in sub-paragraph (c)), or both if both have been paid, exceeds what would have been paid had the said payment not fallen into arrears shall be deemed to have been an overpayment for the purposes of paragraph (1), and in the case where benefit or income support or both has been paid under legislation in force in Northern Ireland or the Isle of Man it shall for the purpose of that paragraph be repayable to the authority administering the benefit or as the case may be income support.”

G. I. de Denev
Clerk of the Privy Council

(a) 1976 c.71, as amended by the Social Security Act 1980 (c.30).
(b) 1986 c.50.
(c) S.I. 1987/1969.

SCHEDULE 1

Article 3(1)(a)

Table to be substituted for Table 1 of Part II of Schedule 1 to the principal Order

Table 1: Yearly Rates of-

A. Retired Pay and Pensions for Disabled Officers and Nurses for all Ranks in Groups 1-9 of Part I of this Schedule

B. Disablement Addition on a Pension Basis (Article 43(3)(a)) for all Ranks in Groups 1-9 of Part I of this Schedule and Groups 2 and 3 of Part I of Schedule 2

<i>Degree of Disability</i>	<i>Yearly rate</i>
<i>Per cent.</i>	<i>£</i>
100	3539
90	3185
80	2831
70	2477
60	2123
50	1770
40	1416
30	1062
20	708

SCHEDULE 2

Article 3(1)(a)

Table to be substituted for Table 3 of Part II of Schedule 1 to the principal Order

Table 3: Weekly Rates of Pension for Disabled Other Ranks Groups 10-15

<i>Degree of Disability</i>	<i>Weekly rate</i>
<i>Per cent.</i>	<i>£</i>
100	67.20
90	60.48
80	53.76
70	47.04
60	40.32
50	33.60
40	26.88
30	20.16
20	13.44

SCHEDULE 3

Article 3(1)(b)

Table to be substituted for Table 1 of Part III 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 1-9</i>	<i>Groups 10-15</i>
<i>For the loss of:</i>	<i>Per cent.</i>	<i>£</i>	<i>£</i>
A. FINGERS-			
Index Finger-			
More than 2 phalanges, including loss of whole finger	14	3413	3383
More than 1 phalanx, but not more than 2 phalanges	11	2732	2707
1 phalanx or part thereof	9	2275	2255
Guillotine amputation of tip without loss of bone.....	5	1361	1351
Middle Finger-			
More than 2 phalanges, including loss of whole finger	12	2956	2931
More than 1 phalanx, but not more than 2 phalanges	9	2275	2255
1 phalanx or part thereof	7	1818	1803
Guillotine amputation of tip without loss of bone.....	4	1138	1128
Ring or little finger-			
More than 2 phalanges, including loss of whole finger	7	1818	1803
More than 1 phalanx, but not more than 2 phalanges	6	1595	1580
1 phalanx or part thereof	5	1361	1351
Guillotine amputation of tip without loss of bone.....	2	681	676
B. TOES-			
Great toe-			
through metatarso- phalangeal joint	14	3413	3383
part, with some loss of bone	3	904	899
1 other toe-			
through metatarso- phalangeal joint	3	904	899
part, with some loss of bone	1	457	452
2 toes, excluding great toe-			
through metatarso- phalangeal joint	5	1361	1351
part, with some loss of bone	2	681	676

SCHEDULE 3: Table 1 – *continued*

<i>Description of Injury</i>	<i>Assessments</i>	<i>Groups</i>	<i>Groups</i>
		<i>1-9</i>	<i>10-15</i>
<i>For the loss of:</i>	<i>Per cent.</i>	<i>£</i>	<i>£</i>
B. TOES—<i>continued</i>			
3 toes, excluding great toe—			
through metatarso-phalangeal joint	6	1595	1580
part, with some loss of bone	3	904	899
4 toes, excluding great toe—			
through metatarso-phalangeal joint	9	2275	2255
part, with some loss of bone	3	904	899

SCHEDULE 4

Article 3(1)(b)

Table to be substituted for Table 2 of Part III of Schedule 1 to the principal Order

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>Group</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>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
1	198	442	771	396	880	1540	1188	2642	4622
3	196	437	764	392	871	1524	1176	2615	4575
4	194	433	756	388	862	1508	1164	2588	4528
5	192	430	750	386	856	1498	1156	2570	4496
6	191	427	745	383	850	1487	1148	2552	4465
7, 8	189	422	737	379	841	1471	1136	2525	4418
9	187	418	729	375	832	1456	1124	2498	4370
10	188	419	731	377	835	1460	1123	2496	4362
11	188	418	730	376	834	1457	1121	2491	4353
12	187	418	728	375	832	1454	1119	2486	4344
13	187	417	727	375	830	1451	1117	2481	4336
14	186	416	725	374	829	1448	1114	2476	4327
15	186	415	724	373	827	1445	1112	2471	4318

SCHEDULE 5

Article 3(1)(c)

Part to be substituted for Part IV of Schedule 1 to the principal Order

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 (maximum)	£120 per annum (maximum)
2. Constant attendance allowance—		
(a) under article 14(1)(b)	£2805 per annum (maximum)	£53.80 per week (maximum)
(b) under article 14(1)(a)	£1403 per annum (maximum)	£26.90 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£1403 per annum	£26.90 per week
4. Severe disablement occupational allowance under article 16	£701 per annum	£13.45 per week
5. Allowance for wear and tear of clothing—		
(a) under article 17(1)(a)	£58 per annum	£58 per annum
(b) under article 17(1)(b) and 17(2)	£92 per annum	£92 per annum
6. Unemployability allowances—		
(a) personal allowance under article 18(1)(a)	£2279 per annum	£43.70 per week
(b) additional allowances for dependants by way of—		
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a spouse, under article 18(5)(b)	£1290 per annum (maximum)	£24.75 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(5)(c)	£1290 per annum (maximum)	£24.75 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(5)(d)	£438 per annum	£8.40 per week
7. Invalidity allowance under article 19—		
(a) if—		
(i) the relevant date fell before 5th July 1948; or	} £451 per annum	} £8.65 per week
(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		

SCHEDULE 5: Part IV – *continued*

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1–9</i>	<i>Groups 10–15</i>
(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 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	£287 per annum	£5.50 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	£143 per annum	£2.75 per week
8. Comforts allowance-		
(a) under article 20(1)(a)	£605 per annum	£11.60 per week
(b) under article 20(1)(b)	£302 per annum	£5.80 per week
9. Allowance for lowered standard of occupation under article 21	£1402 per annum (maximum)	£26.88 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is-		
(a) 40 to 50 per cent.	£245 per annum	£4.70 per week
(b) over 50 per cent., but not exceeding 70 per cent.	£381 per annum	£7.30 per week
(c) over 70 per cent., but not exceeding 90 per cent.	£545 per annum	£10.45 per week
(d) over 90 per cent.	£761 per annum	£14.60 per week
11. Treatment allowances- increase of personal allowance under article 23(3)	£761 per annum (maximum)	£14.60 per week (maximum)
12. Part-time treatment allowance under article 25	£27.50 per day (maximum)	£27.50 per day (maximum)
13. Mobility supplement under article 26A	£25.60 per week	£25.60 per week

SCHEDULE 6

Article 3(2)(a)

Table to be substituted for Table 1A of Part II of Schedule 2 to the principal Order

Table 1: Yearly Rates of Pensions for Widows of Officers

A.—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 (1)</i>	<i>Rate (2)</i>	<i>Rate (3)</i>
	£	£
1	} 2789	} 2789
2		
3		
4		
5		
6		
7		
8		989
9		882
10		775
11		687

SCHEDULE 7

Article 3(2)(d)

Table to be substituted for Table 5 of Part II of Schedule 2 to the principal Order

Table 5: Maximum Yearly Rates of Pension for Relatives of 1914 World War Officers

<i>Group (1)</i>	<i>Rate (2)</i>
	£
1	} 2789
2	
3	
4	
5	
6	
7	
8	989
9	882
10	775
11	687

SCHEDULE 8

Article 3(2)(e)

Part to be substituted for Part III of Schedule 2 to the principal Order

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</i>	
	<i>Groups 1-11</i>	<i>Groups 12-17</i>
1. Pension under article 30 to unmarried dependant who lived as a spouse	£2683 per annum (maximum)	£51.45 per week (maximum)
2. Rent allowance under article 31	£20.35 per week (maximum)	£20.35 per week (maximum)
3. Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse—		
(a) if age 65 but under 70	£300 per annum	£5.75 per week
(b) if age 70 but under 80	£600 per annum	£11.50 per week
(c) if age 80 or over	£753 per annum	£14.45 per week
4. Pension to widower under article 34	£3399 per annum (maximum)	£53.50 per week (maximum)
5. Allowances in respect of children—		
(a) under article 35(1) in respect of each child	£626 per annum	£12.00 per week
(b) under article 35(3)	£686 per annum	£13.15 per week
6. Pension under article 36 to a motherless or fatherless child of a member	£686 per annum	£13.15 per week
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit ...	£2146 per annum (maximum)	£41.15 per week (maximum)
8. Education allowance under article 38	£120 per annum (maximum)	£120 per annum (maximum)
9. Pensions to parents—		
(a) minimum rate under article 40(3) ...	£15 per annum	£0.25 per week
(b) under paragraphs (a) and (b) of article 40(3)—		
(i) where there is only one eligible parent	(i) Groups 1-10 £75 per annum (maximum)	£1.00 per week (maximum)
	(ii) Group 11 £60 per annum (maximum)	
(ii) where there is more than one eligible parent	(i) Groups 1-10 £100 per annum (maximum)	£1.38 per week (maximum)
	(ii) Group 11 £85 per annum (maximum)	

SCHEDULE 8: Part III - continued

Description of Pension or Allowance	Rate	
	Groups 1-11	Groups 12-17
(c) increase under article 40(3)(c)	£20 per annum (maximum)	(i) where there is only one eligible parent-£0.38 per week (maximum) (ii) where there is more than one eligible parent-£0.62 per week (maximum)
(d) under paragraph (d) of article 40(4)	-	£1.00 per week (maximum)
10. Pensions to other dependants-		
(a) under article 41(2)	£54 per annum (maximum)	£1.00 per week (maximum)
(b) for each juvenile dependant under article 41(3)	(i) Groups 1-10 £26 per annum (maximum) (ii) Group 11 £20 per annum (maximum)	£0.30 per week (maximum)
(c) aggregate rate under article 41(3)	(i) Groups 1-10 £75 per annum (maximum) (ii) Group 11 £65 per annum (maximum)	£1.00 per week (maximum)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which takes effect from 11th April 1988, further 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 during the 1914 World War and after 2nd September 1939.

Article 2 of this Order raises the maximum amount of annual earnings which may be received by a disabled person while he is deemed to be unemployable for the purposes of unemployability allowances under article 18 of the principal Order, and article 3(1) and (2) substitutes Schedules 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.

Article 4 makes changes consequential upon the coming into force on 11th April 1988 of provisions of the Social Security Act 1986 relating to income support.

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