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STATUTORY INSTRUMENTS

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**1999 No. 294**

**PENSIONS**

**The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 1999**

<i>Made</i>	- - - -	<i>10th February 1999</i>
<i>Laid before Parliament</i>		<i>22nd February 1999</i>
<i>Coming into force</i>	- -	<i>12th April 1999</i>

At the Court at Buckingham Palace, the 10th day of February 1999

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<sup>(1)</sup> by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977<sup>(2)</sup>:

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred by section 3 of the Naval and Marine Pay and Pensions Act 1865<sup>(3)</sup>, section 2(1) of the Pensions and Yeomanry Pay Act 1884<sup>(4)</sup>, section 2(1) of the Air Force (Constitution) Act 1917<sup>(5)</sup>, and sections 12(1) and 24(3) of the said Act of 1977 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 may be cited as the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 1999 and shall come into force on 12th April 1999.

(2) In this Order, “the principal Order” means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983.

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(1) S.I.1983/883, as amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201, 1986/592, 1987/165, 1988/248, 2248, 1989/156, 1990/250, 1308, 1991/766, 1992/710, 3208, 1993/598, 1994/772, 1906, 1995/766, 1996/732, 1638, 2882, 1997/286 and 1998/262.

(2) 1977 c. 5.

(3) 28 & 29 Vict c. 73.

(4) 47 & 48 Vict c. 55.

(5) 7 & 8 Geo 5 c. 51.

### **Amendment of article 18 of the principal Order**

2. In article 18 of the principal Order (unemployability allowances) in paragraph (2) for the amount “£2,496” there shall be substituted the amount “£3,016”.

### **Substitution of article 26 of the principal Order**

3. For article 26 (medical expenses) there shall be substituted the following article—

“26. Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a member of the armed forces and of appropriate aids and adaptations for disabled living may, in so far as the expenses wholly or mainly arise as a result of the disablement due to service and in so far as the treatment, aids or adaptations are not provided for, otherwise than on payment of a charge by the member, under legislation of the United Kingdom (other than any enactment under or by virtue of which this Order is made), be defrayed by the Secretary of State under such conditions and up to such amounts as he may determine.”.

### **Amendment of article 29 of the principal Order**

4. In article 29 of the principal Order (pensions to widows) in paragraph (1A) for the amount “£54.70” there shall be substituted the amount “£56.45”.

### **Amendment of Schedules to the principal Order**

5.—(1) In Schedule 1 to the principal Order (rates of retired pay, pensions, gratuities and allowances in respect of disablement)—

- (a) for the Table in Part II there shall be substituted the Table set out in Schedule 1 to this Order;
- (b) for Tables 1 and 2 of Part III there shall respectively be substituted the Tables set out in Schedules 2 and 3 to this Order; and
- (c) for Part IV there shall be substituted the Part set out in Schedule 4 to this Order.

(2) In Schedule 2 (rates of pensions and allowances in respect of death)—

- (a) for Tables 1, 2, 3, 4 and 5 of Part II there shall be substituted the Tables set out in Schedule 5 to this Order; and
- (b) for Part III there shall be substituted the Part set out in Schedule 6 to this Order.

*A.K. Galloway*  
Clerk of the Privy Council

**SCHEDULE 1**

Article 5(1)(a)

**TABLE TO BE SUBSTITUTED FOR THE  
TABLE SET OUT IN PART II OF SCHEDULE 1**

Article 10

**TABLE****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 Disability Per cent.</i>	<i>Weekly rate £</i>	<i>Yearly rate £</i>
100	114.70	5,985
90	103.23	5,387
80	91.76	4,788
70	80.29	4,190
60	68.82	3,591
50	57.35	2,993
40	45.88	2,394
30	34.41	1,796
20	22.94	1,197

**SCHEDULE 2**

Article 5(1)(b)

**TABLE TO BE SUBSTITUTED FOR TABLE 1 OF PART III OF SCHEDULE 1**  
Article 11(1)**TABLE 1****GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES**

<i>Description of Injury For the loss of:</i>	<i>Assessments Per cent.</i>	<i>Groups 1–15 £</i>
<b>A. FINGERS—</b>		
Index Finger— More than 2 phalanges including loss of whole finger	14	5,453

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<i>Description of Injury</i> <i>For the loss of:</i>	<i>Assessments</i> <i>Per cent.</i>	<i>Groups 1–15</i> <i>£</i>
More than 1 phalanx but not more than 2 phalanges	11	4,364
1 phalanx or part thereof	9	3,635
Guillotine amputation of tip without loss of bone	5	2,176
Middle Finger—	12	4,723
More than 2 phalanges including loss of whole finger		
More than 1 phalanx but not more than 2 phalanges	9	3,635
1 phalanx or part thereof	7	2,906
Guillotine amputation of tip without loss of bone	4	1,817
Ring or little finger—	7	2,906
More than 2 phalanges including loss of whole finger		
More than 1 phalanx but not more than 2 phalanges	6	2,547
1 phalanx or part thereof	5	2,176
Guillotine amputation of tip without loss of bone	2	1,089
<b>B. TOES—</b>		
Great toe—	14	5,453
through metatarso— phalangeal joint		
part, with some loss of bone	3	1,448
1 other toe—	3	1,448
through metatarso— phalangeal joint		
part, with some loss of bone	1	730
2 toes, excluding great toe—	5	2,176
through metatarso— phalangeal joint		
part, with some loss of bone	2	1,089

<i>Description of Injury</i> <i>For the loss of:</i>	<i>Assessments</i> <i>Per cent.</i>	<i>Groups 1–15</i> <i>£</i>
3 toes, excluding great toe— through metatarso— phalangeal joint	6	2,547
part, with some loss of bone	3	1,448
4 toes, excluding great toe— through metatarso— phalangeal joint	9	3,635
part, with some loss of bone	3	1,448

**SCHEDULE 3**

Article 5(1)(b)

**TABLE TO BE SUBSTITUTED FOR TABLE 2 OF PART III OF SCHEDULE 1**  
Article 11(2)

**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>Groups 1–15</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>
303	677	1,184	608	1,349	2,362	1,824	4,052	7,091

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## SCHEDULE 4

Article 5(1)(c)

### PART TO BE SUBSTITUTED FOR PART IV OF SCHEDULE 1

#### 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*	£120 per annum*
2. Constant attendance allowance	£4,519 per annum*	£86.60 per week*
(a) under article 14(1)(b)		
(b) (b) under article 14(1)(a)	£2,259 per annum*	£43.30 per week*
3. Exceptionally severe disablement allowance under article 15	£2,259 per annum	£43.30 per week
4. Severe disablement occupational allowance under article 16	£1,130 per annum	£21.65 per week
5. Allowance for wear and tear of clothing under article 17(1)	£147 per annum	£147 per annum
6. Unemployability allowances—	£3,697 per annum	£70.85 per week
(a) personal allowance under article 18(1)(a)		
(b) (b) additional allowances for dependants by way of—	£2,085 per annum*	£39.95 per week*
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a spouse or an adult dependant		

\* maximum

<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1–9</i>	<i>Groups 10–15</i>
under article 18(5)(b)		
(ii) increase of allowance under article 18(5)(d)–	£517 per annum	£9.90 per week
(a) in respect of the only, elder or the eldest child of a member		
(b) in respect of each other child of a member	£592 per annum	£11.35 per week
(c) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992(6), or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£592 per annum	£11.35 per week
7. Invalidity allowance under article 19	£733 per annum	£14.05 per week
(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		
* maximum		

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1–9</i>	<i>Groups 10–15</i>
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		
(b) (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	£464 per annum	£8.90 per week
(c) (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	£232 per annum	£4.45 per week
<b>8.</b> Comforts allowance–	£971 per annum	£18.60 per week
(a) under article 20(1)(a)		
(b) (b) under article 20(1)(b)	£485 per annum	£9.30 per week
* maximum		



<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1–9</i>	<i>Groups 10–15</i>
<b>9.</b> Allowance for lowered standard of occupation under article 21	£2,256 per annum*	£43.24 per week*
<b>10.</b> Age allowance under article 22 where the degree of pensioned disablement is—	£399 per annum	£7.65 per week
(a) 40 to 50 per cent.		
(b) (b) over 50 per cent, but not exceeding 70 per cent.	£616 per annum	£11.80 per week
(c) (c) over 70 per cent, but not exceeding 90 per cent.	£877 per annum	£16.80 per week
(d) (d) over 90 per cent.	£1,231 per annum	£23.60 per week
<b>11.</b> Treatment allowances— increase of personal allowances under article 23(3)	£1,234 per annum*	£23.65 per week*
<b>12.</b> Part-time treatment allowance under article 25	£52.55 per day*	£52.55 per day*
<b>13.</b> Mobility supplement under article 26A	£2,153 per annum	£41.25 per week
* maximum		

**SCHEDULE 5**

Article 5(2)(a)

**TABLES TO BE SUBSTITUTED FOR TABLES  
1, 2, 3, 4 AND 5 OF PART II OF SCHEDULE 2**

Article 29(1)(a)

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## PART II

### RATES OF PENSIONS AND ALLOWANCES

TABLE 1

YEARLY RATES OF PENSIONS FOR WIDOWS 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  
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> £
1	5,238
2	5,051
3	4,933
4	4,827
5	4,753
6	4,684
7	4,661
8	4,625
9	4,607
10	4,590
11	4,561

Article 29(1)(a)

TABLE 2

WEEKLY RATES OF PENSIONS FOR WIDOWS  
OF RATINGS, SOLDIERS OR AIRMEN

<i>Group</i> (1)	<i>Weekly rate</i> (2) £
12	86.90
13	
14	

<i>Group</i> (1)	<i>Weekly rate</i> (2) £
15	
16	
17	86.60

Article 29(1)(a)

### TABLE 3

#### YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS WHO WERE MEMBERS OF THE 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	5,356
2	5,121
3	5,002
4	4,884
5	4,791
6	4,695
7	4,669
8	4,625
9	4,607
10	4,590
11	4,561

Article 29(1)(b)

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**TABLE 4**  
**YEARLY RATES OF PENSIONS FOR WIDOWS OF**  
**OFFICERS WHO WERE MEMBERS OF THE FORCES**  
**BEFORE 14 AUGUST 1914 OR AFTER 30 SEPTEMBER 1921**

<i>Group</i> (1)	<i>Yearly rate</i> (2) £
1	5,238
2	5,051
3	4,933
4	4,827
5	4,753
6	4,684
7	4,661
8	1,605
9	1,432
10	1,260
11	1,115

Article 29(1)(b)

**TABLE 5**  
**WEEKLY RATES OF PENSION FOR CHILDLESS WIDOWS AGED**  
**UNDER 40 BEING WIDOWS OF RATINGS, SOLDIERS OR AIRMEN**

<i>Group</i> (1)	<i>Weekly rate</i> (2) £
12	20.33
13	
14	
15	
16	
17	20.03

**SCHEDULE 6**

Article 5(2)(b)

**PART TO BE SUBSTITUTED FOR PART III OF SCHEDULE 2****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 Groups 1–11</i>	<i>Groups 12–17</i>
<b>1.</b> Pension under article 30 to unmarried dependant who lived as a spouse	£4,412 per annum*	£84.55 per week*
<b>2.</b> Rent allowance under article 31	£1,709 per annum*	£32.75 per week*
<b>3.</b> Allowance under article 32 to elderly widow or widower or unmarried dependant who lived as spouse—	£517 per annum	£9.90 per week
(a) if aged 65 but under 70		
(b) (b) if aged 70 but under 80	£991 per annum	£19.00 per week
(c) (c) if aged 80 or over	£1,477 per annum	£28.30 per week
<b>4.</b> Pension to widower under article 34	£5,356 per annum*	£86.90 per week*
<b>5.</b> Allowances in respect of children—	£749 per annum	£14.35 per week
(a) under article 35(1)—		
(i) in respect of the only, elder or eldest child of a member		
(ii) in respect of each other child of a member	£824 per annum	£15.80 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	£824 per annum	£15.80 per week
* maximum		

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<i>Description of Pension or Allowance</i>	<i>Rate Groups 1–11</i>	<i>Groups 12–17</i>
Ireland or the Isle of Man corresponding to that Act		
(b) (b) under article 35(3)– (i) in respect of the only, elder or eldest child of a member	£845 per annum	£16.20 per week
(ii) in respect of each other child of a member	£921 per annum	£17.65 per week
(iii) 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	£921 per annum	£17.65 per week
<b>6.</b> Pension under article 36 to a motherless or fatherless child of a member–	£845 per annum	£16.20 per week
(a) in respect of the only, elder or eldest child of a member		
(b) (b) in respect of each other child of a member	£921 per annum	£17.65 per week
(c) (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	£921 per annum	£17.65 per week
<b>7.</b> Pension or allowance under article 37(3) to or in respect of a child over the age limit	£3,483 per annum *	£66.75 per week *
* maximum		

<i>Description of Pension or Allowance</i>	<i>Rate Groups 1–11</i>	<i>Groups 12–17</i>
<b>8.</b> Education allowance under article 38	£120 per annum*	£120 per annum*
<b>9.</b> Pensions to parents—	£15 per annum	£0.25 per week
(a) Minimum rate under article 40(3)		
(b) (b) under paragraphs (a) and (b) of article 40(3)—		
(i) where there is only one eligible parent	(i) Group 1–10 £75 per annum*	£1.00 per week*
	(ii) Group 11 £60 per annum*	
(ii) where there is more than one eligible parent	(i) Group 1–10 £100 per annum*	£1.38 per week*
	(ii) Group 11 £85 per annum*	
(c) (c) increase under article 40(3)(c)	£20 per annum*	(i) where there is only one eligible parent—£0.38 per week*
		(ii) where there is more than one eligible parent—£0.62 per week*
(d) (d) under paragraph (d) of article 40(4)		£1.00 per week*
<b>10.</b> Pension to other dependants—	£54 per annum*	£1.00 per week*
(a) under article 41(2)		
(b) (b) for each juvenile dependant under article 41(3)	(i) Groups 1–10 £26 per annum*	£0.30 per week*
	(ii) Group 11 £20 per annum*	
(c) (c) aggregate rate under article 41(3)	(i) Groups 1–10 £75 per annum*	£1.00 per week*
	(ii) Group 11 £65 per annum*	

\* maximum

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## 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 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.

Article 2 increases the maximum amount of annual earnings which may be received by a disabled person whilst he is deemed to be unemployable for the purposes of unemployability allowances under article 18 of the principal Order.

Article 3 makes an amendment to article 26 of the principal Order to clarify that the Secretary of State’s discretion to defray medical expenses extends to cases where treatment, adaptations or aids are provided for under other legislation on payment of a charge by a member of the armed forces.

Article 4 increases the amount of a widow’s pension payable under article 29 of the principal Order.

Articles 5(1) and (2) 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.

This Order does not impose any costs on business.