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S T A T U T O R Y I N S T R U M E N T S

2023 No. 163

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2023

Made - - - - *15th February 2023*
Laid before Parliament *22nd February 2023*
Coming into force - - *10th April 2023*

At the Court at Buckingham Palace, the 15th day of February 2023

Present,

The King's Most Excellent Majesty in Council

His Majesty considers it expedient to amend the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(a).

ACCORDINGLY, His Majesty, in exercise of the powers conferred upon Him by sections 12(1) and 24(3) of the Social Security (Miscellaneous Provisions) Act 1977(b) and of all other powers enabling Him to do so, is pleased, by and with the advice of His 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 2023 and comes into force on 10th April 2023.

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

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

(a) S.I. 2006/606; relevant amending instruments are S.I. 2007/909, 2008/679, 2009/706, 2010/240, 2011/235, 2012/359, 2013/241, 2014/505, 2015/208, 2016/374, 2017/161, 2018/176, 2019/186, 2020/150, 2021/142 and 2022/147.
(b) 1977 c. 5; section 24(3) was amended by section 4 of, and paragraph 46 of Schedule 2 to, the Social Security (Consequential Provisions) Act 1992 (c. 6).

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

3. In Schedule 1 to the principal Order—

- (a) for the table in Part 2 substitute the table in Schedule 1 to this Order;
- (b) for tables 1 and 2 in Part 3 substitute tables 1 and 2 in Schedule 2 to this Order; and
- (c) for the table in Part 4 substitute the table in Schedule 3 to this Order.

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

4. In Schedule 2 to the principal Order—

- (a) for tables 1, 2, 3, 4, 5, 6 and 7 in Part 2 substitute tables 1, 2, 3, 4, 5, 6 and 7 in Schedule 4 to this Order; and
- (b) for the table in Part 3 substitute the table in Schedule 5 to this Order.

Amendment of Schedule 6 (interpretation)

5. In Part 2 of Schedule 6 to the principal Order, in item 58A(a) of the table, for “within 6 months” substitute “within 12 months”.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 3(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

<i>Degree of Disablement</i>	<i>Weekly Rate</i>	<i>Yearly Rate</i>
<i>Per Cent</i>	<i>£</i>	<i>£</i>
100	220.20	11,490
90	198.18	10,341
80	176.16	9,192
70	154.14	8,043
60	132.12	6,894
50	110.10	5,745
40	88.08	4,596
30	66.06	3,447
20	44.04	2,298”

(a) Item 58A was inserted by S.I. 2009/706.

SCHEDULE 2

Article 3(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

<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>
A. FINGERS		
Index finger—		
More than 2 phalanges including the loss of whole finger	14	10,474
More than 1 phalanx but not more than 2 phalanges	11	8,380
1 phalanx or part thereof	9	6,981
Guillotine amputation of tip without loss of bone	5	4,177
Middle finger—		
More than 2 phalanges including the loss of whole finger	12	9,072
More than 1 phalanx but not more than 2 phalanges	9	6,981
1 phalanx or part thereof	7	5,582
Guillotine amputation of tip without loss of bone	4	3,487
Ring or little finger—		
More than 2 phalanges including the loss of whole finger	7	5,582
More than 1 phalanx but not more than 2 phalanges	6	4,894
1 phalanx or part thereof	5	4,177
Guillotine amputation of tip without loss of bone	2	2,092
B. TOES		
Great toe—		
Through metatarso-phalangeal joint	14	10,474
Part, with some loss	3	2,784

of bone		
1 other toe—		
Through metatarso-phalangeal joint	3	2,784
Part, with some loss of bone	1	1,403
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	4,177
Part, with some loss of bone	2	2,092
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	4,894
Part, with some loss of bone	3	2,784
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	6,981
Part, with some loss of bone	3	2,784

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
	£3,502	£7,786	£13,618”

SCHEDULE 3

Article 3(c)

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

“Table

**RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT AND
OR 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		
(a) under article 8—		
(i) the part day rate of constant attendance allowance under paragraph (2)	£2,168 per annum	£41.55 per week
(ii) the full day rate of constant attendance allowance under	£4,336 per annum	£83.10 per week

	paragraph (3)		
	(iii) the intermediate rate of constant attendance allowance under paragraph (4)	£6,504 per annum	£124.65 per week
	(iv) the exceptional rate of constant attendance allowance under paragraph (5)	£8,672 per annum	£166.20 per week
(b)	under article 71(4)—		
	(i) the rate under paragraph (4)(a)	£4,336 per annum ^(*)	£83.10 per week ^(*)
	(ii) the rate under paragraph (4)(b)	£8,672 per annum ^(*)	£166.20 per week ^(*)
2.	Exceptionally severe disablement allowance under article 9	£4,336 per annum	£83.10 per week
3.	Severe disablement occupational allowance under article 10	£2,168 per annum	£41.55 per week
4.	Allowance for wear and tear of clothing under article 11	£284 per annum	£284 per annum
5.	Unemployability allowances—		
(a)	Personal allowance under article 12(1)(a)	£7,102 per annum	£136.10 per week
(b)	Additional allowances for dependants by way of—		
	(i) increase of allowance 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)	£3,947 per annum ^(*)	£75.65 per week ^(*)
	(ii) increase of allowance under article 12(6)(b)—		
	(aa) in respect of the only, elder or eldest child of a member	£918 per annum	£17.60 per week
	(bb) in respect of each other child of a member	£1,078 per annum	£20.65 per week
	(cc) where the child does not qualify for child benefit under the Social Security Contributions and Benefits Act 1992 ^(a) , or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£1,078 per annum	£20.65 per week
	For decisions made on or after 9th April 2001		
(c)	the annual earnings figure for the purposes of article 12(4) is £8,684		
(d)	the weekly income figure for the purposes of article 12(6)(a)(i) is £84.80		
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 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	£1,404 per annum	£26.90 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 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	£918 per annum	£17.60 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	£459 per annum	£8.80 per week
7. Comforts allowance—			
(a)	under article 14(1)(a)	£1,868 per annum	£35.80 per week
(b)	under article 14(1)(b)	£934 per annum	£17.90 per week
8. Allowance for lowered standard of occupation under article 15		£4,333 per annum ^(*)	£83.04 per week ^(*)
9. Age allowance under article 16 where the degree of pensioned disablement is—			
(a)	40 to 50 per cent	£767 per annum	£14.70 per week
(b)	over 50 per cent, but not exceeding 70 per cent	£1,184 per annum	£22.70 per week
(c)	over 70 per cent, but not exceeding 90 per cent	£1,683 per annum	£32.25 per week
(d)	over 90 per cent	£2,369 per annum	£45.40 per week
10. Part-time treatment allowance under article 19		£101.05 per day ^(*)	£101.05 per day ^(*)
11. Mobility supplement under article 20		£4,135 per annum	£79.25 per week

^(*) maximum amount payable.

^(a) 1992 c. 4.”

SCHEDULE 4

Article 4(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(a) OR ARTICLE 11(1) OF THE 1921 (WARRANT
OFFICERS) ORDER(b), OF THE 1920 WARRANT(c) OR OF THE 1921 ORDER(d)

<i>Group</i>	<i>Yearly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
1	10,061
2	9,704
3	9,474
4	9,268
5	9,182
6	8,997
7	8,948
8	8,883
9	8,851
10	8,812
11	8,760

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>
	£
12-17	167.00

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>	<i>Yearly Rate</i>
<i>(1)</i>	<i>(2)</i>

- (a) Order in Council of 9th March 1921.
(b) Order in Council of 9th March 1921.
(c) Royal Warrant of 2nd July 1920.
(d) Order of His Majesty of 25th September 1921.

	£
1	10,287
2	9,834
3	9,608
4	9,378
5	9,203
6	9,018
7	8,967
8	8,883
9	8,851
10	8,812
11	8,760

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 Rate</i>
(1)	(2)
	£
1	10,061
2	9,704
3	9,474
4	9,268
5	9,182
6	8,997
7	8,948
8	3,085
9	2,748
10	2,420
11	2,138

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>
(1)	(2)
	£
12-17	40.01

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>
(1)	(2)
	£

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

<i>Group</i>	<i>Weekly Rate</i>
(1)	(2)
12-17	£ 111.74"

SCHEDULE 5

Article 4(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

<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	£8,591 per annum ^(*)	£164.65 per week ^(*)
2. Rent allowance under article 25	£3,280 per annum ^(*)	£62.85 per week ^(*)
3. Elderly persons allowance under article 26—		
(a) if aged 65 or over but under 70	£994 per annum	£19.05 per week
(b) if aged 70 or over but under 80	£1,910 per annum	£36.60 per week
(c) if aged 80 or over	£2,836 per annum	£54.35 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	£1,367 per annum	£26.20 per week
(ii) in respect of each other child of a member	£1,524 per annum	£29.20 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	£1,524 per annum	£29.20 per week
(b) under article 28(2)(b)		
(i) in respect of the only, elder or eldest child of a member	£1,565 per annum	£30.00 per week
(ii) in respect of each other child of a member	£1,712 per annum	£32.80 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 Ireland or the Isle of Man corresponding to that Act	£1,712 per annum	£32.80 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	£1,565 per annum	£30.00 per week
(b) in respect of each other child of a member	£1,712 per annum	£32.80 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	£1,712 per annum	£32.80 per week
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child's age limit	£6,700 per annum ^(*)	£128.40 per week ^(*)

^(*) maximum amount payable.”

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. The principal Order contains the scheme which provides the pensions and other awards.

The Tables in Schedules 1 to 5 to this Order replace tables in Schedules 1 and 2 to the principal Order, in order to adjust the rates prescribed for retired pay, pensions, gratuities and allowances in respect of disablement or death due to service in the armed forces. A minor amendment to the heading of the table in Part 2 of Schedule 2 to the principal Order corrects an error in the time period to which the table applies which was introduced by S.I. 2012/359.

Article 5 amends the definition of “terminal illness” such that a person is terminally ill where their death, as a result of a progressive disease, can reasonably be expected within 12 months, as opposed to 6 months prior to the amendment.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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£6.90

<http://www.legislation.gov.uk/id/uksi/2023/163>

ISBN 978-0-34-824483-0



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