
STATUTORY INSTRUMENTS

2018 No. 176

PENSIONS

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2018

<i>Made</i>	- - - -	<i>8th February 2018</i>
<i>Laid before Parliament</i>		<i>15th February 2018</i>
<i>Coming into force</i>	- -	<i>9th April 2018</i>

At the Court at Buckingham Palace, the 8th day of February 2018

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 2018 and comes into force on 9th April 2018.

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.

(1) S.I. 2006/606; relevant amending instruments are S.I. 2006/1455, 2007/909, 2008/679, 2009/706, 2010/240, 2011/235, 2012/359, 2013/241, 2013/630, 2014/505, 2015/208, 2016/374 and 2017/161.
(2) 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 article 15 (allowance for lowered standard of occupation)

3. In article 15(2)(b)(iii)(bb) of the principal Order(3), after “(Northern Ireland) 2007”, insert “which includes a work-related activity component or a support component (within the meaning of the applicable Act(4))”.

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

4. In article 33(2)(b) of the principal Order(5), for “applies to restore”, substitute “makes a claim for the restoration of”.

Amendment of article 34 (making of claims)

5. In article 34(1) of the principal Order(6), for “or which follows a period which, had there been an award for that period, would have ended in accordance with article 33(1))”, substitute “and an award which is the restoration of an award referred to in article 33)”.

Amendment of article 35 (cases where claims are not required)

6. In article 35 of the principal Order—
- (a) in paragraph (2)(b), for “the Veterans Agency” substitute “Veterans UK”;
 - (b) in paragraph (3)—
 - (i) before “A claim”, insert “Subject to paragraph (3A),”;
 - (ii) in sub-paragraph (b), for “the Veterans Agency” substitute “Veterans UK”;
 - (c) after paragraph (3), insert—
 - “(3A) Paragraph (3) does not apply to restorations of awards referred to in article 33(2).”.

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

7. 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)

8. 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.

(3) Article 15(2) was substituted by [S.I. 2009/706](#) and amended by [S.I. 2013/630](#).

(4) References in the Welfare Reform Act 2007 (c. 5) to “work-related activity component” were omitted by section 15 of the Welfare Reform and Work Act 2017 (c. 16), but saved for certain purposes by [S.I. 2017/204](#) and 581. References in the Welfare Reform Act (Northern Ireland) 2007 (c. 2) to “work-related activity component” were omitted by article 9 of [S.I. 2016/999 \(N.I. 1\)](#), but saved for certain purposes by [S.R. 2017 No. 51](#).

(5) Article 33(2) was substituted by [S.I. 2015/208](#).

(6) Article 34(1) was amended by [S.I. 2009/706](#) and [2016/374](#).

Amendment of Schedule 6 (interpretation)

9. In Part 2 of Schedule 6 to the principal Order, in item 62 of the table, for “Veterans Agency”, substitute “Veterans UK”.

Richard Tilbrook
Clerk of the Privy Council

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

SCHEDULE 1

Article 7(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	185.40	9,674
90	166.86	8,707
80	148.32	7,739
70	129.78	6,772
60	111.24	5,805
50	92.70	4,837
40	74.16	3,870
30	55.62	2,902
20	37.08	1,935”

SCHEDULE 2

Article 7(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</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 the loss of whole finger	14	8,816
More than 1 phalanx but not more than 2 phalanges	11	7,053
1 phalanx or part thereof	9	5,876

<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>
Guillotine amputation of tip without loss of bone	5	3,517
Middle finger—		
More than 2 phalanges including the loss of whole finger	12	7,636
More than 1 phalanx but not more than 2 phalanges	9	5,876
1 phalanx or part thereof	7	4,699
Guillotine amputation of tip without loss of bone	4	2,936
Ring or little finger—		
More than 2 phalanges including the loss of whole finger	7	4,699
More than 1 phalanx but not more than 2 phalanges	6	4,119
1 phalanx or part thereof	5	3,517
Guillotine amputation of tip without loss of bone	2	1,761
B. TOES		
Great toe—		
Through metatarso-phalangeal joint	14	8,816
Part, with some loss of bone	3	2,344
1 other toe—		
Through metatarso-phalangeal joint	3	2,344
Part, with some loss of bone	1	1,181
2 toes, excluding great toe—		
Through metatarso-phalangeal joint	5	3,517
Part, with some loss of bone	2	1,761
3 toes, excluding great toe—		
Through metatarso-phalangeal joint	6	4,119
Part, with some loss of bone	3	2,344
4 toes, excluding great toe—		
Through metatarso-phalangeal joint	9	5,876
Part, with some loss of bone	3	2,344

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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
	£2,948	£6,554	£11,462”

SCHEDULE 3

Article 7(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)	£1,824 per annum	£34.95 per week
(ii) the full day rate of constant attendance allowance under paragraph (3)	£3,647 per annum	£69.90 per week
(iii) the intermediate rate of constant attendance allowance under paragraph (4)	£5,471 per annum	£104.85 per week
(iv) the exceptional rate of constant attendance allowance under paragraph (5)	£7,295 per annum	£139.80 per week
(b) under article 71(4)—		
(i) the rate under paragraph (4)(a)	£3,647 per annum ^(†)	£69.90 per week ^(†)
(ii) the rate under paragraph (4)(b)	£7,295 per annum ^(†)	£139.80 per week ^(†)
2. Exceptionally severe disablement allowance under article 9	£3,647 per annum	£69.90 per week

(†) Maximum amount payable

(a) 1992 c. 4.

(1)
(1)
(1)
(1)

Description of Allowance	Rate	
	Groups 1 – 9	Groups 10 – 15
3. Severe disablement occupational allowance under article 10	£1,824 per annum	£34.95 per week
4. Allowance for wear and tear of clothing under article 11	£239 per annum	£239 per annum
5. Unemployability allowances—		
(a) Personal allowance under article 12(1)(a)	£5,977 per annum	£114.55 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)	£3,321 per annum	£63.65 per week ^(†)
(ii) increase of allowance under article 12(6)(b)—		
(aa) in respect of the only, elder or eldest child of a member	£772 per annum	£14.80 per week
(bb) in respect of each other child of a member	£908 per annum	£17.40 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	£908 per annum	£17.40 per week
For decisions made on or after 9th April 2001		
(c) the annual earnings figure for the purposes of article 12(4) is £6,526		
(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		

(†) Maximum amount payable

(a) 1992 c. 4.

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Description of Allowance	Rate	
	Groups 1 – 9	Groups 10 – 15
(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	£1,182 per annum	£22.65 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	£767 per annum	£14.70 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	£384 per annum	£7.35 per week
7. Comforts allowance—		
(a) under article 14(1)(a)	£1,571 per annum	£30.10 per week
(b) under article 14(1)(b)	£785 per annum	£15.05 per week
8. Allowance for lowered standard of occupation under article 15	£3,648 per annum ^(†)	£69.92 per week ^(†)
9. Age allowance under article 16 where the degree of pensioned disablement is—		
(a) 40 to 50 per cent	£647 per annum	£12.40 per week
(b) over 50 per cent, but not exceeding 70 per cent	£997 per annum	£19.10 per week
(c) over 70 per cent, but not exceeding 90 per cent	£1,417 per annum	£27.15 per week
(d) over 90 per cent	£1,993 per annum	£38.20 per week
10. Part-time treatment allowance under article 19	£85.05 per day ^(†)	£85.05 per day ^(†)

(†) Maximum amount payable

(a) 1992 c. 4.

(1)
(1)
(1)
(1)

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<i>Description of Allowance</i>	<i>Rate</i>	
	<i>Groups 1 – 9</i>	<i>Groups 10 – 15</i>
11. Mobility supplement under article 20	£3,483 per annum	£66.75 per week*

(†) Maximum amount payable

(a) 1992 c. 4.

SCHEDULE 4

Article 8(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(7) OR ARTICLE 11(1) OF THE 1921 (WARRANT OFFICERS) ORDER(8), OF THE 1920 WARRANT(9) OR OF THE 1921 ORDER(10)

<i>Group</i>	<i>Yearly Rate</i>
<i>(1)</i>	<i>(2)</i>
	£
1	8,469
2	8,168
3	7,974
4	7,801
5	7,729
6	7,573
7	7,532
8	7,477
9	7,449
10	7,417
11	7,374

(7) Order in Council of 9th March 1921.

(8) Order in Council of 9th March 1921.

(9) Royal Warrant of 2nd July 1920.

(10) Order of His Majesty of 25th September 1921.

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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	140.60

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	8,658
2	8,277
3	8,088
4	7,895
5	7,747
6	7,591
7	7,548
8	7,477
9	7,449
10	7,417
11	7,374

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>
<i>(1)</i>	<i>(2)</i>
	£
1	8,469
2	8,168
3	7,974
4	7,801
5	7,729
6	7,573
7	7,532
8	2,597
9	2,313
10	2,037
11	1,801

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 – 17	33.67

Table 6

YEARLY RATE OF SUPPLEMENTARY PENSION FOR SURVIVING SPOUSES AND SURVIVING CIVIL PARTNERS OF OFFICERS

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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)
	£
1 – 11	4,907.53

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	94.05”

SCHEDULE 5

Article 8(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	£7,214 per annum ^(†)	£138.25 per week ^(†)
2. Rent allowance under article 25	£2,763 per annum ^(†)	£52.95 per week ^(†)
3. Elderly persons allowance under article 26—		
(a) if aged 65 or over but under 70	£835 per annum	£16.00 per week

(†) Maximum amount payable

(1)
(1)
(1)
(1)

<i>Description of Pension or Allowance</i>	<i>Rates</i>	
	<i>Groups 1 – 11</i>	<i>Groups 12 – 17</i>
(b) if aged 70 or over but under 80	£1,607 per annum	£30.80 per week
(c) if aged 80 or over	£2,385 per annum	£45.70 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	£1,151 per annum	£22.05 per week
(ii) in respect of each other child of a member	£1,289 per annum	£24.70 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	£1,289 per annum	£24.70 per week
(b) under article 28(2)(b)—		
(i) in respect of the only, elder or eldest child of a member	£1,318 per annum	£25.25 per week
(ii) in respect of each other child of a member	£1,440 per annum	£27.60 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	£1,440 per annum	£27.60 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	£1,318 per annum	£25.25 per week
(b) in respect of each other child of a member	£1,440 per annum	£27.60 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	£1,440 per annum	£27.60 per week

(†) Maximum amount payable

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Description of Pension or Allowance	Rates	
	Groups 1 – 11	Groups 12 – 17
6. Allowance under article 30(2)(b) to or in respect of a child who has attained the child’s age limit	£5,638 per annum ^(†)	£108.05 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.

Articles 3 to 6 and 9 make amendments to the principal Order—

- to allow a person in receipt of Employment and Support Allowance (ESA) without a work-related activity component or a support component to receive an allowance for lowered standard of occupation under article 15 of the principal Order (article 3)
- to make clear that a claim is required in relation to restoration of an award after the end of a relationship subsequent to the award of a pension (articles 4, 5 and 6(b)(i) and (c))
- to update references in the principal Order to the Veterans Agency to be references to Veterans UK (articles 6(a) and (b)(ii) and 9).

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 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.