STATUTORY INSTRUMENTS

2018 No. 176

PENSIONS

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

Made - - - -	*8th February 2018*
Laid before Parliament	*15th February 2018*
Coming into force - -	*9th April 2018*

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

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

Degree of Disablement	*Weekly Rate*	*Yearly Rate*
Per Cent	*£*	*£*
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

Description of Injury	*Assessments*	*Groups*
		1 – 15
For the loss of	*Per cent*	*£*
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

Description of Injury	*Assessments*	*Groups 1 – 15*
For the loss of	*Per cent*	*£*
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