



Ministry  
of Defence

Ministry of Defence  
Defence Business Services  
Secretariat Team  
Room 6303  
Norcross  
Blackpool  
FY5 3WP

Our Ref: FOI2016/00357



29<sup>th</sup> January 2016

Dear [REDACTED],

Thank you for your letter of 9 December 2015, requesting the following information:

*"I am seeking the relevant legislation under which gratuities and War Pensions and allowances are paid when a backdated award is actually paid retrospectively.*

*I require an explanation as to the Veterans Agency authorisation for paying at historic rates.*

*What principles are used by VA?*

*I require the relevant guidance on this matter used by VA staff".*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that all the information in scope of your request is held.

The information you have requested falls entirely within the scope of an absolute exemption under section 21 (Information reasonably accessible by other means) of the FOIA.

Section 21 (1) has been applied, as the information is already in the public domain and therefore reasonably accessible to you at the following link below. Section 21 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Naval, Military and Air Forces etc. (Disablement and Death) Service Pension order 2006 - <http://www.legislation.gov.uk/ukxi/2006/606/contents>

Under Section 16 of the Act (Advice and Assistance) it may be helpful if I explain that Articles 6 and 7 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pension order 2006, refer to all payments, including retrospective payments and the reason for paying at historic rates.

The relevant guidance/ legislation under which gratuities, War Pension's and allowances are paid are detailed in schedule 1 Part II, which details injury, illness or death due to Service before April 2005.

Schedule 3 Commencing Dates of Awards – (4) States 'Payments of awards where an award or adjustment of an award is made following a decision of the President of the Pensions Appeal Tribunals that the decision of a pensions Appeal Tribunal be treated as set aside, the Secretary of State shall make payment for a past period which does not exceed six years from the date of the application which led to the decision of the President of the Pensions Appeal Tribunal where the ground for setting the decision of the Pensions Appeal Tribunal aside is that the Tribunal'.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,



Acting Head of Secretariat