

ANNEX B to 2005DIN02-186

Revised Entitlement (Formerly Marital Status) Personal Status Category Definitions

Status

1. The definitions of Personal Status Category (PStat Cat) into which personnel are placed for the purpose of determining entitlements to benefits are described below.

2. All personnel are to be placed into one of the following PStat Cats:

a. **PStat Cat 1.** Those in PStat Cat 1 will meet one of the following qualifying criteria:

(1) A legally married member of the Armed Forces, who lives with their spouse, or who would do so but for the exigencies of the Armed Forces.

(2) A member of the Armed Forces, who is registered in a civil partnership in accordance with the Civil Partnership Act 2004, or is in a civil partnership under an overseas scheme recognised under that Act, and who lives with their registered civil partner, or who would do so but for the exigencies of the Armed Forces.

b. **PStat Cat 2.** Those in PStat Cat 2 will meet one of the following qualifying criteria:

(1) A member of the Armed Forces who has parental responsibility within the terms of the Children Act 1989 for a child(ren) and who satisfies all of the following conditions:

(a) Can properly be regarded as the centre and prime mover in the life of the child(ren).

(b) Provides a home where they normally live with the child(ren) except where unable to do so for reasons attributable to their service in the Armed Forces.

(c) Provides, where the child(ren) is unable to care for itself, a child carer who can look after the child(ren) during their absences attributable to their service in the Armed Forces. The child carer must not be the other natural parent of the child(ren). The other natural parent should normally only have staying access to the child(ren) for an aggregate of 56 days in any 12 month period. Staying access greater than this may render the Service person ineligible for PStat Cat2 (these restrictions on access do not apply while on recognised Unaccompanied Duty).

(d) Accepts financial responsibility for the child(ren).

(2) [Reserved]

c. **PStat Cat 3.** A member of the Armed Forces who is not in PStat Cat 1 or 2 and who provides financial support for their spouse or former spouse, civil partner or former civil partner, or child(ren) by voluntary agreement. In this case, voluntary agreement means financial support provided other than pursuant to an order made by a court, a Child Support Agency Maintenance Assessment, or the MOD under the relevant Service Act.

d. **PStat Cat 4.** A member of the Armed Forces who is not in PStat Cat 1 or 2 and who provides financial support for their spouse or former spouse, civil partner or former civil

partner or child(ren) under an order made by a court, a Child Support Agency Maintenance Assessment, or the MOD under the relevant Service act.

e. **PStat Cat 5.** All other members of the Armed Forces.

Service, Civil Service and Welfare Organisation Spouses and Partners

3. When the spouse or civil partner of a member of the Armed Forces in PStat Cat 1 is a member of the Armed Forces (s), or the UK Civil Service (c), or a recognised welfare organisation¹, then the category is to bear the additional suffix of 's' or 'c'. The Service spouse/civil partner and their spouse/civil partner will elect which spouse/civil partner will be PStat Cat 1 or the Civil Service equivalent, and which will be PStat Cat 5 or the Civil Service equivalent. A spouse or civil partner in a welfare organisation is to declare a PStat Cat in the same way as if they were a UK Civil Servant. The chosen option will be notified and can only be changed subsequently:

- a. On the occasion of substantive promotion, reversion or relinquishment of rank/grade of either spouse/civil partner.
- b. When either spouse/civil partner leaves the Service/Civil Service/recognised welfare organisation.
- c. When either spouse/civil partner goes over zone for promotion.
- d. When either spouse/civil partner is assigned in the UK.
- e. When a Servicewoman is on unpaid maternity leave.

Where there is a wish to change the PStat Cat other than in these circumstances, casework is to be submitted through the chain of command to JPAC Pay and Allowance Casework Cell (PAAC).

4. Options must be exercised within 6 months of the operative date of the change in circumstances.

Children Act 1989 - Parental Responsibility

5. Parental Responsibility means all the rights, duties, powers and responsibilities and authority which by law a parent of a child holds in relation to the child and their property. These rights and responsibilities of a parent are not set out in the Children Act 1989; these rights have been established through case law.

6. Parents married at the time of the child's birth both have parental responsibility for the child. Where they were not married, the mother automatically has parental responsibility for the child, but the father, or civil partner of the mother, does not; they may enter into a Parental Responsibility Agreement with the mother or apply to the court for an order confirming that they have parental responsibility.

Definition of a child

7. A child is defined as a legitimate or legitimated child or step-child of either or both of the spouses/civil partners; a child statutorily adopted by either or both of the spouses/civil partners; a child of the family (a legal term meaning any other child who is being brought up in the household of the spouse/civil partners at their expense or was so being brought up immediately before the spouses/civil partners were estranged, separated by legal order, divorced or before their marriage or civil partnership was annulled or before the death of the husband, wife or civil partner). A child is deemed to be below the age of majority (18 years). If over that age, a son or daughter must be 24 years or under, unmarried or not in a civil partnership and in receipt of full-time education at a

school, college or university (studying for a first degree only), or be out of full-time education for up to one year between secondary education and further education. The age limits do not apply to a son or daughter who is physically or mentally incapable of contributing to their own support.

PStat Cat 2 – Guidance

8. Whether the Service person can properly be regarded as the centre and prime mover in the life of their child(ren) will depend on a number of factors about which it may be necessary to make enquiries. The following points should be borne in mind:

- a. If anyone other than the Service parent draws Child Benefit, because of Department for Work and Pension (DPW) rules, this is a *prima facie* indication that the Service parent is not the centre and prime mover and the onus is on the Service person to substantiate their claim.¹

¹ Recognised welfare organisation – Council of Voluntary Welfare Workers (CVWW), Women’s Royal Voluntary Service (WRVS), Sailors Soldiers and Air Force Association (SSAFA), Forces Help and Services Hospital Welfare Department (SHWD) will carry the suffix ‘c’.