



Ministry
of Defence

Ministry of Defence
Defence Business Services Secretariat
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Ref: FOI2016/06662

28 July 2016

Dear [REDACTED]

Thank you for your email dated 5 June 2016, to the Ministry of Defence (MOD) requesting the following information:

"Please provide me with the guidance of Disablement Eligibility and Entitlement guide volume 1 and volume 1

Plus copies/links to all material/information which is associated with the above allowances , including but not limited to, guides, pamphlets, manuals, policies and procedures."

On 29 and 30 June, you provided the following clarification:

"clarification is remove comment volume 1 and volume 1, and substitute volume 1 and volume 2.

'The above allowances' means, - the additional payments you get within the disability eligibility and entitlement guide."

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. An electronic version of the Disablement Eligibility and Entitlement Guide, Volume 1 and 2, is attached to this reply in Portable Document Format (PDF).

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that the majority of the Disablement Eligibility and Entitlement guide Volume 1 and 2 was published in April 2008, and therefore, some of the information may now be obsolete and no longer in use for assessing War Pension claims. In accordance with the Freedom of Information Act established procedures the guide will now be published on the Gov.UK – Publications: FOI releases webpage along with a copy of this letter and can be found at: https://www.gov.uk/government/publications?departments%5B%5D=ministry-of-defence&publication_type=foi-releases

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, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail 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, <https://ico.org.uk/>.

Yours sincerely,



A/Head of DBS Secretariat

Attachments:

1. Eligibility and Entitlement Guide – Volume 1 & 2 (.pdf)

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Foreword

The Ministry of Defence (MOD) officially launched the Service Personnel and Veterans Agency in April 2007 and references within this guide have been amended to reflect this organisational change.

Additional amendments also include referencing of correct article numbers due to consolidation of the Service Pensions Order 2006.

Amendments required due to procedural changes will be incorporated into this guide on a rolling programme.

Open Government

The Government published a Code of Practice on Access to Government Information in 1994 and this has now been revised.

A leaflet called "*Open Government: Explaining the Code of Practice on Access to Government information*" gives more details about the Code and about how to ask for information.

The Service Personnel and Veterans Agency is committed to the spirit of the Code of Practice and this job guide is available:

- in the Service Personnel and Veterans Agency library for inspection by the public
- through the Veterans Welfare Service and
- on the Veterans UK website.

Any requests for information or copies of extracts from this guide must be treated positively and in accordance with the Code of Practice. However, please refer all such requests to Procedural and Legislative Guidance for monitoring purposes.

List of abbreviations

A

AA	Attendance Allowance
AAC	Additional Allowance for Child
AAD	Additional Allowance Dependant
AAH	Additional Allowance for Husband
AAS	Additional Allowance Spouse
AAW	Additional Allowance for Wife
AC	Additional Component
ACC	Area Computer Centre
ACT	Automated Credit Transfer
AD	Accepted Disablement
AGG	Aggravated
ALAC	Artificial Limb and Appliance Centre
ALSO	Allowance for Lowered Standard of Occupation
APA	Aggravation Passed Away
ARC	Army Records Centre
ATTRIB	Attributable
AWO	Army Welfare Officers

B

BACS	Bank Automated Credit System
BCF	Battle Casualty Formula
BF	Brought Forward
BLESMA	British Limbless Ex-Servicemens Association
BS	Building Society
BSM	British School of Motoring

C

CAA	Constant Attendance Allowance
CAS	Central Adjudication Services
CBDE	Chemical and Biological Defence Establishment
CBS	Corporation of British Shipbuilders
CD	Civil Defence
CDV	Civil Defence Volunteer
CE	Chief Executive
CI	Current Invaliding
CIV	Civilian
CLR	Conditional List Review
CO	Chief Officer
COMF	Comforts Allowance
CPB	Central Pensions Branch
CPC	Canadian Pension Commission

CRN	Child Reference Number
CSO	Computer Support Officer
D	
DAA	Discretionary Age Addition
DAD	Death after Discharge
DCI	Departmental Central Index
DET	Deterioration Claim
DFID	Department for International Development
DIS	Death in Service
DL	Draft Letter
DLA	Disability Living Allowance
DO	District Office
DOB	Date of Birth
DOD	Date of Death
DPA	Data Protection Act
DR	Departmental Representative
DRPS	Defence Radiological Protection Service
DSC	Disablement Services Centre
DV	Domiciliary Visit
DVA	Department of Veterans Affairs
E	
EAL	Exceptional Action Log
EATS	Empire Air Training Scheme
ECW	Expert Caseworker (formerly SMO)
EDUC	Education Allowance
EFS	Equivalent Financial Standard
EMO	Examining Medical Officer
EPOA	Extended Power of Attorney
ERA	Evoked Response Audiometry
ES	Employment Services
ESDA	Exceptionally Severe Disablement Allowance
ESMWS	Ex Services Mental Welfare Society
ESSP	Employers Statutory Sick Pay
F	
FCO	Further Condition
FCP	First Claim to Pension
FE	Funeral Expenses
FEPOW	Far Eastern Prisoner of War
FFS	Fit for Final Settlement
FHSA	Family Health Services Authority
FOMD	Further Opinion of Medical Division
FSB	Financial Services Branch

FSOC	Full Statement of Case
G	
GBU	General Benefit Unit
GCA	Gallant Conduct Award
GD	Greater Disablement
GMP	Guaranteed Minimum Pension
GP	General Practitioner
GOP	Gainfully Occupied Person
GOS	General Ophthalmic Services
GOS(V)	General Ophthalmic Services Voucher
GPO	General Post Office
GRP	Graduated Retirement Pension
GSW	Gunshot Wound
H	
HA	Health Authority
HAC	Hearing Aid Centre
HAG	House Adaptation Grant
HCN	Hospital Casenotes
HES	Hospital Eye Service
HNE	Home Nursing Equipment
HQ	Headquarters
HTA	Home Treatment Allowance
THE	Hospital Treatment Expenses
I	
IC	Initial Claim
ID	Indeterminate Duration
IDB	Industrial Death Benefit
IIDB	Industrial Injuries Disablement Benefit
INCAP	Incapacity Benefit
ILC	Instruction Liaison Committee
IOM	Isle of Man
IOP	Instrument Of Payment
IPO	International Payable Order
IPTA	In Patient Treatment Allowance
IRO	In Respect Of
IS	Income Support
IVA	Invalidity Allowance
IVB	Invalidity Benefit

J

JAP	Japanese
JRA	Job Release Allowance

K

KIV	Keep in View
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L

LA	Local Authority
LEA	Local Education Authority
LFC	Limb Fitting Centre
LGMP	Local General Medical Practitioner
LHA	Local Health Authority
LHS	Left Hand Side
LMF	Local Medical File
LOB	Lost Order Book
LOE	Loss of Earnings
LOS	Length of Service
LTA	Long Term Assessment
LTT	Long Term Treatment

M

MA	Medical Adviser
MFL	Motability Finance Limited
MM	Mercantile Marine
MobA	Mobility Allowance
MoD	Ministry of Defence
MoD ARP	Ministry of Defence Attributable Retirement Pension Scheme
MOIC	Medical Officer in Charge
MOJ	Medical Officers Journal
MOP	Method of Payment
MSC	Medical Services Centre
MSR	Miscellaneous Review

N

NAAFI	Navy, Army and Air Force Institute
NANA	Not attributable not aggravated
NAP	Naval Auxiliary Personnel
NAS	Naval Auxiliary Scheme
NBD	Newcastle Benefits Directorate
NCB	National Coal Board
NCIP	Non-contributory Invalidity Pension

NCO	Newcastle Central Office
NFA	No Further Action
NFS	National Fire Service
NFFS	Not Fit For Final Settlement
NHS	National Health Service
NI	National Insurance
NIRS	National Insurance Records System
NISHL	Noise Induced Sensorineural Hearing Loss
NINO	National Insurance Number
NOK	Next of Kin
NRPB	National Radiological Protection Board

O

OASA	Over Age Sixteen Allowance
OB	Order Book
OCA	Overage Child Allowance
OCT	Overseas Credit Transfer
ODA	Overseas Development Agency
OIC	Overage Infirm Child
OICA	Overage Infirm Child Allowance
OMD	Opinion of Medical Division
OOT	Out of Time
OPA	Overseas Pensions Agent
OPTA	Out Patient Treatment Allowance
OPG	Office of the Paymaster General
OS	Overseas
OSA	Overseas Agency
OSTRA	Overseas Treatment Allowance
OSY	Over Seven Years
OVB	Overseas Branch

P

PA	Put away
PAT	Pensions Appeal Tribunal
PBB	Parliamentary Business Branch
PC	Personal Computer
PCA	Parliamentary Commissioner for Administration
PD	Post Discharge
PICS	Personal Injuries (Civilians) Scheme
PIE	Periods of Interruption of Employment
PLG	Procedural and Legislative Guidance
PO	Post Office
POA	Power of Attorney
POB	Pension Order Book
POCL	Post Office Counters Limited
POW	Prisoner of War

P+P	Part and Parcel
PPI	Protection of Personal Information
PRAM	Payments, Rejections, Awards and Maintenance guide
PSL	Parliamentary Secretary to the House of Lords
PTO	Public Trust Office
PTTA	Part Time Treatment Allowance
PUNS	Permanently Unit for Naval Service
PURMS	Permanently Unit for Royal Marine Service
PVP	Potentially Violent Person

Q

QA	Quality Assurance
QR	Queens Regulations

R

RAAF	Royal Australian Air Force
RAF	Royal Air Force
RBL	Royal British Legion
RDO	Regional Dental Officer
REA	Reduced Earnings Allowance
RHS	Right Hand Side
RIR	Royal Irish Regiment
RMF	Regional Medical File
ROSWPA	Reports of Selected War Pension Appeals
RP	Retirement Pension
RTA	Road Traffic Accident
RW	Royal Warrant
RWM	Regional Welfare Manager

S

SAP	Service Attributable Pension
SARP	Service Attributable Retired Pension
SB	Sickness Benefit
SC	Supplementary Condition
SDA	Severe Disablement Allowance
SDOA	Severe Disablement Occupational Allowance
SGF	Special Grant File
SHHD	Scottish Home and Health Department
SIP	Service Invaliding Pension
SIRP	Service invaliding Retired Pension
SIW	Self Inflicted Wound
SMI	Specified Minor Injuries
SMO	Senior Medical Officer
SNC	Skilled Nursing Care
SOC	Statement of Case

SoS	Secretary of State
SoSRD	Secretary of State's Reason for Decision
SPGN	Special Payments Guidance Notes
SPO	Service Pensions Order
SPVA	Service Personnel and Veterans Agency
SPVAMS	Service Personnel and Veterans Agency Medical Services
SRA	Service Rank Addition
SRCH	State Registered Chiropodist
SRG	System Reference Guide
SRP	Service Retired Pay
SRT	Special Review Tribunal
SSD	Social Services Department
SSOC	Supplementary Statement of Case
SSP	Statutory Sick Pay
STA	Special Treatment Allowance

T

TA	Treatment Allowances
TAVR	Territorial Army Volunteer Reserve
TAW	Temporary Allowance for Widows
TDI	Tropical Disease Investigation
TL	Treasury Letter
TLTY	Temporary Less Than a Year
TMTY	Temporary More Than a Year
TPC	Third Party Compensation
TSM	Technical Support Manager
TSU	Technical Support Unit
TU	Treatment Unit

U

UB	Unemployment Benefit
UDR	Ulster Defence Regiment
UFI	Until Further Instruction
UMO	Unit Medical Officer
UNSUPP	Unemployability Supplement
USVA	United States Veterans Association

V

VD	Venereal Disease
VED	Vehicle Excise Duty
VEDE	Vehicle Excise Duty Exemption
VWO	Veterans Welfare Office
VWS	Veterans Welfare Service

W

WAR	Work Available Report
WCSS	Workmans Compensation Supplementation Scheme
WD	War Pensions Database
WDP	War Disablement Pension
WE	Whilst Eligible
WI	War Injury
WO	Welfare Officer
WOP	War Orphans Pension
WOV	Welfare Officers Visit
WP	War Pension
WPC	War Pensions Committee
WPCS	War Pensions Computer System
WPMS	War Pensioners Mobility Supplement
WPT	Widows Lump Sum Payment
WRI	War Risk Injury
WRVS	Womens Royal Voluntary Service
WSI	War Service Injury
WWP	War Widows Pension

Glossary

Aetiology	study of causes or inquiry into origin of disease
Batch process	a computer produced report listing a selection of related items
Deminimus rule	rules relating to small overpayments which may be waived in accordance with current instructions
Ground zero	the epicentre of the bomb blast
Inpatientcy	period of inpatient treatment
Orphan	a child whose parent (a War Pensioner) is now deceased
Pulheems	<p>P – physical capacity for muscular effort assessed on body build</p> <p>U – upper limbs ie, ability to perform muscular work</p> <p>L – locomotion ie, ability to march etc</p> <p>H – hearing acuity</p> <p>E – eyesight</p> <p>E – visual acuity</p> <p>M – mental capacity</p> <p>S – stability (emotional)</p> <p>term used to describe Service Medical Assessments of Physical and Mental capacity</p>
Skylarking	natural high spirits
Total orphan	a child whose parents are both deceased

About this guide

Who should read this guide

The *Eligibility and Entitlement guide* is for all staff dealing with eligibility and entitlement to War Pension and its associated allowances.

Purpose and scope

The guide sets out the legal framework and basic principles governing eligibility and entitlement to claims for:

- War Disablement Pension
- War Widows Pension
- Supplementary Allowances
- Treatment
- Motability
- Appeals

Although every effort has been made to achieve an accurate account of the law and the Service Personnel and Veterans Agency's policy, there will be cases of doubt when it will be necessary to consult the relevant legislation. This is contained in the Service Pensions Order (SPO) and in general and policy files. There is also a series of Policy Statements which give in-depth guidance.

Layout and structure

The guide is divided into six parts.

These parts explain the criteria for considering eligibility and entitlement to War Pension and its allowances.

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Pre 1939 War

General

- 10000 There has been some form of pensions scheme since around 500 BC. Payment was not necessarily in monetary form but in the grant of land. There is evidence of such a scheme during the reign of Alfred the Great.
- 10001 In Elizabethan times voluntary grants from the Commanders of the Forces financed the compensation with help from:
- monastic houses
 - endowments from the church
 - occasional Royal Bounties
- 10002 With the dissolution of the monasteries and final break up of the feudal system the disabled soldier became virtually dependent upon his former Commander. Not surprisingly the Commanders were not able to cope with this financial burden and it is recorded that Queen Elizabeth I was 'much troubled whenever she takes the air by these miserable creatures'.
- 10003 In the last 10 years of her reign, a series of Acts was passed making statutory provision for disabled servicemen for the first time. The money was raised by a household levy and paid locally. Again this scheme did not work well as local obligations were rarely fulfilled with the result that payment was irregular. In the middle of the seventeenth century further Acts were passed where Parliament provided the necessary monies and the pension scheme was administered centrally. This still remains the position.
- 10004 In 1681 the Royal Hospital Chelsea was built for disabled soldiers. It was initially considered that the 'pension' scheme would look after those in hospital. However it also provided allowances for the disabled until they could go into hospital.
- 10005 Provision for disabled seamen took a similar course with Greenwich Hospital opening in 1705. The Admiralty controlled that scheme and by 1869 it was thought to be more economical to offer out pensions to all. The buildings were eventually used for the Royal Naval College.
- 10006 At the outbreak of the 1914 War, the responsibility for pensions was given to:
- The War Office for Army Officers
 - Admiralty for Navy Officers and Seamen.

- 10007 Within a few months, the numbers of men serving in the Regular Army and Territorial Army (TA) had trebled. Men whose service was a temporary interruption of their civilian life and occupation wanted to be able to claim something similar to industrial compensation as opposed to the services view of pensions being a discretionary grant. The Government tried to keep the existing administration structure but eventually had to change.
- 10008 A Select Committee, whose Chairman was Lloyd George, resulted in the 1915 Royal Warrant which provided for:
- 25s (£1.25) weekly for total disablement. Earnings plus pension to an aggregate of 25s (£1.25) for partial disablement
 - children's allowances at 2s 6d (12½p) for 100% introduced together with parent's pensions and widow's pensions based on age ranged from 10s (50p) to 15s (75p) weekly.
- 10009 The Naval and Military War Pensions Act in November 1915 established the Statutory Committee of the Royal Patriotic Fund Corporation which had two functions:
- to give supplementary assistance to a 'Warrant' pensioner and even to grant a pension in a case of hardship
 - to provide:
 - medical treatment in hospital and vocational training and employment for the disabled
 - for the widows, children and dependants of those killed.
- 10010 The main Committee worked through 1,200 local Committees and the organisation was designed to exist as voluntary funds with some Government help.

10011-10019

Royal Warrant 1916

- 10020 The Royal Warrant of 1916 introduced the principle of aggravation. Compulsory service was introduced in 1916 which increased the Army strength to 5,000,000.

10021-10029

Ministry of Pensions formed

- 10030 By the end of 1916 with half a million casualties from the Somme it was realised that the duties distributed over the War Office, Chelsea Hospital, Admiralty and the statutory Committee had to be combined.
- 10031 Provision was made to set up the Ministry of Pensions which came into being on 15 February 1917. It took over administration of pensions including those already granted since 4 August 1914. In the same year the Air Force (Constitution) Act gave the Ministry similar powers for members of the Air Force.
- 10032 In 1920, certain Mercantile Marines (MMs) who served with the Admiralty were also included.
- 10033 Payment of pensions for previous wars and the power to revise these pensions was given to the Ministry. Decisions on eligibility remained with the War Office.

10034-10039

Formation of the RAF

- 10040 During the earlier part of the war there was no RAF as such. The Army and Navy had airmen and the branches of these services were called the:
- Royal Flying Corps (RFC)
 - Royal Naval Air Service (RNAS).
- 10041 Later in 1917, the Ministry of Pensions took over the administration of pensions to members of the RFC and RNAS. The Royal Air Force was formed by the amalgamation of the RFC and RNAS on 1 April 1918.

10042-10049

Naval and Military War Pensions Act 1917

- 10050 The Naval and Military War Pensions Act of 1917 dissolved the Statutory Committee and transferred their powers to a new body, a Special Grants Committee. The local Committees remained in existence but were controlled and financed by the Ministry. In 1921 the 1,220 local Committees were dissolved and replaced by 166 new bodies known as War Pensions Committees.

10051-10079

Royal Warrant 1917

- 10080 The Royal Warrant of 1917 consolidated and amended existing provisions and the basis of compensation changed from loss of earnings to the degree of disablement suffered. Steps of 10% were introduced to replace the previous 25, 50, 75 and 100%. 'Alternative pensions' (disablement and widows), informal appeals system under County Court judges and 'benefit of doubt' were introduced.
- 10081 In 1918, pension rates were increased by 20%.
- 10082 In 1919, the right to have a legal and binding decision was introduced as well as the setting up of statutory independent Pensions Appeal Tribunal (PATs) for entitlement issues. Assessment appeals followed later.
- 10083 On 1 October 1921, that is 30 days after the official end of the 1914 War on 31 August 1921, the Service Authorities took over these powers and duties from the Ministry. The purpose of this was so that the Services could determine and deal with claims arising from peace time service.
- 10084-10089

1921 Act

- 10090 A Medical Committee in 1921 advised the Government that seven years from a man's discharge would be a generous time limit for any conditions related to service to become evident. The 1921 Act imposed this time limit.
- 10091 Final and life awards were provided for and the Ministry had to make a statutory final settlement not later than four years after the first award whenever circumstances permitted. By 1931, 95% of all cases were on a final basis.
- 10092-10099

First tribunals

- 10100 In July 1917 the first tribunal was set up with a County Court Judge as Chairman together with five other members. It dealt only with entitlement matters and only in an advisory capacity. However the Ministry had to accept the advice.
- 10101 As the one tribunal could not deal with all the cases several tribunals were set up and as judges were in insufficient supply legal men became chairmen and the tribunal was reduced in size to three members. All salaries were paid by the Ministry and the tribunal's impartiality was questioned.
- 10102-10109

WP (Administrative Provisions) Act 1919

- 10110 The War Pensions (Administrative Provisions) Act 1919 terminated these 'Ministry' tribunals. In October 1919 new tribunals, independent of the Ministry and with statutory powers, were set up. Assessment Tribunals followed.
- 10111 Every pensioner who had received a statutory final award or who received a final award after the Act, was given access to the Assessment Tribunal to express his dissatisfaction.
- 10112 The 1921 Act also introduced time limits for claims and appeals. Claims for disablement or death had to be made within seven years after the end of service or after 30 September 1921 (the official end of the 1914 War) whichever date was the earlier.
- 10113 Entitlement appeals had to be made within 12 months of the Ministry's decision. In 1929 it was decided to allow the Ministry to award compensation under the Dispensing Warrant where the claim was good, but had not been made within the statutory seven year period.
- 10114-10119

Royal Warrant 1924

- 10120 The Royal Warrant of 1924 abolished the seven year time limit for widows claiming in respect of the death of their husbands.
- 10121 On the assessment side, all appeals against statutory final awards terminated in February 1924. Appeals against final awards had to be made within 12 months.
- 10122 Cases in which final awards were not made had no right of appeal.

10123 Until the outbreak of the 1939-45 war, claims for disablement arising from the 1914 War continued to be considered under the:

- 1914 War Instruments
- Dispensing Instruments.

10124 Responsibility for disablement arising from peace time service from 1 October 1921 reverted to the Service Departments until the outbreak of the 1939 War. It was again transferred to Ministry of Pensions and all claims in respect of service after 2 September 1939 have since then been the responsibility of this Agency. Inter war claims are considered as Advisory Cases.

10125-10129

Officers and men of Fleet Auxiliaries and other vessels in the pay of the Admiralty

10130 For the period of the 1914 war, provision was made by the Order in Council of June 1920, for the Ministry of Pensions from 1 May 1918 to take over responsibility for administering awards, for and in respect of, officers and men of:

- Fleet Auxiliaries
- other vessels employed afloat in the service and pay of the Admiralty under agreements to serve under the provisions of Section 90 of the Naval Discipline Act.

10131 The officers and men concerned were to be graded in ranks and ratings corresponding with those of the Royal Navy. These were determined by the Minister of Pensions. Apart from certain exceptions, the awards made were in accordance with the corresponding provisions of the Orders in Council relating to members of the Royal Navy.

10132-10139

The Seamen's War Risks Compensation Scheme

10140 The Transfer of Functions (War Risks Compensation) Order, 1953, which came into operation on 1 April 1954 transferred the award and payment of pensions and other benefits to:

- merchant seamen and fishermen disabled in the 1914 war
- widows and dependants of merchant seamen and fishermen dying from injuries sustained in that war

to the Minister of Pensions and National Insurance.

- 10141 The provisions are known as the 'Seamen's War Risk Compensation Scheme'. The entitlement provisions under the scheme are in line with those of the War Pensions (Mercantile Marine) Scheme 1964 as amended. by the War Pensions (Mercantile Marine) (Amendment) Scheme 1972.

10142-10199

Armed Forces 1939 War onwards

Pension Act of 1939

- 10200 The Pensions Act of 1939 made provisions for the Ministry of Pensions to consider claims to pension from Officers or Other Ranks who served in the Naval, Military or Air Forces.
- 10201 On 4 September 1939, the Ministry of Pensions were given the responsibility for making awards in respect of disablement or death, due to service on or after 3 September 1939.

10202-10219

Early provisions

- 10220 The Order in Council, Royal Warrant and Order by His Majesty of September 1939, provided for a disability award to be granted, subject to certain conditions being satisfied, for members of the forces:
- 1 whose service had been terminated on account of medical unfitness, or for other reasons; and
 - 2 who were certified to be disabled in consequence of a disability attributable to service during the 1939 War.
- 10221 The disability could not be accepted as attributable to war service unless it was certified to be:
- 1 directly attributable to war service; or
 - 2 due to a wound, injury or disease which arose during war service, or existed before service, and was aggravated by war service to a material extent and remained aggravated.
- 10222 The disability could not be certified to be attributable to war service unless there was definite evidence of the wound, injury or disease in contemporary official records. If these were not available, there had to be other definite accompanying evidence. Any evidence must have been:

- good
- sufficient **and**
- left no doubt in the mind of the certifying medical authority that the disability was attributable to war service.

10223 A disability considered to be due to the serious negligence or misconduct of the member could not be regarded as attributable to war service.

10224-10229

1940 Instruments

10230 The 1940 Instruments, effective from 5 June 1940, imposed conditions for certifying that a disability was attributable to war service in slightly different terms.

10231 They required that there should be evidence of the wound, injury or disease in contemporary official records or by other reliable corroborative evidence. In either case, the evidence should be good and sufficient to prove that the disability was attributable to war service.

10232-10239

1943 Instruments

10240 The Instruments effective from 12 January 1943 changed slightly the interpretation of the term attributable disability in relation to aggravation by war service of a wound, injury or disease which arose during or existed before war service.

10241 Instead of the requirement that the wound, injury or disease should have been aggravated by war service to a material extent and remain aggravated, in accordance with the previous Instruments, the wound, injury or disease had to have been aggravated by war service to a material extent and remain aggravated thereby.

10242 Another change in the entitlement provisions came into effect in January 1943. Serious negligence or misconduct on the part of the member no longer affected entitlement to an award but became a ground for withholding, cancelling or reducing the amount of the appropriate award if causative or a contributory factor of the disablement or death.

10243-10249

Directly attributable

10250 It was intended that a certificate stating that the disability was directly attributable to war service, should cover a disability resulting directly from an incident or special conditions experienced by the member as a result of war service. Eg, a wound or injury sustained in the performance of service duty or disease, due to specific conditions of service, for example infection with amoebic dysentery while serving in an area where the condition was endemic.

10251-10259

Material aggravation

10260 Before July 1941, there was no definite rule regarding the interpretation of material aggravation. Normally, a slight or temporary increase in disablement due to service aggravation would not have justified an entitlement of 'Attributable (Material Aggravation)'.

10261 From 1 July 1941, where a member, having been passed as being of a normal standard of health and strength, and fit for general service, was eventually invalided in consequence of a disability which had existed when they were examined as a recruit and was aggravated by service. The invaliding in consequence of the disability was regarded as justifying the acceptance of material aggravation:

- unless the member had deliberately misled the recruiting board about their medical condition on a material point **and**
- providing that the invaliding was due, in part at least, to the service aggravation.

10262 This principle was not applied in cases of:

- neurosis
- psychoneurosis
- psychosis.

- 10263 This principle was applied to:
- members examined by a recruiting board and passed as Grade 1 (or Grade 2 if the lower grading was due to a defect of the eyes or feet and the invaliding was in respect of that defect) before or during the war
 - reservists or territorials who were medically examined about the time of mobilisation and graded as 1 or were classified as A1 or shown as fit for general service or service abroad
 - men who were not medically examined at the time of the outbreak of the war but who, during war service, were shown as Grade 1 or classified as A1 after medical examination
 - naval ratings passed as fit for service afloat.
- 10264 Any case which otherwise merited the application of the principle received special consideration.
- 10265 Medical opinion was sought to interpret women members' fitness categorisation where they were medically examined for service before systematic grading of women was introduced.

10266-10269

Improved (White Paper) provisions

- 10270 The 1943 Instruments were:
- made towards the end of that year
 - effective from January 1943.
- 10271 The Order in Council were:
- made in January 1944
 - effective from 16 August 1943.
- 10272 The changes in the entitlement provisions radically altered the way pension entitlement was determined. These instruments were outlined by a White Paper issued on 14 July 1943. This resulted in the improved entitlement provisions being known as the 'White Paper Provisions'.

- 10273 The revised provisions required that the disablement or death of a member of the forces should be accepted as due to war service subject to certification on the lines that:
- the disablement was due to a wound, injury or disease which:
 - was attributable to war service **or**
 - existed before or arose during war service and had been and remained aggravated there **or**
 - the death was due to or hastened by:
 - a wound, injury or disease which was attributable to war service **or**
 - the aggravation by war service of a wound, injury or disease which existed before or arose during war service.
- 10274 The term 'directly attributable' was modified to 'attributable' and entitlement was no longer related to material aggravation. It was also laid down that:
- there should be no onus on any claimant to prove their case
 - the claimant should be given the benefit of any reasonable doubt
 - where a member was invalided or died during war service in consequence of a disability which was not noted in a medical report made on the commencement of their war service, a certificate of entitlement should be given unless there was evidence proving that the conditions for this were not fulfilled **and**
 - where there was no note in contemporary official records of a material fact on which a claim was based, other reliable corroborative evidence of that fact might be accepted.
- 10275 The result of the improved provisions, which were generally effective from 16 August 1943, (but were applied from 14 July 1943 in connection with invaliding on account of disease) was a sharp increase in the number of pensions awarded.

Lay decisions

- 10276 To help decide entitlement in disease cases, a scheme was introduced where lay officers made certain entitlement decisions without prior reference to medical branch.
- 10277 Usually a favourable opinion on entitlement recently expressed by an invaliding board or a Ministry medical board could be accepted as a basis for a lay officer's decision to admit an entitlement.
- 10278 In cases of certain diseases, whether or not the member had made a claim on invaliding, the lay officer could reject entitlement, provided that the invaliding board had expressed the opinion that the condition was not:
- attributable to war service **or**
 - aggravated by war service.
- 10279 On the other hand, even if the invaliding board's opinion was unfavourable, the lay officer could admit an entitlement, subject to the agreement of medical branch by a method of block certification.

10280-10289

Setting up of Pensions Appeal Tribunal (PAT) on entitlement

- 10290 During the early years of the 1939 War there was a demand for a system of appeals to independent PAT similar to that which was created in 1919.
- 10291 In 1943 the Government decided to set up Tribunals and passed the Pensions Appeal Tribunals Act 1943 in July. On 5 August 1943 the provisions for entitlement appeals and appeals against the withholding or reduction of awards on the grounds of serious negligence or misconduct came into effect.
- 10292 The Act provided for further appeals on a point of law to the:
- High Court in England
 - Court of Session in Scotland
 - Supreme Court in Northern Ireland.

10293-10299

Over Seven Years (OSY) cases: further provisions

- 10300 With effect from 3 September 1946, the 1947 Instruments restricted the 'White Paper' entitlement provisions to cases:
- where the disablement claim was made or death occurred not later than seven years after the end of war service **or**
 - where after the expiration of the period of seven years beginning with the end of a member's war service:
 - a claim was made in respect of their disablement and they were or had previously been in receipt of a pension under the appropriate Instrument in respect of a wound, injury or disease which was a cause of their claimed disablement **or**
 - the member died and they were or had previously received a pension under the appropriate instrument in respect of a wound, injury or disease which was a cause of their death.
- 10301 The term 'pension' included retired pay, disablement addition, weekly allowance or gratuity or an allowance in respect of a period of approved treatment.
- 10302 Disablement or death should be accepted as due to war service provided it was certified that:
- the disablement was due to a wound, injury or disease which:
 - was attributable to war service **or**
 - existed before or arose during war service and had been and remained aggravated thereby
 - the death was due to or substantially hastened by:
 - a wound, injury or disease which was attributable to war service **or**
 - the aggravation by war service of a wound, injury or disease which existed before or arose during war service.
- 10303 Whereas, there could be no presumption in favour of the 'OSY' claimant, they were allowed the benefit of a reasonable doubt on the basis of reliable evidence. It was laid down that where there was no note in contemporary official records of a material fact on which a claim was based, other reliable corroborative evidence of that fact might be accepted.

10304 The Pensions Appeal Tribunals Act 1943 was modified by the Pensions Appeal Tribunal (Modification) Order 1947 so that the PAT could deal with appeals against the rejection of 'OSY' claims.

10305-10309

1949 Instruments

10310 The Pensions Appeal Tribunals Act 1949 extended the scope of the modified 1943 Act to take account of claims arising otherwise than out of war service. By means of the 1949 Instruments which were partly effective from 1 June 1949, War Pensions Provisions could be related to service (including service in the Reserve, Territorial or Auxiliary Forces) for any period after 2 September 1939.

10311 Article 4 of the 1949 Instruments concerned entitlement where a disablement was claimed or death took place not later than seven years after the termination of service.

10312 Article 5 (with effect from 3 September 1946) covered the conditions for an entitlement where a disablement was claimed or death took place more than seven years after the termination of service.

10313 Apart from the substitution of 'service' for 'war service' the conditions for and terms of certificates of entitlement imposed by the two Articles varied from those previously outlined. 'Disablement' and 'death' were no longer related to 'a wound, injury or disease' but to 'an injury'. This change resulted from the provision (Article 1 (13) of the 1949 Instruments) for the expression 'injury' to be interpreted as including wound or disease.

10314 Additionally guidance was provided, with Article 5, concerning certification that disablement was due to any injury which existed before or arose during service and had been and remained aggravated thereby. The conditions for such certification could not be deemed to be fulfilled unless the injury remained aggravated by service at the time when the claim was made.

10315 The provisions for an entitlement under Article 4 in relation to a member of the Reserve, Territorial or Auxiliary Forces were less favourable than those relating to a full-time member of the armed forces in that the claimant was not specifically relieved of the onus of proof and there could be no presumption in their favour.

10316 They were allowed the benefit of a reasonable doubt on the basis of reliable evidence and it was laid down that where there was no note in contemporary official records of a material fact on which a claim was based, other reliable corroborative evidence of that fact might be accepted.

10317-10319

1964 Instruments

- 10320 With effect from 1 October 1964, the 1964 Instruments limited the restriction of the Article 4(4) provisions in relation to a member of the Reserve, Territorial or Auxiliary Forces to cases where the disablement or death was due to or hastened by a disease other than a disease caused or aggravated by an accident.
- 10321 The threshold condition imposed by the 1947 and 1949 Instruments were made less restrictive by the 1964 Instruments, for a certificate of entitlement in respect of death occurring more than seven years after the termination of service.
- 10322 Under Article 5 of the 1949 Instruments a pre-requisite for the consideration of entitlement was that the member should have been at the time of his death, or at any time previously, in receipt of a pension awarded by the Minister in respect of an injury which was a cause of his death. The interpretation of the term 'pension' was the same as that provided by the 1947 Instruments.
- 10323 The 1964 Instruments removed the requirement that the injury in respect of which the pension had been awarded should have been a cause of the member's death.

10324-10329

1972 Instruments

- 10330 With effect from 2 October 1972, the 1972 Instruments entirely removed the threshold condition for a certificate of entitlement under Article 5.

10331-10339

1973 Instruments

- 10340 The 1973 Instruments confined the award of killed in action gratuities to those cases where death was due to service before 1 August 1973.

10341-10349

Service Pensions Order (SPO) 1978

10350 The Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1978, took effect on 1 January 1979. During the period from September 1939 to January 1979, pensions and grants were administered under the provisions of:

- corresponding Orders in Council
- Royal Warrants
- Orders by His/Her Majesty.

10351-10359

Service Pensions Order (SPO) 1983

10360 The Naval, Military and Air Forces etc (Disablement and Death) SPO 1983:

- superseded the SPO of 1978
- was effective from 21 July 1983
- consolidated into a single instrument and superseded the:
 - Order in Council of 25 September 1964
 - Royal Warrant of 19 September 1964
 - Order by Her Majesty of 24 September 1964.

10361 The 1964 Instruments provided specific definitions of eligible members of the Armed Forces in relation to service:

- during the 1914 War by reference to definitions on the 1919-1921 Instruments
- after 25 September 1939.

They were revoked by the War Pensions Take Over (Pre-Consolidated Amendment) Order 1978 on 1 January 1979.

10362 The Statutory Instruments, Warrants and Orders can be found in the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983.

Dispensing Instruments

10363 Under conditions other than those laid down in the War Pensions Instruments, exceptional awards can be made, subject to authorisation from the Treasury. These awards are made under the following Instruments:

- Dispensing Order in Council of 19 December 1881
- Dispensing Warrant of 27 October 1884
- Dispensing Order by His Majesty of 14 January 1922.

10364 Awards made under the Dispensing Instruments are included in a return for presentation to Parliament at the end of each financial year.

Extra Regulation Awards

10365 There are no authorities to correspond with the Dispensing Instruments for making awards other than those mentioned in the War Pensions and Dispensing Instruments.

10366 Exceptional awards with Treasury approval are made on an extra regulation basis.

10367 Extinguished disablement cases similar to those mentioned in Treasury Letter 2SS 151/80/01 dated 10 December 1962, which do not come under the provisions of the Dispensing Instruments, may be authorised by SPVA.

10368 Note these awards for the appropriation account.

Treasury Letters

10369 Some War Pension awards are not covered by the SPO. Instead they are made under a Treasury Letter Authority and are known as 'special sanction' awards.

10370 Section Support is responsible for completing a Dispensing Warrant Schedule and notifying these cases to HM Treasury for authority to be presented to both Houses of Parliament. They must, therefore, be readily identifiable.

10371 The main types of case awarded under Treasury Letters are:

- post PAT less than 20% final
- post PAT interim awards
- extinguished disablement
- humanitarian awards
- Great War cases (except for deterioration claims involving existing conditions)
- withdrawal of entitlement (both Wars) Article 44.

10372-10499

Members of the Polish Forces who served under British command

The Polish Resettlement Act 1947

10500 This authorised the Minister of Pensions to make, with the consent of the Treasury, a scheme for applying, under the Royal Warrant relating to British Service with the military forces, including nurses and auxiliary services, for disablement or death in consequence of service during the 1939 war under British command members of:

- the Polish naval detachment mentioned in the agreement made between His Majesty's Government in the United Kingdom and the Government of Poland on 18 November 1939
- the Polish Armed Forces organised and employed under British command in pursuance of the agreement made on 5 August 1940
- the Polish Resettlement Forces.

10501 The Act limited the provisions of any such scheme to a period of five years or an extended period, with the consent of the Treasury.

10502-10509

The War Pensions (Polish Forces) Scheme

- 10510 The War Pensions (Polish Forces) Scheme 1947, was effective from 1 April 1947.
- 10511 It was superseded with effect from 1 June 1949 by the Pensions (Polish Forces) Scheme, 1949, which applied the provisions of the Royal Warrant of 24 May 1949 with modifications.
- 10512 With effect from 1 January 1965, the 1949 Scheme as amended by the Pensions (Polish Forces) Scheme (Amendment and Extension) Order, 1962, was replaced by the Pensions (Polish Forces) Scheme 1964 applying the provisions of the Royal Warrant of 19 September 1964 with modifications.
- 10513 As amended by the Pensions (Polish Forces) Scheme (Amendment) Orders of 1972 and 1974, the 1964 Scheme is still current but with modifications the provisions of the Naval, Military and Air Forces etc (Disablement and Death) SPO 1983 are applicable.
- 10514 The life of the Scheme made under the Polish Resettlement Act, 1947 has been extended by:
- the Pensions (Polish Forces) Scheme (Extension) Orders of:
 - 1951
 - 1957
 - 1967
 - 1972
 - 1981
 - 1992
 - the Pensions (Polish Forces) Scheme (Amendment and Extension) Order 1962.

10515-10519

Protocol signed

- 10520 To understand the reason for the protracted life of the Scheme and the provisions for payment of pensions and other benefits in respect of members of the Polish Forces in exile prior to 1947 you need to go back in history to May 1943. After prolonged discussion, a Protocol was signed by representatives of His Majesty's Government and the Polish Government in exile in London.
- 10521 Under this Protocol the Polish Forces were to have pensions and other benefits at rates similar to those for members of the British Armed Forces under the War Pensions Instruments administered by the British Minister of Pensions who was to act in an advisory capacity as regards entitlement and awarding practices.
- 10522 The cost of awards under such arrangements was to be the liability of the Polish Government in London but the British Treasury were to supply the funds on a recoverable basis.
- 10523 The Polish Government's own Ministry of Labour and Social Welfare were to make the awards and payments. In practice, the Polish Ministry carried out the preliminary investigation of claims and submitted their proposals to the British Ministry of Pensions on what was called a Scheme of Award.
- 10524 The cases:
- went through the normal British Ministry procedure of consideration and audit **and**
 - were returned to the Polish Ministry with the appropriate advice.
- 10525 The decisions that both Ministries agreed were formally accepted and those where there was a difference of opinion were settled by a mixed committee which had:
- two members from the British Ministry
 - been appointed to advise the Polish Ministry.
- 10526 Awards authorised by the mixed committee do not bear a Ministry of Pensions audit stamp.
- 10527 The committee was dissolved on 31 March 1947.
- 10528 Not all of the Polish servicemen who reached the United Kingdom during the 1939 war served under British command.

- 10529 The Polish Government in London received claims in respect of disablement and death arising from:
- the early fighting in Poland or in France in 1940
 - privation in prison or internment camps in Russia
 - service with the Polish Home Army, a resistance force operating in Poland which took part in the Warsaw rising in August 1944.

10530 To meet a requirement of the Polish Resettlement Act, 1947, the War Pensions (Polish Forces) Scheme of 1947 made provision for payment of 'Non-Protocol' awards based on such claims to continue during a period not longer than one year from 1 April 1947, the effective date of the Scheme.

10531 When the Protocol was signed in 1943 it was anticipated that the Polish Government in London would return to Poland at the end of hostilities. However, because of a change in the political situation in Poland there was no such return. Instead a body of men in Poland set up the Polish Provisional Government in Warsaw in July 1945.

10532-10539

Interim Treasury Committee on Polish questions

10540 This Government, which came to be recognised by His Majesty's Government, disclaimed the Agreements entered into by the London Polish Government.

10541 In the circumstances, an 'Interim Treasury Committee on Polish Questions' was set up to take over the administration of the affairs of the former Polish Ministry of Labour and Social Welfare.

10542 This Committee worked on lines similar to those followed by the former Polish Ministry with the mixed committee adjudicating on questions of doubt. Although by then it was clear that the British Exchequer would have to bear the cost of all Polish awards made, there was no cessation of 'Non-Protocol' awards until 31 March 1947 when the new committee was dissolved.

10543-10599

Home Guard

First period 21 May 1940 to 31 December 1944

- 10600 The Home Guard, formerly the Local Defence Volunteer Force, was formed during the 1939 war to perform defensive duties at home, releasing more able bodied men for active service.
- 10601 Members of the Home Guard did not serve abroad.
- 10602 Although the 'war time' Home Guard, as a force, was not disbanded until 31 December 1945, its members were 'standing down' after 31 December 1944. No part of the year 1945 can be reckoned in a period of 'service'.
- 10603-10609

Second period 28 April 1952 to 31 July 1957

- 10610 During this period (known as the Cold War) the strength of the British Armed Forces had been reduced by its overseas commitments in Europe, Korea and other locations of strategic importance, to such an extent that the Government thought it prudent to re-establish the Home Guard.
- 10611 The 'peace time' Home Guard was put on a reserve basis on 31 March 1956 and all Home Guard activities ceased on 31 July 1957.

10612-10619

Status of members of the Home Guard

- 10620 When a man joined the Home Guard he was considered to be a member of the Armed Forces and as such was subject to Military Law as a soldier.
- 10621-10629

Authority

10630 Authority for awards in respect of disablement and death due to service in the Home Guard is provided under the following Instruments.

Service between 21 May 1940 and 31 December 1944

10631 The Royal Warrant of 21 December 1964 (as amended) concerning pensions and other grants in respect of disablement or death due to service in the Home Guard (Cmnd 2563).

Service between 28 April 1952 and 31 July 1957

10632 The Order by Her Majesty of 22 December 1964 (as amended) concerning pensions and other grants in respect of disablement or death due to service in the Home Guard after 27 April 1952 (Cmnd 2564).

10633 These Statutory Instruments provide benefits to members of the Home Guard similar to those enjoyed by members of the Armed Forces under The Naval, Military and Air Forces, etc (Disablement and Death) Service Pensions Order 1983 (SPO).

10634 By virtue of Article 3 of each Statutory Instrument, and Article 2 of The Naval, Military and Air Forces, etc (Modification of Enactments and other Instruments) Order 1978, (SI 1526) the relevant provisions of the SPO, (as amended) apply to members of the Home Guard, with certain modifications.

10635 Because the conditions under which members of the Home Guard served did not match those of regular members of the Armed Forces, these modifications mainly concern the application of Article 40 of the SPO for claims made not later than seven years of the termination of service. The Statutory Instruments also provide for all members of the Home Guard to be treated for all pension purposes as soldiers with the rank of Private.

10636-10699

Naval Auxiliary members, Salvage Workers and members of the Merchant Navy, Sea Fishing Service, Pilotage Service or Light Vessel Service

The Pensions (Navy, Army, Air Force and Mercantile Marine) Act

10700 The Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, as amended by the Pensions (Mercantile Marine) Act 1942, gave the Minister of Pensions the power to make, with Treasury consent, schemes for applying the Naval War Pensions Order (Order in Council), with any necessary modifications, to make awards in respect of disablement and death resulting in certain circumstances from the war at sea in cases of:

- Naval Auxiliary members
- members of the Merchant Navy
- sea fishing service
- pilotage service
- light vessel service.

10701 Salvage workers were covered by the Pensions (Mercantile Marine) Act 1942.

10702 By virtue of the Naval, Military and Air Forces etc (Modification of Enactments and other Instruments) Order 1978, the current 1964 schemes apply the provisions of the Naval, Military and Air Forces, etc (Disablement and Death) SPO 1983 as appropriate.

10703-10799

Civilians

The Personal Injuries (Emergency Provisions) Act

10800 The Personal Injuries (Emergency Provisions) Act 1939 gave the Minister of Pensions the power to make a scheme, with Treasury approval, for the making of payments in respect of injuries sustained during the period of the emergency:

- war injuries sustained by:
 - Gainfully Occupied Persons (GOPs) with such exceptions, if any, as might be specified in the scheme **and**
 - persons of such other classes as might be so specified
- war service injuries sustained by Civil Defence Volunteers (CDVs).

10801 To a great extent changes in the provisions of the schemes coincide with changes in the provisions of the Instruments relating to members of the Armed Forces.

10802-19999

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Great War

Eligibility

War Pension Act 1921

20000 The WP Act 1921 limited the time allowed for making claims to pension in respect of disablement under the War Pension Instruments to whichever was the earlier of the following:

- seven years after the date on which the claimant was discharged from the forces
- 30 September 1921 (date of the termination of the 1914 War).

20001 See *Appendix 9* for War Pensions Instruments relating to 1914 War service.

Treasury Letter 2SS 151/80/01B 4 August 1972

20002 Claims made by eligible members after the statutory time limit can be considered under the authority of this Treasury Letter.

20003 To be eligible to claim, the claimant must have been a 'member of the Armed Forces' who had 'service' during part or whole of the Great War, which began on 4 August 1914 and ended on 30 September 1921.

Definition of member

20004 The term 'member of the Armed Forces' is explained in *Appendix B*.

20005-20009

Entitlement

General

20010 When it has been established that the claimant is eligible, it has to be proved that there is a **causal connection** between service and the disablement on which the claim is based. That is, the service was the cause of the injury or disablement and not merely the setting.

Chronology of events

20011 For a full chronological record of events, battles and campaigns during the Great War, see *Appendices 11-12*.

Special aspects of the consideration of 1914 claims

20012 TL 2SS151/80/01B of 4 August 1972 gives authority to make an award under the appropriate dispensing instrument in a Great War case in any situation where an award would have been made in a similar 1939 case. This means that as far as disablement is concerned the 1914 claim falls for consideration in accordance with **Article 41 of the Naval, Military and Air Forces, etc (Disablement and Death) Service Pension Order 2006**. The lack of official records, however, means that it may be practically impossible to deal with a 1914 War claim on the same footing as a 1939 claim. This is because:

- in April 1975 Archives Registry commenced the disposal for destruction of most 1914 War **medical records**
- some 1914 **Awards** files were also destroyed **and**
- since 24 September 1985 Great War files, apart from live cases, have been destroyed two years from the last PA charging on the file.

20013 In these circumstances, in any case where it is possible that in consequence of the official destruction of evidence, a contemporary official record of a material fact on which a claim is based is unavailable and for any reason it is impossible to obtain other reliable corroborative evidence of the fact, **the history given by the claimant may be regarded as acceptable.**

Chemical irritants Great War

20014 During the Great War, chemical irritants were used for the first time. A list of these irritants is shown at *Appendix 10* with details of their principal effects and the dates they were first used.

20015 All other aspects of the consideration of entitlement are as laid down for 1939 War cases.

20016-20029

Gassing

20030 During the Great War, people were exposed to different types of gas and chemical irritants. For a full explanation of the effects of each type of gas see *Appendix 10*. This will also tell you the first known date the gasses were used on.

20031 On receipt of a claim referring to gassing, look at:

- the type of gas mentioned
- the date and place of claimed exposure
- service documents to confirm that the claimant was in the stated place on the day gas was used (see *Appendix 13* for a list of hospitals which treated gas cases).

Accidents

20032 Bear in mind the possible loss or destruction of documentary evidence when considering accidents.

Deterioration claims

General

20033 Deterioration claims for Great War pensioners are made in the same way as for 1939 cases.

Royal warrant 1919

20034 This affects cases where there is:

- loss of vision in one eye
- certain amputation cases.

20035 In these types of case it may be more beneficial to award the assessment under the 1919 warrant rather than the SPO. Eg, a claimant with loss of vision in one eye, will be assessed at 50% under the 1919 warrant, but at 30-40% under the SPO. In these circumstances SPVAMS must assess disablement at 50%.

20036 Assessments which were finalised under the 1921 final award regulations and awards prior to 1930 but not finalised (they are considered to have gained an air of finality) can only be maintained or increased **never reduced**.

20037 In 1921 assessments were made in multiples of 5% up to 100%. There are still cases of this type in existence.

20038 Any increased award is authorised under the SPO. There is no right of appeal against the assessment but claimants can discuss their case with the WPC.

Claims relating to both wars

20039 It is possible to receive a claim relating to service in both wars. The claimant may state:

- that they have a condition that they relate to both periods of service
- they have more than one condition, one of which he relates to their Great War Service and one to their 1939 service.

20040-20099

Naval Auxiliary Personnel

Naval auxiliary Members, Salvage Workers and Members of the Merchant Navy, Sea Fishing Service, Pilotage Service or Light Vessel Service

Eligibility

20100 The Order in Council of June 1920 made provisions for the Ministry of Pensions to take over responsibilities from 1 May 1918 for administering pensions of members of:

- the Fleet Auxiliaries
- other vessels employed by the Admiralty.

20101 The claimant is eligible to apply providing they signed an agreement to serve under the provision of Section 90 of the Naval Discipline Act for the duration of the 1914 War and sustained:

- a war injury
- a war risk injury
- detention by the enemy

between 4 August 1914 and 30 September 1921 inclusive.

20102-20109

Entitlement

20110 Provided that the requirements for eligibility are satisfied, the entitlement provisions relating to members of the naval forces during the 1914 war are appropriate for awards in respect of the disablement or death of members of Fleet Auxiliaries and other vessels in the service and pay of the Admiralty.

20111-20119

The Seaman's War Risks Compensation Scheme

Eligibility

Background

20120 In the course of the war of 1914 to 1918 schemes were set up for the payment of benefits to merchant seamen and fishermen disabled in that war and to the widows and dependants of merchant seamen and the fishermen dying from injuries received in that war. The liability for the payment of these benefits was assumed by the Government and the responsibility for administering the schemes is at present entrusted to SPVA.

Government War Obligations Act 1914

20121 The Government assumed liability in respect of payment of insurance against war risks of ships or cargo.

1915 Act

20122 This extended this liability to include compensation in respect of persons killed or injured on any merchant ship or fishing vessel owing to:

- mines
- torpedoes
- other hostile operations

so that the rights of compensation were the same as would have been granted to members of Fleet Auxiliaries.

20123 The 14 October 1915 Agreement was reached between the Government and the War Risks Association Ltd to make grants, pensions and allowances available in respect of Merchant Seamen receiving an injury due to a Kings Enemy Risk. The following table gives definitions of terms:

Term	Definition
Seamen	This term defined 'every person employed or engaged in any capacity on an entered ship whether a British Subject or not'.
Kings Enemy Risks	This meant and included risks of: <ul style="list-style-type: none"> • capture, seizure and detainment by the Kings enemies and its consequences • all consequences of hostilities of war like operations by or against the Kings Enemies including risk of damage or injury by mines laid during hostilities (whether before or after the declaration of war).
20124	The 26 October 1916 Agreement was a similar agreement made with the British Fishing Vessels War Risks Insurance Association Limited for the benefit of skippers and members of the crew of any insured fishing vessels.
20125	Both agreements were effective from 4 August 1914 and are known collectively for convenience of reference as the 'Seamen's War Risks Compensation Scheme'.

Entitlement

- 20126 In effect, the provision for entitlement under what is known as the Seamen's War Risks Compensation Scheme in respect of merchant seamen and fishermen disabled in the 1914 war and widows and dependants of merchant seamen and fishermen disabled in the 1914 war and dependants of merchant seamen and fishermen dying from injuries sustained in that war are in line with those of the War Pensions (Mercantile Marine) Scheme 1964, as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme 1971 which came into operation on 2 October 1972.
- 20127-20139

British West Indies and West Indian Regiments

- 20140 The West Indies Governments concerned accepted responsibility for pensions in respect of members of the British West Indies Regiment, which was raised purely for service in the 1914 War. Officers of the Regiments were granted ordinary British commissions.
- 20141 The SPVA remained liable for the payment of pensions in respect of members of the West India Regiment.

Cape Auxiliary Horse Transport Company

20142 The South African Union Government is liable for payment of pensions to members of these Corps.

Cape Corps

20143 The South African Union Government is liable for payment of pensions to members of these Corps.

Cape Coloured Labour Battalion

20144 The South African Union Government is liable for payment of pensions to members of these Corps.

Ceylon Forces

20145 Claims of officers in the Colombo Minesweeping Flotilla or other Forces raised in Ceylon are dealt with by the Foreign and Commonwealth Office and awards are charged against the Government of Ceylon.

East African (including Nyasaland and Uganda) Local Forces

20146 Officers and nurses of these forces are eligible for the full benefits of the WP Instruments and their awards are chargeable to the WP Vote.

Enrolled Native Corps

20147 Claims for pension by members of the following Corps were dealt with by the War Office:

- Arab Scouts
- Chinese Labour Corps
- Est African Native Carriers
- Egyptian Casual Labourers
- Egyptian Labour Corps
- Greek Labour Corps
- Imad Levy
- Indian Labour Corps
- Maltese Labour Corps

- South African Labour Corps
- Yemenis
- Zion Mule Corps.

20148 The Hong Kong and Singapore Battalion, Royal Garrison Artillery, could be granted the same circumstances to similar of the Indian Army, but they were eligible for the rates in Article 1183 et seq of the Royal Warrant of 1914, if more favourable.

20149 Cape Indian Bearers were pensionable at Indian Army rates. Their cases were not dealt with individually by the Department.

20150-20169

Civilians

Background

20170 In June 1917 the Government announced that it had decided to make awards to air-raid victims where:

- personal injury resulted in death or permanent disablement **and**
- the victim or their dependants were unprovided for.

20171 The awards were made by the Treasury, and administered through the local Government Board. Eventually these awards became a matter for the Ministry of Health.

20172 After December 1922, disablement from the Great War air-raids ceased to be considered by SPVA. Any representations received now must be referred to SP Pol (Pens) via PLG.

20173-20199

Service in the Armed Forces at any time

General

- 20200 Where SPVA has accepted that service between 30 September 1921 and 3 September 1939 disablement has been aggravated by later service, Service Personnel and Veterans Agency Medical Services (SPVAMS) will on review or further claim, raise entitlement to attributable (with inclusive service dates where necessary).
- 20201 The SPO was amended from 29 July 1996 to enable SPVA to consider claims and award pensions and allowances for such service.

20202-20299

Service in HM Forces at any time

Introduction

- 20300 Claims can be received from ex-service members or from a third party acting on their behalf. Third parties include Ex-Servicemen's Organisations such as the RBL, VWSOs or, in some cases, the MoD.
- 20301 Claims from ex-service members are considered under the 'Naval, Military and Air Forces etc (Disablement and Death) SPO 2006 (SPO)'.
- 20302 There are three kinds of first claim:
- Current Invaliding (CI)
 - Post Discharge (PD)
 - Over Seven Years (OSY).
- 20303 The case must be considered under the right article of the SPO at the outset. Examine each case carefully to ensure that this is done.
- 20304 A chronology of even, from the 1939 War onwards, in which members of the British Armed Forces or British Civilians at home were concerned, is at *Appendix 1*.

20305-20309

Eligibility

20310 Establish eligibility before a claim to pension can be considered. The basic rules of eligibility are set out below.

Members of the Armed Forces

20311 To be eligible the claimant must have:

- served at any time; and
- been discharged from the forces when the claim is made.

See *Appendix 16* for definitions of membership of the Armed Forces at various times.

Territorial Army and Reserve service

20312 A member relegated to the Reserve or the Territorial Army ceases to be on active service and is classed as an ordinary citizen. However, they may be called up for periods of special training, eg at camp or the Drill Hall. Injuries sustained whilst on training can be considered.

20313 A member related to any of the Reserves ceases to be on service, and is in the same position as an ordinary civilian. Disablement sustained while on the Reserve cannot, therefore, be accepted for pension as the result of service. However, consider aggravation by further service if the member was later recalled to service. **Take care to distinguish between periods of service and periods spent on the Reserve.**

Non Regular Permanent Staff Members of the Territorial Army

20314 Non Regular Permanent Staff (NRPS) members are in effect, full time members of the Territorial Army. They should therefore be regarded as being on military service at all times when on duty, not just while undertaking their more formal training duties in common with the part timers. However, the SPO makes no distinction between full time and part time members of the Reserve or Auxiliary Forces and therefore Article 40(5) governs all claims made by full time members, as well as part time members. Consequently, this means that when someone is invalided or otherwise makes a claim within 7 years of the termination of service he will get the benefit of Article 40(3) and (4) only if:

- disablement or death is due to an accident; or
- disablement or death is due to a disease, (other than one caused or aggravated by an accident) he was embodied/mobilised/called out (whichever term is applicable in his case) at the relevant time, when he would thereby be put in the same position as a full time member of the

regular forces.

Otherwise the onus of proof will always be on the claimant; as it is when claims are made more than 7 years after termination of service.

Territorial Army service only

20315 To be eligible, the claimant must have been discharged when the claim was made.

Regular and Territorial Army service

20316 If a claimant served in both Regular and Territorial Army service, and the claim related to Regular service only, consider the claim provided that the claimant has been discharged from the Regular period of service.

Disablement resulting from periods of special training

20317 In 1951 and 1952 some members of the Class Z Reserve (Army) and the Class G Reserve (RAF) were called up for 15 days' training. A member who suffered a disability which the MoD considered to be attributable to or aggravated by that period of training was eligible for a disablement allowance payable by the MoD.

20318 This allowance normally continued for six months. If the member was still incapacitated after this time, the MoD asked SPVA to consider making an award under the Royal Warrant, etc Article 1(17) of the 1949 Royal Warrant etc by including in the definition of 'member of the Territorial or Reserve Forces' a person called up for training under the Reserve and Auxiliary Forces (Training) Act 1951.

20319 Claims made more than six months after the period of training were referred direct to the Agency for consideration as a claim after discharge. A disablement allowance was not payable.

20320 Consider any new claim for disablement resulting from a period of special training under Articles 40 or 41 of the SPO, as appropriate.

20321 Note that paragraphs (3) and (4) of Article 40 do not apply where disablement or death was due to or hastened by a disease other than a disease caused or aggravated by an accident.

20322 An award cannot be made until the claimant has been discharged from the Reserve Force.

Members with no effective service

- 20323 These paragraphs do not apply to Territorials who attested on or after 1 June 1949 when these members were brought within the provisions of the SPO.
- 20324 Occasionally a reservist or a member of the Territorial Force who was called up at the outbreak of the 1939 War was found unfit for service on reporting for duty and never did any service beyond presenting themselves for medical examination to determine whether they were fit to serve.
- 20325 In these cases normally regard the member as **outside** the provisions of the SPO, even though they received service pay for the day on which they were examined.
- 20326 Answer any claim by a letter telling them that as they had no effective service the SoS is unable to take any action on the claim. Take care not to refer to any right of appeal to the Pensions Appeal Tribunal (PAT).
- 20327 Take similar action:
- where a member of the RAF who received one day's pay on attestation and was immediately transferred to the Reserve to take a University course of training
 - in any similar case.

Termination of service

- 20328 'Termination' means termination of full service by reason of:
- discharge
 - demobilisation
 - transfer to the Reserve
 - in any other manner.
- 20329 An award cannot become effective before the termination of the period of service relevant in the circumstances of the case. Return the documents to the MoD for clarification if there is any doubt about the date of termination of service.

Members rejoining the Forces

- 20330 A disablement award granted to a member may continue in payment if they subsequently re-joined the forces provided that assessable disablement remains.

Serving members claiming in respect of previous periods of service

- 20331 Under MoD regulations (ACI227/1953 and AMO A38/1957 respectively) a soldier or airman who had been discharged from a regular engagement for reasons other than permanent unfitness could complete any remaining National Service liability without any apparent break in service. There were no corresponding regulations for Naval personnel so in any case where regular Naval service was followed by National Service there will always be a clear break between the two periods.
- 20332 Despite the lack of any clear break in service, the discharge from a regular engagement in the circumstances outlined above constituted the 'termination of his service' within the definition of Schedule 4(51) of the SPO. If such a soldier or airman, while serving as a National Serviceman, claimed a pension for disablement which he ascribed to his previous regular service, his claim was considered immediately. If entitlement was admitted:
- an award based on the appropriate rank in the period of regular service was authorised; **and**
 - payment was made while the claimant was still serving.
- 20333 If the award (other than a weekly allowance) included allowances for family the MoD were notified in order that any appropriate adjustment could be made in Service family allowances.

Re-appointment subsequent to retirement

- 20334 An officer retired from the active list may sometimes be re-appointed with the rank of Representative Colonel Commandant. The appointment is regarded as a military one and the main duties are to guard regimental traditions and to represent regimental interests. The appointment confers no separate remuneration with the exception of a small allowance and any retired pay is unaffected by it.
- 20335 If the officer is regard by the MoD as being a member of the forces they are eligible, in the event of their sustaining an injury during the course of their duties to be considered for an award of pension under the SPO.

Medical students

- 20336 A medical student may obtain a pre-registration Commission on probation in the Royal Army Medical Corps whilst still undergoing medical training. They receive pay and allowances applicable to their rank throughout the:
- course at university; **and**
 - obligatory post-graduate year as a house physician at a NHS hospital

which precedes registration as a fully qualified medical practitioner.

During this period of medical training the holder of such a commission is a member of the military forces within the meaning of the SPO.

RAF personnel on pre-release resettlement course or civilian attachments

20337 Consider claims in respect of members of the RAF who incur disablement or death while on pre-release resettlement courses or civilian attachments under the SPO. The acceptance of disablement or death as being due to service depends on the individual circumstances of each case.

Members released for civilian duties

20338 Generally, when a member of the Forces was released from service to take up civilian duties:

- service pay would cease **and**
- they were transferred to a section of the Reserve.

20339 Subsequent duties were not classed as service within the meaning of the War Pension Instruments. A claim cannot normally be considered under the Service Instruments in respect of disablement or death relating to the period of release, eg the release of a number of coal miners from Army service to return to the mines.

Service as a Cadet, officer in Charge of Cadets, Officer Cadets

Cadet service

20340 'Cadets' are usually school students who attend an extra-curricular activity at school as an army cadet, etc. They may be injured during this training or whilst attending a cadet weekend camp. They are normally the responsibility of the MoD but see [Cadet service](#).

20341 The date of the cadet service determines responsibility for the case:

- cadets with service prior to 5 July 1948 are considered by Special Section under the Civilian Scheme
- refer any claim from a cadet with service after 5 July 1948 in the first instance to the MoD. These cases are considered on behalf of the MoD in an advisory capacity by:
 - Benefit Support Branch (Disability Benefits)

- General Office.

20342 They advise MoD in accordance with the Social Security provisions relating to Industrial Disablement.

20343 Redirect any papers received from the MoD relating to cadet service after 5 July 1948 to Benefit Support Branch.

Officers in charge of cadets

20344 'Officers in charge of cadets' are usually school teachers who run cadet forces in their spare time, but are regarded as officers by the MoD for the duration of these activities.

20345 Before the dates shown below, officers in charge of cadets, although members of the Forces, were excluded from the Royal Warrant etc. because their conditions of service included 'other provisions of a like nature' (Article 1(16)(C) of the 1949 Royal Warrant etc.).

20346 With effect from the dates shown under *Cadet service*, the service departments amended their regulations to that 'other provisions of a like nature' no longer applied to officers in charge of cadets. This removed the barrier to the eligibility under the SPO.

20347 Officers in charge of cadets are eligible for benefits under the SPO, in respect of disablement or death resulting from service on or after:

- 1 June 1951 Air Training Corps
- 1 December 1952 Army Cadet Force
- 1 January 1952 Sea Cadet Corps.

20348 These provisions do not apply to the cadets themselves or their civilian instructors who are not members of the Forces and are:

- outside the scope of the SPO
- the responsibility of MoD.

Officer cadets

20349 'Officer cadets' are people who have signed up with the Forces to be trained as officers. They attend colleges such as Sandhurst, Cranwell or Dartmouth on a full-time basis, at the end of which time they will become full-time officers.

20350 The following rules apply for full time officer cadets:

Cadet	Rules
Army Officer Cadets	Members of the Armed Forces throughout the whole period of their cadet training
Royal Air Force Cadets	All RAF Cadets, Technical Cadets, and Flight Cadets are members of the Armed Forces throughout the whole period of their cadet training
Royal Navy Cadets	Royal Navy Cadets entering the RN College, Dartmouth after 1 January 1957 are members of the Armed Forces from the date of entry to the college. Before 1 January 1957 cadets who had not completed their shore training were not considered as members of the Naval Forces and: 1 were outside the scope of the SPO; and 2 are the responsibility of MoD. During shore training at RN College, Dartmouth, cadets may undergo flying training. Under special arrangements made by the college, any cadet disabled or killed as a result of a flying accident during such training prior to 1 January 1957 may be granted an award by SPVA under the conditions of the SPO acting as agent for the MoD.

20351-20359

Entitlement

20360 When you have established eligibility, a causal connection between service and the disablement on which the claim is based must be proved.

20361-20369

Articles

20370 The Naval, Military and Air Forces etc (Disablement and Death) SPO 2006, contained provisions known as Articles under which a claim must be considered.

Article 3

20371 A claim by a Mercantile Marine may be considered under Article 3(4) or 3(5) of the War Pension (Mercantile Marine) Scheme 1964. The claim (or any subsequent appeal) **must** be considered under the correct article according

to the date of claim.

Article 3(4)

20372 This article applies to claims made within seven years of the relevant qualifying injury, or the end of detention, or death occurred within seven years of the relevant qualifying injury or end of detention.

20373 The onus of proof is on:

- the claimant to produce evidence to establish a claim (ie to show that there was a qualifying injury of detention)
- the Secretary of State to show, by evidence, that the disablement was not caused by, or death was not the direct result of, the relevant qualifying injury or detention.

20374 The benefit of any reasonable doubt is given to the claimant.

Article 3(5)

20375 This article applies to claims made more than seven years after the relevant qualifying injury, or the end of detention, or death occurred more than seven years after the relevant qualifying injury or end of detention.

20376 The onus of proof is on the claimant to:

- produce evidence to establish a claim (ie to show that there was a qualifying injury or detention)
- raise a reasonable doubt in their favour based on reliable evidence.

20377 In practice, obtain any available evidence to which the claimant draws attention.

Article 40

20378 Article 40 applies to claims made not later than seven years after the termination of service.

20379 Under this Article it is presumed, in the claimant's favour, that any disability from which they may be suffering is due to service (with the exception of claims from members of the Reserve or Auxiliary forces).

20380 If a claim is to be rejected, the onus is on the SoS to prove beyond reasonable doubt that the claimed disability or death is not due to service, otherwise the claim succeeds.

Article 40(1)

20381 If a claim is made not later than seven years after the discharge date. It must be shown that the claimed disability or death is due to or hastened by:

- an injury that was attributable to service; or
- the aggravation by service of an injury which existed before or arose during service.

Article 40(3)

20382 There is no onus on the claimant to prove that the claimed disability or death was caused or made worse by service. It is the responsibility of the SoS to establish beyond reasonable doubt, by evidence, that the claimed condition or death is unconnected with service.

20383 This Article also covers invaliding cases where the presence of the invaliding condition was noted on entry to service.

20384 The benefit of reasonable doubt is given to the claimant.

20385 In an appeal under Article 40(3) (or under 40(3) and 40(4), the Departmental Representative sets out the Agency's case at the outset of the hearing.

20386 If it is not shown that there is a case to answer (ie attention has not been drawn to appropriate evidence), the PAT will allow the appeal on this legal point, without ever considering the medical aspects of the claim.

Article 40(4)

20387 This Article additionally applies where a condition:

- has led to a member being invalided out of the Armed Forces **or**
- a condition which led to a member's death during service **and**
- which was not noted on the entry medical report.

Entitlement must be accepted unless evidence proves beyond reasonable doubt that the claimed disablement is unconnected with service.

20388 Here there is a prima facie case, a 'compelling presumption', that the claimant is entitled to have the claim accepted, **unless** the SoS can point to evidence which shows or proves **beyond any reasonable doubt** that the claimed disablement (or death) is unconnected with service.

Article 40(5)

- 20389 Article 40(5) applies to a claim relating to part time service, but **only** if it is clear, and the records specifically show that the claim arises from an incident or accident which occurred when, for example, a UDR member had not been called out.
- 20390 When a claim relates to service in the Reserve or Auxiliary Forces, Articles 40(3) and 40(4) do not apply. This service is not full time and therefore the claimed disablement is just as likely to be due to non-service causes as to service causes.
- 20391 The onus of proof is on the claimant to raise reasonable doubt in their favour based on reliable evidence. If, on reliable evidence, a reasonable doubt exists whether the conditions set out in Article 40(1) are fulfilled, the benefit of that reasonable doubt is given to the claimant.
- 20392 When a claim in respect of death (other than death caused by an accident) relates to service in the Reserve or Auxiliary Forces, Articles 40(3) and 40(4) do not apply. Such service is not full time and death is just as likely to be due to non-service causes as to service causes.

Article 4(5)

- 20393 **Article 4(5)** explains that Article 40(5) does not apply to a claim arising from a period of permanent service, or to a claim arising from a period when the claimant was called out, eg claims arising from part time service was considered in the same way as claims arising from full time service. Article 45(2) (or Articles 40(3) & (4) will apply as appropriate.
- 20394 Where there is no note on contemporary official records of a material fact on which the claim is based, other reliable evidence of that fact may be accepted.

Article 4(6)

- 20395 The term **service** referred to in these articles means a member of the Armed Forces after 2 September 1939.

UDR cases

- 20396 In 1971, an order by Her Majesty was made in recognition of the special circumstances under which UDR members serve in Northern Ireland.
- 20397 The crucial provision of the Order to treat claims in respect of part-time UDR members, in effect, in the same way as claims in respect of full-time service for any period during which they were called out but see Article 40(5).

Article 41

- 20398 Article 41 applies to claims made more than seven years after the termination of service.
- 20399 The onus is on the claimant to at least raise reasonable doubt that the claimed disability is due to service, otherwise the claim fails.
- 20400 The provisions of Article 41 are similar to those of Article 40 except in terms of certification, ie Article 40(1) and Article 41(1). In Article 40(1), the condition must remain aggravated at the date of discharge, but in Article 41(1) a certificate is conditional on the disability remaining aggravated at the date of claim.

Article 41(1)

- 20401 If a claim is made more than seven years after the discharge date. It must be known that the claimed disability:
- is attributable to service **or**
 - existed before, or arose during service and has been and remains aggravated by service.
- 20402 If, more that seven years after the termination of service, the death occurs of a member and a claim is made in respect of that death, the death can be accepted as due to service provided it is certified that the death was due to or **substantially** hastened by:
- an injury which was attributable to service
 - the aggravation by service of an injury which existed before or arose during service.

Article 41(3)

- 20403 This article applies to claims made within seven years of the material date.
- 20404 The onus of proof is on:
- the claimant to produce evidence to establish a claim (ie to show that there was a qualifying injury)
 - the SoS to show by evidence that the disablement was not caused by, or that death was not the direct result of, the relevant qualifying injury.
- 20405 The benefit of any reasonable doubt is given to the claimant.

20406 If the conditions set out in Article 41(1) are fulfilled, disablement or death is certified accordingly.

Article 41(4)

20407 This article applies to claims made more than seven years after the material date.

20408 The onus of proof is on the claimant to:

- produce evidence to establish a claim (ie to show that there was a qualifying injury)
- raise a reasonable doubt in their favour based on reliable evidence.

20409 In practice, obtain any available evidence to which the claimant draws attention.

20410 If the disablement on which the claim is based remains aggravated by service, the conditions of Article 41(1)(ii) are not fulfilled unless the injury remains aggravated at the time the claim is made.

20411 In a case where an award has been made, the provisions of Article 1(8) of the SPO may be applied in relation to that condition. This means that where an award is made on the grounds that aggravation persists at the date of the claim, this does not prevent the termination of the award if it is later decided that aggravation has passed away.

Article 41(5)

20412 Give the benefit of that reasonable doubt to the claimant where, on reliable evidence, a reasonable doubt exists whether the conditions set out in Article 41(1) are fulfilled.

Article 41(6)

20413 Where there is no note on contemporary official records of a material fact on which the claim is based, other reliable evidence of that fact may be accepted.

Article 59

20414 The SoS may withhold, cancel or reduce any award which may be, or has been, made under this Order in respect of the disablement or death of a member of the armed forces, in any case in which the injury or the death on which the claim to the award is based was caused or contributed to by the serious negligence or misconduct of the member.

20415 The SoS is not bound by the opinion expressed by the Board of Inquiry about whether or not a member was to blame. However, if the Board of Inquiry has acquitted a member of blame, there would have to be very firm grounds for acting upon a contrary opinion. You **must** consult the MoD when taking such action.

20416 Judgement is usually made with regard to the attitude and conduct which might reasonably be expected of the member in view of their service training. This criterion may not be applicable to cases where:

- mental disturbance has been involved **or**
- in a convivial setting, a mishap is more likely to have been caused by high spirits.

20417 If an injury was sustained because the member wilfully acted in a manner which was contrary to their training, there may have been a contributory cause to relieve them of blame for example a lack of proper discipline or supervision.

It is policy, however, to avoid applying the provision in respect of cases of death.

20418-20429

Current Invaliding (CI) cases

20430 When a member of Her Majesty's Forces is discharged on medical grounds because of an injury or a serious illness, their service documents are sent to us to consider entitlement in respect of the invaliding condition(s). A claim form is not required for these cases.

20431 The Army and the Air Force work under the Queen's Regulations and the service member is discharged under a paragraph of these regulations.

20432 The navy does not use discharge paragraphs, they will tell SPVA the reason for discharge or will identify the reason as:

- Permanently Unfit for Naval Service (PUNS)
- Permanently Unfit for Royal Marines Service (PURMS).

20433 If an award of War Pension is made, adjustments may have to be made to take the service pension into account.

20434 It is the Band D Caseworker's responsibility to identify the conditions for consideration as well as identifying the claimant's contentions and making decisions on any relevant incidents. In a CI case as a claim form is not required, the caseworker must therefore refer to the F Med 19 or F Med 23

and the F Med 24 to identify the conditions for consideration.

- 20435 To identify the conditions for consideration, you must firstly check the 'Principal Disability' box on the F Med 19 or F Med 23. As the name suggests, this box should set out the conditions which led to invaliding. You must then look at the 'Other Disabilities Noted' box on the F Med 19 or F Med 23 and then finally at the claimant's statement at discharge F Med 24 to see whether any further conditions are raised. If a condition is mentioned at question 10 of the F Med 24, then this must also be considered.
- 20436 In order to decide which conditions must be entered on form WPA0361, you must be satisfied on the balance of probabilities that there is disablement. Case law has confirmed that there does not need to be current incapacity for disablement to be shown. You may have to seek medical guidance in order to reach a conclusion on this matter.
- 20437 When you are satisfied that disablement has been shown and that the claimant was a member of the armed forces, then you must consider the issue of the link between the disablement, injury and service under Article 40.
- 20438 If the disablement has led to discharge, consider entitlement under either Article 40(3) or 40(4) unless the restrictions imposed by Article 40(5) are appropriate.
- 20439 When a disability which was not noted on the entry medical, has led to a members discharge there is a compelling presumption (under the provisions of Article 40(4)) that the disability arose as a result of service. This means that entitlement must be admitted unless the evidence shows beyond reasonable doubt that the prescribed conditions for an entitlement are not fulfilled.
- 20440 The evidence needed to disprove the compelling presumption must reach the same degree of cogency as is required in a criminal case before an accused is found guilty. That degree must not reach certainty, but must carry a high degree of probability. Proof beyond reasonable doubt does not mean proof beyond a shadow of doubt.
- 20441 If the evidence is so strong against the claimant leaving only a remote possibility in their favour which can be dismissed with the sentence 'of course it is possible but not in the least probable'. The case is proved beyond reasonable doubt and the claim can be rejected.
- 20442 Where Article 40(4) and the restrictions imposed by Article 40(5) are inappropriate, entitlement is considered under Article 40(3).
- 20443 The MoD send invaliding cases to SPVA to consider entitlement. The majority of cases are dealt with in close time relationship to the event. However a case may arise where, over seven years after the event,

entitlement is considered under Article 40 because of the circumstances of discharge.

20444-20459

Low Medical Category: Category C Discharges

20460 During the 1939 war, some service personnel were discharged from the Army under Category C. Because of their low medical grade their services were no longer required.

20461 Their cases were not sent for consideration at the time.

20462 Examine the case and establish that the:

- 1 original discharge category was C; and
- 2 condition now being claimed is the same as the invaliding conditions (if in doubt discuss with the MA).

20463 If the answer to both questions is yes, the claim must be considered under Article 40(4) and/or 40(3).

20464-20469

Post Discharge (PD) claims

20470 This term refers to claims made **within** seven years of discharge from HM Forces. These are non-medical discharges.

20471 Claims can be made by the claimant themselves or by an interested third party such as:

- RBL
- Any other Ex-Serviceman's Organisation
- VWS.

20472 These claims are considered under Article 40 of the SPO.

20473-20479

Over Seven Years (OSY) claims

20480 This term refers to claims made **more than** seven years after discharge from Her Majesty's Forces. These are non-medical discharges.

- 20481 Claims can be made by the individual or by an interested third party on their behalf. See *Post Discharge claims* for further details.
- 20482 These claims are considered under Article 41 of the SPO.
- 20483 In all other respects, except the onus of proof burden, these claims are processed in the same way as Post Discharge claims.

Onus of proof

- 20484 In considering any claim for a War Disablement Pension or a War Widows Pension it is necessary at all times to be clear when and in what circumstances the onus is on the claimant to **prove** his claim, or alternatively when the onus is on the Secretary of state to **disprove** the claim; and in either case the weight of evidence necessary to satisfy that onus.

Article 34

- 20485 Article 34 of the Service Pensions Order sets out the basic conditions that must be satisfied for an award to be made. The High Court case of Royston established that “there is an onus on the claimant to show disablement”. The Bennett case confirmed “that it is for the claimant to establish the disablement ... on the balance of probabilities”. In practice it is reasonable for the Agency to assist the claimant by obtaining the service documents to see if service disablement is confirmed. If it is not, the caseworker must look to the claim to consider whether evidence of current or previous disablement is shown. This might include details of treatment for the claimed disablement or compensation from a source other than SPVA. Article 34 is also satisfied if the disablement that the claimant describes can be confirmed by examination.

Article 40

- 20486 Where a claim is made in respect of disablement or death not later than 7 years after the termination of service, under Article 40(3) the onus of proof is on the Secretary of State to show, by evidence, that the claimed disablement is not due to service or did not occur as claimed. To do this he must, by evidence, prove beyond reasonable doubt that the disablement is not due to an injury which is attributable to or aggravated by service, or, as the case may be, that the death was not due to or hastened by an injury attributable to or aggravated by service; and the benefits of any reasonable doubt whether these entitlement conditions are satisfied must be given to the claimant. In other words the evidence necessary to disprove the claim must be of the same weight as a court of law would require in a criminal case before an accused person could be found guilty.
- 20487 Proof beyond reasonable doubt does not mean proof beyond a shadow of doubt. It is not possible to devise a formula that determines whether a “reasonable doubt” has been raised in any particular case. It is simply the

degree of doubt that would prevent a reasonable and just person from coming to a conclusion. It will vary according to the merits and facts of each case.

Article 41

20488 Under Article 41(5) the onus is on the claimant to show, by evidence, that injury was sustained during their service in the Armed Forces and that disablement is suffered as a result or as the case may be that the death was due to or hastened by an injury attributable to or aggravated by service.

Reliable Evidence

The Bennett Judgement

20489 In the High Court case of Bennett, the judge decided that there is no requirement in law for “corroboration of the claimant’s evidence”. He said “That which is only permitted can never be required. I construe this as meaning that contemporary official records (which I construe widely) are the best corroboration, but other corroborative evidence can be accepted in lieu”.

20490 It is implicit in the judgement that the evidence has to be reliable. Where the SoS does not consider that to be so, no award of War Pension may be made.

Providing evidence

20491 We can expect the claimant to do everything possible to support his claim. It is not for the SoS to do this. Although the Bennett judgement means we cannot insist on reliable corroborative evidence, that does not prevent us encouraging claimants from the outset, and in their own interests, to provide any evidence they have to support the claim.

20492 SPVA will normally obtain evidence to which the claimant draws attention and is held in Departmental, official service or medical records (ie by DWP, MoD or any part of the NHS).

Evidence

20493 Evidence which should be considered includes:

- the claimant’s own statements on the claim form and any subsequent information given on WPA0068/WPA0068A, at medical/psychiatric boards, or in other correspondence
- any records provided by the claimant, eg press cuttings, diary entries, family letters written at the time of the alleged incident, accident or injury

- all service records from the MoD, including any additional records from his personal file and injury report form (usually obtained from MoD) and whether the alleged incident, etc occurred on or off duty
- medical records from the Medical Records Centre at Filestore
- GP or any medical professional records
- hospital case notes (NHS and MoD where relevant)
- NI records showing claims to sickness/invalidity/incapacity benefits
- statements made by witnesses who were present at the time. If witnesses are identified on the claim form, follow them up where required. If not supplied, ask the claimant, as appropriate, for regiment, rank and serial number of any witnesses. Occasionally, it may be reasonable to check details with MoD.
- the claimant's occupational history since leaving service.

20494 This list is not exhaustive and other evidence may be relevant in an individual case. Judgement must be exercised in deciding what evidence is necessary in the light of a particular case.

20495 As mentioned above, it is in the interest of both the claimant and SPVA to obtain as much relevant evidence as possible, and as early as possible, during the course of the claim. You must request information as close as possible to the outset of the claim.

What is reliable? – the test

20496 Evidence from contemporary official records is reliable and if it confirms the claimant's account of an incident or injury, it is also corroborative. The same applies where reliable evidence from another source or sources confirms the claimant's account.

20497 In some cases, however, when all leads have been pursued as far as possible, we will be left with the claimant's statement only, or with just partial confirmation of the alleged incident or fact, eg confirmation that a man played football, but not that he was on duty or representing the regiment.

20498 We must then decide whether the statement as a whole can be accepted as trustworthy and safe. The reliability of the statement must be judged in the context of all the other factors of the case. It should not be judged in isolation. It is essential to take a rigorous approach to testing evidence for reliability, especially as claims are often made in respect of alleged incidents occurring many decades ago. The approach should also be consistent and equitable. Inevitably, with the passage of years, memories may become dim and recollections imperfect. However, it should not be overlooked, that the unsupported evidence of the claimant can be accepted as reliable.

Weighing up the evidence

20499 It is not possible to devise a precise formula to determine whether the evidence is reliable. Each case must be considered on its merits and a conclusion drawn as to whether the test outlined at [para 20498](#) is satisfied. In most difficult cases, as part of the team approach to decision making, it is important to bring in the Medical Adviser (MA) at an early stage to consider medical points which might shed light on the reliability of the evidence.

20500 The issues covered in this paragraph are essentially medical, relating not just to the occurrence of an injury but to the likely degree of consequent damage. The following questions should be considered in liaison with the MA when assessing evidence for reliability:

- **In the absence of an official contemporary record or other reliable evidence, is it reasonable to accept as credible the claimant's statement?**
 - bear in mind that the absence of a reference to a claimed incident, accident, significant injury or hospital treatment in an otherwise details service record might constitute evidence that it did not occur in the circumstances claimed, casting doubt upon the reliability of the claimant's account.
 - it may be reasonable to ask the claimant about the omission, eg why did he not report the accident?
 - are SPVA or even the claimant aware of any other similar cases?
- **Why did the claimant not mention the injury on discharge and/or sign a statement saying that he had suffered no injury or disease during service?**
 - at the very least, either might suggest that the effect of the injury was slight, although by itself this does not mean it did not occur.
- **Why was the claimant classed "A1" on discharge?**
 - equally, "A1" on later entry into the reserve would suggest that the service injury was, at the very most, a minor one.
- **Are there any inconsistencies in the claimant's statement which may suggest that the evidence is unreliable?**
 - where necessary, the claimant should be questioned about his statement in an effort to resolve any inconsistencies.
- **Does the nature of employment since discharge suggest that the service injury was slight, or that disablement is due to a cause other than service?**

- this could be particularly relevant where the injury was not noted in service records and where the claimant has, since service, done heavy manual work in civvy street, or work where there is a rigorous pre entry medical.
- **Is the time between the alleged injury, first recorded treatment for the claimed condition and the claim, a factor?**
 - this may be relevant, particularly if the claimant now says he has suffered disablement from the start, but has never sought treatment for it or only sought treatment after a time gap, or has not made a previous claim to War Pension.
 - the time gap could suggest that the alleged service injury has no connections with the current disablement.
- **Is the nature of the current disablement consistent with the claimant's alleged service injury?**
 - if the injury and disablement are not consistent, there is a good reason for taking the view that the claimant has not provided reliable evidence to raise a reasonable doubt that the disablement is due to service.

Deemed destroyed cases

20501 Lawyers advise that “wrongful destruction of official records cannot change the legal position” and that there are no exceptions in legislation for the official records being destroyed. The legal requirements must be applied in all cases.

20502-20504

Matters to be certified

20505 An award cannot be made under the provisions of Article 40 or Article 41 of the SPO in the absence of a Certificate of Entitlement. Article 1(4) provides that where the order requires that a matter should be certified, the matter should be determined:

- 1** if a Tribunal, constituted under the War Pensions (Administrative Provisions) Act 1919, or the Pensions Appeal Tribunal Acts 1943 and 1949 have given a decision on that matter under those Acts in accordance with that decision. Also if that decision is brought under the said Acts in accordance with the decision on that decision;
- 2** if no such decision has been given and the matter involves a medical question:
 - in accordance with a Certificate on that question of a medical officer or

board of medical officers appointed or recognised by the SoS for the purpose. Also where that question appears to the SoS to raise serious doubt;

- in accordance with the opinion obtained by the SoS from one or a panel of independent medical experts nominated by the President of the Royal College of Physicians of London, the Royal College of Surgeons of England or the Royal College of Obstetricians and Gynaecologists.

20506 It follows, therefore, that where in a particular case, point 1 in the previous paragraph does not apply, a decision on the question whether there is an entitlement to an award usually depends on the terms of a Medical Certificate. This is sought initially by the caseworker from SPVAMS who are concerned not only with the terms of certification but also the description or label of the disablement to be used for notification purposes.

20507 In addition to consideration being given to the medical aspect of the claim along with the Law, matters of fact have to be taken into account. On receipt of a certificate from SPVAMS, the caseworker, who is acting on behalf of the SoS, must be satisfied that no material fact has been overlooked. **All** the appropriate requirements of Article 40 or Article 41 must have been considered. If the caseworker wishes to raise a question of fact or law, further reference to SPVAMS is appropriate. Do not return the case to SPVAMS on a question of medicine.

Consideration of entitlement

20508 The following paragraphs relate to the consideration of entitlement under both Article 40 and Article 41 unless otherwise stated or implied.

General

20509 Whether or not a wound or injury, sustained during service, was caused by service is a question which often calls for a decision (according to the appropriate Article) and is essentially a lay matter.

20510 During service a member may sustain a wound or injury whilst on or off duty. Usually, an injury sustained whilst on duty can be regarded as having a service cause and so acceptable as attributable to service.

20511 However, there are circumstances in which an injury, sustained by a member when off duty and even away from service premises, may be accepted as attributable to service on the grounds that service was a cause.

20512 The main question to be considered in relation to any wound or injury, is whether service was a cause. Service may not have been the sole cause, or even the main cause in order to admit entitlement.

20513 Where service was no more than the setting, and the incident occurred entirely within the members own personal sphere, the wound or injury concerned is not attributable to service. The question of aggravation by service factors will then be considered.

Wound or injury sustained in a theatre of war

20514 Service medical records may refer to the admission to a field ambulance or sick bay etc, with a new wound or injury. If the records contain nothing to show it was self-inflicted, ie the annotation of 'SIW', and indicate consistently that the member was in action at the time, the wound or injury may be regarded as caused by service, without any further supporting evidence.

20515 An entry showing that a member was admitted to hospital for 'Old Gunshot Wound (GSW)' is not normally itself sufficient evidence of the wound having been caused by service. However, in an Article 40 case, where it is claimed that the wound was sustained in action, and there is no evidence to show beyond reasonable doubt that this was not so, an entitlement should be appropriate.

Mustard Gas case – Bari, Italy 1943

20516 Following the bombing of Bari Harbour in December 1943, a ship carrying Mustard Gas was blown up releasing toxic fumes. The fumes affected some British service personnel and MMs.

20517 In general, Mustard Gas was the only chemical agent to cause permanent structural damage to the eyes and lungs.

20518 If damage to the eyes resulted, Gas Keratitis can usually be identified by an experienced Ophthalmologist.

20519 If damage to the lungs resulted, the exposure to gassing produced, within a week, respiratory symptoms which may not have persisted more than a few days. In order to advise the acceptance of bronchitis and emphysema as due to Mustard Gassing, SPVAMS usually look for a history of such early symptoms together with evidence of the presence of the disease within five or six years of the gassing and thereafter continuing signs and symptoms.

Injury sustained on leave during an air raid or in similar circumstances

20520 A member of the Forces who is on leave in the United Kingdom may sustain an injury during an air raid or similar circumstances. They may put themselves on duty by acting in an emergency under service orders given by:

- their own unit

- the local service authorities
- rendering services
- local civil defence authority
- a civil defence volunteer
- the Police
- using their own initiative

These may be grounds for regarding the leave as interrupted and the injury as caused by service.

20521 In other cases, where a full time member was on leave when the injury occurred an award may be considered provided that it was the result of:

- the discharge of a weapon
- the enemy
- in repelling the enemy

The claim will fall for consideration under the Personal Injuries (Civilians) Scheme 1983.

Wound or injury arising from terrorist activity

20522 During the performance of their duties a member may be exposed to terrorist activity. When off duty, and even not in uniform, the member's service identify must be apparent to, or suspected by terrorists which has caused them to be subject to attack. A service cause is usually admissible when a wound or injury has resulted from terrorist activity.

Injury sustained when held as a Prisoner of War

20523 Evidence which supports an injury being sustained whilst detained as a Prisoner of War is very rare. When considering a case where an injury was sustained during captivity, it is very important that in the evaluation of the evidence as a whole, due weight is given to the conditions of living and working in captivity. An example of this would be the long journeys which some prisoners were forced to make on foot, or the harsh treatment endured by the Prisoners of War working on the Burma railway.

Escape from enemy or enemy occupied territory

- 20524 The above paragraph also applies to the consideration of a claim that an injury was sustained when attempting to escape from enemy or enemy occupied territory. It was not uncommon for ambulant members of the air crew of damaged craft, who landed in occupied France, to try to escape to the United Kingdom. A common escape route by foot was the Pyrenees.

Injury sustained when participating in sport

- 20525 If a member sustains an injury when taking part in organised sport, it is usually acceptable that there was a service cause, whether or not on duty at the time. A member may be detailed by means of daily routine orders to take part in sporting activities during duty hours. When they participate in organised sport during off duty hours, they are usually under some service compulsion to do so.

- 20526 The situation may arise where the member sustained an injury when participating in an off duty sporting activity which was not organised, but was approved or encouraged as to account for a service cause. One example of such an activity is horse riding. A member of a Cavalry Regiment may be encouraged, or even expected to take part in a civil equestrian event as part of general training.

Injury sustained during training which was not organised but was authorised or encouraged

- 20527 The situation described above may be related to some specific forms of training which are outside the sphere of organised training. Examples are authorised part-time training abroad with a North Atlantic Treaty Organisation (NATO) force and encouraged adventure training. If a member sustains an injury while undergoing such training, there may well have been a service cause

Injury sustained during detention

- 20528 Detention is a measure for dealing with offences, other than trivial offences, which are not so serious as to warrant discharge from the forces. Usually an injury sustained during detention may be accepted as caused by service.

Injury sustained during desertion or unauthorised absence

- 20529 An injury sustained during desertion is unlikely to have had a service cause. Unauthorised absence may be more easily linked with service, but in either case the ultimate decision as to whether the injury was caused by service depends on the circumstances in which it was sustained.

Injury due to skylarking

20530 Skylarking is likely to occur during a dining-in night or other social gathering. Natural high spirits may lead to an injury. If the injury is sustained on service premises, it is usually acceptable as having a service cause. A skylarking mishap away from service premises is usually found to have occurred as a result of the member operating within their own personal sphere. However, the facts of a particular case may be such that it is acceptable that service was a cause of the incident and not merely a setting.

Off duty accident

20531 The decision whether service was a cause of an off duty accident depends entirely on the circumstances in which the accident occurred. There are no general rules to be applied. The following paragraphs provide some guidance to the general direction of policy.

Parker rules

20532 Consideration must be given to those members who do not live and work at the same location and have to make a journey between two points in order to go on duty. Other members who live and work within the confines of a unit usually need a change of environment when off duty in the evening. All members need periodic leave usually to spend with their families. It may be accepted that an off duty accident which occurred in the following circumstances had a service cause when the member was:

- going to duty by a direct route from the billet, private accommodation or married quarters
- returning from duty by a direct route from the billet, private accommodation or married quarters
- when on an evening pass, going by a reasonably direct route from the unit to a place of recreation
- returning to the unit by a reasonably direct route from the place to which they had travelled for recreation when on evening pass
- going home on leave by a reasonably direct route
- returning to duty by a reasonably direct route from leave spent at home.

20533 There may be circumstances in which a member could not reasonably have been expected to take a direct route between the place they were accommodated and the place to which they reported or were due to report for duty. Eg, when serving in certain areas of Northern Ireland. Therefore, there may be grounds for accepting that an accident encountered on an indirect route has a service cause.

20534 It is not usually acceptable that there was a service cause of an accident occurring when the member was:

- on an evening pass and had already reached the place of the evening recreation, but had not started the return journey to the unit
- travelling away from, or returning to the unit having left the unit for purely personal reasons other than those already described
- travelling away from, or returning to the unit for purely personal reasons when spending long or short leave based at the unit, so treating it as a home.

20535-20549

Excessive use of alcohol, tobacco or drugs

20550 Entitlement for a disease arising from excessive use of alcohol, tobacco or drugs would usually be inadmissible in circumstances where the intemperance was within the member's personal control. It may be possible in some cases for SPVAMS to regard such intemperance as a consequence of mental instability and to advise entitlement accordingly.

Service related injury sustained after service

20551 Where the injury was sustained after the termination of service, as a result of service, it may be accepted for the purpose of entitlement. An entitlement decision may have political repercussions. This decision should be made on the basis of authoritative reports such as from the Police or Civil Authority. Regard should be given to a claim to, or denial of responsibility by a terrorist organisation.

Injury consequential to an accepted disablement

20552 In certain circumstances, a post-service traumatic incident could be linked with service as consequential to an accepted disablement. The following examples of possible consequential injuries are provided in order to illustrate this point. They are not intended to imply any rules as the individual case should be considered on its merits in consultation with SPVAMS:

- a first hernia arising from coughing caused by accepted Bronchitis
- injury resulting from an epileptic fit where there is an entitlement for epilepsy
- injury due to an incident which the victim could not have avoided because of some accepted handicap. Eg, defective locomotion.

Medical Certification in cases of wound or injury

- 20553 When disablement is a result of a traumatic incident, and the trauma is not accepted as a factor of service, the question of aggravation by service is a matter for SPVAMS to consider. Where an effective period of service follows a traumatic incident, it may be necessary for the entitlement officer to comment on certain service factors.

Unsatisfactory treatment

- 20554 SPVAMS will consider whether there has been unsatisfactory treatment for the wound or injury.
- 20555 Medical certification is in accordance with the terms set out in Article 40(1) or Article 41(1) and (4) whichever is appropriate. If it is found that either:
- the delay of effective treatment
 - a side effect of treatment or
 - faulty treatment

for a wound or injury has resulted in a new condition, SPVAMS may regard the new condition as attributable to service. Their decision will depend on whether there is a causative link with service factors.

Disease

- 20556 An entitlement decision in respect of a disease, which is not of a traumatic cause, will mainly rest with SPVAMS.

Diagnosis

- 20557 A claimant who sustained a GSW or fractured limb may have no difficulty in identifying the cause and effects of the disablement. However, the claimant may not know the cause of the disablement if the condition does not appear to have been caused by a trauma, eg acne or a rash. If the member has had treatment for the condition and relevant records are available, these, along with a medical board report, may point to a firm diagnosis.

Basic injurious process

- 20558 SPVAMS need a diagnosis of the basic injurious process involved for the purpose of accepting or rejecting entitlement. They may also require the opinion of a consultant or arrange for hospital observation/investigation.

Causation

- 20559 The fact that a disease is diagnosed does not mean that its cause is known. The aetiological factors of some diseases are little known. When such a disease arises in service, the possibility that service may have played a part in causation cannot be discounted. Sufficient information is available about some diseases of unknown cause as a result of:
- investigations into their:
 - incidence
 - distribution
 - pathology
 - laboratory experiments.
- 20560 Such information may exclude all likelihood of external factors having played a part in causation. The consensus of medical opinion is such as to rule out any presumption of attributability under Article 40.
- 20561 Among the diseases of known aetiology, which may arise in service, there are some in respect of which entitlement is commonly withheld. In most circumstances, the consensus of medical opinion would be against the view that service could have played a part in their onset. Venereal diseases fall in this category.
- 20562 The known pathology of some other conditions indicate that although they may arise during service, the basic injurious process must have been present on entry.
- 20563 It is generally accepted that environmental factors may contribute to the onset, or influence the progress of certain diseases, eg:
- climatic conditions
 - dietary compulsions
 - infection
 - noise
 - stress.
- 20564 If a factor is related to compulsions of service, there may be grounds for entitlement. This decision may rest with the caseworker and depends upon the time relationships between the onset of the disease and exposure to the service factor concerned.

Aggravation

20565 The nature of the diseases referred to in the previous paragraph would not usually attract an entitlement of attributability if found to have been present before service. Whether or not the condition is aggravated by service, no corresponding categorisation of diseases is possible. Each case requires consideration according to the circumstances and in view of the provisions and terms of certification set out in Article 40 or Article 41, as appropriate.

Description/label

20566 When providing a certificate of rejection or entitlement in respect of disablement, the description or label of the condition will relate to the cause of the injury. However, particularly in cases where entitlement of attributability is not advised, SPVAMS avoid the use of any term, eg:

- congenital
- idiopathic
- essential.

20567 These might be regarded as pre-judging the issue in the event of an entitlement appeal.

Euphemistic label

20568 It is the SPVA's policy to avoid disclosing to the claimant the true nature of the condition if it is likely to cause distress. On humanitarian grounds, steps should be taken to avoid disclosure to the claimant that they are suffering from a serious condition such as Schizophrenia or any form of cancer (Carcinoma). Unless SPVAMS are satisfied, from the evidence, that the claimant is fully aware of the true diagnosis, a suitable label for notification purposes will be provided.

Prisoner of War other than FEPOW

20569 A claim in respect of Malnutrition and Privation, from a former POW, should be considered in the normal way. It should not be assumed that captivity always caused adverse conditions of service. A clear picture is needed of the claimant's experiences in captivity.

20570 When sufficient evidence is to hand, the case should be referred to SPVAMS. If it is considered that entitlement should be accepted, but that disablement no longer exists, SPVAMS may certify 'Malnutrition and Privation (date) NIL ATTRIB'.

Accidents and injuries

20571 When a claim is received in respect of an accident or injury, consider whether:

- service was the cause and not merely the setting
- whether the claimant was acting within their own personal sphere.

20572 If there is any evidence held in the service documents that the claimant may be in some part responsible you must consider Article 59, see [Cases of negligence or misconduct](#) for further details.

Consequential accidents

20573 A claim can be made in respect of an accident which has occurred as a result of the accepted disablement. If such a claim is received, it will be necessary to verify the claimant's statement.

Disablement as a result of a Ministry of Labour and National Service (MLNS) Medical Board

20574 Disablement claims arising from Ministry of Labour and National Service (MLNS) examinations do not fall within the scope of War Pension Service Instruments.

20575 Liability lies with the then Ministry of Labour and National Service, as the pre-enlistment examining authority.

20576 In these circumstances, advise all claimants to contact Employment Services, which is the successor to MLNS. Advise the claimant.

'We understand that there are no existing rules or schemes conferring a right to claim compensation for such injuries, but you may wish to confirm this in writing to:

**Employment Services
Benefit Management Branch
3rd floor
Rockingham House
Sheffield'**

Note: the question of aggravation of the pre-enlistment disablement by factors of any subsequent service should always be considered.

20577-20599

Belated Article 40 Cases

1943 White Paper changes in War Pensions (Cmnd 6459) 16 August 1943

- 20600 In 1943 a Statutory Instrument took effect which greatly altered the way in which we had considered entitlement to War Pension. Before the instrument was published (at the end of the year) a White Paper was issued on 14 July 1943 and the improved entitlement provisions it contained became known as 'White Paper' provisions. This was effective from 16 August 1943.
- 20601 The Royal Warrant and corresponding instruments for the Navy and Air Force introduced in September 1939, laid down that pensions could be paid only in respect of disablement certified to be directly attributable to, or materially aggravated by war service or death certified to be directly attributable to, or materially hastened by war service. This implied the existence of evidence and a reasonably high standard of proof.
- 20602 In the early years of the war, the Ministry was mainly concerned with cases of those invalided from the Forces on account of various everyday ailments and without having seen active service. The high standard of entitlement involved the refusal of a large number of claims and it was later modified to provide that any degree of aggravation should be regarded as material aggravation if the person had been medically graded A1 on enlistment.
- 20603 The large number of people who continued to be invalided without pension, however, caused some public concern and in July 1943 the Government decided radically to alter the process by which entitlement to pension was determined.
- 20604 This followed the publication of a White Paper entitled 'Changes in War Pension' (Cmnd 6458). The words 'directly attributable to or materially aggravated by' were modified to 'attributable to or aggravated by' and 'directly attributable to or materially hastened by' modified to 'attributable to or hastened by' and it was laid down that there should be no onus on any claimant to prove their case provided that they claimed within seven years.
- 20605 It was also declared that the claimant must have the benefit of any reasonable doubt. In addition, it was provided that where someone was invalided on account of a disability which was not noted when they entered the Service, a certificate of entitlement should be given unless there was evidence proving that the disablement was not related to service.
- 20606 Instead, therefore, of the claimant having to establish that pension should be granted, the Ministry, unless it was prepared to award a pension, had to establish that pension ought **not** to be granted.
- 20607 The Government also gave an undertaking in the White Paper that previously rejected claims would be reviewed, on application by the

claimant, in the light of the new conditions and that any award of pension would be made from 16 August 1943, from which date the easements became effective.

20608 The immediate effect of these improved conditions was a large increase in the number of pensions awarded. To cope with this increase, a scheme was introduced for a number of years which allowed lay officers to make entitlement decisions without first referring the case to Medical Branch.

20609-20619

White Paper reviews

20620 Most of the decisions made before the introduction of the White Paper have since been reviewed. There are a few cases which have not been reviewed and these must be identified when the claim is registered.

20621 Examine the case to establish if:

- there was a claim before 16 August 1943
- the claim was rejected and
- the rejected condition is the same as the condition now being claimed.

20622 If the answer to all of these questions is yes, then the claim must be considered as a White Paper review and considered under Article 40 of the SPO.

20623-20639

'PA No Claim' cases

20640 Some of the cases sent by the MoD for consideration were decided by the lay officer, without reference to an MA. If, in the opinion of the MoD Invaliding Medical Board, the invaliding condition was neither attributable to nor aggravated by service, the lay officer could have decided that there was no claim to answer, if:

- after examining the MoD documents they concluded that the:
 - invaliding condition was unconnected with service **and**
 - person had not made a specific claim to pension
- the cases were then stamped on the inside cover:

'PA NO CLAIM – NO PRIMA FACIE ENTITLEMENT

20641 The cases were then Put Away and a notification was not sent. 'PA no claim' procedures ended in July 1950.

'PA No Claim' reviews

20642 Examine the case and establish that the:

- file has been stamped 'PA NO CLAIM' **and**
- condition now being claimed is the same as the invaliding condition (if in doubt discuss with the MA).

20643 If the answer to both questions is yes, consider the case as a 'PA NO CLAIM' case under Article 40 of the SPO.

20644-20659

Other conditions also claimed

20660 Consider any additional conditions under Article 41.

20661-20669

Other Belated Article 40 cases

20670 A few cases of invaliding were not referred to us by the MoD. These come to light when a claim is received and it is clear from the service documents that the claimed condition and the invaliding condition are the same. Irrespective of the discharge category these should be considered under Article 40.

20671-20679

File returned from SPVAMS: Aggravation Passed Away

20680 In any belated Article 40 case, the MA can certify that there was aggravation of the condition claimed when the claimant was discharged, but that aggravation no longer exists. This is certified as Aggravation Passed Away. The claim is therefore rejected.

20681-20699

The Home Guard

Entitlement

- 20700 Consider entitlement under the following instruments:
- for service between 21 May 1940 and 31 December 1944 consider under The Royal Warrant of 21 December 1964 (as amended) concerning pensions and other grants in respect of disablement or death due to service in the Home Guard (Cmnd 2563) **and**
 - for service between 28 April 1952 and 31 July 1957 consider under The Order of Her Majesty of 22 December 1964 (as amended) concerning pensions and other grants in respect of disablement or death due to service in the Home Guard after 27 April 1952 (Cmnd 2564).
- 20701 These Statutory Instruments provide benefits to member of the Home Guard similar to those enjoyed by members of the Armed Forces under The Naval, Military and Air Forces, etc (Disablement and Death) Service Pensions Order 2006 (SPO).
- 20702 By virtue of Article 3 of each Statutory Instrument and of Article 2 of The Naval, Military and Air Forces, etc (Modification of Enactments and other Instruments) Order 1978, (SI 1526) the relevant provisions of the SPO, (as amended) apply to members of the Home Guard – with certain modifications.
- 20703 Because the conditions members of the Home Guard served under did not match those of regular members of the Armed Forces, these modifications mainly concern the application of Article 40 of the SPO, for claims made not later than seven years of the termination of service. The Statutory Instruments also provide that all members of the Home Guard be treated for all pension purposes as soldiers with the rank of private.
- 20704 Where there is no note in contemporary official records of a material fact on which the claim is based other **reliable corroborative evidence** of that fact may be accepted.
- 20705 The difference between this and Article 40 of the SPO is that it does not contain any provision equivalent to that of Article 40(4) of the SPO. In practice, this means that in the case of a medical discharge from the Home Guard during war time there is no compelling presumption in favour of the claimant that the disablement or death is due to service.
- 20706-20799

Mercantile Marine (MM)

Background

- 20800 The War Pension (Mercantile Marine Scheme) was made under the authority of the Pension (Navy Army Air Force and Mercantile Marine) Act 1939. Originally it was drawn up to deal with the circumstances of the MM at the outbreak of the Second World War.
- 20801 The aim was to provide compensation on a par with that for the Royal Navy, albeit with stricter entitlement conditions, ie to provide merchant seamen with compensation for the disabling effects of, or death due to, the added perils to which they were subjected (over and above those to which they were liable to be subjected in peacetime), because of the War or other conflicts.

Activation of the Scheme

- 20802 It is for the SoS as sole administrator of the MM Scheme to decide when it comes into effect. The SoS does this where the UK is involved in war or warlike conflict such as the Falklands War or Gulf War. Although there was no formal declaration of war in either of these there was a distinct possibility of MMs being injured or dying as a result of enemy action. The MM Scheme was activated for both.
- 20803 The relevant dates for these two wars are:
- Falklands War between 2 April 1982 to 14 June 1982
 - Gulf War between 16 January 1991 to 28 February 1991.

Korean War and Suez conflict

- 20804 The MM Scheme was not activated originally for the Korean War or Suez conflict. However, in January 1995 it was decided that the Scheme did cover claims in relation to disablement or death arising from qualifying injuries during both of these conflicts.
- 20805 The relevant dates for these conflicts are:
- Korean War between 25 Jun 1950 to 27 July 1953
 - Suez between 5 November 1956 to 22 November 1956.
- 20806 Further details can be found in the Policy Statement: Mercantile Marine Scheme, Annex B.

Commencing date of award

- 20807 Cases originally rejected were retrieved from PA and reviewed. Awards in any case where there is evidence that an earlier claim was rejected because the Scheme did not apply at that time should be backdated to the date of the original claim.
- 20808 The commencing date of award in new claim should be considered in the usual way.
- 20809 As the failure to activate the MM Scheme for both the Korean War and the Suez conflict was the result of Departmental error, compensation should be considered in any award backdated to date of original claim. To avoid an expectation of payment, compensation should not be mentioned to the claimant.
- 20810 Compensation of £10,000 or more must be referred to PLG with the necessary forms and calculations. See *PRAM Guide* for further details.

Other sources of compensation

- 20811 The Policy Statement Mercantile Marine Scheme Annex B lists the conflicts to which the Scheme does not apply.
- 20812 The claimant must seek compensation for disablement or death due to service in the MM where the MM Scheme does not apply from the company and/or the Industrial Injuries Scheme.

1939 War

Salvage Workers and members of the Merchant Navy, Sea Fishing Service, Pilotage Service or Light Vessel service

- 20813 Provision is made by the War Pensions (MM) Scheme 1964, as amended by the War Pension (MM) (Amendment) Scheme 1972, and by virtue of the Naval, Military and Air Forces etc (Modification of Enactments and other Instruments) Order 1978 for awards where:
- The disablement or death of a salvage worker or member of the pilotage or light vessel service is directly attributable to a qualifying injury sustained or detention suffered by reason of their service
 - The disablement or death of a member of the Merchant Navy or Sea Fishing Service is 'directly attributable to a qualifying injury sustained or detention suffered by reason of their service as a mariner in a British Ship'

by the application, as appropriate, of the provisions of the SPO in so far as they concern pensions and other grants in respect of disablement or death

due to service after 2 September 1939. The expression 'due to service' is equated with the expression 'directly attributable to a qualifying injury sustained or to detention suffered by reason of service'.

Eligibility

20814 To be eligible the claimant must have, between 3 September 1939 and 9 July 1951:

- Served in, or been one of, the following:
 - Merchant Navy
 - Sea Fishing Service
 - Pilotage Service
 - Light Vessel Service
 - GPO Cable Ships
 - Admiralty Yard Craft
 - War Department Vessels
 - M Rating
 - Arab or Somali Seaman
 - Indian or Chinese Seaman
 - Salvage worker **and**
- sustained a war injury, a war risk injury or suffered detention by the enemy.

Service after 9 July 1951

20815 Claims in respect of disablement claimed to be connected to service after 9 July 1951 up to 28 April 1952 inclusive can be considered because the peace treaty with Japan signed on 8 September 1951 did not become effective until 28 April 1952.

20816 The Scheme also covers the Falkland Islands conflict between 2 April 1982 and 25 June 1982 inclusive.

Gulf War

- 20817 The Scheme was reactivated for the Gulf War. Any claim received must be referred to SP Pol (Pens) via PLG.

Definition of Member

- 20818 Definition of 'member' in relation to the Mercantile Marine Scheme can be found at *Appendix 4*.

Definition of 'Gordon Rating'

- 20819 Up to 30 January 1944 men called up under the National Service (Armed Forces) Act who chose to enlist in the Royal Navy but could not obtain a vacancy, could volunteer their service in the Merchant Navy.
- 20820 Those who volunteered for the Merchant Navy were entered into the Royal Navy as Ordinary Seamen for 'Hostilities Only'. They were sent to 'HMS Gordon' for three months' special sea training.
- 20821 At the end of this training period, they were transferred to the Merchant Navy Reserve Pool to await employment in the Merchant Navy.
- 20822 During training and up to the day before they reported to the Reserve Pool, they received naval pay and were classed as naval ratings.
- 20823 On the day they reported to the Reserve Pool, they were not entitled to naval pay, and classed as Merchant seamen.
- 20824 While posted to the Merchant Navy, these ratings were nominally retained in the RN and in the event of becoming unfit they resumed their official numbers and naval pay and were invalided under the Royal Navy procedure.
- 20825 For pension and compensation purposes, claims related to incidents during training on 'HMS Gordon', must be considered under the Service Pension Order 2006.
- 20826 Claims relating to incidents which occurred on the day of, or after, transfer to the Reserve Pool must be considered under the MM Scheme.
- 20827 On 30 January 1933 'HMS Gordon' ceased to exist, all ledgers etc were transferred to Gravesend Sea Training School. This was a Merchant Navy training school run by the Ministry of War Transport.
- 20828 The MM Scheme does not relate to those employed or engaged on ships of the Royal Navy.

Arab or Somali Seamen

20829 Claims from Arab or Somali seamen who lived in this country fall for consideration under the main War Pension (MM) Scheme 1964.

Indian or Chinese Seamen

20830 Claims from Indian or Chinese Seamen also fall for consideration under the main War Pensions (MM) Scheme 1964.

20831 The Scheme does not apply to a person whose disablement or death is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner:

- in a British ship:
 - belonging to His Majesty in right of Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa or the Irish Republic
 - belonging to His Majesty in right of India before 15 August 1947, or in right of India or Pakistan after that date (not being in any such case a ship registered in any of these territories under the Merchant Shipping Act 1894 to 1949)
 - belonging to His Majesty in right of Ceylon after 3 February 1948
 - which belonged to His Majesty in right of Burma before 4 January 1948
 - which is, or was, held by any person on behalf of or for the benefit of the Crown in any such right as is mentioned in the foregoing provisions of the paragraph, or
 - which is, or was registered in any such Dominion or country as aforesaid and is not, or was not, a ship registered before 15 August 1947 in India, or registered thereafter in India or Pakistan, under the Merchant Shipping Acts 1894 to 1949

unless the ship is, or was, for the time being placed at the disposal of or chartered by or on behalf of HM Government in the UK **or**

- in a ship which was used for private amusement or pleasure while they were serving or employed therein.

20832 See *Appendix 16* for further definitions.

20833-20839

Entitlement

20840 A claim by a MM may be considered under Article 3(4) or 3(5). Consider the claim (or any subsequent appeal) under the correct article according to the date of claim.

20841 To be entitled the claimed disablement must be directly attributable to a:

- War Injury
- War Risk Injury
- Detention.

Definitions

20842 To be entitled the claimant must have suffered a 'qualifying injury'.

Detention

20843 The expression 'detention' means detention of the mariner or their ship as a direct result of the existence of a State of War. The detention may be treated as continuing until the earlier of the following dates:

- the date of their death
- the date on which it is first practicable for them to arrive back in the county to which he belongs
- such date that the SoS directs to that mariner or class of mariners.

War Injury

20844 Means a physical injury (including tuberculosis and any other organic disease and any subsequent aggravation) caused by:

- the discharge of any missile (including liquids and gas)
- the use of any weapon , explosive or other noxious thing
- the doing of any other injurious act either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy
- the impact on any person or property of any enemy aircraft or any aircraft belonging to or held by any person on behalf of Her Majesty or any allied power
- any part of anything dropped from any such aircraft.

War risk injury

20845 The term 'War risk injury' means a physical injury ('physical injury' includes tuberculosis and any other organic disease, and the aggravation thereof) sustained on or after 3 September 1939 at sea or in any other tidal water or in waters of any harbour and attributable to the matters specified in the past of this paragraph which follows if, but only if, they substantially increased the risk of the peril occurring which caused injury:

- 1 the taking of measures with a view to avoiding, preventing or hindering enemy action against ships, or as a precaution in anticipation of enemy action against ships, or for rescue or salvage purposes in consequence of enemy action against ships
- 2 the absence, by reason of circumstances connected with any war in which Her Majesty may be engaged, of any aid to navigation for ships, or of any warning of danger to ships, being an aid or warning which would be normal in time of peace
- 3 the carriage, by reason of circumstances connected with any such war, of any cargo in a manner which would be abnormal in time of peace and involves danger to the ship in which the cargo is carried or to her crew
- 4 the existence on board ship or any other conditions arising out of any such war which would be abnormal in time of peace

provided that in relation to injuries sustained in the waters of a harbour, the measures specified at 1 above do not include the prohibition or restriction of lights other than navigational lights and; in relation to a salvage worker or the master or member of a crew of a salvage vessel, the reference at 1 to measures taken for salvage purposes does not apply.

20846-20899

Naval Auxiliary Personnel (NAP) Scheme 1964

Eligibility

Definition of a member

20900 The 1964 War Pensions (NAP) Scheme defines a 'naval auxiliary member' as a person who was:

- 1 subject to the Naval Discipline Act under section 90 of that Act; and
- 2 during the course of a naval engagement was:
 - employed or engaged in seagoing service in a ship forming part of His Majesty's Navy; or

- temporarily employed or engaged in a Depot ship forming part of His Majesty's Navy either pending their being employed or engaged in sea going service or pending termination of that service after they had been engaged in seagoing service.

20901 The Scheme applies to any person employed or engaged in a ship forming part of His Majesty's Navy as an enlisted person of the Royal Navy in whose case it was provided on their enlistment that, in the event of their disablement or death being directly attributable to a war injury, war risk injury or detention, compensation would be payable in accordance with the provision of the Scheme for the time being in force.

20902 The Scheme does not apply to any person to whom any Scheme made under Section 5(2) of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, as amended by the Pensions (MM) Act, 1942 applies.

Agreements

20903 The complement of certain Naval Auxiliary Vessels consisted of officers and ratings of the Royal Navy and members of the Merchant Navy. They were engaged in the same duties as the Naval officers and ratings, but were employed by the Merchant Navy at their rates of pay.

20904 When this happened, Merchant Navy personnel normally signed one of the following agreements.

- T124
- T124X
- T124T.

T124

20905 By signing this agreement Merchant Navy personnel gave an undertaking to serve as a Naval Auxiliary member for one voyage only and one particular vessel.

T124X

20906 This agreement superseded the T124 agreement and was an undertaking to serve as a Naval Auxiliary member until the end of the war, in any vessel or for any voyage that the member was assigned.

T124T

20907 This agreement applied to rescue tugs. The crews served under the T124T agreement and could not serve elsewhere than in rescue tugs.

20908 There were other agreements signed by people who were not members of

the Merchant Navy but were involved in the war effort. By signing these agreements they became members of the Naval Auxiliary and must be considered under the Naval Personnel Scheme.

Other agreements

- 20909 The CSP agreement was for seagoing service in an Admiralty cable ship.
- 20910 NAAFI members who served afloat in ships forming part of the Royal Navy between August 1942 and March 1946 signed the S55 agreement.
- 20911 Civilians who used their boats to rescue allied soldiers from the beaches at Dunkirk in 1940 also signed an agreement to serve as a member of the Naval Auxiliary to go across the channel and pick up trapped soldiers.

Charters

Bare Boat Charter

- 20912 In this type of chartering the ship alone was taken over by the Ministry of Transport from the foreign (or Dominion) owners and a fresh crew engaged.
- 20913 Under a T98 agreement the chartering is for a definite period.
- 20914 Under T98A agreement the chartering was for a period not exceeding 6 months after cessation of hostilities.

Time Charter

- 20915 This chartering took over the crew and the ship. Foreign members of the crews on vessels on Time Charter are not within the scope of the MM Scheme, but British subjects and British protected people are.
- 20916 T99 was an agreement covering a definite period.
- 20917 T99A was a period not exceeding six months after cessation of hostilities.

Troop Transport

- 20918 Both the ship and the crew were taken over by the Ministry of Transport.
- 20919 T97 was an agreement covering a definite period
- 20920 T97A was for a period not exceeding six months after the cessation of hostilities.
- 20921 See *Appendix 4* for further definitions.

20922-20939

Entitlement

- 20940 Provision is made by the War Pensions (Naval Auxiliary Personnel Scheme 1964, as amended by the War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme 1972 with effect from 2 October 1972, and by virtue of the Naval Military and Air Forces etc (Modification of Enactments and other Instruments) Order 1978 for awards where the disablement or death of a naval auxiliary member is directly attributable to a qualifying injury or to detention, by the application, as appropriate, of the provision of the SPO.
- 20941 The purpose of the application of the SPO is to secure that, subject to the provisions of the Scheme, there may be made, in respect of a naval auxiliary member, an award or awards of the like nature and amount as would have been appropriate under the Order if his disablement or death had been due to service as a member of the naval forces after 2 September 1939.
- 20942 The expression, 'directly to a qualifying injury or to detention' is equated with the expression 'due to service'.

Definitions

Service

- 20943 The expression 'service' means service after 2 September 1939 in the course of a Naval engagement ie:
- an engagement with the Admiralty to serve His Majesty in a particular ship
 - in a particular ship or such ships as the Admiralty determined, provided that there were two or more successive naval engagements without an interval those engagements are classed as a single naval engagement.

Qualifying injury

- 20944 In relation to a naval auxiliary member 'qualifying injury' means:
- a war injury
 - war risk injury
- sustained by reason of their service.
- 20945 The definitions of:
- detention
 - war injury

- war risk injury

are the same as those stipulated for the MM Scheme with the addition of the following paragraphs.

Physical injury

20946 During the war some naval auxiliary members may have been:

- case adrift in open boats or rafts and suffered exposure
- exposed to shooting by the enemy or the explosion of mines or torpedoes.

20947 The effect of these experiences on the body may be accepted as War Injuries.

20948 Additionally they may have been exposed to other causes of physical injury eg:

- an accident occurring to a ship when it was diverted from a normal course in order to avoid an enemy submarine
- an accident on board ship due to the absence of some lights owing to the blackout restrictions.

These would be classed as War Risk Injuries.

Infection

20949 The undertaking of a naval engagement under war time conditions may have substantially increased the risk of infection.

20950 In some West African ports, particularly Freetown, Sierra Leone, there was a far greater risk of infection from malaria than in peace time because:

- ships had to anchor in parts of the port which would normally have been avoided because of the risk of infection
- ships had to stay in port longer than would have been usual in peace time
- the ships themselves were unsuitable for tropical service.

Far East

20951 There was a danger of infection from some tropical diseases on ships engaged in the Far East because:

- the ships were not designed for service in tropical waters
- they had recently carried infected troops.

20952-20999

Coastguards Scheme 1944

General

21000 The War Pensions (Coastguards) Scheme 1944 applies to:

- any member of HM (Regular) Coastguard who served between 3 September 1939 and 1 October 1945 inclusive
- any member of the Auxiliary Coastguard who served between 3 September 1939 and 30 November 1945 inclusive.

21001-21009

Eligibility and entitlement

21010 Eligibility and entitlement is the same as for MM Cases. Refer to the 'Green book': *War Pensions, The Statutes, Regulations Rules and Orders as now in force* in any case where doubt arises.

21011-21099

Personal Injuries (Civilians) Scheme

General

21100 The Personal Injuries (Emergency Provisions) Act 1939 empowered the Ministry of Pensions to make a scheme for the provision of payments to all persons irrespective of:

- status
- nationality.

21101-21109

Civilians and Civil Defence Volunteers (CDVs)

21110 Under the provisions of the Personal Injuries (Civilians) Scheme 1983, a person whose disablement is the direct result of a:

- WI (civilian and Civil Defence Volunteer cases)

- WSI (Civil Defence Volunteer cases)

sustained during the period of emergency is eligible to apply for consideration of a pension. See *Appendix 5*.

Period of emergency

21111 The primary requirement of the Scheme is that disablement is the result of an injury sustained during the period of emergency.

21112 The period of emergency was:

- 3 September 1939 – 19 March 1946 inclusive
- 3 September 1939 – 31 March 1948 inclusive for members of the National Fire Service England and Wales
- 3 September 1939 – 15 May 1948 inclusive for members of the National Fire Service, Scotland.

Delayed Action WI

21113 In some cases, a WI sustained outside the above dates can be considered. These are known as Delayed Action War Injuries eg injury caused by an unexploded enemy bomb or mine after 19 March 1946. Resultant awards are discretionary and authority comes from the Treasury under TL E25250/068 dated 5 February 1946.

Injury sustained in the UK

21114 The claim can be considered irrespective of the claimant's nationality or status at the time where disablement results from an injury sustained:

- during the period of the emergency **and**
- in the UK (excluding the Isle of Man and Channel Islands).

21115-21119

Civilians

The Personal Injuries (Emergency Provisions) Act

21120 The Personal Injuries (Emergency Provisions) Act 1939, empowered the Minister of Pensions to make a scheme with the approval of the Treasury, for the making of payments in respect of injuries sustained during the period of the emergency as follows:

- 1 WIs sustained by GDPs (with such exceptions, if any, as might be

specified in the scheme) and by persons of such other classes as might be so specified; and

2 WSIs sustained by CDVs.

21121 To a great extent changes in the provisions of the schemes coincide with changes in the provision of the Instruments relating to members of the Armed Forces.

Unborn children

21122 For the purpose of the Scheme an unborn child is considered to be a person, so they may make a claim for injuries sustained in utero (i the womb).

21123-21129

Eligibility

21130 The Treasury has given authority (TL E/25250/071 of 29 June 1945 and 20 November 1946) for extra-statutory awards to be made in respect of the following types of injury which are not covered by the Scheme.

Injuries sustained outside the UK (including Isle of Man and Channel Islands)

21131 If disablement results from any injury sustained:

- during the period of emergency **but**
- outside the UK

eligibility will depend upon whether or not the claimant was a British subject and what they were doing overseas at the time of the claimed injury.

British subject

21132 A British subject within the terms of the Scheme is considered to be:

- a British subject ordinarily resident in the UK
- the wife of such a British subject
- a woman born in the UK who would have been a British subject but for her marriage to a person not of British nationality

who was absent from the UK for other than personal, domestic or pleasure purposes.

Ordinarily resident in the UK

- 21133 The phrase 'ordinarily resident' should be interpreted broadly. Physical presence is not decisive of residence and a person may be regarded as ordinarily resident in the UK even though they may have:
- resided in more than one place
 - taken a post abroad under contract for several years.
- 21134 In considering the question of ordinary residence of a person who was engaged in business, trade or profession outside the UK the following points are also relevant:
- the anticipated duration of employment overseas
 - whether the claimant was maintaining a home for themselves, or if married for their family, in the UK
 - whether they returned to the UK for leave, as circumstances allowed
 - whether they intended to resume residence in the UK on the termination of his employment.

'Belonging' to the UK

- 21135 A War Injury, or physical or mental injury or disease resulting from detention in enemy or enemy-occupied territory, sustained by a British subject who was neither ordinarily nor originally resident in the UK but had good grounds to be regarded as belonging to the UK, eg the son of an Indian civil servant, born in the East and who, in the ordinary way, might very well have been expected to come to the UK on their retirement could be regarded as 'belonging to' the UK.

Members of visiting and allied Forces

- 21136 The Scheme does not apply to ex-members of visiting or allied Forces or ex-members of the Corps of (Civilian) Canadian Fire Fighters for Service in the UK.

CDVs

- 21137 The claimant must have been a member of one of the organisations set up in the UK for civil defence at the time the injury was sustained. A full list of Civil Defence Organisations can be found in Schedule 1 of the Personal Injuries (Civilians) Scheme. There is a copy of this in the '*Green book*' called 'War Pensions, The Statutes, Regulations, Rules and Orders as now in force'.

21138 They must have been certified as enrolled or engaged in an organisation and may have been:

- full or part time **and**
- paid or unpaid.

CDVs injured whilst not on duty

21139 Class and circumstances are:

- 1 paid full time members (including Civil Nursing Reserve) transferred from home and required to live in barracks, stations, billets etc injured whilst travelling to and from duty, travelling to and from leave at home, or 'walking out' in their spare time;
- 2 paid full time members transferred away from home but free to find their own accommodation injured whilst travelling to and from leave at home;
- 3 full or part-time members sent for training to a residential centre or camp injured whilst travelling to and from duty or 'walking out' in their spare time; and
- 4 unpaid part-time members injured while travelling to and from duty.

21140 The following are examples of an injury sustained whilst not on duty:

- travelling to and from duty includes travelling by a reasonably direct route between barracks, etc and place of duty or training in the same locality
- travelling to and from leave at home applies only to journeys by a reasonably direct route on authorised leave
- walking out in spare time doing any reasonable activities during short spells of duty
- injured while travelling to and from duty in relation to unpaid part-time CDVs means those who are injured whilst journeying.

21141 A description of the terms of enrolment can be found in Schedule 1 of the Personal Injuries (Civilians) Scheme.

Anglo-French and Anglo-Belgian reciprocal agreements

21142 On 7 March 1951 an agreement between the UK Government and the French Government relating to awards for disablement or death due to war injuries sustained by civilians was ratified.

- 21143 Article 1 of the Agreement stipulates that the French Government will grant to civilian British nationals or their dependents, while ordinarily resident in France, the same benefits as conferred or to be conferred by French legislation on French nationals where the injury was suffered in France.
- 21144 Article 2 agrees that the Government of the UK will grant to civilian French nationals or their dependants, while ordinarily resident in the UK, the same benefits conferred or to be conferred by UK legislation on British nationals where a war injury was suffered in the UK.
- 21145 On 9 March 1952 an Agreement between the UK Government and the Belgian Government similar to the Anglo-French Agreement was ratified.

NAAFI Naval Canteen Staff

August 1942 – May 1946

- 21146 A claim in respect of service as a naval rating under an S55 engagement for duties as a member of the NAAFI naval canteen staff during the period August 1942 to May 1946 should be considered under the War Pensions (Naval Auxiliary Personnel) Scheme.

Prior to August 1942

- 21147 Before August 1942 naval canteen staff ranked as Civilians and any claim where service commenced before that date is considered under the Personal Injuries (Civilians) Scheme.

Eligibility established

- 21148 When eligibility has been established, consider entitlement. Be satisfied that the claimed disablement fits the terms of a:

- WI (Civilians)
- WSI (Civil Defence Volunteers).

- 21149 Be satisfied that the incident or other circumstances which allegedly caused the claimed incident actually occurred.

CDVs

- 21150 If a claim submitted by a Civil Defence Volunteer does not meet the criteria set for a WSI, decide if it comes within the terms of a WI.

CDV Injured whilst off duty other than organised sport

- 21151 Not all off duty accidents fall for rejection. There is a possibility that consideration can be given under Extra-Statutory or Extra-Regulations.
- 21152 Resultant awards are discretionary and authority for these awards comes from the Treasury. There is no right of appeal against an extra statutory decision.

21153-21169

Entitlement**PICs 1983**

- 21170 Provision is made by the Personal Injuries (Civilians) Scheme 1983 for awards to claimants whose disablement is the direct result of a qualifying injury sustained during the period of emergency.

Special Awards made under Treasury Letters

- 21171 Treasury Letters give special authority to award War Pension in cases which do not fall within the PICS 1983.

TL E25250/068 of 5 February 1946

- 21172 Authorises awards in respect of war injuries sustained after the period of emergency.

TLs E/25250/71 of 29 June 1945 and 20 November 1948

- 21173 Authorises awards in respect of certain types of injury resulting from detention in enemy or enemy occupied territory which are outside the scope of the Scheme.

TL E/46681 of 12 May 1944 National Fire Service Overseas

- 21174 Authorises awards to Overseas Contingents of the National Fire Service to be paid at Royal Warrant rates (an increase from Civilian Scheme rates).

Qualifying injuries under the Scheme

- 21175 The Scheme distinguishes between those who were gainfully occupied on the date of injury and those who were not.

- 21176 The classes of qualifying injuries are:

- war injuries sustained by Gainfully Occupied Persons (GOPs)

- war injuries sustained by persons not gainfully occupied (non GOPs)
- war service injuries sustained by Civil Defence Volunteers (CDVs).

'WI'

21177 Means, in relation to GOPs and non GOPs, a physical injury (including tuberculosis and any other organic disease and the aggravation of it):

- either by the enemy, in combating the enemy or in repelling an imagined attack by the enemy:
 - the discharge of any missile (including liquids and gas)
 - the use of any weapon, explosive or other noxious thing
 - the doing of any other injurious act
- the impact of any person or property of an enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of His Majesty or any allied power, or any part of, or anything dropped from any such aircraft.

'WSI'

21178 Means, in relation to a CDV, a physical injury (including tuberculosis and any other organic disease and the aggravation of it) which has arisen out of and in the course of the performance of their duties as a civil defence volunteer. It must not have arisen out of and in the course of their employment in any other capacity.

The injury must be certified by a responsible officer of the relevant civil defence organisation before the SoS can certify a war service injury. Also, the SoS must record acceptance of a war service injury in accordance with the Policy Statement, Civilians scheme (considering an award).

21179 An injury sustained by a CDV while taking part in an organised game during their normal tour of duty or while off duty, if they were detailed to play, may usually be accepted as a War Service injury.

21180 They would usually be covered in the injury occurred during the outward or return journey between their civil defence station and the sports ground concerned.

Period of duty

21181 It is the normal rule that:

- duty began when the volunteer attended at their civil defence post to

report to duty;

- duty ended when they left the post at the end of the period of duty;
- they may be regarded as having been on duty when responding to an emergency call from the time:
 - when they responded to the call until they reached their post; and
 - for the time covered by any journey which they had to make to their business or home on their release from the emergency call, providing that the journeys were reasonably quick and by a direct route.

Physical injury

- 21182 This can be regarded as an injurious affection to the physical frame. It may not necessarily be an initial affection because there is scope for aggravation of a pre-existing condition.
- 21183 If there is evidence to show that a civilian was given treatment at a civil defence first aid post or in hospital as an air raid casualty it is usually acceptable that a physical injury within the scope of war injury has been sustained.
- 21184 If disablement is advanced by a qualifying injury, such as the aggravation of a pre-existing injury or disease, the disablement can be regarded as the direct result of the relevant qualifying injury.
- 21185 'Physical injury' does not include any injury caused by psychological factors, eg functional disorders resulting from fears and apprehensions in regard to enemy activity.

Time limit (Article 54)

- 21186 Article 54(2) of the Scheme requires that an application for an award of pension should be made within three months from whichever is the latest of:
- the date on which the qualifying injury causing the disablement was sustained
 - if the application is made by a person who was under 15 years of age and not gainfully occupied on the date of injury, the date on which they became 15
 - if the disabled person was on the material date a member of the armed forces of the Crown required to give whole time service as such a member, the date that service ceased.

21187 This applies to claims considered under:

- Article 11 – Pension for disablement (GOP and CDVs)
- Article 42 – Pension for disablement (non GOP)
- Article 72 – General provisions.

Waiving the time limit

21188 It is policy to waive the time limit for an award in respect of disablement

Entitlement conditions

21189 Entitlement to a War Pension is considered under Article 5(2) of the Personal Injuries (Civilians) Scheme 1983.

21190-21199

No entitlement

21200 If you consider that the circumstances which the claimant relates their disablement to, do not come within the terms of a WI/WSI, they are not entitled.

21201 Reject the claim on behalf of the SoS and give them a right of appeal.

21202 Record your reason for non-acceptance for future reference in the event of an appeal.

21203-21209

Onus of proof

21210 A civilian's claim to War Pension may be considered under Article 5(2) or 5(3). The claim (or any subsequent appeal) **must** be considered under the **correct** article according to the date of claim.

21211-21219

Miscellaneous civilian cases

Civilians injured on War Department Property

General

21220 If a civilian or CDV was injured on War Department property or by the activities of HM Forces **and** the claimed condition cannot be accepted as a

War Injury or a War Service injury, the claim is the responsibility of the MoD Claims Commission.

- 21221 The MoD Claims Commission have advised that, under the Limitation Act 1980, such claims can only be considered by them if made within:
- three years from the date the injury occurred
 - three years from the date, if later, of the knowledge of the seriousness of the injury the cause and identity of the defendant.
- 21222 Do not refer any cases to the MoD in the first instance, as all claims received now would be outside the time limits of the MoD Scheme.
- 21223 Consider claims under the PICS in the usual way.
- 21224 If there is any doubt about the matter, or if the claimant makes further representations in the light of the decision, refer the claim to the MoD Claims Commission for their own formal decision. Do not advise the claimant about the 'three year rule'. This is the MoD's responsibility.

NAAFI cases

Eligibility/entitlement

Current position

- 21225 NAAFI employees are civilians and as such are not covered by the SPO. During wartime and other times of conflict NAAFI staff may enlist into the Armed Forces. NAAFI staff who enlist into the Armed Forces are covered under the SPO ie:
- **NAAFI staff on RN ships** enlisted in the RN for 'the duration of the conflict'
 - **NAAFI staff Overseas Unit** enlisted in the RASC/RLC, ATS/WRAC.
- NAAFI staff who serve on Royal Fleet Auxiliary (RFA) ships do not have the option to enlist and are therefore not covered by the SPO. If you receive claims from:
- NAAFI staff on RFA ships; or
 - anyone who did not enlist
- advise them to claim from their former employer.

World War II

- 21226 From 1 August 1942 under an Admiralty Fleet Order all male NAAFI staff serving or liable to serve afloat in the Naval canteen service were enlisted into the RN 'until the end of the period of the present emergency' which is taken to be May 1946. These NAAFI staff are considered under the War Pensions (Naval Auxiliary Personnel) Scheme 1964 and as such the conditions of entitlement are the same as for members of the Merchant Navy.
- 21227 NAAFI staff who served overseas on land were enlisted into the RASC-Expeditionary Force Institute (EFI) or the ATS (WRAC)-EFI. You must consider claims from such people under the SPO.
- 21228 NAAFI staff who did not enlist are civilians and are considered under the PI(C)S in the usual manner ie they must have suffered a qualifying injury between 3 September 1939 and 19 March 1946.

Korean War

- 21229 NAAFI staff serving in Naval vessels operating with the United Nations forces in Korea were not enlisted. They are covered under the Social Security industrial injuries provisions. In cases of disablement sustained while serving in Korean waters, as a result of actual combat, it may be possible to award under Treasury letter SS114/222/01 of 10 April 1951. This would be for any amount made by industrial injuries which falls short of the amount which would have been payable under the SPO.

Falklands War/Gulf War

- 21230 NAAFI staff who **did not enlist** during these conflicts are not covered by the SPO or any other scheme. Reject all claims with a right of appeal. Inform them to claim from their former employer.

NAAFI employees

- 21231 To be eligible the employee must have sustained a specific war injury during 'the period of emergency' ie 3 September 1939 to 19 March 1946 (1939 war). Work related injuries are the responsibility of the employer – the NAAFI. Claims will be rejected and the claimant given a right of appeal before being referred to NAAFI.

War Injuries

- 21232 Consider these claims under the PICS.

Work Related Injuries

- 21233 Claims must be referred to the NAAFI to consider. Advise the claimant of your action.

Civilian Press Representatives

Eligibility/Entitlement

- 21234 Normally Civilian Press Representatives accompanying the British Forces overseas, were required to sign an agreement debarring them from any claim against the Crown in respect of death or injury.
- 21235 If you receive a claim from a Civilian Press Representative, find out if they signed this agreement. The MoD hold a list of all Press Representatives who signed the agreement.

Agreement signed

- 21236 Those who signed the agreement are not eligible under the SPO or PICS.

Agreement not signed

- 21237 Those who did not sign the agreement, may be eligible under the PICS, but the file must be referred to SP Pol (Pens) via PLG in the first instance.

21238-21299

Polish cases

Modifications

- 21300 Because of the special nature of the Polish Forces Scheme modifications were made.

Residence in Poland

- 21301 Previously, and in the expectation that the Polish Government will make pension arrangements for those who were resident in Poland an award could not be made to:
- anyone who was resident in Poland **or**
 - an ex-serviceman who took up permanent residence in Poland after their service in the Polish Forces was terminated and who subsequently left Poland
- 21302 However, the Scheme has been amended with effect from 6 April 2009 to allow the residency restriction to be lifted. This will mean that war pensions will continue to be paid to those beneficiaries of the Scheme who return to Poland on or after 1 May 2004 (the date of Polish accession to the EU). Anyone who returned to Poland prior to 1 May 2004 will remain unaffected by this rule change i.e. pensions cannot be paid to those beneficiaries who returned to Poland prior to 1 May 2004.

21303 - 21319

Considering eligibility and entitlement

21320 To be eligible under this scheme the claimant must:

- have served under British Command with the Polish:
 - Land Army
 - Navy
 - Air Force
 - Resettlement Corps **and**
- never have lived in Poland (prior to 1 May 2004) since their discharge

21321 Where the claimant satisfies the residential conditions consider eligibility under Article 5 of the Polish (Forces) Pension Scheme which states:

'There must be a causal connection between disablement and service and it must be shown by reliable corroborative evidence. There is no onus of proof to be discharged, no benefit of doubt and not compelling presumption in favour of the claimant'.

21322 They are considered this way because:

- Poles were not medically examined when they came under British Command. Neither their physical conditions at that time nor their previous medical histories were known
- records were compiled from information given by the individual
- there was no way of confirming that these records were correct **and**
- the medical and employment history given is therefore the claimant's uncorroborated statement

21323 When considering an accident, injury or condition of service, bear in mind:

- the terms of Article 5 of the Polish Pension (Forces) Scheme
- there must be documentary evidence to be able to accept **and**
- the accident, injury, condition of service must have happened whilst the claimant was under British Command

Appeal rights

21324 Polish claimants do not have a right of appeal against decisions which were made **prior to 2.10.95**. However these decisions can be reviewed and a new decision given.

The Pensions Act of 1995 introduced an amendment to the Pensions Appeal Tribunals Act 1943 to provide former members of the Polish Forces under British Command and Polish resettlement Forces, their widows and dependants with rights of appeal against decision made **on or after 2.10.95**, under the Polish Scheme.

21325-21399

RAAF – RAF cases

General

21400 Members of the Air Force in:

- Australia
- New Zealand
- Canada
- South Africa

were trained under the Empire Air Training Scheme (EATS). This was later known as the Commonwealth Air Training Plan. See 'EATS cases' for further details.

21401 A number were selected for service with the Royal Air Force in the UK.

21402 It was agreed that claims in respect of disablement relating to training should be dealt with by the appropriate Government.

21403 From the date of embarkation in Canada or Australia for the UK until their return they were regarded as on service with the RAF. The British Government was liable in respect of disablement due to such service.

21404 Although the scheme relates to personnel of the Air Forces already mentioned. The only claims considered today are those sent from the Repatriation Commission in Australia.

21405 Members of the Royal Australian Air Force (RAAF) who were attached to the RAF during the war returned to the RAAF for invaliding or discharge.

21406 Any claim made after discharge from the RAAF is first considered by the Repatriation Commission who make any award admissible under their regulations.

21407 If the Australian authorities consider service with the RAF to be responsible for the conditions they have accepted, they make a claim to the Agency for credit for any award admissible under our SPO. However, there is no entitlement under the SPO as such.

21408 SPVA's liability is restricted to the amount of any pension (with allowances for family) that would be payable under the SPO.

21409 No payment or correspondence is sent direct to the pensioner by SPVA. The Australian authorities are responsible for making the actual payment on our behalf.

21410-21499

Far East Prisoners of War (FEPOWs) and Chindits

FEPOWs

21500 FEPOWs are people who were taken prisoner by the:

- Japanese and held in captivity in the Far East during the Second World War **or**
- the Chinese in the Korean Campaign.

21501 Due to the conditions and the way FEPOWs were treated in captivity, SPVA has given an undertaking that all ex-FEPOWs will be dealt with by a special Medical and Lay Unit.

21502 The Lay Unit is the Tropical Disease Investigation Unit, within Minor Schemes Section. They will arrange, on request, for the applicant to attend a specialist hospital for tests to find out if there is any trace of tropical disease present. The applicant can also have a psychiatric examination.

'The Chindits'

21503 In February 1943 Brigadier Orde C Wingate obtained the approval of General Wavell for the formation of a group of soldiers to demonstrate his concept of 'long range penetration' behind enemy lines in Burma.

21504 This was the 77th Indian Brigade – the Burma Army Long Range Penetration Group. They were composed of:

- British Infantry Battalion
- a Gurkha detachment **and**
- the remnants of the Special Services detachment

21505 On 18 February 1943 they undertook their first raid behind enemy lines,

operating in Commando style, cutting communications, destroying supplies and creating general confusion. Their name 'Chindit' was given because of:

- the emblem they wore, the mythical Burmese lion, the Chinthe, and
- the fact they had successfully operated beyond the Chindwin River.

21506 The Chindits comprised of eight columns each of 400 men whose efforts had a great psychological effect on Allied morale in Burma at the time, proving that, with the right training, the ordinary soldier could master the Japanese in the art of Jungle Warfare.

Thailand

21507 61,000 Allied Prisoners of War were sent to work on the Thai-Burma railway and consisted of approximately:

- 30,000 British
- 13,000 Australian
- 18,000 Dutch
- 700 American

21508 From October 1943 to the end of the War, some 32,000 Prisoners of War were kept on maintenance work on the railway.

21509 Approximately 20% died before the railway was completed and scores of others had their health ruined for life.

21510-21519

Eligibility

21520 Eligibility regulations for serviceman who are Far East Prisoners of War are the same as for any other ex-member of the armed forces.

21521 Civilians must be:

- of British Nationality
- normally resident in the United Kingdom before captivity and have returned to the UK on repatriation.

Japanese assets

21522 During the War, assets in this country which belonged to the Japanese were frozen. At the end of the War it was agreed with the Japanese Government

that those assets could be given to ex-Japanese prisoners of war.

21523 Records of these payments are held in Minor Schemes Section. They are filed in alphabetical order and contain:

- service details
- date and place of capture
- next of kin

21524 The records provide a source of confirmation of a claimant's statement that he was a Japanese POW or internee.

Tropical Disease Investigations (TDI)

21525 A TDI is an investigation carried out by specially trained staff in hospitals containing a Tropical Disease Unit. The unit has all the necessary equipment and expertise to look for and treat tropical diseases. This is only available if resident in the UK.

Who can have Tropical Disease Investigations ?

21526 TDIs are available, on request, to all ex-FEPOWs both of the Japanese and the Koreans, and also to Chindits. In special circumstances they are offered to those who served in the 14th Army behind enemy lines in Burma. Any reference in the rest of these instructions to ex-FEPOWs applies equally to Chindits.

21527 TDIs will also be offered to those who fall within these categories where there is no evidence that a previous TDI has been performed.

21528 SPVA's undertaking to offer TDIs applies to all ex-FEPOWs whether or not they have a War Pension.

ELISA Tests

21529 This is a routine test for strongyloides stercoralis, a worm infection some ex-FEPOWs picked up during captivity. Specimens taken from the ex-FEPOWS are sent to the Liverpool School of Tropical Medicine for analysis.

21530 The costs for these tests are met by the Local Health Authority in England and Wales and by the Health Board in Scotland.

21531-21549

Entitlement

Corroborative evidence

21550 There is rarely any corroborative evidence that any individual suffered a disease as a result of being a FEPOW. There is, however, collective evidence that certain diseases were rife in the POW camps. The list of diseases include:

- malaria
- dysentery
- jaundice
- helminthiasis
- vitamin and protein deficiencies including burning feet syndrome
- tropical ulcers
- beri-beri
- pellagra
- nutritional oedema
- optic neuropathy
- amblyopia and peripheral neuritis.

21551 SPVAMS usually certify an entitlement on the basis of attributability for any tropical disease or its sequelae found to be present after a TDI, and, if claimed any other disease of the nature of those listed above even where there is no residual disablement.

Malnutrition and Privation

21552 On release from captivity, FEPOWs were found to be suffering from gross malnutrition and vitamin deficiencies. To cover entitlement in respect of such ill health SPVAMS usually certify entitlement for 'Malnutrition and Privation'.

Psychoneurosis relating to FEPOW experiences

21553 The Agency has given an undertaking to the ex FEPOW Organisations that any certificate of entitlement in respect of psychoneurosis relating to FEPOW experiences will be notified as 'Malnutrition and Privation with associated nervous symptoms'.

21554 This label is often extended to cover other FEPOW conditions such as beri beri.

Confirmation of accidents injuries or conditions of service

21555 Many accidents and injuries were never recorded and very few records were kept in FEPOW camps.

Articles

21556 Before returning the case to SPVAMS, decide which Article the case would fall under.

21557-21599

Miscellaneous schemes

Indian/Pakistani Seamen Scheme

21600 The Indian Seamen Scheme of 1944 enabled SPVA to award a pension to Indian and Pakistani Seamen who suffered disablement which was directly attributable to a qualifying injury or detention suffered by reason of service as a:

- mariner on a British ship
- naval auxiliary member in a ship forming part of HM Navy.

21601 It was agreed with the Government of India that they would, in the main, administer the Indian Seamen Scheme on our behalf and that there would be final settlement after the War.

21602 Following the partition of India on 15 August 1947, the Scheme was administered by the governments of India and Pakistan.

21603 Since 30 June 1958 SPVA has been responsible for administering the Scheme.

21604 As a result of various agreements made, during the 1939 War, between the British and Chinese Governments about the employment of Chinese seamen in British ships, the following arrangements were made.

21605 British Shipping companies offered continuous employment until they could be repatriated to their own home port.

21606 Those who remained on-shore owing to illness or injury not due to WI or WRI were maintained until they were fit for service at sea or other suitable employment or until repatriation.

- 21607 Those who were on Asiatic Articles and became disabled as a result of a WI or WRI received compensation from the British Government in the form of a lump sum.
- 21608 Payments in the Far East were made, on the British Government's behalf, by the Chinese Seamen's Committee, Shanghai, the Director of Marine, Hong Kong, or Master Attendant, Singapore. These people were also responsible for investigating claims.
- 21609 Claims received today are for SPVA to consider. Chinese seamen whose disablement is:
- directly attributable to a qualifying injury sustained or detention suffered by reason of employment on a British ship
 - as a member of the naval auxiliary in a ship forming part of HM Navy are eligible to an award of pension under this scheme.

21610-21619

Arab and Somali seamen

- 21620 Claims from Arab and Somali seamen who lived in this country fall for consideration under the main Mercantile Marine Scheme.

21621-21699

Locally Raised Colonial Forces (Service after 2 September 1939)

Background

- 21700 A claim can normally be considered only in respect of disablement or death which is due to service as a member of the Naval, Military or Air Forces, or of the Territorial or Reserve Forces, as defined in the Naval, Military and Air Forces etc (Disablement and Death) SPO 2006. For the sake of brevity this Order is often referred to as 'The Service Pensions Order' (SPO).
- 21701 The first point to be decided is whether the disabled or deceased person comes within the definition of a member of the Forces. The statement of service normally indicates whether it relates to a member of the Forces, or to a person who serviced in some civilian capacity or under other special terms of engagement which in either case, placed him or her outside the scope of the SPO.
- 21702 Certain special units, corps etc, were raised, whose terms of service entitle them to benefits equivalent to those of the SPO, although the members are not covered by the definition of members of the Forces. Other units were formed which are the specific responsibility of another government.

- 21703 The following paragraphs of this chapter deal with the members of such units etc and either confirm the members eligibility under the SPO or indicate how any claim from such a member should otherwise be considered.
- 21704 Since 1 January 1957, however, the criterion for deciding whether or not a potential regular recruit was a member of the Army or RAF, has not been whether they have been attested but whether they have received service pay. (This accords with Section 18 of the Army Act, 1955 and Section 18 of the Air Force Act, 1955 both of which came into operation on 1 January 1957). Naval recruits should be treated in the same way (National Servicemen were deemed to have enlisted on the day when they were required by their call up notice to present themselves for duty, and consequently no change was necessary in the procedure for considering claims from them).
- 21705 Claims in respect of disablement alleged to have resulted from a Ministry of Labour and National Service medical board, eg damage to eardrums caused by syringing, should be referred to Employment Services. The question of aggravation by service should, however, first be considered.

21706-21719

Locally raised Colonial Forces

- 21720 No provision has been made for the awards of War Pension in respect of the war service of British Europeans engaged for service with locally raised colonial/former colonial Forces.
- 21721 This is because the successor governments took over responsibility when they received their independence. Some governments have honoured their obligation to pay War Pensions, whilst others have either shed their responsibilities completely or failed to uprate their pensions.

Supplementation of Overseas Awards

- 21722 This has led to the implementation of procedures for supplementing such awards from British Funds.

21723-21729

MoD

- 21730 Certain units remained the responsibility of the MoD, such as the Gurkha Brigade. Other units were recruited overseas and regarded as part of the British Armed Forces.
- 21731 Refer claims from members of these units to the MoD.

21732-21739

Miscellaneous categories

Admiralty constabulary

21740 This force was formed on 2 October 1949 by the merging of:

- Royal Marine Police **and**
- Royal Marine Police Special Reserve.

21741 Members are outside of the scope of the SPO.

Agricultural workers (soldiers released as key workers)

21742 Soldiers released as key workers on farms were given special leave without pay and were required to sign a statement acknowledging that any disability that was sustained during such leave, would not be regarded as due to military service.

21743 Any soldier who was assigned to assist with harvesting etc but was not released for the purpose (and did not therefore sign a statement) is eligible to claim under the SPO for any disablement or death occurring from these duties.

21744 Naval ratings who were released as key workers did not sign a statement. If they were on special leave without pay however, they are considered in the same way as soldiers.

Air Ministry Operational Research Section

21745 Civilian members of an Air Ministry Operational Research Section are regarded as being commissioned and mobilised in their relative rank in the RAF Volunteer Reserve the day before the incident if they were killed or injured anywhere in the world as a result of risks attributable to carrying out their duties:

- on an operation flight
- on a cruise
- in a forward area during active land operations with any of the Armed Forces.

Air Training Corps (Cadets)

21746 The cadets are not members of the Forces but are a liability of the MoD

(Air Force Department)

You must send these claims for advice to:

HQPTC
RAF Pensions Department
RAF Innsworth
Gloucester
GL3 1EZ

- 21747 Refer requests for medical examinations, etc in Cadet cases, other than Officer cadets, to BSB Disability Benefits. They will advise if the examination should be arranged.

Air Transport Auxiliary (ATA)

- 21748 Personnel in the ATA were mainly employed on ferrying aircraft between factories and RAF Units. They were not considered to be members of the Armed Forces but are entitled to compensation for any war injuries incurred during these duties under the PICS.
- 21749 Advise claimants to refer claims arising from accidents and not as a result of enemy action, etc to the MoD.
- 21750 There is a very strict time limit for claims to succeed which is six months from the date of the accident.

Anglo-Indians, Indians, Anglo-Burmese, Burmese

- 21751 The nationals who enlisted in a British Unit, whether at home or abroad, with the normal conditions of service are eligible for the full benefits of the SPO. There is no reduction in the rate of pension if the pensioner is, or becomes resident in the country of origin.

Army Cadet Force (Youths)

- 21752 Members of this Force are not regarded as members of the Forces but are the liability of the MoD. Refer claims to the MoD and requests for advice to SP Pol (Pens) via PLG.

Army Kinema Corporation

- 21753 A certain number of soldiers are employed as projectionists and ushers in the Army Kinema Corporation. They are employed in Kinemas at home and overseas. These are off duty activities. Any injury sustained during such employment may be accepted as due to service provided it has not resulted from negligence on the part of the Corporation.

- 21754 If the injuries are considered to have been incurred because of such negligence the Corporation is liable under Common Law. The claimant would have to sue this Corporation.

Army Officer Cadets

- 21755 Army Officer Cadets are members of the Forces throughout their whole period of Cadet training.

Army Welfare Officers (AWO)

- 21756 AWOs are usually the responsibility of the MoD. They may, however, be eligible for compensation under the PICS depending on the circumstances surrounding the incident.

Belgian Forces

Navy

- 21757 The Belgian Government accepts liability in respect of Belgian nationals who served in the Royal Navy. Advise claimants to contact the Belgian Embassy.

Air and Land Forces

- 21758 The Belgian Government will normally undertake the award and payment of pensions in respect of ex-members of their Air and Land Forces. Refer any claims that arise to the Belgian Government via their Embassy together with the documents and a full report.
- 21759 The exception to this are nationals who the Belgian Government considered were under no military obligation to join their Forces on account of their age, unfitness etc.
- 21760 In that event, as the claimant will have been a member of the British Forces consideration can be given under the SPO.

British Honduras Forestry Unit

- 21761 Members of this Corps were recruited in British Honduras and brought to the UK for forestry work under arrangements made by the Ministry of Supply. They are eligible under the Personal Injuries (Civilians) Scheme in respect of war injuries.

British Overseas Airways Corporation (BAOC)

- 21762 Employees and their dependants are eligible under the PICS in respect of war injuries.

21763 RAF Officers seconded for service with BOAC retain their eligibility for benefits under the SPO. If they were released entirely from service with the RAF then liability lies with British Airways.

British Somaliland Police Force

21764 See [Loans](#), [Special Postings](#), [etc](#) for further details.

British West Indies, Local Enlistments.

21765 The following local enlistments are in the scope of the SPO:

- RE or REME
- RAF.

21766 Any other units are the responsibility of the MoD.

Burma Army Reserve of officers

21767 Applications from officers of the Burma Army are dealt with by the Overseas Development Agency (ODA).

21768 If the officer has also served in the British Army see [Officers of the Indian Army](#) for further details.

Cadet Force officers

21769 From the following dates officers of the Cadet Corps are eligible for benefits under the SPO:

- Air Training Corps 1 June 1951
- Army Cadet Force 1 December 1951
- Sea Cadet Corps 1 May 1953.

21770 Before these dates, officers of the Sea Cadet Corps and Air Training Corps were excluded from the benefits of the SPO. This is because their conditions of service included 'provisions of a like nature' until amendments were made that removed the barrier to their eligibility under WP Instruments. These provisions do not apply to the cadets or civilian instructors.

Canadian Army Officers

21771 Canadian Army Officers loaned to the British Army under a scheme known as 'Can loan' are the responsibility of the Canadian Government. Claims should be referred to the MoD. The service numbers of these officers begin with the prefix 'CDN'.

Ceylon Army (now Sri Lanka)

- 21772 The Government of Sri Lanka is responsible for pensions in respect of members of the Ceylon Army. Advise claimants that their claims should be referred to the Sri Lankan Government via the Sri Lankan High Commission.

Civilian Technical Corps

- 21773 The status of the Civilian Technical Corps, which was set up to enrol the skilled technicians required for the repair and maintenance of armaments and equipment of the British Forces, was purely civilian. Enrolments were not effected in the UK and persons normally resident in the UK were not eligible for enrolment. Benefits in respect of disablement or death were part of the contract of service and are the liability of the MoD.

Cypriots and Palestine Army

- 21774 See [Special British Army Units raised abroad](#) for further details.

Cypriots, Palestinians and Maltese in RN or RAF

- 21775 Nationals who enlisted locally in the Middle East and Mediterranean Commands with either:

- RN or RAF for general service in any part of the world
- RAF for home service only

for the duration of the 1939 war may be considered under the SPO.

- 21776 Nationals who enlisted with the RAF (Malta), a local force formed in 1948, are outside the scope of the Order and claims should be referred to the MoD.

Czech nationals

- 21777 Czech nationals who enlisted in the UK with the British Forces or served in a Czech unit of the RAF are within the scope of the SPO. Members of the Czech Forces are compensated by the Czech Government via their Embassy.

Danish nationals

- 21778 Danish nationals who were recruited in Denmark and enlisted with the British Forces are within the scope of the SPO.
- 21779 Any members of the Danish Forces attached to British Units are the responsibility of the Danish Government.

Dutch Forces

- 21780 The Dutch Government are responsible for members of the Dutch Forces. Advise claimants that claims should be referred via their Embassy.

East African States local enlistments

- 21781 The Governments of the following former Colonies in East Africa have undertaken the responsibility for granting pensions in respect of personnel (European and Native) of the following units:

- Kenya
- Northern Rhodesia (now Zambia)
- Nyasaland (now Malawi)
- Tanganyika (now Tanzania)
- Uganda
- Zanzibar (now Tanzania).

Empire Air Training Scheme (EATS)(Commonwealth Air Training Plan)

- 21782 Members of the Air Forces of Australia and New Zealand were trained in Canada or Australia under the Empire Air Training Scheme (EATS) (later known as the Commonwealth Air Training Plan) and a number were selected for service with the RAF in the UK. It was agreed that claims in respect of disablement or death ascribed to training should be dealt with by the appropriate Dominion Government. From the date of embarkation in Canada or Australia for the UK until their return to Australia or New Zealand the member should be regarded as on service with the RAF, and the British Government is liable in respect of disablement or death due to such service. There is no entitlement under the SPO.
- 21783 The Government of Australia will supplement any Ministry award so as to bring the payment up to the rate under their own regulation and, as a matter of convenience, they will usually make an award under their regulation in the first instance, reporting the case to the Ministry, who will credit them with an award at Ministry rates. The amount of pension to be credited is calculated by SPA. See [RAAF-RAF cases](#) for further details.
- 21784 A similar arrangement existed in connection with members of the Canadian Air Force who were trained under the Scheme and subsequently served with the RAF. With effect from 1 April 1952, however, the Canadian Government assumed responsibility for disablement or death sustained while serving with the RAF and took over all existing awards. Any fresh

applications which may be received should be referred to the Canadian Pension Commission. There is no entitlement under the SPO.

Ethiopia and Eritrean Police Forces

21785 See *Loans, Special Postings, etc* for further details.

Federal Malay States Light Battery RA

21786 Members are the responsibility of the present Government of the country where the “locally raised force”, operated during the war.

First Aid Nursing Yeomanry

21787 This was a civilian organisation and most claims would be considered under the PICS, where any member claims to have suffered a WI WSI or was carrying out any civil defence function under the protection of a Government Department. There is a right of appeal to the Pensions Appeal Tribunal in these cases.

First Aid Nursing Yeomanry employed by MoD

21788 During 1939 War some members were employed by the MoD according to terms and duties of the Auxiliary Territorial Service (ATS). Any member who was employed on special duties overseas or signed an Agreement containing provisions for award on the same terms as the ATS, should be considered under the Dispensing Warrant of the SPO. The authority for such awards is TLS53652.

21789 The service documents would normally show whether the member was employed on special duties overseas. If there is no clear evidence that an agreement has been signed direct enquiries to The Special Operations Executive, Foreign and Commonwealth Office.

Right of appeal

21790 Provided the necessary evidence is forthcoming, entitlement should be considered and, if admitted, an award should be authorised under the Dispensing Warrant at the rate appropriate for a person holding a rank equivalent to that on which the rates of both effective and non-effective payments by MO1 were based. Additional allowances admissible under the SPO should also be extended to these cases. Follow the procedure for Dispensing Warrant awards quoting the authority as ‘Treasury Letter S 53652 of 16 July 1946’.

21791 These cases do not carry statutory appeal rights, and all notifications, of either award or rejection, are made by a special letter omitting any reference to a right of appeal to the PAT.

Free French Forces

- 21792 The French Government are responsible for these cases. Advise claimants to refer claims via the French Embassy.

Gordon Ratings

- 21793 See [Merchant Navy reserve pool – Gordon Ratings](#) for further details.

Greek Nationals

- 21794 The Greek Government are responsible for members of the Grecian Forces. Advise claimants to refer claims via the Greek Embassy.

Home Guard: Adjutants and Quartermasters 27 April 1952 – 31 March 1956

- 21795 Between 27 April 1952 and 31 March 1956 (on which date the Home Guard was put on a reserve basis) some officers who held commission in the Territorial Army performed the duties of Adjutant/Quartermasters of Home Guard units. They were not, however enrolled in the Home Guard, and for War Pension purposes their status is that of members of the Territorial Forces.
- 21796 If it is proposed to accept an officer's disablement or death as due to their service as an Adjutant/Quartermaster of the Home Guard between 27 April 1952 and 31 March 1956 and the MoD (AG 14(O)), confirm that on mobilisation of the Territorial Army the officer would have been withdrawn from their Home Guard duties and employed in any locality as an officer of the Territorial Army, Article 3(3) of the SPO will govern the rank of award.

Disablement/Death due to Civil Defence Training

- 21797 Certain of the Home Guard officers who were retained in an active cadre to carry out certain administrative duties after the Home Guard had been placed on a reserve basis, were sent by the War Office to courses at the Civil Defence Staff College at Sunningdale.
- 21798 The disablement or death of an officer attributable to, or aggravated or hastened by, their attendance at the College or their journey to or from the College is regarded as arising from Home Guard service. If such a claim is made, however, it will be necessary to confirm from the MoD that the officer's attendance at the College was sponsored by the War Office.

Disablement Allowance paid by War Office

- 21799 If by reason of the disability, the member was totally incapacitated, the allowance was at a flat rate, subject to reduction in respect of sickness benefit etc, for a period not exceeding six months. If the incapacity was only

partial, or became so, or when the flat rate allowance had been paid for the maximum period of six months, the allowance was based on the degree of disablement assessed in accordance with the standards used for War Pension purposes.

- 21800 The War Office referred to this Department for advice, all cases where entitlement appeared doubtful or where an assessment in respect of partial incapacity was required. When the War Office was notified of the rejection they were advised, if appropriate, that if any additional evidence was forthcoming the Department would be prepared to reconsider entitlement.
- 21801 If, at the end of four months from the date of the wound or injury or the date of the first incapacity from the disease, the member was still totally incapacitated and it appeared that they would continue to be totally incapacitated for more than a further two months, the War Office arranged for the member to be examined by a medical board with a view to ascertaining their fitness for further service with the Home Guard; in the meantime the disablement allowance continued in payment.
- 21802 Such action could, however, be taken earlier if the incapacity was or became, only partial.
- 21803 In either case, if it was decided that the member should be discharged the Department was asked to consider an award of pension as from the date of discharge, which was fixed for a forward date not less eight weeks ahead.
- 21804 If an ex-member of the Home Guard makes a claim in respect of disablement which they ascribe to their Home Guard duties, but which has not been referred to SPVA the claim should be dealt with as a claim after discharge.
- 21805 Until October 1957, post-mortem allowances were paid to widows for 13 weeks following death of the member.

Hong Kong Dockyard Defence Corps

- 21806 Members are the responsibility of the:

MoD
Wellesley House
103-109 Waterloo Street
Glasgow G2 7BN.

21807-21817

Hong Kong Volunteer Defence Corps

21818 Claims are the responsibility of the Hong Kong Government and the claimant should be referred to:

Secretary for Social Services
Government Secretariat
Lower Albert Road
Hong Kong.

Honourary Medical Consultants in the Army

21819 Consultants were not members of the Forces. Refer any claims to the MoD. Depending on the circumstances of the injury they may be eligible for consideration under the PICS.

21820-22819

Indian Army, Navy and Air Force

22820 With the exception of the types of case described in the following paragraphs, application for pension in respect of members of the Indian Forces will be dealt with by the DFID irrespective of whether the member was servicing in or out of India at the time of the casualty.

Officers of the Indian Army

22821 Officers of the Indian Army who were on the Special Unemployed List of that Army and were employed by any of the British Services are covered by the SPO in respect of disablement or death resulting from such employment, and claims should be dealt with accordingly.

Officers who served in both Indian and British Armies

22822 Deal with claims for officers who served in both the Indian and British Armies according to the following circumstances:

- if there was no break in service and the officer was employed in the British Army when they died or relinquished their commission, the question of compensation in respect of their disablement or death should be dealt with under the SPO. If the officer was a member of the Indian Army when their service terminated, any application for a pension should be referred to the DFID.
- if there were two separate periods of service and the disability causing disablement or death is solely connected with one period, the Department concerned with that service should deal with the claim. If the disability is primarily connected with the first period of service and has been aggravated by the second period of service, the Department concerned with the latter service should deal with the claim.

Officers holding King's Commission

22823 Officers holding King's Commissions require special consideration. Refer to the Band D with the details of the Commission:

- the Band D will liaise with MoD to determine the type of Commission and whether their claim can be considered under the SPO
- an officer who served in the Colonial Forces and was granted a King's/Governor's Commission, could be given command authority over non-colonial (ie British) troops. Whether or not an officer holding a King's Commission can receive a War Pension under the SPO depends considerably on the circumstance of each individual case and SPVA needs to determine if the officer was classed as a member of the UK Armed Forces, based in the UK.

Officers and European Warrant Officers of the Indian Navy

22824 See *Officers who served in both Indian and British Armies* for further details.

Indians who enlisted in a British Unit

22825 See *Anglo-Indians, Indians, Anglo-Burmese, Burmese* for further details.

India unattached list

22826 See *Miscellaneous categories India unattached list* for further details.

Italian Somaliland list

22827 See *Loans and Special Postings, etc* for further details.

Jersey Militia

22828 Members of the Jersey Militia are outside the scope of the SPO unless enlisted in the British Army.

Johore Volunteer Engineers

22829 Advise claimants to contact the present Government of the country where the "locally raised force," operated during the war.

Kenya National Servicemen serving with the UK Forces

22830 Those who were called up for training under the Kenya National Service regulations were allowed to apply for permission to proceed to the UK to join a training unit of the Royal Navy, Army or Air Force. Refer to PLG.

Light Anti-Aircraft Batteries RA(TA)

- 22831 These members were civilians who continued with their normal employment during the course of the World War II. Although technically embodied they received no military pay or allowances, but because they performed military duties when necessary (ie manning the anti-aircraft batteries) any disablement or death arising out of this service is admissible under the SPO.

Malayans enlisted in the RAF and RAF Regiment

- 22832 Malayans who enlisted locally in the RAF (Malaya) or RAF Regiment (Malaya) are the responsibility of MoD (RAF).

Malay States Light Battery

- 22833 See [Federal Malay States Light battery RA](#) for further details.

Malta-Fortress Squadron RE

- 22834 Send any claims to:

Overseas Section
Room 3224
Army Personnel
Kentigern House
Glasgow.

Maltese – NAAFI Canteen Staff

- 22835 These are ranked as civilians so are not eligible under any instruments but SPVA would advise amount of pension which would have been paid under Personal Injuries (Civilians) Scheme so that the NAAFI could make payments accordingly.

Maltese

- 22836 See [Civilian Technical Corps](#) for further details.

Maltese Section of the RAOC

- 22837 The Special Maltese Section of the RAOC was disbanded on the formation of the REME and its members were absorbed in the REME. The whole of their Service including that with the RAOC, will reckon as service in the UK Forces for all purposes of the SPO.

Merchant Navy Reserve Pool – ‘Gordon Ratings’

- 22838 Up to 31 January 1944 men called up under the National Service (Armed Forces) Act, who chose the Royal Navy but could not obtain a vacancy, could volunteer for service in the Merchant Navy. Those who did so entered

the Royal Navy as ordinary Seamen for 'Hostilities only' and were drafted to HMS Gordon for three months' training. At the end of that period they were transferred to the Merchant Navy Reserve Pool for employment in the Merchant Navy.

- 22839 During training and up to the day before they reported to the Pool they received naval pay and were naval ratings for the purpose of invaliding. Any claim in respect of disablement or death ascribed to this period of training, but not after 31 January 1944, should be considered under the SPO.
- 22840 On the day of transfer to the pool they ceased to be entitled to naval pay and, for purposes of compensation, were members of the Mercantile Marine.
- 22841 While posted to the Merchant Navy these ratings were normally retained in the RN, and on becoming unfit resumed their official numbers and naval pay, and were invalided under the Royal Naval procedure.
- 22842 Cases of 'Gordon Ratings' can generally be identified by several features:
- the Invaliding Board Report is headed 'Merchant Navy Reserve pool'
 - ship is shown as HMS Gordon and there may be a reference to service in one or more merchant ships.

Mobile Defence Corps

- 22843 The Mobile Defence Corps was formed on 1 April 1955 and disbanded on 28 February 1959. This was Corps of the Army Emergency Reserve.

Muscat and Oman Army of the Sultan

- 22844 Officers seconded by the MoD for service with the UK element of the Sultan's Armed Forces remain members of the UK military Forces.

NAAFI Institutes

- 22845 Entitlement for a member of the NAAFI naval canteen staff in respect of service afloat under an S55 engagement between August 1942 and May 1946 should be considered as for a naval auxiliary member serving under a T124 agreement. NAAFI have however undertaken to refund the amount by which any award made under the War Pension (Naval Auxiliary Personnel) Scheme exceeds the amount which would otherwise have been payable under the PICS if the member had sustained a WI; for this purpose a WRI should be regarded as a WI.
- 22846 Before August 1942, members of the NAAFI naval canteen staff ranked as civilians so any claim in respect of service as such should be considered under the provision of the PICS.

22847 NAAFI personnel in naval vessels operating with the United Nations Forces of Korea were not accorded naval status. They were, however, eligible to claim benefit under the industrial injuries provision. In the case of disablement having been sustained while serving in Korean waters as a result of actual combat, it may be possible to make a special award under TL (refundable by NAAFI) SS 114/222/01, dated 10 April 1951 in respect of any amount by which the industrial injuries award falls short of the amount which would have been awarded if entitlement had been appropriate, as for a member of the naval Forces of relative rank, under the SPO.

22848-22858

Newfoundland – Local Enlistments RA

22859 Members who enlisted in the British Army (RA), whether in the UK or in Newfoundland, are eligible under the SPO.

Newfoundland RN Patrol Service

22860 Fishermen who enlisted in the Newfoundland RN Patrol Service are eligible under the SPO.

Newfoundland Forestry Corps

22861 Members of this Corps were recruited in Newfoundland and brought to the UK for forestry work under arrangements made by the Ministry of Supply. They are eligible under the PICS in respect of war injuries.

New Zealand Anti-Tank Battery

22862 Although members of this Battery were enlisted in the UK, they do not come within the scope of the SPO.

Norwegian Nationals

22863 The Norwegian Government are responsible for the payment of pensions to members of the Norwegian Forces. Claimants should be referred to the Norwegian Government via the Norwegian Embassy.

Officers of the Training Corps (Formerly OTC)

22864 Officers of the Training Corps who hold commissions in the Territorial Army General List are eligible under the SPO.

Home Guard

22865 If the disablement or death is due to service with the Home Guard the case should be dealt with under Home Guard provisions.

University Squadrons

22866 Members were attested into the Territorial Army and are therefore eligible under the SPO.

Operation Corporate

22867 This was the Falklands conflict of 1982.

Palestine Police Force

22868 Claims are the responsibility of the ODA.

The ODA will refer these claims to SPVA to act in an advisory capacity.

Port Sudan – Naval Services

22869 Naval personnel borne and paid on ship's books, including those holding honorary commissions in the Sudan Auxiliary Defence Force, are eligible under the SPO.

Sudanese personnel

22870 Sudanese personnel employed in the Naval Services at Port Sudan and personnel of the Sudan Auxiliary Defence Force are the responsibility of the Sudan Government.

Press Representatives with the Forces Overseas

22871 Civilian Press Representatives signed an agreement which barred them from making any claim against the Crown for death or injury whilst with the Forces overseas.

22872 They are not eligible under the SPO or PICS.

RAF Cadets

22873 All RAF Officer Cadets, Technical Cadets and Flight Cadets are eligible under the SPO as they are members of the Forces throughout their training.

22874-22885

RAF Levies

22886 In 1915 a miscellaneous collection of units were raised, which in 1919 acquired the title of Levies. These units were entirely recruited from Arabs. In 1921 it was decided to recruit from Assyrians and the 1st Assyrian Battalion was formed. In 1922 the RAF took over responsibility of the Levies from the Army. The Force was disbanded in 1955.

- 22887 You must refer any claim, or request to claim, to a War Disablement Pension (WDP) received from a member of the RAF Levies to PLG to be referred to SP Pol (Pens).

Royal Marine (RM) Police

- 22888 On 2 October 1949 the Royal Marine Police Force merged with others to form the Admiralty Constabulary. Before that date the RM Police was part of the RM Forces and claims in respect of death or disablement are considered under the SPO. After that date, members are not considered under the SPO.

Royal Marine Police Special Reserve

- 22889 This Reserve was merged into the Admiralty Constabulary on 2 October 1949. Members are not eligible under the Order in Council but may be covered by the PICS. See [Admiralty constabulary](#) for further details. Before that date, claims are considered under the SPO.

Royal Marine Technicians and Censors

- 22890 Members granted temporary RM Commissions with appropriate naval rates of pay and allowances are eligible under the SPO. These granted temporary RM Commissions with Civilian rates of pay, and these not granted commissions are eligible under the PICS.

Royal Naval and Royal Marine Recruiting Service

- 22891 RN and RM pensioners who are engaged in this service sign non-continuous engagements and are considered as members of the naval Forces. Officers of the Recruiting Service, whether in receipt of naval pay and allowances in addition to retired pay are considered to be members of the naval Forces.

Royal Naval Cadets

- 22892 Royal Naval Cadets entering the RN College, Dartmouth, after 1 January 1957 are members of the naval Forces from the date of their entry into the College. Before that date, however, Cadets who had not completed their shore training were not regarded as members of the naval Forces and were, therefore, outside the scope of the Order in Council. They would be a liability of the MoD.

Cadets Undergoing Flying Training

- 22893 During their shore training at the RN College, Dartmouth, Cadets may undergo flying training under special arrangements made by the College and in any case where a Dartmouth Cadet was disabled or killed as the result of an accident whilst flying under these arrangements before

1 January 1957 SPVA, acting as agents for the MoD, make any appropriate award at the rates and under the conditions of the SPO.

Royal Naval Minewatching Service

22894 Members of this service are not members of the Forces and are therefore not eligible under the SPO. Injuries sustained by them during sea-trips in HM ships are not the liability of the MoD and any claim received should be referred to BSB Disability Benefits for consideration under the industrial injuries provisions.

Royal Naval Volunteer Reserve (RNVR)

22895 Members recruited in the colonies mentioned below are not eligible under the SPO but are the responsibility of the Overseas Development Administration:

- Ceylon
- Hong Kong
- Kenya
- Penang.

22896 RNVR members recruited in the following are the responsibility of The High Commissioner for Singapore:

- Singapore
- Crown Colony Straits Settlement.

Royal Navy Native Ratings (not Europeans)

22897 These ratings are not eligible under the SPO. They are the responsibility of the MoD:

- Scientific and Technical Advisors with the Ministry of Aviation (see [Air Ministry Operational Research Section](#) for further details)
- Sea Cadet Corps. The cadets are not members of the Forces but are the responsibility of the MoD (See [Air Training Corps \(Cadets\)](#) for further details).

South African Forces

22898 The Union Government have undertaken to bear the liability for pensions etc of the Army, Navy and Air Force personnel (including women) seconded to the UK Forces.

South Rhodesian Residents

22899 The Government of Zimbabwe (formerly Southern Rhodesia) are responsible for pensions etc in respect of:

- personnel of Southern Rhodesian origin who enrolled in Southern Rhodesia for service during the 1939 War for the:
 - British Army
 - Royal Air Force
 - Southern Rhodesian Units **and**
- certain cases of direct entry into the British Forces, including the Royal Navy.

22900 If the member was born in Southern Rhodesia or was living there at the date of their enlistment, the case should be referred to the Zimbabwean Government so that enquiries can be made about Zimbabwean liability.

Special British Army Units raised abroad

22901 Units raised in the Colonies, countries and territories listed below are the responsibility of the MoD and are dealt with under a Royal Warrant of 19 January 1950:

- Bermuda
- Ceylon
- Cyprus
- Egypt
- Gibraltar
- Lebanon
- Malaya
- Malta
- Mauritius and Dependencies
- North Africa (units of the Royal Pioneer Corps)
- Palestine

- Seychelles
- Singapore
- Syria
- West Africa

Territorials

22902 When a member of the Territorial or Reserve Forces is embodied or mobilised or called out they become a member of the Military (or Naval, or Air) Forces as defined in Schedule 4(30-33). Otherwise they remain a member of the Territorial or Reserve Forces as defined in Schedule 4(34). The distinction is important, as the entitlement conditions vary in some respects (see Article 40(5)). Before 1 June 1949 Territorials and Reservists were not eligible as such, but were eligible in respect of their war-time service as embodied or mobilised members of the Military. The term 'embodied' is now obsolete. It relates to the former concept of transferring a Reserve force as a whole from peacetime status to full-time operational duty in a crises. 'Mobilised' refers to 'mobilisation' which is the process of preparation for war, and is loosely equivalent to 'call out'. 'Call out' refers to using the legal liability of reservists to serve full-time for the operation mounted in response to a crisis. The effect of all 3 terms is the same. The reservist is liable to duty 24 hours a day, 7 days a week, is continuously subject to service law and is ready to fight alongside his Regular colleagues. His civilian status and occupation cease.

Test Pilots employed by Aircraft firms

22903 These men are only considered to be mobilised and therefore eligible under the SPO when they were defending their aerodromes in special RAF aircraft provided for that purpose.

Voluntary Aid Detachments serving with the Forces

22904 The definition of a woman member of the Forces is Schedule 4(54) includes a member of a Voluntary Aid Detachment (VAD). They are therefore eligible under the SPO. VAD members were employed by:

- Navy
- Royal Air Force
- Army – with effect from 1 January 1944 members employed were enrolled on AFE 664. Their status and grading were comparable with those of ATS Personnel.

- 22905 Refer any claim received in respect of a VAD member employed with the Army who has not enrolled on AFE 664 or in any case where doubt exists concerning the eligibility of a VAD with the RN or RAF to SP Pol (Pens) via PLG for consideration.

Youth Training Scheme

- 22906 Members of the Forces who enlisted under the YTS are eligible for consideration under the War Pension provisions.

Yugoslav Nationals

- 22907 The Yugoslavian Government is responsible for pensions in respect of members of the Yugoslavian Forces. Claims are referred to the Yugoslavian Government via the Yugoslavian Embassy.

22908-22929

Loans, Special Postings etc

NCOs appointed as Assistant Inspectors of Civil Police

- 22930 In the case of NCOs relegated to Class W Army Reserve on appointment as Assistant Inspectors of Civil Police with Police Forces in Eritrea, Ethiopia, Italian Somaliland and British Somaliland, SPVA will, as an exception to the general rule, deal with any claim in respect of disablement or death ascribed to such police service. Any award which may be made should be based on Class 3 rates and made under the Dispensing Warrant on the authority of TL E44656 of 16 January 1942. This does not apply to members of the former Palestine Police, who are the responsibility of the ODA.
- 22931 Instances occur of members of the Forces being loaned or seconded for special duties not connected with the Forces, or employed only occasionally with the Forces, or mobilised or called out only for certain special operations, but retaining pension right.

Members lent to commonwealth Governments

- 22932 Members of the UK Forces are sometimes lent for service with the Forces of commonwealth Governments. If, in any such case, disablement or death is referable to service with the Commonwealth Forces, entitlement may be given under the SPO, and the appropriate award made by SPVA without any question of recovery from the borrowing Government.
- 22933 If a member is lent to any of the Commonwealth countries, the borrowing Government, in addition to meeting the cost of the member's current emoluments, will pay, to the MoD, a fixed annual charge which will cover, among other things, any pension, gratuity or other charge arising out of disablement or death, of the member while in the service of the borrowing

Government.

- 22934 In Navy and Air Force cases the service documents will contain a statement that the member was on loan to the particular Government and that the appropriate pension contributions have been paid (or claimed) up to the date of discharge or death. In the absence of such a statement, the MoD should be asked to supply one.
- 22935 In Army cases no information about the payment of pension contributions will be available in the documents, but they will contain a statement that the member was on loan to the borrowing Government and retained their right to normal non-effective benefits.
- 22936 This arrangement does not apply to re-enlisted Naval or Marine pensioner ratings serving on non-continuous service engagements for whom no contributions are paid and borrowing Governments are liable for compensation in respect of disablement or death referable to service with them. Such cases should not be received by SPVA.
- 22937 A reciprocal arrangement between the Governments of Britain and South Africa makes it unnecessary to take any special action in any case involving service with the South African Forces and normal procedure will apply.

Miscellaneous Categories India Unattached List

- 22938 From 1 April 1948, the Governments of India and Pakistan undertook responsibility for pensions, etc, for personnel seconded to their Forces. See [Members lent to Commonwealth Governments](#) for how to deal with claims in respect of service on or after that date, whilst so seconded.
- 22939 Claims in respect of service before 1 April 1948, whilst seconded to the old Dominion of India or the Governments of India and Pakistan (which came into being on 15 August 1947) will normally be dealt with by this Department under the SPO. There is only one type of claim where there is a possibility of liability attaching to the borrowing Government instead of to SPVA and that is where the member:
- was serving on a regular engagement which commenced before 3 September 1939 **and**
 - was borne on the permanent cadre of the India Unattached List before 3 September 1939 **and**
 - had attained the Departmental rank of Conductor or Sub-Conductor during secondment and before 1 April 1948.

Gurkha Brigade

22940 Advise claimants to refer their claims for service with the Gurkha Brigade to the MoD.

Gurkha Rifles

22941 Service up to the date of independence of India (1948) is for consideration by the ODA.

22942 Since independence officers only of the Gurkha Rifles are part of the British Army and come under the SPO.

Exchange of RAF officers with officers of other Forces

22943 Agreements have been made between the UK Government and the following Commonwealth and Foreign Governments whereby officers of the respective Air Forces may be exchanged for an agreed term:

- Australia
- Belgium
- Canada
- France
- Holland
- New Zealand
- Sweden
- USA.

22944 Any claim by, or in respect of, an officer of the RAF or WRAF whose disablement or death is ascribed to service on an exchange basis with a force not covered by above should be dealt with in liaison with PLG if necessary.

USA agreements

22945 Regarding the agreement with the USA, officers of the RAF may be exchanged with officers of the US Navy and US Air Force, and officers of the WRAF may be exchanged with officers of the US Women's Air Force.

22946 The exchange will not affect the officer's status as a member of their parent Service, and liability for compensation in respect of death or injury due to Service on an exchange basis will attach to the parent Government, under

the provisions applicable to the parent Service. Awards to, or in respect of, members of the RAF and WRAF may therefore be made under the SPO in the normal way.

British Overseas Airways Corporation (BOAC)

22947 For RAF officers seconded or released for service with BOAC, see [BOAC](#) for further details.

Singapore Straits Volunteers

22948 The Singapore Straits Volunteers were not a special unit of the British Army and are not, therefore, the responsibility of the MoD. Responsibility lies with the Malay or Singapore Governments.

Background

22949 In 1946 the Crown Colony of Strait Settlement dissolved and the territories were divided between the new colonies of Singapore and Malaya.

22950 In 1963 the colonies became independent in the unified territory of Malaysia, but Singapore left in 1965 and responsibility for volunteer's pensions were divided as follows:

- Malaysia – Straits Settlement Volunteer Forces raised in Penang and Malacca and Federated Malay States Volunteer Forces
- Singapore – 1st and 2nd battalions of Straits Settlement Volunteer Forces.

Claims

22951 Refer any claims to the appropriate Government in the first instance but consideration should also be given to the possibility that the claim may fall for consideration under the PICS Scheme. Explain this to the claimant.

22952 There are several possible outcomes to a claim:

- entitlement to a War Pension paid by the Singapore Government
- entitlement to a War Pension paid by the Singapore Government but increased by SPVA on an ex-gratia basis to British rates where appropriate
- entitlement to Pension under the PICS Scheme.

Dual entitlement

22953 If it transpires that a claimant is entitled to a pension under PICS and from the Singapore Government the Civilian Pension should be abated under

authority of Article 63 of the PICS.

Note

22954 Any award made under PICS will be under the extra-statutory provisions of that scheme.

22955-22969

Special provisions

22970 When a claim to War Pension in respect of locally enlisted service with locally raised colonial Forces is received by SPVA, advise the claimant to direct their claim to the overseas government concerned.

22971 It may take a long time for the overseas government to respond, so invite the claimant to notify the SPVA if their claim is settled within six months in case SPVA is able to be of some help in the matter. (It may be necessary to extend this period if the overseas government ask SPVA to arrange for a medical examination).

22972 In the event of such a notification being received, consider seeking the help of the Foreign and Commonwealth Officer in the form of direct representations to the country concerned.

22973 If the overseas government refuse to accept, or they reject, the claim, SPVA may be able to make a full award. If the claim is for an outcome of detention in territory occupied or controlled by the Japanese, eg the Straits Settlements, Malaya and Hong Kong, consideration should be given to whether the conditions for an extra-statutory award can be fulfilled.

22974 If so, an award should be made accordingly and arrangements for review of this will depend on the advice of SPVAMS. Otherwise, provided that if the service had been with the British Forces based in the UK there would have been an entitlement to War Pension under the SPO the Treasury's specific authority to make an award should be sought.

22975 If the response is favourable an award should be made under the authority of the Treasury's reply and in accordance with its terms. Arrangements for review of the award will depend on whether the Treasury make any special conditions.

22976 If the rate of an overseas government's award administered by the ODA is below the level of the rate of the award which would have been authorised under the SPO had the member served with a British based unit, provided that the ODA are able to confirm that the conditions of the overseas service were such as to be within the scope of the provisions of the Dispensing Warrant, an award may be made under the authority to make up the deficiency.

22977 The award should be authorised for payment by the Crown Agents, subject to the overseas award remaining in payment at the current time. The Crown Agents and the pensioner should be informed accordingly of the need to notify SPVA promptly of any change which may affect the award.

22978 The MoD have special authority to make War Pension payments in some cases to make good the failure of the Nigerian and Ugandan governments to honour their obligations in respect of disabled former members of their local Forces. Refer any War Pension claim received by SPVA in respect of locally enlisted service with their locally raised Forces to the MoD for consideration.

Civilian Internees

22979 Following legal advice, claims from civilian internees or their widows should be considered under the PICS with a right of appeal. They should also be considered under the extra-statutory regulations. Any assessments made under extra-statutory regulations do not have a right of appeal.

Authority to make an ex-statutory award

22980 Refer any case which you consider should be considered for an ex-statutory award to Section ST1 Her Majesty's Treasury via PLG. They will advise if a case can be paid under the scheme and advise you of any special conditions attached to the award.

22981-22991

Falkland Islands Volunteer Forces

22992 Claims to pension in respect of members of this force were dealt with by the Falkland Islands Government. Any claim now received should be referred to the Foreign and Commonwealth Office.

Fiji Labour Battalion

22993 Pensions were payable at special rates to coloured personnel of this battalion.

22994 Officers who came to England with the Fiji contingent are eligible for pension under an Act passed by the Fijian Government. If no award is made by the Fijian Government, the case should be dealt with that of an ordinary Imperial Officer and the Foreign and Commonwealth Office should be informed. If an award has been made under the Fijian Ordinance the difference between that award and the appropriate award under SPO (if greater) should be authorised by SPVA.

Kenya Defence Corps

- 22995 About one hundred ex-officers and non-commissioned officers of this Corps were eligible for all the benefits of the Royal Warrant. The non-European personnel were dealt with locally at special rates.

Kings African Rifles

- 22996 European officers and non-commissioned officers of this Corps were eligible for all the benefits of the Royal Warrant. The non-European personnel were dealt with locally at special rates.

Macedonian Mule Corps

- 22997 The members of this Corps were employed under an agreement that they were entitled to no compensation in respect of death, wounds or incapacity occurring while in the Service.

Maltese Local Enlistments

- 22998 Maltese locally enlisted in the RAF and RASC and their families and dependents were entitled to the rates laid down in the Royal Warrant etc.

Maltese Labour Camps

- 22999 See [Enrolled Native Corps](#) for further details.

Mauritius Labour Battalion

- 23000 Pensions were awarded at special rates to members of this Battalion and are paid by the Mauritius Government.

Mesopotamian Civil Administration

- 23001 Claims in respect of casualties arising out of employment with the Mesopotamian Civil Administration were the responsibility of the Colonial (Now Foreign and Commonwealth) Office and the War Office.

Murmansk Allied Land Forces

- 23002 Pension claims of the Karelians and Finns enlisted into these Forces were dealt with under the Royal Warrant of 1914 by the General Officer Commanding those Forces.

First Rhodesian Regiment

- 23003 This unit, which was disbanded in July 1915, served at first in the Union of South Africa and subsequently in German South-West Africa. The South African Government is responsible for dealing with these cases.

Second Rhodesian Regiment/Southern Rhodesian Column (BSA Police)/Second Native Regiments

23004 The Second Rhodesian Regiment served in German South-West Africa up to 9 March 1915, and compensation for disabilities incurred up to this date is a matter for the South African Government. The Regiment embarked for service in German East Africa on 9 March 1915, and in respect of service from that date the white personnel of the unit are eligible for the full benefits of the Royal Warrants.

23005 From 1 April 1928 liability for all awards granted under the Royal Warrants to the white personnel of these units and to their widows and dependants was taken over by the then Southern Rhodesian Government.

Northern Rhodesian Police/Northern Rhodesian Rifles/Northern Rhodesian Medical Corps

23006 The white personnel of these units and their widows and dependants are eligible for the full benefits of the Royal Warrants and all awards are chargeable to WP Votes.

Royal Malta Artillery

23007 See the *Minor Schemes Guide, Part 9, Miscellaneous Eligibility/Categories* section headed '*Royal Malta Artillery (RMA)*'.

Slavo British Legion

23008 A certain number of British officers and non-commissioned officers were attached to this Corps, which was raised at Archangel as a temporary measure. No liability was accepted in respect of casualties, and there was no eligibility under the Royal Warrants.

Somaliland Camel Corps

23009 Claims in respect of service with this Corps were dealt with by the Somaliland Government.

South African Contingent

23010 The South African Government took over financial responsibility for the pensions of members of the South African Contingent serving with the Imperial Forces. Pensions in respect of men of that Contingent discharged and resident in the UK were awarded by the Ministry at rates sanctioned by the South African Government.

23011 Officers of the South African Contingent are pensioned under the South African Acts but they are also eligible under British Warrants. If in any case it is more advantageous for the officer to receive the benefits of British Warrants, British rates apply and the South African Government credit the

Department with the full amount of pension payable under their own Acts. The South African Government are responsible for explaining to the pensioner that he cannot have the benefit of both Schemes.

West African Frontier Forces/West African Regiment/Sierra Leone Battalion/Royal Garrison 36th Fortress Company

23012 European officers and non-commissioned officers of these Corps were eligible for the benefits of the Royal Warrants. The non-European personnel were dealt with locally at special rates.

West African Frontier Force: Royal Engineers

23013 If an officer of the West African Frontier Force was employed outside West Africa, eg in the East African Campaign, the award is a charge of the War Pensions Vote. If an officer was employed in West African operations (including the Cameroons) the Foreign and Commonwealth Office normally accept the charge, but there are several exceptions and the Foreign and Commonwealth Office should be consulted in each case and their ruling accepted.

23014-23099

Territorial Army ‘Medical discharge’ cases

General

23100 The MoD pensions provisions for members of the Territorial Army (including part-time members of the Royal Irish Regiment) are different from those in regular service.

Territorial Army members who are medically discharged, do not receive a disablement pension from the MoD unless SPVA award a disablement pension first.

Any TA member who was not medically discharged but who later claims, and is awarded a war disablement pension from SPVA, is not entitled to an attributable pension from the Army Pensions Office.

23101 If a person suffers a wound, injury or disease relating to their full, or part-time service with the Territorial Army, they are eligible to compensation from the MoD.

23102 If the incapacity is only slight or of a short term nature, the MoD continues to pay the disablement allowance until they are fit and able to continue service.

23103 If the incapacity is more serious, or long term, the MoD will decide whether or not they should be medically discharged.

23104 If the MoD decide they should be medically discharged they will ask if SPVA is prepared to take over their award and, if so, when. They send copy

documents with a covering letter setting out:

- the incident that led up to the condition causing discharge **and**
- a summary of their assessment of disablement allowance awarded

23105 The MoD need to know from when SPVA is prepared to take over the award so that they can arrange discharge and stop payment of their allowance the day before SPVA take over. This stops any chance of duplicated payments and tries to ensure continuity of payment.

Deal with all Territorial Army take-over cases as priority.

23106 To enable you to consider the case fully the MoD papers should include:

- accident/injury reports **and**
- medical reports.

23107-23199

Canadian Pension Commission (CPC) cases

General

23200 Canadian supplemented pensioners are British War Pensioners of the 1914 and 1939 wars who, because of a residential qualification, receive their pension from the **Canadian Pension Commission (CPC)**, supplemented to Canadian pension rates. The British War Pension liability is paid quarterly by SPVA at current rates to the CPC.

23201 Canadian option pensioners are 1914 War other ranks who lived in Canada or the USA on 4 August 1914, returned after their service, and opted to receive Canadian rates of pension. The Government of Canada took over responsibility in 1957 for those pensioners living in Canada, the Agency's responsibility being frozen at 1957 rates. In 1961, the Canadian Government took over the responsibility for some pensioners living outside Canada, the liability of the Agency being frozen at 1961 rates. The British War Pension liability is paid quarterly to the CPC and such pensions are under the general term 'supplemented'.

23202 If the CPC consider a supplement they will ensure that the British pensioner is not treated better than his Canadian counterpart – they will not receive a supplement that makes their pension greater than a Canadian pensioner.

23203 To be considered as a possible CPC case, the claimant must have lived or enlisted in Canada or Newfoundland.

- on 4 August 1914

- **or between** 1 September 1935 and 1 September 1939.

You will not be able to establish this unless the service documents are on the file.

23204-23239

Medical report received from CPC

23240 From time to time, the CPC arrange routine medical reviews for their own purposes. When a review of this type is done they will send a copy of the report to SPVA.

23241-23249

Disclosure of information

23250 In view of the Canadian Human Rights Act, a purpose of which is to provide for an individual to have access to personal information held by Canadian Government Departments, bear in mind that material sent to the Canadian Pension Commission could be disclosed but as the Act provides that this should not be done without the consent of a medical practitioner there is a safeguard against the disclosure of information which may be harmful.

23251-23279

Canadian War Veterans awards

23280 The CPC may seek information about a veteran's British war service for the purpose of making an award under Canadian legislation.

23281 The enquiry is usually sent to the MoD unless the CPC have reason to think that a British War Pension may have been awarded. Any enquiries of this kind are directed to Filestore who will trace for a file.

23282 If a file is found the case will be referred to SPVA for action.

23283 If there is no file the enquiry is directed to the MoD.

23284-23299

Royal Irish Regiment and UDR

General

23300 The Royal Irish Regiment was formed when two regiments – the Ulster Defence Regiment and the Royal Irish Rangers amalgamated on 1.7.92. Before this, claims were received from former UDR members.

23301-23309

Eligibility

Background

23310 On 4 January 1971, there was a change in the regulations which meant that claims in respect of disablement due to service in the Ulster Defence Regiment since 1 April 1970 could be considered by the Agency. Any claims in respect of disablement prior to 1 April 1970 are for consideration by the MoD.

Ulster Defence Regiment (UDR) claims Prior to 1 July 1992

23311 Deal with claims from members of the UDR arising from service prior to 1 July 1992 under the 'Order by Her Majesty concerning pensions and other grants in respect of disablement or death due to service in the Ulster Defence Regiment 1971' (The UDR Order).

Royal Irish Regiment (RIR) claims from 1 July 1992

23312 Deal with claims arising solely from service after 1 July 1992 under the 'Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006' (SPO).

Continuous service

23313 If a period of service in the UDR is continuous with service in the RIR, ie there is no break, a claim arising within seven years of the end of the continuous period falls for consideration under Article 4 of the Order by Her Majesty in respect of the UDR service, and Article 40 of the SPO in respect of the RIR service.

23314 If the claim arises over seven years after the end of the continuous period of service, then it falls for consideration under Article 5 of the Order by Her Majesty in respect of service with the UDR and Article 41 of the SPO in respect of service with the RIR.

Part-time service

23315 Part-time members of the UDR have always been in a continuous state of call-out since the Regiment was formed in 1970. The advantageous Article 4(2) and (5) of the UDR Order therefore applies to all claims in respect of disablement where the ex-UDR member arising within 7 years of the termination of service unless, exceptionally, the records specifically show that the disablement occurred at a time when the member was not a in a state of call-out (in these exceptional circumstances Article 4(4) would apply).

- 23316 If the claim arises from an injury, wound or disease which led to the member's disablement during service, and which was not noted in a medical report on commencement of service, Article 4(3) of the UDR Order also applies.

Royal Irish Regiment (RIR) claims from 1 July 1992

- 23317 Claims arising from service after 1 July 1992 will be dealt with under the 'Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006' (SPO).

Part-time service

- 23318 Many members of the Royal Irish Regiment will serve on a part-time basis. However, they will be in a continuous state of call-out (as were the UDR) due to the special circumstances in Northern Ireland.

Claims within seven years

- 23319 Members of the RIR are treated under the SPO in the same way as other members of the armed forces. This means that it is for the Secretary of State to show beyond reasonable doubt that the injury of the part-time member was **not** due to service.

Injury sustained after termination of service

- 23320 If injury is sustained after termination of service as a consequence of that service, entitlement may be accepted, i.e. ex-member of the RIR shot by a terrorist in their home, because they were an ex-member of the UDR.
- 23321 When considering a claim like this, the entitlement decision must be based on authoritative reports, eg from the Police or Civilian authority as are available and regard should be given to any claim or denial of responsibility by a terrorist organisation.

Stress related diseases

- 23322 RIR members who live near the border with the Irish Republic are under constant threat of assassination from terrorists and are therefore subject to stress. The Regimental Welfare Officer, The Royal Irish Regiment, St Patricks Barracks, British Forces Post Office 808 may be asked for details if it is thought this situation arises. In claims for a disease where the member lives near the border, mention the stress factor when submitting the case to SPVAMS so that they can advise on whether such stress has played any part in the development of the disease.

Delayed UDR cases

23323 When the change in regulations occurred, there were some administrative errors at the MoD. In some cases:

- they were merely not re-engaged rather than being invalidated
- documents relating to a medical discharge were not sent to us to consider
- they were not informed that they could claim

23324 Since 1 June 1984, it has been decided that the UDR are fully aware of the War Pension provisions and normal rules governing commencing dates will apply. However, when a case is received, the above factors must be considered as they may affect the article that the case must be considered under and if successful, the date of claim.

23325-23349

The Somme Hospital, Belfast

Background

23350 The Somme Hospital (formerly the Ulster Volunteer Force Hospital) is a private hospital which was opened before the formation of the NHS for the specific treatment of war pensioners.

23351 When the NHS was formed the Somme was allowed to 'opt out' and remain private on the understanding that, should any of their patients need treatment in a NHS Hospital, the Somme would pay a fee.

23352 Many of their patients are now long term residents whose disabilities related to the 1939 War. Serving members of the UDR/RIR are still admitted for treatment however and details of their treatment can be obtained via Belfast VWO.

23353 On the termination of the treatment of a war pensioner in the Somme Hospital, Belfast, the hospital provides the VWO Belfast with a comprehensive medical report which is filed in the Local Medical File (LMF). If medical information concerning the treatment is required, the loan of the LMF should be sought from the VWO. The hospital should not normally be approached for the loan of case-notes without the approval of SPVAMS.

23354-23399

Advisory and Agency cases

Background

Advisory cases

23400 These are cases where other Governments or Government Departments ask us for advice about entitlement to pension and/or assessment of disablement for payment under their own pension schemes.

23401 As in our own cases:

- considering entitlement
- collecting evidence
- medical boarding arrangements

are exactly the same.

23402 Always stress in all correspondence when dealing with the case, however, that the Agency is acting on behalf of the requesting Government or Department.

Agency cases

23403 These are cases where another Government will ask us to arrange a medical board for one of their pensioners living in this country. We act as their 'agents'.

23404 To distinguish Advisory cases and Agency cases from our own, write in red the name of the Government or Department on:

- the file containing their documents
- the WPA 947.

23405 There are a number of ex-servicemen and women living in the UK, who receive a pension from their Government for injuries sustained during service in the Allied Forces.

23406 These pensions are arranged and paid by organisations commissioned by their appropriate Overseas Government.

23407 Some organisations are also empowered to accept financial responsibility for any treatment their pensioners need as a direct result of their Accepted Disablement.

23408-23419

Ministry of Defence advice cases

Background

23420 The Ministry of Defence (MoD) occasionally ask the Agency for advice to assist them when dealing with cases for which they are responsible.

Malaysian/Singapore ~ Volunteer Force or locally raised Colonial forces

23421 For advice relating to Malaysian/Singapore Volunteer Force of Locally raised Colonial Forces, see [Locally raised Colonial Forces](#) for further details.

Young Cadets: Service after 5 July 1948

23422 Refer any claim from a cadet with service after 5 July 1948 to the MoD. See [Service as a Cadet, Officer in Charge of Cadets, Officer Cadets](#) and [Cadet service](#) for further details.

23423 Refer any papers from the MoD relating to Cadet Service after 5 July 1948 to BSB.

Young Cadets – Service before 5 July 1948 and adult civilians (Instructors and Technicians)

23424 Consider these cases under the Personal Injuries Civilians Scheme.

23425-23439

Advisory work for other Governments and Government Departments

General

23440 By arrangement, the following organisation and Overseas Governments have authority to use the services of the SPVA/SPVAMS, to advise whether their pensioners are medically eligible for treatment and/or treatment allowances:

- Overseas Development Administration (ODA) for ex-Indian Army Officers and ex-Palestine Police Forces
- Canadian High Commission
- Malaysian High Commission
- Australian High Commission
- Singapore High Commission

- United States of America (USA)
- New Zealand
- Crown Agents for ex-Hong Kong Volunteer Defence Corps.

Agency cases

- 23441 If SPVAMS approval is advised to any of the above organisations/Overseas Governments and their acceptance of financial responsibility is confirmed in writing, the Agency bears the cost of treatment and recovers it from the appropriate body.
- 23442 The Agency acts as an Agent and provides a service and recovers the cost.
- 23443 Requests for treatment for an Agency Case should be made via the organisations responsible for paying their pension.
- 23444 Only consider claims initiated by the pensioner's responsible organisation.
- 23445-23499

Radiation cases

- 23500 Claims for War Pension can be received from ex-service personnel in respect of conditions which may be caused by exposure to radiation.
- 23501 Many of these ex-service personnel were:
- present at the British Nuclear Weapons Test
 - in the vicinity of Hiroshima or Nagasaki following the Atomic Bomb explosions.
- 23502 Other claims may be received from ex-service personnel who:
- served on or maintained nuclear submarines
 - worked in close proximity to radar or were exposed to X-rays etc.
- 23503-23509

Nuclear Weapon Test veterans

- 23510 In the 1950s, nuclear weapon testing was undertaken in the:
- South and West of Australia
 - South Pacific.

The dates and locations are shown at *Appendix 2*.

- 23511 In addition from 1956 to 1964 a number of open air experiments with radioactive materials but not producing nuclear yields were conducted at Maralinga, South Australia.
- 23512 Some ex-service personnel were actually in the areas when the explosions were carried out. Others were not, but were involved in the subsequent clean up activities which took place over many years.
- 23513 In 1988 a report by the National Radiological Protection Board concluded that certain cancerous conditions may be associated with the nuclear weapons programmes.
- 23514 Therefore claims for disablement relating to service in the relevant areas on or after 3 October 1952 (the date of the first nuclear test) fall for our consideration.
- 23515 On receipt of the claim form and service documents, decide:
- if there is a specific claim to disability, ie does the claimant give details of disablement? It is not enough to state exposure to or effects of radiation
 - is the claim for a condition related to:
 - presence at the test itself **and/or**
 - involvement in the clean up activities (these took place over many years)
 - did the claimant serve on or after 3 October 1952 in any of the areas listed at *Appendix 2*
 - could the claimed conditions have been caused by exposure to radiation, ie:
 - leukaemia (other than chronic lymphatic leukaemia)
 - multiple myeloma
 - polycythaemia rubra vera **or**
 - any other cancer, skin condition or genetic damage.
- 23516 Additional background and guidance on War Pensions Policy on Radiation is in *A Guide to War Pensions Policy*.

23517-23519

Exposure to radiation: nuclear submarines

23520 Sometimes claimants state that they are suffering from a disablement caused by exposure to radiation whilst they were serving on or maintaining a nuclear vessel (not necessarily a nuclear submarine).

23521 There must be a specific claim to disability. It is not sufficient for the claimant to declare 'exposure to/effects of radiation'.

23522-23529

Other radiation claims

23530 Deal with any other claims associated with exposure to radiation from radar or x-rays as for nuclear submarines.

23531-23539

Atomic bomb explosions at Hiroshima and Nagasaki

23540 On 6 August 1945 an Atomic bomb was dropped on the Japanese city of Hiroshima. Three days later on 9 August 1945 a second bomb was dropped on Nagasaki.

23541 The bomb which fell on Hiroshima had a force equal to 20,000 tons of TNT and destroyed the whole city within a radius of four kilometres. Hundreds of thousands of people were enveloped in a heat temporarily equivalent to that of the interior of the sun, and showered with 'death ashes', which left indelible scars on the victims who survived. In some cases, the heat of the explosion burnt the pattern of clothing material on to the skin.

23542 After the explosion, transportation was paralysed, the medical services were powerless and patients were fortunate if they received food and water.

23543 Some of the victims found that their hair started to drop out. Other victims developed cataracts and leukaemia or found that the after effects of radiation produced malformation in the children born later.

23544 People were still dying of radiation illnesses in 1953 and there are many thousands of people alive today who continue to suffer from the effects of radioactivity.

23545 Claimants may claim for conditions relating to possible exposure to the excess ionising radiation resulting from these explosions.

23546 Most claims are from ex-FEPOWs but some claims may be received from ex-service personnel who claim to have been exposed to radiation on visits to or passage through Hiroshima or Nagasaki.

23547 Consider each case on its merits, taking all factors into account, including:

- the claimants location at time of detonation;
- the structure and materials forming the claimant's shelter; and
- the question of onus of proof.

23548 Claimants may also claim to have been exposed to radiation on visits to or passage through Hiroshima or Nagasaki. Take into account:

- the areas of Hiroshima/Nagasaki the claimant visited, or the distance from '**Ground Zero**' (the epicentre of the bomb blast);
- the dates of the visit;
- length of the visit; and
- nature of their duties whilst present.

23549-23559

Consultation with SPVAMS

23560 Consult with SPVAMS at the outset when considering claims arising from possible exposure to excess ionising radiation. They will advise further medical evidence should be sought in any particular case.

Multiple myeloma, leukaemia (other than chronic lymphatic leukaemia) or polycythaemia rubra vera claimed

23561 In line with the pledge to treat FEPOWs as generously as possible, SPVAMS **do not require a radiation report**, if it has been established that:

- 1 the claimant was a FEPOW in Japan; and
- 2 located within **60 miles (96.54 kilometres)** of the centre of the explosion at the time it occurred. If in doubt, information may be available from PLG who hold maps of the bomb blast sites.

60 mile limit

23562 The 60 mile limit is not scientifically based but is advised to well exceed the radius of any possible continuing radiation. If in doubt, information may be available from PLG who hold maps of the bomb blast sites.

23563 This limit has been chosen because of the difficulty in precisely locating Japanese camps, which were named not according to their geographical location, but according to the authority which had administrative responsibility for them.

23564-23569

Entitlement on the basis of 'participation'

23570 The SoS awards entitlement on the basis of 'participation' in the explosions once it is established that the claimant meets the criteria.

23571 SPVAMS issue a certificate on receipt of SoS advice that the criteria is met.

23572-23579

Visiting personnel/occupying forces

23580 Treat claims from members of occupying forces, where the SoS accepts they were within the 60 mile limit, the same as other claims, bearing in mind that the claimant must meet the same criteria.

23581-23589

Claims relating to other cancer or genetic damage

23590 Submit these cases to SPVAMS in the normal way. The MA decides if the condition is **causally linked** to excess ionising radiation exposure. If so the MA asks if the SoS accepts exposure to excess ionising radiation. Obtain a radiation report.

23591-23599

Exposure to asbestos

General

23600 Accept exposure to asbestos or asbestos dust if the claimant served on board ship in the Royal Navy prior to 1971 and a claim is made for:

- mesothelioma
- asbestosis **or**
- a disablement which the claimant states is due to exposure to asbestos.

23601 Make enquiries to the MoD for confirmation of exposure for shore based service or **any** service from 1971 onwards.

23602-23699

Cancer cases

General

23700 When considering a claim you may find that any disablement or worsening is due to a malignant condition.

23701-23719

Claimant's awareness of malignant condition

23720 Find out if the claimant knows they are suffering from this condition.

Not aware

23721 **If they do not know, their suspicions must not be aroused.**

23722 SPVAMS will give a suitable label for notification as well as the true diagnosis. **Do not disclose the true label to the claimant.**

Aware

23723 **If the claimant does know about** the malignant condition notify the decision in the normal way.

23724-23739

Entitlement

23740 Frequently, there is no connection between cancer and the service or the Accepted Disablement. If a connection is found, an award can be made under the Service Pensions Order (SPO).

23741 When there is no connection and the pensioner is aware of their condition, the Medical Adviser (MA) may consider an award under the Greater Disablement (GD) provision. SPVA must be certain that the Accepted Disablement (AD) made the condition worse. See [Greater Disablement](#) for further details.

23742 If the AD has not made the condition worse the GD provision cannot be used. The MA can consider an award under the authority of TL 2-SS27/233/01 dated 7 February 1961. This allows SPVA to:

- 1 notify the pensioner that their award is increased because of deterioration; or
- 2 accept the claimed condition even though the malignancy was not connected to service.

23743 An award can be made on humanitarian grounds even though the AD has not aggravated the condition. Do this under the authority of TL 2 SS 27/233/01 dated 11 August 1971 if:

- 1 the malignant condition has been firmly diagnosed;
- 2 the pensioner's doctor says that the pensioner is not aware of their condition and should not be informed; or
- 3 a rejection would mean SPVA has to give the real reason or risk arousing the pensioner's suspicions.

Entitlement ceases when the pensioner dies.

23744-23799

Porton Down cases

General

23800 Porton Down is the MoD Chemical and Biological Defence Establishment (CBDE).

23801 The role of the establishment is to ensure that the UK Armed Forces have effective protective measures against the threat that chemical or biological weapons may be used against them. In order to carry out his work, it is necessary to use Service Volunteers to:

- assess the ability of Service Personnel to function with new equipment and procedures
- develop medical countermeasures to protect Service personnel **and**
- evaluate the effects of very low and medically safe concentrations of chemical warfare agents on the ability of unprotected personnel to operate normally.

23802 No studies involving volunteers are carried out unless there is a clear military need and a detailed protocol has been reviewed and approved by an Independent Ethics Committee in accordance with the guidelines laid down by the Royal College of Physicians.

23803 Participants were paid by cash or cheque to compensate them for the inconvenience of these tests. Details of these payments and of participation in the experiments are not recorded in the volunteer's paybook or service records. Such records are held at Porton Down.

23804 If any treatment was required after the service personnel left the CBDE at the end of their study (usually 1 – 3 weeks), this will have been recorded on their normal service documents.

23805-23809

Gassing

- 23810 During routine training, personnel were given a limited exposure to lachrymatory (ie tear) gasses when their respirators were checked for a correct fit. This took place annually. If a claim for gassing is received, check that this was gassing as a volunteer at Porton Down or during routine training or both before making enquiries as set out in the *Claims guide*.
- 23811 The documents referring to any gassing incident requiring treatment during routine training will be with the main service documents.

23812-23899

Blindness

Definition of blindness

- 23900 The words 'blind' and 'blindness' do not have any precise meaning. For assessment purposes, the statutory schedule of assessments in the SPO is concerned with 'loss of vision'. The loss of vision does not have to be complete.

Blind Persons Act 1938

- 23901 States that for the purpose of that Act the expression 'blind person', means a person so blind as to be unable to perform any work for which eyesight is essential.
- 23902 The World Assembly of the World Council for the Welfare of the Blind 1954 adopt the following definition of blindness:
- total absence of sight
 - visual acuity not exceeding 3/60 or 10/200 (snellen) in the better eye with correcting lenses **or**
 - such limitation of the field of vision that the angle of vision does not exceed 20 degrees.
- 23903 This definition of assessment was drawn up in order to assist with the development of services for the blind and to assess which customers would qualify for those services.
- 23904 It is used in countries which have, at present, no legal definition of blindness or whose definition is a degree of vision less than 3/60 or 10/200 (snellen) in the better eye with correcting lenses.

23905 It may be modified to take economic or social conditions into account to suite special needs such as education and vocational rehabilitation.

23906 This definition was adopted and endorsed by the:

- Conference of World Organisations Interest in the Handicapped
- Fifth Session of the United Nations Technical Working Group on Rehabilitation of the Handicapped.

23907-23919

Deaf/Blind Pensioners

23920 From 9 April 1990 Mobility Allowance was extended to cover deaf/blind claimants (from April 1992 this benefit became DLA).

23921 It was decided that War Pensions Mobility Supplement (WPMS) should be extended from the same date to fall into line with the changes.

Criteria

23922 To qualify for DLA or WPMS the claimant must be:

- eighty per cent deaf **and**
- eighty per cent blind.

23923 If a War Pension is awarded and the claimant qualifies under the above criteria, WPMS will be awarded without a further medical board.

23924 If it becomes apparent during the course of investigations that the claimant may qualify for WPMS under the above criteria a KIV should be noted on the file flap so that it is not overlooked when a decision has been made.

Claim rejected

23925 The claimant should be advised to apply for DLA if it appears that they have not already done so.

23926 See *Appendix 6* for suggested assessments etc.

23927-23999

Amputations

General

24000 Amputation claims will fall into one of the following categories:

- Current Invaliding – amputation in service
- Post Discharge or Over Seven Years – amputation after service which claimant relates to service
- Deterioration Claims – re-amputation of a limb which is an AD
- Further or consequential condition – as the result of an amputation or a disease which is an AD
- Amputation or re-amputation of a limb which is the site of an AD
- Review of stump measurement.

24001-24009

Specified Minor Injuries (SMIs)

24010 The amputation of a finger or toe (or part thereof) is known as a ‘Specific Minor Injury’. The assessment is determined according to the site of the amputation.

24011 The assessments range from 1% to 14% and the claimant can have one or more SMIs, eg amputation of tip of index finger without loss of bone 5% **and** amputation of 1 phalanx of middle finger 7%.

24012 They can also have a combination of assessments including one or more SMI and another accepted disablement.

24013 If the combined assessment is less than 20% a gratuity will be paid. If it is 20% or more, a pension will be paid in the normal way. If, however, the combined assessment is less than 100% but it is no higher than the assessment for the ‘other accepted disability’ alone, the appropriate gratuity in respect of the SMI will be payable **in addition to** the gratuity or pension payable for the other accepted disability alone, eg:

- SMI 3%) Combined
Other Disability 6-14%) assessment 15-19%
Award 15-19% gratuity
- SMI 3%) Combined
Other Disability 6-14%) assessment 6-14%
Award 3% SMI gratuity + 6-14% gratuity

- SMI 7%) Combined
Other Disability 30%) assessment 40%
Award 40% pension
- SMI 3%) Combined
Other Disability 30%) assessment 30%
Award 3% SMI gratuity + 30% pension
- SMI 3%) Combined
Other Disability 100%) assessment 100%
Award 100% pension

24014-24029

Specified Injury

- 24030 The amputation of an arm, leg, hand or foot is known as a 'Specified Injury'. The assessment is determined according to the site of the amputation.
- 24031 These assessments are laid down in schedules which have been reviewed over the years.

24032-24039

Hancock Review 1 April 1947

- 24040 The first of these reviews was the **Hancock Committee Report**, known as the Hancock Review. Before the recommendations of this report were put into effect it was generally accepted that the loss of a **right** arm was more disabling than the loss of a **left** arm, unless the claimant was left handed. The award for a left arm amputation was 10% lower than a similar amputation of the right arm. As a result of this report, both of these limbs were assessed equally. The assessment for various other amputation sites were also reviewed and new scales laid down.

24041-24049

McCorquodale Committee 21 March 1966 (officers) 23 March 1966 (other ranks)

- 24050 The second of these reviews was the **McCorquodale Committee**. The committee examined the assessments laid down for leg amputations and recommended changes which came into effect from 21 March 1966 in officer cases and 23 March 1966 in other rank cases. These changes mainly related to above knee but below mid-thigh amputations.

24051-24059

Measurement of stumps 22 July 1974

- 24060 Once the amputation site has settled down, the stump is measured and an artificial limb provided. Before 22 July 1974 the stump was measured in inches. After this date all measurements were metric.
- 24061 All stumps are measured by trained limb surgeons using the approved instrument of measurement and these measurements are accepted by SPVA.

½” Rule and 1 cm Rule

- 24062 The **1cm rule** (previously the **½ inch rule**) is a formula used in war pensions cases when, on remeasurement, a stump is found to be so much shorter than the measurement on which the current assessment is based as to raise doubts as to the correctness of the earlier measurement.
- 24063 The rule provides that the earlier measurement may be said to be wrong when the new measurement is more than 1cm (previously more than ½ inch) within the zone qualifying for the higher assessment (all measurements up to 22 July 1974 were in Imperial terms).
- 24064 Assessments increased under the ½ inch rule are paid from the date of the original claim. Assessments increased under the 1cm rule can be paid from 22 July 1974, ‘Metrication Day’.

24065-24069

Fitting of artificial limbs

- 24070 It may take some time to fit an artificial limb because of problems with the amputation site.

24071-24079

Assessments pending fitting of artificial limb

- 24080 Because of the time taken to fit a limb (in cases where are accepted for entitlement purposes) a 100% award is paid until the certificate of satisfactory limb fitting is received and for 13 weeks after that date.
- 24081 This is only in cases where SPVAMS have advised that the final assessment will be 40% or more, ie amputations that will result in the fitting of an artificial limb **do not** require the fitting of limbs, or to end bearing stumps that still enable claimants to mobilise themselves without artificial aids.
- 24082 It is generally accepted that after 13 weeks the claimant will be used to wearing the appliance and any problems settled down. If the limb has not settled down, SPVAMS may extend the period.

24083-24089

Amputation not requiring limb fittings

24090 Not all amputations result in the fitting of an artificial limb, eg the loss of fingers or toes. These claims are processed in the routine way.

24091-24099

Amputation of a limb which is the site of an AD

24100 A claimant may undergo an amputation of a limb which was already the site of an AD:

EXAMPLE	
AD:	pes planus left foot
amputation:	below knee left leg

24101 Even if the claimant does not make a claim relating to the amputation the case must be referred to SPVAMS. This is because the AD has been removed by the amputation and the cases will have to be re-assessed.

Extinguished disablement: amputation unrelated to AD or Service

24102 If SPVAMS consider that the AD has been extinguished by the amputation, they must also decide if the AD would have persisted indefinitely at a level at least equivalent to the current assessment. If they decide that it would, the award is maintained at the current rate of assessment.

24103 The Authority to do this is contained in Treasury Letter 2SS151/80/01 dated 10 December 1962.

Politically sensitive cases

24104 Cases that are politically sensitive or would incur financial hardship because of the reduction, should be discussed with the MA/Band C2 before implementation. Authority to maintain an award under Treasury Letter 2SS151/80/01 dated 10 December 1962 should be borne in mind.

Amputation accepted

24105 Irrespective of whether or not a formal claim was made SPVAMS may accept the amputation as related to the AD or service. They may extend the diagnosis to include the amputation.

24106-24199

Deafness

Background

24200 SPVA receives a large number of claims relating to impairment of hearing, alleged to have been caused by exposure to gunfire noises, noisy working conditions, bomb blast etc during service.

24201 Service documents rarely record such factors of service and often the first evidence of any impairment occurs long after service life has finished. It is for the **lay officers** to decide that such exposure occurred and whether or not to accept that exposure as a condition of service.

24202-24209

Considering deafness

24210 The decision to accept or not to accept is often a matter of **discretion and common sense** and each case should be considered on its own merits. Take into account:

- the area in which the claimant served – noise exposure cannot be denied if the claimant had served in a battle zone for example
- exposure to gunfire noise – the vast majority of recruits underwent basic training including rifle firing even if they were later posted to more sedentary work, eg pay clerk, cook
- exposure to aircraft noise (a gunner in the RAF would have been exposed to both gunfire noise and aircraft noise) – consider how long and in what proximity RAF personnel were exposed to aircraft noise
- the trade and rank of the claimant, were they:
 - a driver? (tanks or other large vehicles)
 - a gunner?
 - a stoker in a ship's engine room?
 - a weapons instructor, radio operator etc?

24211 In claims from non-combatant and female personnel, you must be wary of giving blanket acceptance to exposure to harmful noise levels. Take into account:

- the circumstances surrounding the exposure to service noise given by the claimant (male or female) – do they immediately suggest exposure to harmful noise, eg a cook in a hospital ?

- if the claim is for a blast injury

24212 Female members have not always been classed as “combatant” in the same way as male members. They were trained in the use of firearms etc and armed as necessary, but were not expected to instigate any form of attack and would only use their weapons in retaliation.

24213 The above mentioned are only examples of areas of noise exposure. Examine each case individually and advise the MA what type of exposure is being accepted and the level, eg high or low.

Royal Navy

24214 Since 1980 all new entrants (including females) have been liable for sea service.

24215 Even prior to this female personnel could have been employed in a number of mechanical trades where their noise exposure would have been similar to that of their male counterparts.

24216 The RN view is that once any particular trade or speciality became open to female personnel, any noise exposure that they incurred would have been similar to that experienced by male colleagues.

Army

24217 In the late 1980’s female Army personnel began to be integrated into trades and specialities previously undertaken by men. In 1989 the Women’s Royal Army Corps was disbanded and women were integrated across the Army with the exception of Infantry, armoured units, Royal Artillery and Royal Engineers.

24218 In 1988 women were integrated into the Royal Artillery and Royal Engineers.

Royal Air Force

24219 In the Royal Air Force female officers and other ranks are exposed to all trade related noise to which their male counterparts are exposed.

24220 Amongst all the group there may be exceptions and in the past some women may have been subjected to similar noise exposure as male colleagues especially during service in the Second World War.

24221 The only **trade exception** is the RAF Regiment, which do not employ female personnel.

24222 Female personnel started training as **pilots and navigators** in 1990 although they had been in other flying roles much earlier.

- 24223 The above mentioned are only examples of areas of noise exposure. Examine each case individually and advise the MA what type of exposure is being accepted and the level, e.g. high or low.

Noise Induced Sensorineural Hearing Loss (NISHL)

- 24224 With effect from 7 January 1993, the legislation that governs claims in respect of NISHL changed. This means that claims made on or after that date in an award of less than 20% will not result in a gratuity payment.
- 24225 Claims in respect of other forms of hearing loss are not subject to the less than 20% rule.
- 24226 SPVAMS will date the label and consider pre, post and in-service hearing impairment as separate issues.

24227-24299

Smoking/alcohol related conditions

Background

- 24300 High Court appeal – GRACE HUNT v Secretary of State for Social Security.

In the High Court in London on 21 December 1993, Mr Justice Drake allowed a widow's appeal (Article 5) on the grounds that it was not possible to say that any tribunal, properly directing itself on the evidence in Mrs Hunt's case, could find beyond reasonable doubt that there was no causative connection between the deceased's war service and the addiction to smoking which led to his death.

Mr Justice Drake, in giving his judgement, said that 'there should be a strong caution against using this case as a precedent. It depends upon exceptional facts. It is unlikely that many other cases will have the facts which are likely to raise a sufficient doubt based on service factors'.

Mr Justice Drake went on to explain that he would not wish this decision to raise any false hopes of likely success in other claims by ex-serviceman, let alone by those who had not served in the Armed Forces.

SPVA's approach

- 24301 In principle, therefore, the Hunt judgement does not alter SPVA's long-standing general approach to smoking-related claims and appeals, which is that the decision to smoke or to continue smoking is a matter of personal choice.

Change in legislation SPO/Home Guard/UDR

- 24302 Amendment Orders which are effective from 28 March 1994, are excluded from the definition of 'injury' under the SPO and the Schemes, any injury due to the use or effects of tobacco except where the person suffers from a mental condition which is attributable to service, if the degree of disablement from that condition has been assessed at 50% or more and they started or continued to use tobacco due to that condition.

Civilians, Mercantile Marines, Coastguards Naval Auxiliary

- 24303 The Civilian's Scheme, Mercantile Marine Scheme, Coastguards' Scheme and Naval Auxiliary Scheme have far tighter entitlement conditions which already effectively serve to exclude the acceptance of smoking-related diseases, therefore these Schemes have not been amended. The use or effects of tobacco cannot be a war injury or war risk injury under these Schemes.

Polish Forces

- 24304 The Polish Forces Scheme does not have the restrictive definitions of qualifying injuries which these other Schemes have, but the burden of proof which a claimant is already required to discharge under the Polish Scheme is such that a smoking-related disease would not normally be accepted.

24305-24309

Smoking

Amended approach to smoking question

- 24310 Despite the amendments to legislation, it has become apparent that the subject demands a more detailed approach, particularly at the appeals stage.
- 24311 Following the Hunt judgement, SPVA must be prepared for the smoking question to be raised in any case where the disablement or death is due to a smoking-related disease and there is evidence that the claimant smoked, particularly if there is also an existing painful/stressful AD.

Individual consideration

- 24312 In considering claims, and setting out the Secretary of State's Reasons for Decision (SoSRD) in an appeal, SPVA must fully justify our position, and respond to actual and potential contentions rather than merely reciting a standard, blanket rejection. Individual factors **must** be addressed.

- 24313 When submitting a claim to SPVAMS, check all available evidence for a mention of smoking and draw SPVAMS attention to if whether or not the claimant mentions it as a cause of his claimed condition.
- 24314 Because each case is individual, it is not possible to give paragraphs which will fit all circumstances. The following paragraphs should be used as guidelines when considering claims, and the text combined and adapted for inclusion in the SoSRD as the particular case requires.
- 24315 The handling of the case will depend on the **date of claim**, ie whether the claim was made before, or after, the introduction of the new legislation.

Date of claim earlier than 28 March 1994

- 24316 The SoSRD on a claim must deal with the specific contentions of the claimant with regard to smoking. In addition, we must deal with any references to smoking which come to light during the handling of the claim/preparation of the appeal.

Personal choice

- 24317 The 'personal choice' argument is validated by the general acceptance by experts in the field that personal decision is fundamental in the initial decision to smoke, and any subsequent resolve to quit.

Service peer pressure

- 24318 This was no greater than non-service peer pressure; in all walks of life smoking was a widespread and accepted mode of behaviour at the time. No service personnel were ever required to smoke. Smoking was, and is, a matter of personal choice. Service life does no more than provide the circumstances in which the choice can be exercised.

Availability of cigarettes

- 24319 Although cigarettes were often available, there was no compulsion to smoke them. The decision to start smoking remained on of personal choice. No one was obliged to consume the tobacco ration, it was an 'extra' for those on active service who smoked, rather than an essential.

Public Awareness of Health Hazard

- 24320 Public awareness of the health risk was general by about 1960. ASH, a charity, was set up in 1971 to promote public awareness of the dangers of smoking. The 1965-79 annual Surgeon General's Report in the US brought to medical, and thus public, attention both in the US and the UK the major health effects of smoking, and by 1980, the evidence was incontrovertible and plain to the public that smoking was the chief, avoidable, cause of death in Western Society. Further, reports in the late '70s and '80s, culminating in

the Surgeon General's Review of 1990, confirmed that smoking cessation is quickly accompanied by health benefits. The SoS, therefore, considers that from about 1960 onwards, the prevailing view in the UK society was that smoking was to be discouraged.

Passive smoking

24321 SPVAMS' main defence will be on the lines of: 'The medical evidence to date is not conclusive, and is not of sufficient quality or quantity, to raise a reasonable doubt that passive smoking is a causal factor in major cardiovascular or respiratory disease.'

Medical contentions

24322 Medical contentions which will be dealt with by SPVAMS include:

- the role of smoking as a painkiller
- the role of smoking as a stress/anxiety/distress relief, in relation to an AD or service life or an accident in service
- the stress or pain of an accepted condition compelled the claimant to smoke; the claimant started smoking in service and could not stop; they became addicted
- in FEPOW cases, the argument that FEPOWs had a duty to smoke to sustain morale and life and, as a result, they became addicted to tobacco
- passive smoking
- cases where the individual gives up smoking before the manifestation of the claimed condition or cause of death.

24323-24339

Alcohol related conditions

Change in legislation SPO/Home Guard/UDR

24340 As explained, the Amendment Orders which are effective from 28 March 1994 exclude from the definition of 'injury', any injury due to the consumption of alcohol except where a person suffers from a mental condition which is attributable to service, if the degree of disablement from that condition has been assessed at 50% or more and they continue to consume alcohol due to that condition.

24341 (Spare)

No change Civilians, Mercantile Marines Coastguards Naval Auxiliary

24342 The Civilians' Scheme, Mercantile Marine Scheme, Coastguards' Scheme and Naval Auxiliary Scheme have far tighter entitlement conditions which already effectively serve to exclude the acceptance of alcohol-related disease, therefore these Schemes have not been amended.

Polish Forces

24343 The Polish Forces Scheme does not have the restrictive definitions of qualifying injuries which these other Schemes have, but the burden of proof which a claimant is already required to discharge under the Polish Scheme is such that an alcohol-related disease would not normally be accepted.

Amended approach to alcohol question

24344 Despite the amendments to legislation, it has become apparent that the subject demands a more detailed approach, particularly at the appeals stage.

Individual consideration

24345 In considering claims, and setting out the SoSRD in an appeal, SPVA must fully justify our position, and respond to actual and potential contentions rather than merely reciting a standard, blanket rejection. Individual factors **must** be addressed.

24346 When submitting a claim to SPVAMS, check all available evidence for a mention of alcohol consumption and draw SPVAMS attention to it whether or not the claimant mentions it as a cause of his claimed condition.

24347 Because each case is individual, it is not possible to give paragraphs which will fit all circumstances. The following paragraphs should be used as guidelines, and the text combined and adapted as the particular case requires.

24348 The handling of the case will depend on the date of claim, ie whether the claim was made before, or after, the introduction of the new legislation.

Date of claim earlier than 28 March 1994

24349 The SoSRD on a claim must deal with the specific contentions of the claimant with regard to alcohol consumption. In addition, SPVA must deal with any reference to alcohol consumption which comes to light during the handling of the claim/preparation of the appeal.

24350-24399

Change in medical opinion

General

24400 Schedule 3 of the Service Pensions Order as substituted by the Service Pensions Amendment Order 1997 under Schedule 7 sets out the circumstances which determine the commencing date of awards. You can contact W4A Policy, who hold a copy of Schedule 3 if you require further information.

Background

Medical opinion

24401 Medical conditions are due to constitutional factors or environmental factors or a mixture of both. The precise cause of many diseases is unknown and medical opinion may conclude that a condition is due to constitutional factors. With time and further research new evidence may emerge which suggests that environmental agents may also be involved in cause or concern of the condition.

24402 This may have important consequences in certification of War Pensions. Constitutional conditions cannot be attributable to service while if environmental factors do play a part in the cause or course of the conditions entitlement of attributability or aggravation may be appropriate. At any time SPVAMS certification will reflect current medical opinion.

New evidence

24403 In recent years new evidence has caused a change of medical opinion in relation to a number of conditions previously considered constitutional in origin. These are:

- Primary Diabetes Mellitus type 1
- Multiple Sclerosis
- Meniere's Disease
- Hodgkins Disease
- Schizophrenia
- H Pylori and gastrointestinal disease (eg: Peptic ulcer).

24404 Evidence now raises reasonable doubt that these conditions are aetiologically linked to environmental factors, although the precise environmental factor may not be identified.

24405-24409

Dates of changes of medical opinion

24410 SPVAMS has reviewed the evidence and identified specific dates at which the evidence was of such quality and quantity to raise a reasonable doubt that environmental factors were involved in aetiology of these diseases. These dates of change of medical opinion are:

- Primary Diabetes Mellitus type 1 – 1 December 1985
- Multiple Sclerosis – 6 June 1984
- Meniere's Disease – 1 June 1988
- Hodgkins Disease – 1 December 1983
- Schizophrenia – 1 February 1976
- H Pylori and gastrointestinal disease – 1 March 1993.

Amputations and Cardio-Vascular Disease

24411 In 1954 the Rock Carling Report reviewed amputees and concluded that there was no material difference in mortality rates of causes of death in amputees compared with non-amputees. However on 15 February 1979 the Hrubec Ryder Report was published which showed a significant relationship between certain types of lower limb amputation and subsequent development of cardiovascular disease. In consequence entitlement of aggravation of atherosclerosis is conceded where the following are present:

- double amputation at or above the ankle
- single amputation with a stump length not exceeding 26cm below the knee.

Date of change of medical opinion

24412 The date of change of medical opinion is 15 February 1979.

Multiple Myeloma, Polycythaemia, Rubra Vera, Leukaemia (other than Chronic Lymphatic Leukaemia)

24413 On 28 January 1988, the National Radiological Protection Board Report on mortality and cancer incidence in UK participants in the UK atmospheric nuclear weapons test was published. As a result of the Agency then accepted as attributable to service the conditions Multiple Myeloma, Polycythaemia Rubra Vera, and Leukaemia (other than Chronic Lymphatic Leukaemia) in claimants present at nuclear weapons test sites.

First date of change of medical opinion

24414 The date of change of medical opinion was 28 January 1988.

Important

24415 This report did not consider exposure to service related excess ionising radiation exposure, but rather considered only presence at the nuclear weapons test site.

24416 On 11 December 1993, the National Radiological Protection Board published a follow-up report. As a result of this second report, Multiple Myeloma is no longer automatically accepted as attributable to service in UK atmospheric nuclear test participants.

24417 Leukaemia (other than Chronic Lymphatic Leukaemia) and Polycythaemia Rubra Vera can be automatically accepted only when the condition first becomes manifest within 25 years of participation.

Second date of change in medical opinion

24418 The date of change in medical opinion was 11 December 1993.

Important

24419 Decisions made prior to 11 December 1993 concerning disablement or death from multiple myeloma, leukaemia (other than chronic lymphatic leukaemia) or polycythaemia rubra vera in UK atmospheric nuclear test participants are not affected by this policy change.

Death cases

24420 These changes in medical opinion mean that in death cases made 20-30 years ago to reject entitlement to War Widow's Pension may have been correct at the time but now fall for review and possible overturning.

24421 Under Article 44 of the SPO, SPVAMS can review entitlement where no certificate exists and the previous decision can be changed on the basis of the new medical evidence.

24422 If further representations regarding previous medical decisions are submitted two situations may pertain:

- condition previously rejected, no previous appeal, ie a D review of the previous decision
- condition rejected and appealed and decision upheld by PAT.

24423 - 24449

Diabetes Mellitus

24450 If the symptoms of insulin dependent diabetes first became manifest during service or soon afterwards, SPVAMS will consider whether the condition was attributable to service.

24451 For War Pension purposes, the change in medical opinion became effective from 1 December 1985.

24452-24459

Multiple Sclerosis

24460 It is now recognised that environmental factors may play a part in the cause of this condition.

24461 Attributability will normally be certified for all cases where multiple sclerosis arose between three months after the date of enlistment and three months after date of release.

24462 For War Pension purposes the change in medical opinion became effective from 6 June 1984.

24463-24469

Meniere's Disease

24470 In June 1988 medical opinion concerning Meniere's Disease changed. In cases where Meniere's Disease arises in service, attributability will normally be certified.

24471 For War Pension purposes the change in medical opinion became effective from 1 June 1988.

24472-24475

Backdated awards

General

24476 Due to change in medical opinion, the SoS's discretion may be exercised.

24477 Where following an earlier rejection of a claim, developments in medical understanding of the causes of a disease or disability raise a reasonable doubt that the previously rejected condition is attributable to service, the SoS has discretion to make an award from the date of change, provided the date is within 3 years of the date of claim **or up to a maximum of 3 years if there is an interval of 3 years between the 2 dates.** The commencing date will be the later of:

- the date of change in medical opinion; or
- the date 3 years before the date of application for review or date of claim; or
- the date 3 years before the date of the SoS review decision, **where the review is instigated by the SoS.**

24478 Where it is evident that a claimant has been advised at an earlier date that a claim would be rejected on the basis of medical opinion, and a claim is later accepted by SoS the commencing date will be the later of:

- the date of change in medical opinion
- the date 3 years before the date of claim.

24479 (Spare)

Arrears and compensation

General

24480 Article 46 of the SPO, Article 74 of the PI(C)S and Article 28A of the MMS provide that schedule 3, 5 and 7 respectively set out the circumstances that determine the commencing dates of awards and empowers the Secretary of State, in any particular case, or class of case, to determine a commencing date earlier than that provided for under 'normal' rules. Schedule 3 is to be found in the '*Green book*' – 'War Pensions, The Statutes, Regulations, Rules and Orders as now in force'.

24481 Paragraph 1 of Schedule 3 sets out the dates from which payment of awards should **normally** be made. These are:

- the day following termination of service on medical grounds if the claim is made within 3 months of discharge
- the date of claim when the claim is made more than three months after discharge.

24482 (Spare)

Secretary of State's discretion

24483 The schedule sets out the date preceding which payment shall not be made - **except in circumstances in which the SoS is prepared to use his discretion to backdate an award.**

24484 The Secretary of State's discretion cannot be fettered by rules or policy which prevent the merits of an individual case being considered. The

Secretary of State should look at the whole case, and should decide whether there are any special circumstances which indicate that they should award a pension from a date earlier than that provided for by the normal rules laid down in Schedule 3, paragraph 1.

Action

24485 Accordingly, irrespective of the normal commencing date indicated by Schedule 3, it is important that you should, in deciding the commencing date for the award, always be willing to **consider whether the Secretary of State's discretion should be exercised** given the individual circumstances peculiar to a case. The Secretary of State's discretion should only be exercised if it is advantageous to the claimant, ie results in an earlier commencing date than that provided by Schedule 3, paragraph 1.

Form WPA0936

24486 If there are any reasons for considering a commencing date earlier than the date indicated by Schedule 3, paragraph 1 of the SPO (ie not the date of claim/review), or if the commencing date is subsequently queried by the claimant, or someone acting on their behalf (eg representative, ex-service organisation, MP, etc) you should weigh up all the factors of the case before coming to a decision as to the commencing date and complete form WPA 936 in duplicate. See the *Claims Guide, Volume 1, Part five, Date of claim and commencing date of award* section headed '*Backdating: Exceptional circumstances*'.

24487 One copy of the completed form must be retained on the right hand side of the awards file, and the other copy must be held centrally on each command for 18 months and then destroyed.

Appeal cases

24488 If there has previously been an appeal which was disallowed by the PAT and a change of medical opinion has occurred, refer to the *Appeals guide* for further details on the commencing date of any award.

24489-24599

Paired Organs

General

24600 When SPVAMS certify entitlement they must also consider:

- the degree of disablement present
- any possible fluctuations.

- 24601 Where the Accepted Disablement (AD) involves one or both of a pair of organs/limbs, the assessment must take into account the loss of functional capacity of both organs/limbs working together.
- 24602 The second organ/limb does not have to be accepted for pension purposes (known as non-AD).
- 24603 Where further disablement arises in one or both of a pair of organs/limbs, whether AD or non-AD, the assessment may be increased to reflect the interaction with the previously accepted AD.
- 24604 SPVAMS must consider the case under the paired organs/limbs rules.

Rules

- 24605 There are two special rules which may give rise for an increase.

Rule 1

- 24606 Previously known as the Hancock Rule which states that where an organ/limb is damaged by a non-accepted injury or disease resulting in a combined disablement of more than twice the accepted disablement, the assessment may be increased to half the assessment of the combined disablement.

Rule 2

- 24607 This was announced by the Minister of Pensions of 15 February 1954. If the overall disablement of the two organs/limbs together is not less than 100%, the existing assessment can be increased by half of the difference between the assessment and the 100% rate. This was previously known as the Halving Rule.
- 24608 The organs/limbs which can be considered under these rules are:
- arms
 - legs
 - eyes
 - ears
 - kidneys
 - testes
- 24609 Lungs are not included as they are considered to be an anatomical whole.

24610 SPVAMS will consider if either of the rules apply, and if so, which one.

24611-24629

Greater Disablement (GD)

General

24630 Prior to 4 October 1972, interaction between two ADs or an AD and a non-AD could only be considered:

- under the paired organs/limbs rules
- as consequential aggravation where a non-AD arising after service is aggravated by an AD.

24631 The GD principle was adopted for assessment purposes on 4 October 1972, replacing consequential aggravation. It concerns the interaction of ADs and non-ADs and provides an alternative to the paired organs/limbs rules. This should take precedence if it would be financially more beneficial to the pensioner.

24632 GD applies when a non-AD in any part of the body is adversely affected by an AD. An example of this is where a person contracts rheumatoid arthritis and because of their AD – duodenal ulcer – they are unable to take their medication. The AD is, therefore, making the non-AD worse and GD applies.

24633 The decision whether GD applies is a medical one.

24634 GD cannot normally be applied where an assessment is limited. If, on review, the limitation is removed, GD can be applied if appropriate.

Important

24635 It is not up to you to ask SPVAMS whether or not GD applies. The only time you should ask for GD to be considered is when the Veterans Welfare Officer has specifically requested it.

Consequential aggravation

24636 Where a non-AD arose after service and it was aggravated by an AD it was formerly awarded as consequential aggravation. These awards were made under Treasury Sanction. These awards are no longer made. The GD principles are applied instead.

Industrial Injuries/third party compensation

24637 As there is the possibility of overlapping benefits or adjustment where compensation has been paid, where SPVAMS certify that GD is applicable,

refer to:

- *IIDB and associated provisions* if Industrial Injuries Disablement Benefit has been paid
- *Third Party Compensation* if Third Party Compensation has been paid.

24638-24699

Limitation of assessment

General

24700 Limitation of assessment is only applied by SPVAMS where the accepted condition is aggravated by service.

24701-24709

Wounds or injuries

24710 SPVAMS may certify that an accepted condition was not caused but that it may have been aggravated by service after the incident causing the disablement.

24711-24719

Disease

24720 It is not always possible to establish the exact cause of a disease and the possibility that service factors may have aggravated a condition cannot always be ruled out. Environmental forces such as climate, diet, infection, noise and stress are generally accepted to have an effect on or influence the progress of certain diseases. You may accept the presence of some environmental factors such as noise. Whether a disease was present on entry and was aggravated or arose in service because of service conditions is always a matter for certification by the Medical Advisor (MA).

24721-24729

Natural progress

24730 When the MA certifies a condition as aggravated by service, they will also consider if the effects of service are still continuing. They must also consider the natural progress of the disease. When they make an assessment, they will take both these factors into consideration.

24731 If the MA decides that service factors are only partly responsible for the disablement, they can limit the assessment. Once limitation is imposed, it can only be removed by SPVAMS or a Pension Appeal Tribunal (PAT).

24732-24739

Limitation imposed

24740 When SPVAMS impose a limitation, they will complete form WPA853. This is found on the right hand side of the file.

24741 The file will also have a 'limitation stamp' on the MPB230A.

24742-24749

TLTY and TMTY awards

24750 When a Temporary Less Than a Year (TLTY) or Temporary More Than a Year (TMTY) award is made initially, it is considered that at the end of the notional period any aggravation caused by service will have passed away. The notional periods are:

- 9 months from the commencing date for TLTY
- 24 months from the commencing date of the award for TMTY.

24751-24759

Deterioration claim received

24760 When a deterioration claim is received, the MA considers whether to:

- change the period of the award to the Indeterminate Duration (ID) because the effects of service aggravation have persisted longer than expected. They may also increase the assessment.
- maintain the original period and assessment
- raise the entitlement to attributable
- maintain the original period and assessment and impose a limitation.

24761-24799

Third Party Compensation (TPC)

General

24800 TPC is compensation paid privately by an outside body to:

- people who sustain injuries at work
- people who suffer disablement from conditions at work

- third parties who sustain injuries or have accidents outside their employment such as road traffic accidents.

24801 The amount of compensation received, which is paid as a lump sum, is agreed between the claimant's insurers and solicitors, making a settlement either in or out of court.

24802-24809

Article 52 of the SPO

24810 Since 1943, the War Pensions Instruments relating to service after 2 September 1939 have provided for awards to be abated in respect of other compensation. This is Article 52 of the SPO and the current provisions of that article state that:

- under Article 52, compensation means any periodical or lump sum payment paid in respect of any injury, disease or incapacity sustained or suffered by any person. This is a payment for which provision is made by or under any enactment, Order in Council (including this order), scheme, ordinance, regulation or other instrument. It can also be a payment which is recoverable as damages at common law, or is recoverable or payable under any enactment scheme, ordinance, regulation or other instrument. This covers payments made in any place outside the UK or under the law of any such place, as well as within the UK
- where the SoS is satisfied that compensation has been paid, a War Pension award (either weekly or annual pension or a gratuity payment) may be reduced accordingly.

24811-24819

Compensation paid under the Criminal Injuries Compensation Scheme (England, Scotland and Wales)

24820 The Criminal Injuries Compensation scheme came into operation in its original form on 1 August 1964. It has since been modified in a number of respects. The latest revision was in 1979 and the scheme in its present form applies to incidents occurring on or after 1 October 1979.

24821 It is administered by the Criminal Injuries Compensation Board who decide what compensation should be paid in individual cases. The Board's decisions are not subject to appeal or Ministerial review but there is scope for the Board to reconsider a case where there has been a serious change in the claimant's medical condition.

24822 The Criminal Injuries Compensation Board entertain application for payments of compensation in any case where the applicant sustained in

Great Britain, or on a British vessel, aircraft or hovercraft or on, under or above an installation in a designated area within the meaning of Section 1, sub-section (7) of the Continental Shelf Act 1964 or in waters within 500 metres of such an installation, or in a lighthouse off the coast of the United Kingdom, personal injury directly attributable to:

- a crime of violence (including arson or poisoning)
- the apprehension or attempted apprehension of an offender or a suspected offender or to the prevention or attempted prevention of an offence or to the giving of help to any constable who is injured in any such activity.

24823 Where a compensation payment has been made under this scheme, **except for injuries sustained as a result of terrorist activities** abatement of War Pension is considered the usual way.

24824-24829

Compensation paid under the Criminal Injuries (Compensation) (Northern Ireland) Order 1977

24830 The Criminal Injuries (Compensation)(Northern Ireland) Order 1977 which replaced the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 with effect from 9 August 1977 provides for the payment of compensation by the Secretary of State for Northern Ireland, normally in the form of a lump sum payment, to the victims of criminal injuries sustained in Northern Ireland after the effective date.

24831 A criminal injury is defined as “an injury directly attributable to a violent offence or the lawful arrest or attempted arrest of an offender or suspected offender, or the prevention or attempted prevention of an offence, or the giving of help to any constable, member of Her Majesty’s forces or prison officer who is engaged in arresting or attempting to arrest an offender or suspected offender or in preventing or attempting to prevent an offence”.

24832-24839

The MoD scheme for criminal injuries compensation where injury is sustained overseas

24840 With effect from 1 December 1979, when members of the armed forces sustain personal injuries directly attributable to a crime of violence whilst serving overseas, they may be paid a lump sum compensation payment by the MoD. The discretion of the Secretary of State for Defence is used in such cases, and the onus is on the victim to keep accurate records of the event, and substantiate their claim.

24841 The victim may receive a single compensation payment from the MoD.

24842 However, some countries overseas have their own Criminal Injuries Compensation Scheme, and when an incident occurs, the victim is expected to make a claim under that scheme, as well as under the MoD Scheme. When making the additional claim, the victim must sign a declaration to say that if their additional claim is successful, they will repay any compensation that has been paid by the MoD for the same incident.

24843-24849

Compensation received through private insurance policies

24850 Under Article 52 of the SPO, abatement of compensation is confined to payments which are made out of public funds and are recoverable as damages under common law.

24851 Payments made to ex-servicemen through private insurance companies are made automatically and are not negotiable. Settlement in such cases is made out of court.

24852 This means that such payments received through private insurance policies, taken out to cover a person against injuries in the workforce, cannot be taken into account when considering WP abatement.

24853-24859

Compensation received due to terrorist activity

24860 Where compensation is paid for an injury sustained as a result of terrorist activity, including injuries sustained in Northern Ireland, no abatement of War Pension is made.

24861-24869

Compensation £500 or less

24870 In any case where compensation paid is £500 or less, abatement is not considered.

24871-24879

Victims of Nazi persecution

24880 In 1964, the Federal Republic of Germany agreed to pay one million pounds to the British Government to compensate British victims of Nazi persecution. This amount was passed to the Foreign Commonwealth Office to distribute, under a scheme set up especially for that purpose.

24881 To qualify for a payment under this scheme, the claimant must have been interned and subjected to persecution within a German concentration camp. The amount payable depended upon the period of internment, not on the degree of any disablement incurred during that period.

24882 As some recipients who received compensation were not disabled, it is clear that payments under the scheme were not solely intended for disablement due to internment.

24883 Consequently, under the provisions of Article 52 of the Service Pensions Order, War Pension cannot be abated in respect of any payment made under this scheme.

24884-24889

Compensation paid in respect of special damages only

24890 Where the compensation paid is for special damages only (ie no general damages), and it was paid before the commencing date of the War Pension award, no abatement is made.

24891-24899

Compensation received from South Atlantic Fund

24900 After the Falkland Islands conflict, the South Atlantic Fund was established to make compensation payments to injured service personnel.

24901 The Fund is an independent charity and payments from it are benevolent rather than compensatory. They do not, therefore, fall within the compass of Article 52 of the Naval Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, and no abatement should be made.

24902-24999

Industrial Injuries Disablement Benefit (IIDB) and associated provisions

Background to IIDB

25000 IIDB can be paid as a result of industrial accidents and/or industrial diseases, provided that there is some loss of physical or mental faculty as a result of the accident or disease. The payments are all tax free.

25001 The decision as to the percentage disablement is made by a medical board, and payment is in the form of a weekly pension.

- 25002 IIDB gratuities were abolished with effect from 1 January 1986. They were paid before that date for disablement assessed at between 1 and 19%.
- 25003 Under the current IIDB rules, disablement must normally be assessed at 14% or above for payment to be made.
- 25004 However, people suffering from **pneumoconiosis, byssinosis** or **diffuse mesothelioma** will still receive weekly benefit even if the disablement is assessed at less than 14%. For these conditions, if the assessment is less than 10%, the 10% rate is paid. If the assessment is above 10%, the 20% rate is paid.
- 25005 If there is more than one accepted condition, a composite assessment is made, and payment is made at the rate appropriate to the composite assessment provided that it is 14% or above. It should be noted, however that in the case of multiple injuries, the composite assessment is not always the aggregate of the assessment for the separate scheduled injuries.

25006-25009

Reduced Earnings Allowance (REA)

- 25010 REA (formerly called Special Hardship Allowance) can be paid for accidents which happen or diseases which start before 1 October 1990, provided that the claimant cannot return to their regular job or do work of the same standard because of the effects of the accident or disease. The criteria for REA is similar to that of ALSO under the WP Scheme.
- 25011 REA can be paid with any IIDB assessment. This includes the less than 14% assessments for which no IIDB is payable.
- 25012 War Pension is not abated for REA, whether it is being paid on it's own, or with an IIDB award, and so any amount in payment for REA is disregarded for abatement purposes.
- 25013 However, if ALSO is in payment, the ALSO may have to be reduced because of the REA.

25014-25019

Rates

- 25020 The rates payable for IIDB rise in 10% bands.
- 25021 The lowest rate payable is 10%, for the conditions pneumoconiosis, byssinosis or diffuse mesothelioma.
- 25022 For any other conditions, payment is between 20% and 100%, depending upon the degree of disablement.

25023 Any disablement assessed at between 14% and 19% is paid at the 20% rate.

25024 The current IIDB rates are issued annually with the WP uprating charts.

25025-25029

Abatement

25030 When considering abatement, it is important to remember that TPC and IIDB are quite different payments.

25031 It is only the basic element of IIDB which overlaps with WP. Any supplementary allowances paid with the IIDB such as REA are not taken into account.

25032 Unlike TPC abatement, there is no disregard of IIDB and the full basic amount is deducted from the WP payments.

Duration of WP abatement

25033 Abatement of War Pension in respect of IIDB or any other associated provision is made for the whole duration of the overlap concerned.

25034-25039

The Workmen's Compensation Supplementation Scheme (WCSS)

25040 Generally speaking, the WCSS, subject to certain conditions being fulfilled, covers accidents and some industrial diseases due to employment before 5 July 1948. One of the prime conditions for an award is that the claimant must be in receipt of, or have established title to, compensation under the Workmen's Compensation Acts.

25041 The scheme consists of three main allowances. These are:

- Basic Allowance
- Major Incapacity Allowance
- Lesser Incapacity Allowance.

25042 For abatement purposes, the Basic Allowance and Major Incapacity Allowance are treated as IIDB and WP abatement should be considered in the usual way.

25043 The Lesser Incapacity Allowance is based on loss of earnings, and is similar to ALSO. The possibility of a War Pensioner being eligible for basic

War Pension and ALSO for the same contingency as that for which they receive a Lesser Incapacity Allowance is very remote.

25044 However, should such a case arise, WP abatement must be considered in the usual way and an adjustment of ALSO considered.

25045 Direct all enquiries about the WCSS to WCSS, Norcross.

25046-25059

The Pneumoconiosis, Byssinosis and Miscellaneous Disease Benefit Scheme

25060 Where a person suffers from pneumoconiosis, byssinosis or one of certain other industrial diseases due to employment before 5 July 1948, and is not entitled to benefit for that disease under the Workmen's Compensation Acts or the IIDB provisions, they may be eligible for a disablement allowance under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme.

25061 They may also qualify for various additional allowances for such as their spouse and children, or their payments may be increased by a CAA or ESDA.

25062 Any payment under this scheme plus any additional allowances may overlap with WP, and abatement should be considered in the usual way.

25063 Direct any enquiries about the scheme to WCSS.

25064-25069

The Colliery Workers Supplementary Scheme

25070 The Colliery Workers Supplementary Scheme was introduced in 1948 to provide industrial injury benefits for colliery workers.

25071 However, payments under the scheme ceased in 1977, and its assets were transferred to the miners' pension fund. Beneficiaries were offered lump sum payments in final settlement of their claims.

25072 These lump sum payments are treated as IIDB gratuities for WP abatement purposes.

25073-25079

IIDB gratuities

25080 IIDB gratuities are usually paid 'for life' unless otherwise stated. 'Life' is considered to be a period of seven years.

25081 If the IIDB gratuity was paid more than seven years before the commencing date of the WP award, no abatement is made.

25082-25089

Awards made by other Governments for industrial disablement

25090 The situation may arise where some other Government makes an award under an industrial injuries scheme for the same condition that a WP is awarded for.

25091 In this event, abatement of WP should be considered according to the particular circumstances of the case.

25092 The main criterion is to ensure that any abatement action is justifiable in both law and equity.

25093 To seek advice in such cases, refer the file to PLG.

25094-25199

Age Allowance

25200 When a pensioner is assessed at 40% or more and aged 65 or above, they are entitled to age allowance.

25201 The system calculates the amount payable and pays it at the appropriate time.

25202-25299

Gallant Conduct Awards (GCAs)

General

25300 A GCA is awarded if the claimant has:

- a pension of 20% or more **and**
- one of the following decorations:
 - MC, DFC, DCM, DFM, MM, DSM, CGM (Flying) – a gratuity of £20
 - CGM (Naval) for Petty Officers and Chief Petty Officers (and equivalent Royal Marine Ranks) – a gratuity of £20 for Service after the end of 1939 War and for Ratings below the rank of Petty Officer for service after 3 September 1939 – a gratuity of £20;

- VC – an annuity;
- MSM (for gallant conduct) – an annuity;
- George Cross – an annuity.

25301-25399

Section 10 Certificates

Crown Proceedings Act 1947

25400 The main effect of the Crown Proceedings Act 1947 is to place the Crown in the same position with regard to liabilities in tort as a private person. However, prior to its repeal by the Crown Proceedings (Armed Forces) Act 1987, Section 10 of the Crown Proceedings Act 1947 provided that in certain circumstances neither the crown nor a member of the Armed Forces nor any other servant of the Crown, should be subject to liability in tort in respect of the death or personal injury of a member of the Armed Forces.

'Liabilities in tort'

25401 This means that the Crown is liable to pay compensation or damages for any injury/injuries where they are held to be in some degree responsible, in exactly the same way as any other person would be liable (other than when a breach of contract is involved).

General

25402 Section 10 of the Crown Proceedings Act 1947 applies when a member of the Armed Forces who is on duty or is otherwise on land, premises, ship, aircraft or vehicle being used for the purposes of the Armed Forces:

- suffers a personal injury during service **or**
- is killed during service

See *Appendix 3* for further details.

25403 The granting of a Section 10 Certificate under the Crown Proceedings Act 1947:

- 1 prevents a civil action for damages against the Crown by a member of the Armed Forces from proceeding; and
- 2 acknowledges that the member suffered an illness, injury or death which may have been a result of an act or circumstances which arose in service.

25404 One of the conditions which has to be fulfilled before Section 10 operates to bar a claim to damages is that a Certificate must be given as required by Section 10(1)(b). This certificate is prepared by SPVA. A certificate under this section is concerned with basic 'eligibility' for an entitlement to a pension. The wording of the Certificate is deliberately framed to avoid prejudging the issue if a claim to War Pension is made.

Note

A certificate under Section 10(1)(b) does not in itself bar a claim to damages. There may be grounds for a claim against a private third party. Section 10(1)(a) and 10(2)(a) involving the MoD, must also be met.

The issue of a Certificate does not mean that a claim to War Pension will automatically succeed, or that medical negligence is accepted.

25405 Disablement is not investigated when the Certificate is granted. It is only when a claim to pension is made, that the question of whether or not the disablement is attributable to service is considered.

Crown Proceedings (Armed Forces) Act 1987

25406 This Act was passed on 15 May 1987. It states that Section 10 ceases to have effect, except for disablement or death occurring before 15 May 1987. The announcement of the intention to repeal Section 10 of the Crown Proceedings Act 1947 was given by the SoS on 8 December 1986.

25407 The Act is not effective for the period 8 December 1986 to 15 May 1987. However the MoD will exercise their discretion when considering claims between 8 December 1986 and 15 May 1987, regarding the request to issue Section 10 Certificates.

Request for Certificate

25408 When the MoD request a certificate they forward copies of legal procedural papers and in service medical reports documenting the alleged incident. This is usually enough to decide if the incident is due to service. If further evidence is needed ask the MoD to provide it.

25409 Refer any claim you receive from a Member of the Armed Forces, solicitor or third party to PLG and notify the relevant parties.

25410-29999

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Introduction

Categories for eligibility

30000 It is necessary for eligibility to be established before a claim to pension in respect of death can be considered.

30001 A claim can be considered where the deceased person belonged to one of the following categories:

- Armed Forces (Navy, Army or RAF)
- Civilians and Civil Defence Volunteers (CDVs)
- Royal Irish Regiment (RIR), formerly the Ulster Defence Regiment (UDR)
- Naval Auxiliary Personnel
- Polish Forces
- Mercantile Marine
- Home Guard.

30002 Death must be as a result of service, war injury, war risk injury, detention or war service injury.

30003-30009

Eligible claimants

30010 Claims from the following may be considered:

- widows/widowers
- dependants of deceased female member
- orphans
- unmarried dependant living as spouse with an eligible child
- widow/widower from an “irregular marriage” under Scottish Law.

30011-30019

Widows/Widowers

30020 The majority of claims received are from widows/widowers. The normal condition of eligibility as explained must be satisfied for a claim to be considered.

30021 A widow/widower must send the following certificates with their claim:

- marriage certificate (original)
- birth certificate (copy)
- spouse's death certificate (copy).

30022 A widow/widower is **not** eligible to claim if they were awarded a divorce absolute before the member's death.

Remarried widows/widowers

30023 Provisions **prior** to 19 July 1995. Prior to 19 July 1995 a widow/widower was not eligible to claim a War Widow's/Widower's Pension if they had since remarried.

30024 Position **since** 19 July 1995.

Following a change in legislation, when determining whether a pension is payable to a person as a widow/widower in respect of any period beginning on or after the 19 July 1995, **no** account may be taken of the fact that the widow/widower has married another, if before that period the marriage has been terminated by death, divorce or legal separation.

Therefore, a widow/widower whose spouse's death was due to service and never claimed a War Widow's/Widower's Pension for some reason, but who remarried and that marriage has ended, is now eligible to claim a WWP for the first time. The widow/widower also has the normal right of appeal against the Secretary of State's decision to reject death as due to service.

Allowances for children

30025 A widow/widower can claim for any children she is maintaining who are:

- under 16
- over 16 but in full time education at school, college or university
- over 16 but unable to support themselves because of an illness which began before they were 16.

30026 Allowances in respect of children under 16 are automatically paid if the widow/widower is awarded a pension.

30027 Where the widow/widower makes a claim for children over 16, see [Over age 16 allowance](#) for further details.

Separated spouses

30028 A pension in respect of the death of a member may be considered to a separated spouse in certain circumstances.

30029 (Spare)

Dependants of deceased member

30030 Awards of pension and other allowances may be made to certain dependants of 1939 war deceased members.

30031 The normal condition of eligibility must be satisfied before a claim in respect of death can be considered.

Eligible dependants

30032 The following dependants of deceased members may be considered:

- legitimate, legitimated or legally adopted children, step children or foster children
- children who were regularly maintained by a member who was not married to their mother/father at the time of their death.

30033-30039

Orphans

30040 These are cases where:

- the child is a total orphan
- the mother/father was divorced from the member at the time of death
- the surviving parent does not have in their care or control the child of the deceased member.

30041-30049

Unmarried dependant living as a spouse with an eligible child

30050 The normal condition of eligibility must be satisfied before a claim is considered. However, certain other conditions must be satisfied as well. See *Unmarried dependant living as spouse* for further details.

Irregular marriage - Scottish Law

30051 From 1 July 1940 under Scottish Law, an irregular marriage may be recognised in law, and is one by “cohabitation with habit and repute”.

30052 Please see *PRAM guide, Part 5, Change of circumstances (award impacting)* for further details.

30053-30099

War Widows/Widowers Pension

Death in Service (DIS)

30100 When a member of the Armed Forces dies or is killed in service their widow/widower is automatically considered for a pension and allowances for any eligible children. The onus is on the Agency to prove that death was/was not the result of service.

30101 Special rules apply where:

- the deceased was a member of the Reserve or Auxiliary Forces (eg TA); or
- the deceased died from a disease (other than a disease caused or aggravated by an accident (Art 40(5))).

Army/RAF/Navy cases

30102 The Ministry of Defence (MoD) send to widows groups:

- a casualty return (this is held in the casualty folder)
- service documents for creation of file.

Claim form

30103 The MoD issue a claim form direct to the widow/widower. However, it is not necessary to have one on the awards file before a DIS claim can be considered. If entitlement is given and no claim form has been received SPVA must send one to the widow/widower. See the *Claims guide* for further details.

- 30104 If there is no entitlement due, and no claim form has been sent by the widow/widower, a rejection notice still has to be issued in order to notify them of their rights to appeal.
- 30105 A claim form must be completed in **all** cases before an award is paid or an appeal against rejection can be lodged.

30106 -30109

Death after Discharge (DAD)

General

- 30110 A claim for War Widows/Widowers Pension can be considered if no Disablement Pension is in payment. These are referred to as 'non-pension cases'. The following paragraphs explain the criteria for eligibility.

Service Pension Order 2006

- 30111 Under the terms of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, a widow/widower/other dependant is eligible to apply for a pension in respect of death where the deceased person served at any time as a member of the Naval, Military or (from 1914 only) Air Forces.

Definition of Member

- 30112 Definition of a member for various periods of service is explained at *Appendix 8*.

30113 - 30115

Service after 2 September 1939

Death of a Recruit Before Attestation for Regular Service

- 30116 Sometimes people seeking entry into the forces on a regular engagement (including officers or candidates for commission) have had to spend time doing trade tests on service premises before attestation.

Section 18 of The Army Act 1955, and Section 18 of The Air Force Act 1955

- 30117 Some are rejected by the MoD and never attested, but may be the subject of claims in respect of death alleged to be due to their presence or activities on service premises.
- 30118 Since 1 January 1957 claims can be considered by the Agency, under the terms of the Service Pension Order, providing the recruit received service pay whilst doing the trade tests.

30119-30129

Entitlement

Causal connection

30130 Once eligibility has been established the claimant can only be regarded as entitled to a War Widows/Widowers Pension (WWP) if it can be medically certified that death was either:

- caused, or
- hastened (substantially hastened in Article 41 cases) by service.

Service Pensions Order 2006

30131 The Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 (SPO) contains provisions under which a claim must be considered. A copy of the SPO can be found in the 'Green book' *War Pensions, The Statutes, Regulations, Rules and Orders as now in force*.

Automatic entitlement

30132 Automatic entitlement to WWP can be accepted if a war disablement pensioner:

- was in receipt of Constant Attendance Allowance (CAA) at the time of his death
- had underlying title to CAA for 26 weeks prior to his death. (This is determined by SPVAMS when the file is submitted to them in cases where the deceased was in receipt of a War Disablement Pension of 80% or above)
- was in receipt of UNSUPP and was assessed at 80% or more disabled due to service at the time of death with effect from 7 April 1997, but death could have occurred prior to this date.

Important

30133 **UNSUPP must be in payment at the time of death, underlying title does not satisfy the requirement for an award. A claim for UNSUPP, undetermined at death, will satisfy the requirements providing the award is made up to the date of death.**

Article 27(3) & (4)

30134 For automatic entitlement cases the award is made under Article 27(3) & (4) of the Service Pensions Order to a widow/widower whose late spouse served in the:

- Royal Navy/Royal Marines
- Army
- Royal Air Force.

Entitlement in other cases

30135 The main entitlement provisions are contained in Articles 40 and 41 of the 'Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 (SPO)':

- Royal Navy/Royal Marines
- Army
- Royal Air Force.

30136 There are significant differences between the two Articles, these are:

1 Article 40:

- there is no onus on the claimant to prove death was due to service. The Agency must make sure beyond reasonable doubt that no entitlement exists; and
- a certificate in accordance with Article 40(1)(b) relates to death having been 'due to, or hastened' by service;

2 Article 41:

- the onus is on the claimant to prove that death was due to service, although reasonable doubt is given; and
- a certificate in accordance with Article 41(1)(b) requires that the hastening of death due to service should be 'substantial'.

Article 40(1)

30137 If, not later than seven years after the termination of the service of a member of the armed forces, the death of that member occurs and a claim is made (at any time) in respect of that death, the death shall be accepted as due to service provided that it can be certified that the death was due to or hastened by:

- an injury that was attributable to service
- the aggravation by service of an injury which existed before or arose during service.

Article 40(3)

30138 There is no onus on the claimant to prove that death was caused or aggravated by service. It is the responsibility of the Secretary of State to establish beyond reasonable doubt, by evidence, that death is unconnected by service.

Article 40(4)

30139 Where a condition which led to a member's death during service was not noted on the entry medical report, entitlement must be accepted unless evidence proves beyond reasonable doubt that the death was unconnected with service.

Article 40(5)

30140 When a claim in respect of death (other than death caused by an accident) relates to service in the Reserve or Auxiliary Forces, Articles 40(3) and 40(4) do not apply. Such service is not full time and death is just as likely to be due to non-service causes as to service causes.

30141 The onus of proof, is accordingly, on the claimant to raise reasonable doubt in her favour based on reliable evidence. Where, upon reliable evidence, a reasonable doubt exists, whether the conditions set out in Article 40(1) are fulfilled, the benefit of that reasonable doubt shall be given to the claimant.

Article 40(6)

30142 Where any material fact on which the claim is based is not noted in official records, other reliable corroborative evidence may be accepted.

Article 4(6)

30143 The term **service** referred to in these articles means as a member of the Armed Forces after 2 September 1939.

Article 41(1)

30144 Where, more than seven years after the termination of service, the death occurs of a member and a claim is made in respect of that death, the death can be accepted as due to service provided it is certified that death was due to or **substantially** hastened by:

- an injury which was attributable to service
- the aggravation by service of an injury which existed before or arose during service.

Article 41(3)

30145 If the conditions set out in Article 41(1) are fulfilled, death shall be certified accordingly.

Article 41(4)

30146 This applies to disablement claims only.

Article 41(5)

30147 Where, upon reliable evidence, a reasonable doubt exists whether the conditions set out in Article 41(1) are fulfilled, the benefit of that reasonable doubt shall be given to the claimant.

Article 41(6)

30148 Where any material fact, on which the claim is based, is not noted in official records, other corroborative reliable evidence may be accepted. However, the fact that reliable corroborative evidence of a material fact is not available, will not, of itself, be sufficient grounds to reject a claim.

Article 59

30149 In cases where the claim concerns death that was caused or contributed to by the serious negligence or misconduct of the member, the Secretary of State **may** apply the provisions of Article 59 to any award that may be made. These are that the Secretary of State may withhold, cancel or reduce any award made.

It is policy, however, to avoid applying the provisions in respect of cases of death.

1914 War Service Claims

30150 Since 1 January 1979, there have been no statutory provisions for dealing with a rare claim in respect of death which occurred not later than seven years after the termination of 1914 War service.

30151 If such a claim is made, the appropriate entitlement provisions must be according to Article 40 of the SPO 2006.

30152 In a case where death occurred more than seven years after termination of service, the claim must be considered under Article 41 of the SPO 2006.

Special Aspects of 1914 War Service Claims

30153 The lack of official records, however, means that it may be practically impossible to deal with a 1914 War claim on the same footing as a 1939 claim. This is because:

- in April 1975 Archives Registry commenced the disposal for destruction of most 1914 War medical records
- some 1914 Awards files were also destroyed
- since 24.9.85 Great War files, apart from live cases have been destroyed two years from the last PA charging on the file.

30154 In these circumstances, in any case where it is possible that in consequence of the official destruction of evidence, a contemporary official record of a material fact on which a claim is based is unavailable and for any reason it is impossible to obtain other reliable corroborative evidence of the fact, the history given by the claimant may be regarded as acceptable unless there is strong evidence to disbelieve it.

Termination of Service

30155 The expression 'termination of service' stated in both Article 40 and Article 41 means termination by reason of:

- retirement
- discharge
- demobilisation
- transfer to the Emergency List or Reserve
- in any other manner.

The above being subject to the provisions that, if a member renders service during more than one period, 'termination' means the date of the end of the period which is relevant in his case.

DIS cases

30156 Unless the restriction imposed by Article 40(5) is appropriate, entitlement must be considered under either Article 40(3) or Article 40(4).

30157 The terms of Article 40(4) and the meaning of the expression 'service' mean that if an:

- injury
- wound
- disease

which led to a member's death during service was not noted in a medical report on enlistment, there is a compelling presumption that death was due to or hastened by the injury. This means that entitlement must be accepted

unless the evidence shows beyond reasonable doubt that the conditions for entitlement are not fulfilled.

30158 The evidence needed to disprove the compelling presumption must reach the same degree of cogency as is required in a criminal case before an accused is found guilty. That degree must not reach certainty, but must carry a high degree of probability. Proof beyond reasonable doubt does not mean proof beyond a shadow of doubt.

30159 If the evidence is so strong against a claimant leaving only a remote possibility in his/her favour which can be dismissed with the sentence 'of course it is possible but not in the least probable', the case is proved beyond reasonable doubt and the claim can be rejected. Evidence short of this is not a proper basis for rejection.

30160 Where Article 40(4) and the restrictions imposed by Article 40(5) are inappropriate, entitlement rests for consideration under Article 40(3).

30161 The MoD send DIS cases to the Agency to consider entitlement. The majority of cases are dealt with in close time relationship to the event. However a case may arise where, over seven years after the event, entitlement falls for consideration under Article 40 because the MoD inadvertently did not forward the papers to us after the man died.

30162 Post-discharge death cases, occurring not later than seven years after Termination of Service, fall for consideration under Article 40(3), unless:

- 1 the restriction imposed by Article 40(5) is applicable; and
- 2 provided that the wound, injury or disease concerned is not one to which Article 40(4) refers.

Reserve Service

30163 Article 40(5) of the Service Pensions Order 2006 (Article 41 if over seven years since discharge).

Death of a Reservist not on Active Service

30164 If a reservist dies off-duty rather than on active service the case must not be considered automatically, as in a DIS case, even though the service documents may be forwarded to the Agency by the MoD.

30165 The claimant must make a specific claim and only then must the case be considered under either Article 40(5) or Article 41 of the SPO depending upon when the death occurred. Until such time the file should be sent to PA.

Suicide during or after service

- 30166 A claim in respect of suicide must be dealt with in consultation with SPVAMS.
- 30167 Refer to PLG any case in one of the following categories, without any special features, in which it is proposed to accept entitlement:
- suicide during service
 - if the AD is assessed at less than 70% and does not include neurosis or psychosis.

Service-related injury sustained/murder after service

- 30168 If the injury was sustained or murder occurred after the termination of service, as a result of service, it may be accepted for the purpose of entitlement. An entitlement decision may have political repercussions. This decision should be made on the basis of authoritative reports such as from the Police or Civil Authority. Regard must be given to any claim to, or denial of responsibility by a terrorist organisation.
- 30169 Other entitlement matters to be taken into consideration are the same as for disablement cases.
- 30170-30199

Mercantile Marine, Salvage Workers, Sea Fishing Service, Pilotage Service or Light Vessel Service

1914 War

Eligibility

Order in Council 1920

- 30200 The Order in Council of June 1920 made provisions for the Ministry of Pensions to take over responsibilities from 1 May 1918 for administering pensions of officers and men of:
- the Fleet Auxiliaries
 - other vessels employed by the Admiralty.
- 30201 The widow/widower/dependant is eligible to apply providing **the deceased person** signed an agreement to serve under the provisions of Section 90 of the Naval Discipline Act for the duration of the 1914 War and sustained:

- a war injury
- a war risk injury
- detention by the enemy

between **4 August 1914 and 30 September 1921** inclusive.

Entitlement

30202 Seamen's War Risk Compensation Scheme.

30203 The entitlement provisions for widows/widowers of officers and members of:

- the Fleet Auxiliaries
- other vessels employed by the Admiralty

who die from injuries sustained during the 1914 War are contained in the Seamen's War Risk Compensation Scheme.

30204 The provisions in the Scheme are in line with those of the War Pensions (Mercantile Marine) Scheme 1964.

War Pensions (Mercantile Marine) Scheme 1964

30205 Entitlement for War Widows/Widowers Pension is considered in the same way as for 1939 War cases under:

- Article 3(4)
- Article 3(5) - if over seven years since discharge

of the War Pensions (Mercantile Marine) Scheme 1964.

30206-30209

1939 War

Eligibility

30210 The widow/widower/dependant of a deceased person are eligible to apply if the deceased was (or served) in the following:

- Merchant Navy
- Salvage Worker
- Sea Fishing Service

- Pilotage Service
- Light Vessel Service
- Naval Auxiliary Personnel
- Coastguard and Auxiliary Coastguard
- Arab or Somali Seamen
- Indian or Chinese Seamen
- GPO Cable Ships
- Admiralty Yard Craft
- War Department Vessels
- Gordons Ratings.

30211 The deceased person must have sustained:

- a war injury
- a war risk injury
- detention by the enemy.

30212 They are eligible to apply under the following Schemes:

- War Pensions (Mercantile Marine Scheme 1964)
- War Pensions (Naval Auxiliary Personnel) Scheme 1964
- War Pensions (Coastguards) Scheme 1944.

War Pensions (Mercantile Marine) Scheme 1964

30213 Widows/widowers/dependants of the following who served between 3 September 1939 and 9 July 1951 inclusive, come within the scope of this Scheme:

- members of the Merchant Navy
- members of the sea fishing service
- members of the pilotage and light vessel services
- salvage workers

- Gordons ratings.

Service After 9 July 1951

- 30214 Claims in respect of death claimed to be connected to service after 9 July 1951 up to 28 April 1952 inclusive, can be considered because the peace treaty with Japan signed on 8 September 1951 did not become effective until 28 April 1952.
- 30215 The Scheme also covers the Falkland Island crisis between 2 April 1982 and 14 June 1982 inclusive.

Gulf War

- 30216 The scheme was reactivated for the Gulf War between 16 January 1991 to 28 February 1991. Any claim received must be referred to PLG.

Definition of ‘Member’

- 30217 See *Appendix 8 of this guide*.

Definition of ‘Gordons Ratings’

- 30218 See *Part 2, Disablement* for further details.

Arab or Somali Seamen

- 30219 Claims from widows/widowers of Arab or Somali seamen who lived in this country fall for consideration under the main War Pensions (Mercantile Marine) Scheme 1964.
- 30220 Claims in respect of death of Arab or Somali seamen who lived in Aden, the Aden Protectorate, British Somaliland or the Kingdom of Yemen, must be dealt with as at Chapter 9 of the Mercantile Marine Handbook.

Indian or Chinese Seamen

- 30221 Claims from widows/widowers of Indian or Chinese Seamen also fall for consideration under the main War Pensions (Mercantile Marine) Scheme 1964.
- 30222 Where an award is made and there is more than one widow/widower it must be shared between them.

Entitlement

1914 and 1939 War Service

30223 Provision is made by the War Pensions (Mercantile Marine) Scheme 1964, by virtue of the Service Pensions Order 2006, for awards where the death of a:

- salvage worker or member of the pilotage or light vessel service, is directly attributable to a qualifying injury sustained or detention suffered by reason of his service
- member of the Merchant Navy or sea fishing service is directly attributable to a qualifying injury sustained or detention suffered by reason of their service as a mariner in a British ship.

Definitions

30224 'Qualifying injury' means either:

- war injury
- war risk injury.

30225 See *Part two, Disablement* for definitions of these and of 'detention'.

30226 Always refer to a copy of the War Pensions (Mercantile Marine) Scheme 1964 for the full definitions of the above expressions.

30227 The 'Green book', *War Pensions, The Statutes, Regulations, Rules and Orders as now in force* has a copy of the scheme.

Entitlement Conditions

30228 Entitlement to a War Widows Pension is considered under Article 3(4) and Article 3(5) of the War Pensions (Mercantile Marine) Scheme 1964.

Article 3(4) Under Seven Years

30229 States that where a claim is made there shall be no onus on the claimant to prove that death is directly attributable to the qualifying injury or detention and the benefit of any reasonable doubt shall be given to the claimant.

Article 3(5) Over Seven Years

30230 States that where a claim is made in respect of the death of a person, such death having occurred more than seven years after the date of the qualifying injury or end of detention and, upon reliable evidence, a reasonable doubt exists whether the death was directly attributable to the relevant qualifying injury or detention, the benefit of that reasonable doubt shall be given to the

claimant.

30231 In neither Article 3(4) or Article 3(5) is the claimant relieved of the onus of proving that a qualifying injury has been sustained or detention suffered.

30232 If it can be established that a qualifying injury was sustained or detention suffered it is on a question whether the death is directly attributable to the injury or detention that the widow is entitled to the benefit of any reasonable doubt on the basis of reliable evidence, or where Article 3(4) is concerned, relieved of the onus of proof.

Certification

30233 The provisions of the Service Pensions Order apply.

Serious negligence or misconduct

30234 Article 59 of the SPO applies.

30235 See *Part two, Disablement* for further information about the 1914 and 1939 war cases.

30236-30239

War Pensions (Naval Auxiliary Personnel) Scheme 1964

Eligibility

30240 Widows/widowers/dependants of Naval Auxiliary members who served between 3 September 1939 and 9 July 1951 inclusive, are eligible to apply under the provisions of this Scheme.

Definition of member

30241 A Naval Auxiliary member was a person engaged to serve under a special agreement:

- on sea going duties
- on a ship forming part of the Royal Navy
- subject to Section 90 of the Naval Discipline Act.

30242 The complement of certain Naval Auxiliary Vessels consisted of officers and ratings of the Royal Navy and members of the Merchant Navy. They were engaged in the same duties as the Naval officers and ratings, but were employed by the Merchant Navy at their rates of pay.

30243 When this happened, Merchant Navy personnel normally signed one of the following agreements:

- T124
- T124X
- T124T

30244 See *Part two, Disablement* for definitions of the agreements.

Entitlement

30245 Provision is made by the War Pensions (Naval Auxiliary Personnel) Scheme 1964, by virtue of the SPO 2006, for awards to Widows/Widowers where the death of a member of the naval auxiliary is directly attributable to:

- a qualifying injury
- detention.

30246 The application of the SPO ensures that, for entitlement purposes, a naval auxiliary member is treated in the same way as a member of the naval forces after 2 September 1939.

30247 Any award made under the Scheme is equivalent in nature and amount to one made under the SPO.

Definitions

30248 'Qualifying injury' means either:

- war injury
- war risk injury.

30249 See *Part two, Disablement* for definitions of the above and of 'detention' for members of the naval auxiliary.

30250 Always refer to the Scheme for the full meaning of the above mentioned expressions. A copy of it can be found in the 'Green book' called 'War Pensions, The Statutes, Regulations, Rules and Orders as now in force'.

Entitlement Conditions

30251 Entitlement for widows/widowers of deceased members of the naval auxiliary is contained in Article 3(3) and Article 3(4) of the War Pensions (Naval Auxiliary Personnel) Scheme 1964.

Article 3(3) Under Seven Years

- 30252 States that where a claim is made there shall be no onus on the claimant to prove that death is directly attributable to the relevant qualifying injury or detention and the benefit of any reasonable doubt on those questions shall be given to the claimant.

Article 3(4) Over Seven Years

- 30253 Where a claim under this Scheme is made in respect of the death of a person, such death **having occurred more than seven years after the date of the relevant qualifying injury or end of detention** and upon reliable evidence, a reasonable doubt exists whether the death was directly attributable to the relevant qualifying injury or detention, the benefit of that reasonable doubt shall be given to the claimant.

Onus of Proof

- 30254 In neither Article 3(3) nor Article 3(4) is the widow/widower relieved of the onus of proving that a qualifying injury has been sustained or detention suffered.
- 30255 If it can be established that a qualifying injury was sustained or detention suffered it is on a question whether the death is directly attributable to the injury, or to the detention, that the widow/widower is entitled to the benefit of any reasonable doubt on the basis of reliable evidence or, where Article 3(3) is concerned, is relieved of the onus of proof.

Certification

- 30256 The provisions of the SPO apply. See *Part two, Disablement* for further information about this scheme.

30257-30259

NAAFI Naval Canteen staff

Service from August 1942-May 1946

- 30260 Entitlement for members who served under a S55 agreement is considered in the same way as a naval auxiliary member serving a T124 agreement. See *Part two, Disablement* for further details.
- 30261 The amount by which any award made under the War Pensions (Naval Auxiliary Personnel) Scheme exceeds that which would be payable under the Personal Injuries (Civilians) Scheme, if the member had been a civilian, is recoverable from NAAFI.

Service before August 1942

30262 Before August 1942 members of NAAFI naval canteen staff ranked as civilians. Entitlement is considered under the Personal Injuries (Civilians) Scheme.

Treasury Letter SS114/222/01

30263 NAAFI personnel in naval vessels operating with the United Nations forces of Korea were not accorded naval status. Instead they were eligible to claim benefit under the Industrial Injuries provisions.

30264 Where disablement was sustained while serving in Korean waters, as a result of actual combat, it may be possible to make a special award under Treasury Letter S114/222/01 dated 10 April 1951. The award is for any amount by which the industrial injuries award falls short of that which would have been awarded if entitlement had been appropriate under the Service Pensions Order.

Serious negligence or misconduct

30265 Article 59 of the SPO applies for both naval auxiliary and NAAFI personnel.

30266-30269

The War Pensions (Coastguards) Scheme 1944

30270 A widow/widower/dependant of the following is eligible to apply under the provisions of this Scheme:

- any member of HM (Regular) Coastguard who served between **3 September 1939 and 1 October 1945** inclusive
- any member of the Auxiliary Coastguard who served between **3 September 1939 and 30 November 1945** inclusive.

30271 Eligibility and entitlement is as set out for Mercantile Marine cases. Refer to the 'Green book', *War Pensions, The Statutes, Regulations, Rules and Orders as now in force* in any cases where doubt arises.

30272-30299

Polish Forces under British Command

Eligibility

30300 Under the provisions of the Pensions (Polish Forces) Scheme 1964, a widow/widower/dependant is eligible to apply, **providing the ex-member's death is due to service in the Polish:**

- Land Army
- Navy
- Air Force
- Resettlement Corps

under British command **after 2 September 1939**. The deceased must never have lived in Poland (prior to 1 May 2004) since discharge.

30301 The Scheme has been amended with effect from 6 April 2009 to allow the residency restriction to be lifted. This will mean that war pensions will continue to be paid to those beneficiaries of the Scheme who return to Poland on or after 1 May 2004 (the date of Polish accession to the EU). Anyone who returned to Poland prior to 1 May 2004 will remain unaffected by this rule change i.e. pensions cannot be paid to those beneficiaries who return to Poland prior to 1 May 2004.

Polish Air Force

30302 Where the deceased was an ex member of the Polish Air Force and he was offered a commission in the RAF and remained a member, the claim must be considered under the **Service Pensions Order 2006** as a normal pension case.

30303 Those not offered a commission but served with the RAF under British command, must be considered under the **Pensions (Polish Forces) Scheme 1964**.

30304-30309

Entitlement

30310 The entitlement provisions for widows/widowers of deceased members of the Polish Forces who served under British command are contained in **Article 5** of the **Pensions (Polish Forces) Scheme 1964** by virtue of the SPO 2006.

30311 The provisions relate to service for any period after 2 September 1939 and Article 5(1) reads as follows:

- the death of a member of the Polish Forces shall be accepted as due to service provided it is certified that death was due to or substantially hastened by:
 - an injury which was attributable to service
 - the aggravation by service of an injury which existed before or arose during service.

30312-30313

Serious negligence or misconduct

30314 The provisions of Article 59 of the SPO apply.

30315 A copy of the Pensions (Polish Forces) Scheme 1964 can be found in the 'Green book' called 'War Pensions The Statutes, Regulations, Rules and Orders as now in force'. Always refer to this in cases of doubt.

30316 See *Part two, Disablement* for further details and Polish Cases.

30317-30399

Home Guard

Eligibility

30400 The widow/widower/dependant is eligible to apply for a pension in respect of death, providing the deceased was a member of the Home Guard during one or both of the periods below:

- 21 May 1940 to 31 December 1944 inclusive
- 28 April 1952 to 31 July 1957 inclusive.

30401-30409

Entitlement

Service between 21 May 1940 and 31 December 1944 inclusive

30410 The entitlement provisions for widows/widowers of ex-members of the Home Guard are contained in Article 4 and Article 5 of the **Royal Warrant** of 21 December 1944.

Article 4 Under Seven Years

30411 States that where not later than seven years after the termination of service,

the death occurs of a member and a claim is made (at any time) in respect of that death, the death can be accepted as due to service provided it is certified that the death was due to or hastened by:

- an injury which was attributable to service
- the aggravation by service of an injury which existed before, or arose during service.

Article 4(2)

30412 In no case does the onus of proof fall onto the widow/widower and the benefit of any reasonable doubt should be given to the widow/widower.

Article 4(3)

30413 Where there is no contemporary official records of a material fact on which the claim is based, other **reliable corroborative evidence** of that fact may be accepted.

Article 5 Over Seven Years

30414 States that where, more than seven years after the termination of service, the death occurs of a member and a claim is made in respect of that death, the death can be accepted as due to service provided it is certified that death was due to or substantially hastened by:

- an injury which was attributable to service
- the aggravation by service of an injury which existed before or arose during service.

Article 5(4)

30415 Where, upon reliable evidence, a reasonable doubt exists, the benefit of that reasonable doubt shall be given to the claimant.

Article 5(5)

30416 Where there is no contemporary official records of a material fact on which the claim is based, other **reliable corroborative evidence** of the fact may be accepted.

Termination of Service

30417 The expression 'termination' as used in Article 4 and Article 5 in relation to the service of a deceased member of the Home Guard means by reason of:

- resignation
- retirement

- discharge
- any other manner.

30418 The above are all subject to the provisions that where the deceased member rendered service during more than one period, 'termination' means the date of the end of the period which is relevant in his case.

Matters to be Certified

30419 See *Part two, Disablement* for further details.

Serious negligence or misconduct

30420 An award may be withheld, cancelled or reduced in accordance with Article of the SPO by virtue of Article 3 of the Royal Warrant of December 1964. See *Part two, Disablement* for further details.

Service between 28 April 1952 and 31 July 1957

30421 The Order by Her Majesty of September 1972 with effect from 2 October 1972 allows for claims on the same basis as service between 21 May 1940 to 31 December 1944.

30422 A copy of the Royal Warrant and Order by Her Majesty can be found in the 'Green book' *War Pensions, The Statutes, Regulations, Rules and Orders as now in force*. Always refer to this in cases of any doubt.

30423 See *Part two, Disablement* for further details about the Home Guard.

30424-30499

Civilians and Civil Defence Volunteers (CDVs)

Eligibility

Personal Injuries (Civilians) Scheme (PICS) 1983

30500 Under the provisions of the Personal Injuries (Civilians) Scheme 1983, a widow/widower/dependant of a deceased person whose death is the direct result of a:

- war injury (civilian and CDV cases)
- war service injury (CDV cases)

sustained during the period of emergency is eligible to apply for consideration of a pension.

Period of emergency

30501 The primary requirement of the Scheme is that death is the result of an injury sustained during the period of emergency.

30502 The period of emergency was:

- 3 September 1939-19 March 1946 inclusive
- 3 September 1939-31 March 1948 inclusive for members of the National Fire Service England and Wales
- 3 September 1939-15 May 1948 inclusive for members of the National Fire Service, Scotland.

30503-30509

Entitlement

30510 Provision is made by the PICS 1983 for awards to widows/widowers of persons whose death is the direct result of a qualifying injury sustained during the period of emergency.

Special awards made under Treasury Letters

30511 Treasury Letters give special authority to award WWP in cases which do not fall within the PICS 1983.

Treasury Letter E2520/068 of 5 February 1946

30512 Authorises awards in respect of war injuries sustained after the period of emergency.

Treasury Letters E/25250/71 of 29 June 1945 and 20 November 1948

30513 Authorises awards in respect of certain types of injury resulting from detention in enemy or enemy occupied territory which are outside the scope of the Scheme.

Qualifying injuries under the Scheme

30514 The Scheme distinguishes between those who were gainfully occupied on the date of injury and those who were not.

30515 The classes of qualifying injuries are:

- war injuries sustained by gainfully occupied persons (GOPs)
- war injuries sustained by persons not gainfully occupied (non GOPs)
- war service injuries sustained by civil defence volunteers.

Definitions

30516 See *Part two, Disablement* for definitions of the above.

Time limit (Article 54)

30517 Article 54(3) of the Scheme requires that an application for funeral expenses and an award in respect of a person's death under:

- Article 27 - War Widows Pension
- Article 30 - Unmarried dependants who lived as wives
- Article 32 - Dependent Widowers
- Article 33 - Children under the age of 15
- Article 34 - Motherless or fatherless children under the age of 15
- Article 35 - Children over the age of 15
- Article 37 - Ineligible children of unemployable pensioners

must be made within three months from the date on which the death occurred.

Claim made out of time and claim which succeeds a disablement claim decided since 1 February 1992

Background

30518 The Personal Injuries (Civilians) Scheme 1983 is unique among War Pensions Instruments in that it has time limits for claiming in Article 54. All disablement and some claims in respect of death are now made outside those time limits, which, for WWP claims, is three months from the date of death.

30519 The SoS has powers in Article 54(1) to waive the time limit in any particular case or class of case. Broadly speaking the SoS's policy is to waive the time limit where there is independent supporting evidence to show that the deceased sustained the claimed injury or injuries in World War II that caused disablement or substantially hastened death.

30520 The SoS may also waive the time limit where this evidence is not available but there are exceptional reasons to do so. Although it is the claimant's responsibility to provide this evidence SPVA must check Filestore and the civilian database before asking the claimant to provide it.

30521 The SoS's policy is set out in the Policy Statement: Civilian Time Limits, which is held on each section.

30522 Claims made outside the time limits can only be considered under the PICS if the SoS first waives the time limit. As with all discretionary decisions by SoS the decision must be reasonable and based on the correct application of law so that it can be defended in the event of a judicial review.

30523 **It is most important that before rejecting any claim the SoS considers:**

- 1 if there is independent supporting evidence and, in the absence of such evidence**
- 2 are there any exceptional grounds to warrant waiving the time limits, and**
- 3 the reasons for each decision are recorded and retained on file.**

30524 Claims rejected because the time limit is not waived do not carry a right of appeal but reasons for the rejection must be given to the claimant in each case.

Independent supporting evidence

30525 The SoS must decide if the evidence provided by the claimant supports the claim. This means is it acceptable as reliable independent evidence that:

- **the subject of the claim sustained the injury/ies which is claimed caused or substantially hastened death, and**
- **the injury was incurred as a result of being present during a war time incident?**

30526 If the evidence of the deceased's injury/ies does not specifically link it to the claimed incident then evidence that the deceased was present at that incident is also required. The evidence must date from the time of the incident or soon after.

Not clear if claimed injury is connected to the injury for which evidence is available

30527 If the SoS is unsure if there is a logical connection between the claimed injury/ies and the injury/ies for which evidence is available, SPVAMS must be asked by minute for an opinion on this question.

30528 To decide if there is a logical link between the injury/ies and the claimed condition, the claimant must be asked specifically to provide evidence of when the condition arose (date of onset). SPVAMS may be able to advise if there is a connection. A connection between an injury of which there is sufficient evidence and another for which the evidence is lacking may

provide exceptional grounds for waiving the time limit.

Erroneous disablement decisions made since 1 February 1992

- 30529 Since 1 February 1992 some civilian disablement decisions were made without regard to the time limits and are therefore outside the law. Remedial action is required if a further claim is made - including a WWP claim.
- 30530 In such cases, the disablement claim must be reviewed before entitlement to WWP can be accepted. The SoS will waive the time limit on the disablement claim where there was any independent evidence to support the claim, even though it is not sufficient today.
- 30531 All other in time WWP claims can be processed as normal.

Articles

- 30532 Entitlement to a War Widow's/Widower's Pension is considered under:

- Article 5(2) and Article 5(3)
- Article 26
- Article 27

of the PICS 1983.

Article 5(2) Under Seven Years

- 30533 States that where a claim is made there shall be no onus on the claimant to prove that death was the direct result of the relevant qualifying injury and the benefit of any reasonable doubt shall be given to the claimant.

Article 5(3) Over Seven Years

- 30534 States that where a claim is made within the time limit specified in Article 54(3) such death having occurred more than seven years after the material date, and, upon reliable evidence, a reasonable doubt exists whether the death was the direct result of the relevant qualifying injury, the benefit of that reasonable doubt shall be given to the claimant.

Onus of proof

- 30535 In neither Article 5(2) nor Article 5(3) is the widow relieved of the onus of proving that a qualifying injury has been sustained.
- 30536 If it can be established that a qualifying injury was sustained, it is on the question of whether death was the result of that injury that the widow is entitled to the benefit of any reasonable doubt, or where Article 5(2) is

concerned, is relieved of the onus of proof.

Awards in respect of the death of GOPS and CDVs

Application of Part IV

30537 Under this Part of this Scheme awards may be made in respect of the death of GOPS where death is the direct result of war injuries and in respect of the death of CDVs where death is the direct result of war service injuries.

Pensions to widows/widowers

30538 A widow/widower may be awarded a pension in respect of their spouse's death:

- at the rate specified in Schedule 4, paragraph 1(a) in any of the following cases:
 - where they have attained the age of 40 **or**
 - where they are in receipt of an allowance awarded in respect of a child of their spouse under Article 33, 35 or 37 **or**
 - where they were in receipt of an allowance awarded in respect of a child of their spouse under Article 33 of whom they are the parent - or was being treated under Article 3(9)(b) as if they were in receipt of such an allowance for such a child - until the date, in either case, upon which the child attained the age of 15, or where in the opinion of the SoS in any other case, they should be so treated **or**
 - where the child in respect of whom they were awarded an allowance under Article 33 or 37 dies before attaining the age of 15, for a period of 13 weeks beginning with the date of the child's death **or**
 - where they are incapable of self support
- at the rate specified in paragraph 1(b) of said Schedule in any other case.

Matters to be certified

30539 See *Part two, Disablement* for further details.

Serious negligence or misconduct

30540 Article 6 of the Scheme applies where the death on which the claim to the award is based was caused or contributed to by the serious negligence of that person.

30541 A copy of the Scheme can be found in the 'Green book' *War Pension, The Statutes, Regulations, Rules and Orders as now in force*. Always refer to this in cases of any doubt.

30542 See *Part two, Disablement* for further details about civilians and CDVs.

30543-30599

Royal Irish Regiment (RIR) [formerly Ulster Defence Regiment (UDR)]

Eligibility

Change in regulations

30600 On 4 January 1971, there was a change in the regulations which meant that claims in respect of death due to service in the UDR since 1 April 1970 could be considered by the Agency. Any claims in respect of death prior to 1 April 1970 are for consideration by the MoD.

30601 From 1 July 1992 the UDR and the Royal Irish Rangers amalgamated to form a new regiment - The Royal Irish Regiment.

30602-30609

Entitlement

Ulster Defence Regiment (UDR) Claims prior to 1 July 1992

30610 Claims from widows/widowers of deceased members of the UDR arising from death prior to 1 July 1992 must be dealt with under the provisions of Article 4 and Article 5 of the '**Order by Her Majesty concerning pensions and other grants in respect of death due to service in the UDR 1971**' (the UDR Order).

Under Seven Years Article 4(1), (2) and (3)

30611 These are the same as Articles 40(1), 40(3) and 40(4) of the SPO 2006.

Article 4(4)

30612 Where Article 4(5) applies the provisions of Article 4(2) and 4(3) shall not apply to a claim in respect of death where that death is due to or hastened by, a disease other than a disease caused or aggravated by an accident but:

- such death shall be certified in accordance with Article 4(1) if it is shown that the conditions set out in this Article and applicable to it are fulfilled

- where, upon reliable evidence, a reasonable doubt exists whether the conditions set out in Article 4(1) are fulfilled, the benefit of that reasonable doubt shall be given to the claimant.

Article 4(5)

30613 Article 4(4) shall not apply during any period when the member was serving on the permanent staff of the force or during any period when they were called out under section 2 of the act.

'Act' means the UDR Act 1969 now Section 141 of the Reserve Forces Act 1980.

Article 4(6)

30614 Where there is no note in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of that fact may be accepted.

Over Seven Years Article 5

30615 The provisions of Article 5 of the UDR Order are the same as Article 41 of the SPO 2006.

30616 If the claim arises from an injury, wound or disease which led to the member's death during service, and which was not noted in a medical report on commencement of service, Article 4(3) of the UDR Order also applies.

Royal Irish Regiment (RIR) Claims from 1 July 1992

30617 Claims arising from service after 1 July 1992 will be dealt with under the 'Naval, Military and Air Forces etc (Disablement and Death) SPO 2006' (SPO).

Claim Over Seven Years

30618 Claims received in respect of death occurring over seven years after the termination of service will fall for consideration under the provisions of the SPO 2006.

Injury or murder after termination of service

30619 Where injury is sustained or murder occurs after termination of service as a consequence of that service, entitlement may be accepted, eg ex-member of the RIR shot by a terrorist in their home, because they were an ex-member of the UDR.

30620 When considering a claim like this, the entitlement decision must be based on authoritative reports, eg from the Police, or Civilian Authority as are

available and regard should be given to any claim or denial of responsibility by a terrorist organisation.

Stress related diseases

30621 RIR members who live near the border with the Irish Republic are under constant threat of assassination from terrorists and are therefore subject to stress. The RIR commanding officer at Thiepval Barracks may be asked for details if it is thought this situation arises. In claims where death may have been caused by stress, you must mention the stress factor when submitting the case to SPVAMS so that they can advise on whether such stress has played any part in death.

30622 See *Part two, Disablement* for further details.

30623-30699

Miscellaneous eligibility/Locally raised Colonial Forces (Service after 2 September 1939)

General

30700 During the 1939 War many men were recruited into the Armed Forces of former colonies. Responsibility for pension arrangements is as follows:

- units recruited overseas which were regarded as part of the British Armed Forces, but not British based - Ministry of Defence
- units in the service of former Colonial Governments of the territory where they were raised - Colonial Government or Overseas Development Agency (ODA)
- units which, though recruited overseas, were part of the British Armed Forces and were considered to be British based - War Pensions Agency under the terms of the SPO 2006.

30701 See *Part two, Disablement* which deals with the members of such units etc and either:

- confirms eligibility under the SPO
- indicates how a claim should otherwise be considered

30702-30799

Special awards made under Treasury Letters (TLs)

Constant Attendance Allowance (CAA) cases

- 30800 Constant Attendance Allowance (CAA) Cases and Treasury Letters (TL) give special authority to award War Widows Pensions in cases which do not come within the War Pension Schemes.
- 30801 Consider entitlement initially under the relevant article as given in the previous paragraphs where CAA has been awarded in:
- Polish Cases
 - Mercantile Marine Cases
 - Civilian Cases.
- 30802 Where SPVAMS are unable to determine entitlement under the relevant Article, you can award under:
- TL 255151/227/020 dated 7 June 1971, if CAA in payment at **full day** rate
 - TL SS334/198/01 dated 23 June 1978, if CAA in payment at **part day** rate.

30803-30809

Battle Casualty Formula (BCF)

- 30810 Disablement pensioners who sustained severe wounds in combat with the enemy may die from disease in circumstances which do not permit an entitlement in respect of death under the statutory War Pensions provisions.
- 30811 Where the wounds were so severe that the pensioner's physical condition was weakened to such an extent that they became more susceptible to the ordinary ailments of life and, having acquired such an ailment, was less able to resist it, it may be possible to take the view that their battle experience shortened their life.

30812-30819

TL 2-SS151/80/01B

30820 Where the above applies, an award may be considered under TL 2-SS151/80/01B dated 4 August 1972, provided the pensioner received severe wounds or injuries in actual engagement with the enemy and either:

- the disablement arising from the deceased's wounds or injuries was actually assessed at 100% at death
- although the assessment at death was less than 100%, it was 80% or more and SPVAMS are able to certify that an assessment of 100% would have been appropriate for the wounds or injuries for at least 12 months immediately before death.

30821-30899

Funeral expenses**Prior to 6 April 1987**

30900 Prior to 6 April 1987 the Agency could, in certain circumstances, pay for a simple funeral.

30901 This was known as a 'Departmental funeral' and the widow or next of kin (NOK) had to ring their nearest VWO, before the funeral took place, to ask for assistance with funeral costs.

30902 The VWO would ring Widows Group with the:

- certified cause of death
- the AD.

30903 Widows Group would then ring SPVAMS to see whether, on the available evidence, there was a connection between the deceased's death and their war disability.

30904 Where SPVAMS advised a connection, authority was given by Widows Group to the VWO who would notify the widow/er or NOK that the Agency would pay for a simple funeral.

30905 A proforma was prepared and sent to Treatment Group who were responsible for payment.

30906 This decision was made without prejudice to a subsequent claim to WWP.

30907 Where the widow/er subsequently claimed a WWP, and, after obtaining medical evidence, SPVAMS were unable to advise acceptance, Widows Group would not attempt to recover any monies.

30908 Where however, following a rejection for assistance with funeral expenses, SPVAMS were able to accept entitlement to WWP, Widows Group would reimburse the basic funeral costs to the widow/er.

30909-30919

Change of legislation following the Social Security Review

30920 On 6 April 1987 the National Insurance Death Grant of £30 was abolished and replaced with a Funeral Payment from the Social Fund.

30921 The Funeral Payment covers the cost of a basic funeral and is normally recovered from the deceased person's estate.

30922 It is means tested. The qualifying conditions are that the claimant:

- is responsible for arranging the funeral
- does not have savings over a specified amount. These amounts change each year in accordance with the Social Security guidelines
- is in receipt of a qualifying benefit, ie Income Support, Family Credit or Housing Benefit.

30923 The arrangements for the funeral are the responsibility of the deceased person's:

- widow or widower
- other relative
- personal representative.

30924 The appropriate Area Health Authority is legally responsible for arranging a funeral where a person dies in hospital and does not leave a widow, relative(s) or personal representative(s).

30925 If the deceased dies elsewhere, the legal responsibility falls to the appropriate Local Authority.

30926 The Agency is **not** responsible for arranging the funeral of any war pensioner, although the VWS may assist if necessary.

Payment by SPVA

30927 The payment of funeral expenses is non means tested and covers the same essential expenses as the Funeral Payment from the Social Fund.

Items which are admissible for payment

30928 Items which are admissible for payment are:

- necessary documentation
- transportation of the body but only within the British Isles and the Republic of Ireland
- travelling costs of one return journey within the British Isles and the Republic of Ireland by the responsible person to arrange and attend the funeral
- funeral director's fees and disbursements including the cost of an ordinary coffin
- transportation of the coffin and bearers and the cost of one other car
- funeral ceremony fees
- cemetery or cremation fees
- the cost of flowers from the person responsible for the funeral up to £75, **or**,
- up to £75 for extra costs because of the religion of the deceased member.

30929-30939

Eligibility

30940 Funeral expenses/costs may be claimed in respect of:

- ex-members of the Armed Forces
- ex-Naval Auxiliary personnel
- ex-members of the Mercantile Marine (1939 War)
- ex-members of the Polish Forces who served under British Command (1939 War)
- certain civilians (1939 War)
- ex-members of the Home Guard/Ulster Defence Regiment.

30941-30949

Entitlement

Ex-Armed Forces and NAP

- 30950 Payment may be made if an ex-member of the Forces, including 1939 War Naval Auxiliary personnel dies in the following circumstances:
- in an institution to which they had been admitted for a course of accepted treatment or observation, irrespective of the cause of death. Residential care is treated as accepted hospital inpatient treatment for the purpose of paying Funeral Expenses;
 - in an institution whilst receiving treatment which has not been accepted by the Agency provided that:
 - the primary cause of death is certified to be the same as, or medically identifiable with, the disablement for which a pension or allowance was in payment at the time of death or is a recognised classical after effect of disease or injury thereof
 - a claim for disablement pension in respect of service is under consideration at the time of death and SPVAMS certify that the disablement claimed is attributable to service and the cause of death is medically identifiable with that disablement
 - the cause of death was not a war injury, or war service injury but the deceased was in receipt of CAA (or would have been in receipt of it if he had not been in hospital)
 - the deceased was 80% or more disabled and UNSUPP was in payment at the time of death and death occurred on or after 7 April 1997
 - at home or any place other than an institution, providing the conditions at **point 2** are satisfied.

- 30951 Conditions at **point 2** may be regarded as satisfied where title to widow's or dependant's pension is subsequently established.

Ex-members of Mercantile Marine

- 30952 Funeral expenses/costs for a mariner may be met only if the death is directly attributable to a war injury, war risk injury or disablement due to detention.

Ex-members of Polish Forces

- 30953 The provisions at [Ex-Armed Forces and NAP](#) apply to ex-members of the Polish Armed Forces and Polish Resettlement Corps who were disabled as a result of service under British command.

Civilians

30954 Funeral expenses/costs for a civilian war pensioner may be met if they were either:

- a CDV and died as a direct result of war service injury
- a GOP civilian and died as a direct result of a war injury.

30955 Either condition may be satisfied if:

- title to widow's/widower's or dependant's pension is subsequently established **and**
- the deceased was in receipt or had claimed a War Disablement Pension prior to their death.

30956 Treat as a GOP on duty, a CDV who:

- was a paid volunteer **or**
- was otherwise gainfully occupied **and**
- died as a result of an injury due to enemy action sustained whilst off duty.

30957 In the case of a Gainfully Occupied Person (GOP), payment of expenses/costs may only be paid to:

- the widow/widower (including a widow/widower who lived apart from the deceased during their lifetime)
- a dependent relative.

Death in service cases

30958 Funeral arrangements and expenses in connection with the death of a serving member of the Forces, including a member who dies whilst undergoing treatment in hospital are the responsibility of the appropriate Service Authority.

Time limit

30959 A claim for funeral expenses must be made within 3 months of the funeral, you must receive either:

- a claim for such expense, eg a completed claim form; or
- an enquiry made in person, in writing or orally to the Secretary of State or to an authorised agent about claiming funeral expenses.

A claim for the funeral expenses must then be made within 3 months of the claim form being sent as a result of the enquiry.

Residency of deceased

30960 Payment can only be made where the funeral took place in the UK, Isle of Man, Channel Islands or Republic of Ireland. There are no provisions for overseas cases or to pay for a funeral which takes place abroad.

Automatic entitlement

30961 Payment can only be made if the funeral took place and:

- the deceased was in receipt of CAA at the time of his death, or
- the deceased had underlying title to CAA for 26 weeks prior to death, or
- the deceased was 80% or more disabled and UNSUPP was in payment at the time of death **and death occurred on or after 7 April 1997, and**
- the claim is from a dependant to whom the provisions of Part IV of the SPO apply eg widow, unmarried dependant living as wife, dependant child.

Important

30962 **There is no automatic entitlement to Funeral Expenses if the pensioner had underlying title to UNSUPP and the disablement was assessed at 80% or more. UNSUPP and pension at the 80% rate or more must be in payment at the time of death. A claim for UNSUPP undetermined at death, will satisfy the requirements providing an award is later made retrospectively for a period ending with the pensioner's date of death.**

30963 If the War Pensioner lived in the Irish Republic and CAA or UNSUPP and WDP at 80% or more was in payment at the time of death, VWS Dublin may authorise the Funeral Expenses without prior approval of SPVA Norcross.

Irish Republic cases

30964 There is no automatic entitlement to Funeral Expenses for a War Pensioner who was:

- a resident in Leopardstown Park Hospital

or,

- receiving residential care in the Republic of Ireland.

30965 Funeral Expenses are only paid if the condition in Article 32(2)(a) is met, ie, that death was due to service.

30966-30969

Appeal rights

30970 Rights of appeal against the rejection of a claim for funeral expenses were introduced in April 2001.

30971-30979

Request for funeral expenses in respect of the death of a war widow/widower

30980 Funeral expenses are not payable in respect of the death of a war widow/widower.

30981-31099

War Widower's Pension

Eligibility

31000 The normal conditions of eligibility must be satisfied for a claim from the widower of a deceased female member to be considered.

31001 In addition he must have been married to his wife not later than the date on which she sustained the wound or injury or was first removed from duty on account of the disease on which the claim is based, or, if there was no such occurrence, the date of the end of the service, or she must, after her marriage, have suffered aggravation of the wound, injury or disease which persisted until death.

31002 If the condition in the above paragraph is met, the widower must:

- have been dependent on his late wife **and**
- be incapable of self-support **and**
- be in pecuniary need.

31003 If the female pensioner was, at death, receiving UNSUPP which included an allowance for her husband, then the widower may be awarded a pension under Article 31 of the SPO or Article 37 of the PICS as appropriate.

31004 There are no powers in the SPO to award a War Widower's Pension in respect of death due to service prior to 1 October 1921.

31005-31009

Authority for award

31010 The main authorities for awards to a War Widowers Pension are as follows:

Service with the Armed Forces after 30 September 1921

31011

Award	Authority
Death connected with service	The Naval, Military and Air Forces etc (Disablement and Death) SPO 2006, Article 23
CAA	The Naval, Military and Air Forces etc (Disablement and Death) SPO 2006, Article 27(3) and Article 23

Civilians who were GOPs and CDVs

31012

Award	Authority
Death directly due to war injury etc	The PICS 1983, Article 32
CAA	TL - 2 SS 151/227/020 dated 7 June 1971 and SS 334/198/01 dated 23 June 1978 (Special Sanction awards)

Non-GOPs Civilians

31013

Award	Authority
Death directly due to war injury etc	The PICS 1983, Article 49
CAA	TL - 2 SS 151/227/020 dated 7 June 1971 (extra-statutory) and SS 334/198/01 dated 23 June 1978

31014 If a female pensioner was at death receiving UNSUPP which included an allowance in respect of her husband (Article 18(4)(b)) then the widower may be awarded a pension under Article 31 of the SPO or Article 37 of the PICS as appropriate.

31015-31019

Pecuniary need

31020 Pecuniary need is one of the conditions for entitlement to a War Widower's Pension. It is determined by comparing the widowers income with his 'needs'. If income is less than 'needs' the condition of pecuniary need is met.

Reason for being in pecuniary need

31021 There must be a good reason for being in pecuniary need, eg old age (65 or over), long term illness or disability.

31022-31029

Appeal rights

31030 There is no right of appeal against the rejection of a claim for War Widower's Pension unless a Widower's Pension has been refused on the grounds of normal conditions of eligibility ie medical entitlement. In this case the widower can appeal under Section 1(3) of the PAT Act 1943.

31031 If the widower has been refused a pension on other grounds he can, however, discuss his case with the WPC.

31032-31099

Unmarried dependant living as spouse

1914 War

Position prior to 1 January 1979

31100 Prior to 1 January 1979 the War Pensions Instruments relating to the Armed Forces contained no authority for an award to an unmarried dependant where the death of the member occurred more than seven years after the end of their service.

Position from 1 January 1979

31101 Although there is provision under Article 24 of the Naval Military and Air Forces etc (Disablement and Death) SPO 2006 for an award to the unmarried dependant who lived as the spouse of a 1914 war officer or other rank they must have in their charge a child of the deceased member for whom they are receiving an allowance under Article 28 or 30 of the Order.

31102 From 29 July 1996, awards to an unmarried dependant living as the spouse of a man who served between 30 September 1921 and 2 September 1939 or before World War 1, can be made under Article 24 of the SPO on the same basis as described in [Position from 1 January 1979](#).

31103-31109

Eligibility

31110 In order to be eligible for pension, an unmarried dependant must satisfy the following conditions in accordance with Schedule 4 Part II Item 51A and 52 and Article 24 of the Naval, Military and Air Forces etc (Disablement and Death) SPO 2006:

- in relation to a member whose disablement is due to service during the 1914 war, a person living with a service personnel as a spouse must have drawn in respect of them separation allowance as for a spouse
- in relation to a member whose disablement is due to service before the commencement of WW1 or after 30 September 1921, the person must have been wholly or substantially maintained by the member on a permanent legitimate domestic basis throughout the period beginning **six months prior to the commencement of their service and continuing up to the date of their death** (see following paragraph)
- they must have in their charge a child of the deceased member and must be receiving an allowance for that child in accordance with Article 28 or 30 of the Order. It is not essential that the child should be in the physical care of the unmarried dependant, so long as the latter is responsible for the child's maintenance.

31111 The six months' qualifying period is determined as follows:

Service	Qualifying Period
Members of Territorial or Reserve Forces	Six months before the commencement of effective service, ie evening practice, weekend or annual training to which the disability is attributed
Members of the Regular Forces	Six months before the commencement of war service or the date of enlistment, whichever is the later
Members of other Forces (including the Polish Forces)	Six months before the commencement of service
Mariners and Naval Auxiliary Members	Six months before the date of the war injury or war risk injury or commencement of detention
GOPs and CDVs	Six months before the date of the war injury or war service injury

31112 Payment of a pension to a legal widow/widower who was separated from their spouse at their death is not a bar to an award of pension to their unmarried dependant.

Entitlement

- 31113 The unmarried dependant of a deceased member of the Forces, member of the Polish Forces, 1939 war MM, naval auxiliary member, GOP civilian or CDV may be awarded a pension where entitlement is admitted under the appropriate War Pensions Instrument and the eligibility conditions are also satisfied.
- 31114 The authority for the award of pensions to unmarried dependants of members of the Forces is Article 24 of the Naval, Military and Air Forces etc (Disablement and Death) SPO 2006. There are similar provisions in 1939 war cases for awards in respect of a deceased member of the Polish Forces, MM, naval auxiliary member, GOP civilian or CDV.

Reserved rights before 1 June 1949

- 31115 An unmarried dependant of a member of the Forces, MM or naval auxiliary member has reserved rights under the 1946 or earlier instrument if:
- on 31 May 1949 they were in receipt of an allowance in respect of them, payment of which continued up to their death
 - on 31 May 1949 they were drawing a temporary pension in respect of the deceased.
- 31116 An unmarried dependant who satisfies the first condition above and who claims within 12 months of the member's death, is eligible for a temporary pension up to the expiration of 12 months from the death or if they have a child of the deceased in their care, they cease to draw the allowance for the child.
- 31117 An unmarried dependant who on 31 May 1949 was drawing a temporary pension in respect of the deceased was eligible to continue drawing the pension up to the expiration of 12 months from the date of the member's death or, if they had a child of the deceased in their care, until they should cease to draw the allowance for the child.
- 31118 In either type of case where the pension terminates on the expiry of 12 months after the member's death or because the unmarried dependant no longer has a pensioned child in their charge, a claim for the resumption of payment on the grounds of pecuniary need and incapacity for self-support may be considered. Such conditions, however, must have existed when pension ceased and have continued until the current claim.
- 31119 There is no provision for the payment of an award to an unmarried dependant under any of the PICS prior to the 1947 Scheme and so the question of reserved rights under an earlier Scheme does not arise. There is also no reserved right under the Pensions (Polish Forces) Schemes.

31120-31199

Separated Wives

Prior to July 1974

31200 Prior to July 1974, the normal provisions for War Widows Pension (WWP) did not apply to the widow who was separated from her husband at the time of death unless the separation was caused by mental instability arising out of disablement due to service (Article 27(2) of the 1964 Royal Warrant refers).

31201 Where mental instability arising out of service did not exist, an award could still be made provided that the widow:

- was entitled to periodic payments from her husband under a maintenance or separation order and was, throughout the period of six months expiring on the date of his death, or such other periods as the SoS might determine in the exceptional circumstances of any case, either receiving these payments or taking reasonable steps to obtain them
- her husband was throughout any such period mentioned above contributing to a reasonable extent to her support.

31202-31209

Since July 1974

31210 These restrictions were removed and separation has no bearing on an award of WWP following a change in regulation on:

- 22 July 1974 - other ranks
- 21 July 1974 - officers.

31211-31219

Death occurs before July 1974: Further Claim received

Entitlement already accepted

31220 Where a further claim to WWP is received after 1974, payment can be made **provided that entitlement had already been accepted prior to the change in regulations.**

Commencing date

31221 The commencing date of award must be determined as follows:

- where a claim was rejected while the restrictions were in force and, subsequent to their removal, the widow makes an appeal or the case is brought to notice for another reason, the commencing date of the award should be 22 July 1974 (21 July 1974 officers)
- where a claim is made **for the first time** after the effective date of the removal of the restrictions in respect of a death **which occurred before that date**, the widow should be asked to give her reasons for making a late claim. Only where she can satisfy the Agency that she knew about the former maintenance provisions and had refrained from claiming in consequent of that knowledge, should an award be made from 22 July 1974 (21 July 1974 officers). **If she cannot so satisfy the Agency the commencing date of the award should be determined in accordance with the normal rules.**

Verification of marriage

31222 Ensure that the widow was still legally married to the deceased at the time of death.

31223 Consider entitlement in the usual way for death after June 1974.

31224-31299

Orphans

Introduction

31300 The Secretary of State has a special interest in the welfare of orphan children and has powers to provide additional financial help. This help depends on the guardian's circumstances, and whether it is in the child's best interest.

31301-31309

Authorities

31310

Authority	Article
Members of the Armed Forces	The Naval, Military and Air Forces etc (Disablement and Death) SPO 2006, Articles 28 and 29.
Members of the Mercantile Marine (Disablement and Death)	The Naval, Military and Air Forces etc Service Pensions Order 2006, Articles 28 and 29 as applied by the War Pensions (Mercantile Marine) Scheme.
GOPs civilians and CDVs	Personal Injuries (Civilians) Scheme, Article 33 and 34.
Non GOPs civilians	Personal Injuries (Civilians) Scheme, Articles 49.
Polish Forces	The Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, Article 29, as applied by The Pensions (Polish Forces) Scheme.

31311

The Articles mentioned above outline the regulations with regard to allowances for:

- children under the age limit
- total orphans under the age limit.

31312-31319

Orphan under age limit

31320

Irrespective of whether or not the mother and father were married at the time, under Article 28, an allowance can be paid to a dependant child at the 'Allowance for children of widow/widower rate' if it can be shown that:

- the death of the member of the Armed Forces was due to or substantially hastened by service;
- there is a surviving dependant's child or children under the age of 16 years;
- there is a surviving parent;
- the deceased member had regularly maintained the child or children or could reasonably have been expected to do so.

31321

This rate of allowance is payable whether or not WWP is in payment.

31322 Where WWP is not in payment, an award is authorised showing the surviving parent as the guardian.

31323-31329

Total orphan under age limit

31330 Under Article 29, an allowance can be paid to a dependant child at the 'Motherless and fatherless children' rate provided that the:

- member's death was due to service or regarded as so
- child is a dependant
- the mother/father is dead and the child is in the care of a guardian, **or**
- the mother/father is alive, but the child is in the care of a guardian.

31331-31339

Child over the age limit: Article 30

31340 The basic principles of an award for an over age child of a deceased member are that the child is:

- 16 years or over and still in full time education, **or**
- incapable of self support by reason of an infirmity which arose before they attained age 16.

31341-31349

Definition of dependant child

31350 The definition of a dependant child in relation to a deceased member of the Armed Forces is a child to whom the member was:

- in law, the mother or father of the child, including by adoption, **or**
- the child's step parent, **or**
- the child's foster parent within the meaning in the *Children Act 1989* or, in Scotland, the *Foster Children (Scotland) Act 1984*, **and**
- in each case the member:
 - was regularly maintaining the child or contributing to the child's maintenance or could reasonably have been expected to do so,

or

- where the child was unborn at the time of the member's death, would have so maintained the child or contributed to the child's maintenance.

31351-31369

Illegitimate Child

31370 In accordance with the Family Reform Act 1987, the term 'illegitimate' should not be used when conferring or corresponding with the public. Such children should be referred to as 'children whose parents never married'.

31371-31379

Definition of legitimate, legitimated and illegitimate

31380 These can be defined as follows:

Term	Meaning
legitimate	A child born within marriage
illegitimate	A child born outside of marriage
legitimated	A child born when parent are not married. If the parents subsequently marry, the child still remains illegitimate unless the parents go through a legal process to legitimise the child.

31381-31389

Definition of stepchild

31390 A stepchild is defined as a:

- legitimate child of the deceased member's spouse by a former spouse
- child legally adopted by the deceased member's spouse prior to marriage to the deceased member but not legally adopted by the deceased member.

31391 Where a deceased member married a person who already had a stepchild from a previous marriage, the child is not regarded as the stepchild of the deceased member.

31392-31399

Child whose parents never married

- 31400 These cases should be considered under Item 19(g) of Part II of Schedule 4 of SPO.
- 31401 When considering a claim in respect of such a child as defined at [Definition of a dependent child, point 8](#), it is necessary to confirm that either:
- the deceased member was regularly maintaining the child up to the time of death
 - a affiliation order against the deceased member was in force at time of death.
- 31402 Prior to 7 April 1975 any allowance under Article 28(3) or Article 29 was awarded on a discretionary basis.
- 31403 After this date, under TL 2SS 151/227/025 of 19 November 1974, the full rate of pension or allowance is payable. It is not necessary to establish the precise contribution which was being made by the deceased.
- 31404 Consideration must always be given to an award at the full 'motherless' rate in respect of a child who had been fully maintained by the member for a considerable period in his (or her) household and fails to be regarded as a foster child within the definition of item 19(h) of Part II of Schedule 4 of SPO.
- 31405-31409

Child not under care of a surviving parent

- 31410 If the widow or widower is alive but the child is not under her or his control, the allowance for the child under Article 28 may, by virtue of subparagraph (3) of that Article, be increased to the 'motherless' rate.
- 31411 If a child is accepted as 'motherless' they can benefit from the War Orphans Act. Before an award is made, the following factors must be taken into account:
- the reason for the widow (or widower) handing over the child
 - the extent to which the widow (or widower) maintain interest in the child
 - any contributions which the widow (or widower) does or could make towards the child's maintenance.

31412 Broadly speaking 'motherless' rates may be authorised if:

- the whereabouts of the parent are unknown **or**
- for any reason, eg mental instability, prolonged stay in hospital or prison, she (or he) is unfit to look after the child in her (or his) own home.

31413 It is not the intention that the Agency should take on a parent's responsibilities where these have been passed on to someone else as a matter of convenience, so that a job can be taken, or on remarriage, even though the parent still keeps in touch with the child and may give some help with maintenance. It is also necessary to take the parent's financial condition into account, ie whether it is possible for a contribution to be made towards the child's maintenance.

31414 Consideration may also be given to treating the child as 'motherless' if the parent's wilful neglect is causing hardship to the child or the guardian, but the circumstances must be exceptional to justify placing the child in a better position than the child of any other widow or widower. 'Widow' includes the admissible unmarried dependant.

31415-31419

Child in care of Local Authority

31420 Where a child is in the care of a Local Authority no allowance is payable because of Article 55 of SPO. This does not apply in the Irish Republic.

31421-31429

Marriage of child

31430 If a total orphan child whose parents never married and who is 'motherless' marries, a pension or allowance may be allowed to remain in payment to the guardian provided the child continues to live with or be supported by the guardian.

31431 Similar considerations apply when the child is already married at the time an award is being made.

31432 A pension or allowance may also be awarded or allowed to continue in payment to the guardian where the child is not living with the guardian but the guardian is paying maintenance equal to the amount of the pension or allowance.

31433 A pension or allowance cannot be granted or continued where maintenance is being paid out of public funds.

31434 A scholarship grant from a local education authority does not constitute maintenance from public funds.

31435-31439

Welfare of war orphans

31440 As soon as an orphan's pension is awarded, the welfare of the child becomes the responsibility of the Secretary of State.

31441 It is necessary to ensure that total orphans are properly cared for and that provision is made for the care of any children who are found to be suffering from neglect or want of proper care this responsibility lies with the VWO.

31442 Any case of the following types must be referred to the VWO:

- children who are deserted by their mother/father or a widow/widower is reported guilty of neglect or cruelty
- an offer of adoption is received
- orphans are known to be in a home or elsewhere, but no application for pension is made on their behalf
- the guardian of the orphan appears to be unsuitable, eg a single brother who is about to join the Forces, or a grandparent who is too old to give proper care
- a complaint is received that the pension awarded is insufficient to keep the child
- the child is in the care of the local authority when eligibility for pension is first established.

31443-31449

Dependant child of deceased GOP civilian or CDV

Authorities

31450 Provisions for dependant children under 15 years of age, on the death of a person as a direct result of a qualifying injury, are covered by Articles 33 and 34 of the PICS 1983.

31451 These articles outline the regulations with regard to:

- allowance for orphans under the age limit
- allowance for a total orphan under the age limit.

Total orphan under the age of 15

31452 Under Article 34, a pension can be paid for a dependant child, provided that the:

- person's death was a direct result of a qualifying injury
- child is, as defined at [Definition of a dependent child points 1 to 7](#)
- child has no surviving parent and has become a total orphan.

31453 Where the criteria are met, an award at the rate for a total orphan can be paid.

Under age child

31454 Where the child is not eligible for an award as described in the previous paragraph, an award can be made under Article 33 for a child of a deceased person whose death was a direct result of a qualifying injury.

31455 Provided that the above condition is satisfied, an allowance at the standard rate can be paid for a child as defined at [Definition of a dependent child points 1 to 7](#).

Child whose parents never married

31456 When considering a claim in respect of such a child as defined in [Definition of a dependent child, point 8](#) it is necessary to confirm that either:

- the deceased person was regularly maintaining the child up to the time of death
- an affiliation order against the deceased was in force at the time of death.

31457 Prior to 7 April 1975, any allowance under Articles 33 and 34 was awarded on a discretionary basis. After this date, under TL 2SS 151/227/025 of 19 November 1974, the full rate of pension or allowance is payable.

Child over the age of 15

31458 The basic principles of an award for an over age dependant child of a deceased person are where the child is:

- 15 years or over and still in full time education
- incapable of self support by reason of an infirmity which arose before the child attained 15 years of age.

31459-31469

Dependant child of deceased non-GOP civilian

Authority

- 31470 Under Article 49 of the PICS 1983, a pension can be awarded for the child of a deceased civilian who was not gainfully occupied, provided that:
- the deceased person did not leave a widow or widower
 - at the date of death:
 - the child was living with the deceased, or being maintained by the deceased; or
 - the deceased was making regular contributions towards the child's support
 - the child is in financial need because, by reason of the death a:
 - pension
 - superannuation allowance
 - annuity
 - other income
- received by the deceased at the date of death is no longer available for the child's support.
- 31471 Depending on the circumstances of the case, the award will be made at such a rate as the SoS deems fit.
- 31472 In no case should it exceed that for an award made as if the deceased person was a gainfully occupied civilian.

31473-31499

Over Age Sixteen Allowance (OASA)

Introduction

31500 A separate child's allowance is payable with a War Widows/Widowers Pension. This may be extended beyond the age of 16 where the child is:

- a full-time student at a university, college, technical college or any other comparable educational establishment, **or**
- incapable of self-support by reason of an infirmity which occurred before the age of 16 (see [Over Age Infirm Allowance](#) for further details), **and**
- the circumstances justify the award or its continuance.

31501-31509

Authorities

31510

Authority	Article
Members of the Armed Forces	Article 30 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006.
Mariners	Article 30 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, as applied by the War Pensions (Mercantile Marine) Scheme.
GOPs civilians and CVDs only	Article 35 of the Personal Injuries (Civilians) Scheme 1983.
Members of the Polish Forces	Article 30 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, as applied by the Pensions (Polish Forces) Scheme.

31511-31519

Over age child in full-time education

31520 Prior to April 1987, OASA was paid to a child over the age of 19 years provided that they were still in full-time education.

31521 From April 1987, following advice from SP Pol (Pens), payments were withdrawn in line with withdrawal of any child benefit in payment.

31522 This decision was reversed by SP Pol (Pens) from June 1990 and awards to children over 19 years of age can be considered, provided that the child remains in full-time education:

- at a university, college, technical college or any other comparable educational establishment
- leading to a recognised technical, educational or academic qualification.

31523-31529

Apprenticeship

31530 In cases where the child is an apprentice and is in receipt of a wage, training allowance or Income Support, an additional allowance cannot be paid.

31531 The earnings limits, however, have never increased so, in cases where the child is an apprentice and receives what the pensioner regards as a 'nominal wage', you must refer the case to PLG who will refer it to SP Pol (Pens).

31532-31539

Circumstances when Over Age Sixteen Allowance is not payable

31540 These cases should be considered under SPO Article 55 and Schedule 4 Pt II Item 45. An allowance is not awarded if the full cost of the dependant's maintenance is provided by public funds in the form of:

- a monetary grant to the parent or guardian
- full maintenance in an institution.

31541-31549

School leaving dates

31550 In September 1972 the compulsory school leaving age was raised to 16 years. The Education (School Leaving Dates) Act 1976 amended the leaving dates and there is no discretion to allow a pupil to leave school earlier.

31551-31559

Exclusion dates

31560 An OASA is automatically paid with an award of Widows/Widowers Pension, without a claim being made, to a date at the end of the leaving term.

31561 SP Pol (Pens) decided that the termination dates of War Pension child allowances should be the same as those for Child Benefit.

31562 A child is not eligible for Income Support until Child Benefit ceases to be paid to the parent.

31563-31569

Type of education

31570 Eligibility conditions are satisfied if:

- the course of study is:
 - full-time, ie approximately 25 hours a week
 - does not involve paid practical training
- and the student does not receive:
 - Social Security benefit for themselves
 - money from any other source (other than a local authority grant).

31571-31579

Temporary employment

31580 Eligibility is not affected where a student supplements their grant by working during the holiday periods.

31581 Any income received from this source must be ignored but the education should follow a definite aim and the student must not be constantly switching from one course to another, in and out of employment.

31582-31589

Scholarship or grant

31590 Eligibility for an award of OASA is not affected by a scholarship or grant (if that scholarship or grant is assessed on parental income) awarded in respect of attendance at a:

- university
- college
- similar establishment.

31591 The amount of grant, assessed on parental income, must not be taken into account when considering an award.

31592-31599

Scholarship or grant not assessed on parental income

31600 If the scholarship or grant is not assessed on parental income but is aimed at making the child financially independent, the allowance **cannot** be awarded. These are mainly:

- mature students
- post graduate students **or**
- cases where:
 - the child has gained a scholarship
 - a charitable organisation has awarded a grant
 - a grant is awarded overseas notably Australia and New Zealand
 - the child's father made provision for their education.

31601-31609

Social Security benefit

31610 An allowance **cannot** be paid if the child is receiving:

- JSA
- JSA (IS component).

31611 Eligibility is **not** affected if the child is receiving:

- DLA
- SDA.

31612-31619

Sandwich course

31620 As part of a university or college course the student may be required to gain practical experience in industry.

31621-31629

Unpaid practical training

31630 If the parent/guardian confirms that no payment will be made to the student, you can award OASA.

31631-31639

Paid practical training

31640 If payment is made to the student, award OASA **but** only up to and including the day before the student commences training.

31641-31649

Theological education

31650 When a student leaves school to take a course of theological study with the intention of entering holy orders or the priesthood, there is no distinction between secular and religious studies. The OASA can be awarded or continue, provided that the widow/widower or guardian bears some of the expense. Religious denominations often accept responsibility for expenses but some contribution may be required from the widow/widower or guardian, particularly for school holidays or pocket money during term time.

31651-31659

Correspondence course

31660 OASA can only be awarded when the student is taking a correspondence course and the:

- education is full-time
- disciplines imposed for instruction and supervision are where the studies take place.

31661-31669

Review of award

31670 An award of OASA must be reviewed where the child:

- leaves school or college or attends part-time only
- undertakes paid training as part of the course
- is entered for another school or college
- commences permanent employment
- is absent from school or college because of illness which has lasted for three months and is likely to continue
- marries.

Child entered for another school/college

31671 The allowance may continue providing there is a genuine reason for the change of school/college such as:

- course of study no longer available
- school or college closing down
- move of widow to another part of the country or overseas.

Student continually changing school/college or nature of course of study

31672 Consider each case on its own merits. Consider cancelling the award if a student has no specific aim in mind and is **continually** changing from either:

- one school/college to another
- one course of study to another.

31673 If however it is clear that the student is having difficulty in finding a course of study that suits them, the allowance can be continued.

31674-31679

Application following break in education

31680 These are usually cases where the student:

- takes a break from education to travel
- returns to education after having had a job.

31681 The education must follow a definite aim. Reject the claim where the student is constantly:

- changing the nature of their course of study
- in and out of employment.

31682-31689

Further degree course

31690 SPVA assume that a student has reached their full academic potential when they obtain a degree.

31691-31699

Temporary sickness

31700 The widow/widower is asked on the award notification to notify the Agency where the child is absent from school or college because of illness which has lasted for three months and is likely to continue.

31701 Where the child's education is interrupted by temporary sickness, continue the existing award providing that full-time education will be resumed in the near future.

31702-31709

Prolonged sickness

31710 If a period of sickness is likely to be prolonged you must cancel the award.

31711-31719

Marriage of over age child

31720 If the widow/widower informs you that the over age child is to marry a student or live with a student as their spouse, the allowance can continue providing you are satisfied that:

- the parent/guardian is to continue to maintain or assist the over age child with their continued education
- such assistance is needed.

31721 In these cases, payment of OASA should be made to the parent even though the child has reached age 18.

31722 The widow/widower/guardian must report any changes of circumstances to SPVA.

31723 If the child marries or lives with a person other than a student the OASA should be cancelled.

31724-31739

Overseas cases

31740 The conditions of eligibility and review are the same as for UK cases.

31741-31799

Over Age Infirm Allowance (OAIA)

Background

31800 An Over Age Infirm Allowance for children of deceased pensioners unable to support themselves is unique to the War Pension Schemes dating back to the 1914 War. In those days a widow/widower with a dependant infirm child had to apply for Poor Law relief if the Agency did not continue to pay an allowance for that child.

31801 There are now a number of Social Security provisions to meet the needs of an infirm child over the age of 16, such as:

- IS
- SDA
- DLA
- AA – if ‘child’ over pensionable age.

31802 The War Pension Over Age Infirm Allowance is, therefore, no longer the only state benefit payable for an over age infirm child.

31803 We refer to the person as a ‘child’ although they may be quite elderly.

31804-31809

Authorities

31810

Authority	Article
Members of the Armed Forces	Article 30 of The Naval, Military and Air Forces, etc (Disablement and Death) Service Pensions Order 2006.
Mariners	Article 30 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, as applied by the War Pensions (Mercantile Marine) Scheme.
GOPs civilians and CVDs only	Article 35 of the Personal Injuries (Civilians) Scheme 1983.
Members of the Polish Forces	Article 30 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, as applied by the Pensions (Polish Forces) Scheme.

31811-31819

Eligibility

31820 An allowance can be awarded or continued beyond the normal age limits on the grounds of infirmity without reference to SPVAMS if details obtained from the person's own GP confirm the:

- ailment is of a nature which is likely to prevent the person from earning a living either permanently or for a prolonged period
- infirmity commenced before the age of 16.

31821 Refer any cases of doubt to SPVAMS for advice.

31822 Severe Disablement Allowance (SDA) which replaced Non-Contributory Invalidity Pension (NCIP) on 22 November 1984, is broadly speaking, payable to infirm persons between age 16 and 65 (man) or 60 (women) who do not qualify for National Insurance Sickness Benefit. SDA can continue beyond pensionable age until it is replaced by Retirement Pension which is equal to or at a higher rate. When SDA is in payment, it can be assumed that the person is infirm.

31823 An allowance is **not** payable when either of the following are in payment:

- Sickness Benefit
- Income Support (from 10 April 1988).

31824-31839

Infirm child's income

31840 If the child is under age 21, any private income that the child is receiving can be ignored.

31841 If the child is over age 21 an allowance may be awarded provided that the allowance plus any other income does not exceed the current maximum. In assessing the total income, AA or DLA can be disregarded. If this total is exceeded, an award should not be made unless the total income is very close to the means limit or there are exceptional circumstances.

31842-31849

Compensation from other sources

31850 If any compensation/allowances are being paid to the Over Age Infirm Child because of their infirmity, ie they are paid an allowance because they are infirm and cannot earn a normal living, then any payments should be taken into account when calculating an award of Over Age Infirm Allowance.

31851 The SoS should exercise discretion under the SPO to apply the provisions of Article 52, but should be prepared to depart from that rule where the merits of the case demand it. The reasons for making his decision should be noted on the awards file.

31852-31859

Children living in the Irish Republic and overseas

31860 Over Age Infirm Allowance should be awarded at the standard rate. Take into account the payment of any compensation or allowances due to infirmity when calculating an award of Over Age Infirm Allowance. In Irish Republic cases the War Pensions Office, Dublin, should be asked to advise the Department of Social Welfare so that any necessary adjustment can be made.

31861 On uprating we should write out to confirm if there has been any increases in the rate of compensation/allowances and if so make the necessary adjustment against the new rate.

31862-31869

Entitlement

31870 An allowance can only be made provided that it can be medically certified that the cause of the pensioner's death is connected to either service or the accepted disablement and:

- the child has completed full time education; and
- is incapable of self support by reason of infirmity which arose before the age of 16.

31871-31899

Temporary Allowance for Widow/widower (TAW)

General

31900 This is a temporary allowance payable to a widow/widower or unmarried dependant who lived as a spouse of a severely disabled pensioner.

31901 It is payable whether or not entitlement to WWP is established but is not payable concurrently with such pension.

31902-31909

Conditions of entitlement

31910 TAW is only payable if at the time of the pensioner's death:

- UNSUPP:
 - was in payment
 - had been authorised but had not been paid for any reason
 - was under consideration before death and awarded posthumously
 - had been withdrawn or cancelled during the previous 13 weeks after being in payment for at least a year
- ALSO was in payment and there was underlying title to UNSUPP
- Job Release Allowance was in payment and there was underlying title to UNSUPP

- CAA:
 - was payable
 - had been authorised but had not been paid for any reason
 - was under consideration before death and awarded posthumously
 - had been withdrawn or cancelled during the previous 13 weeks after being in payment for at least a year.

31911 Where CAA has been withdrawn following admission to hospital or similar institution:

- TAW is payable without question if the pensioner subsequently dies within a further 13 weeks after withdrawal of CAA
- and death occurs in hospital, hostel or similar institution between 13 and 26 weeks after withdrawal of CAA, TAW is payable providing CAA has been continuously in payment for at least a year before it was withdrawn. Do not include CAA in TAW calculations
- and death occurs in hospital, hostel or similar institution more than 26 weeks after CAA was withdrawn, there is no entitlement to TAW unless UNSUPP was in payment.

31912 Where CAA had been authorised but not paid or was being considered and was awarded posthumously, the provisions of the above paragraph must be applied as though CAA had been paid.

31913 Awards of UNSUPP or CAA arising out of posthumous **claims** do not normally give entitlement to TAW.

31914-32099

September Widows

Prior to 1 October 1973

32100 Prior to 1 October 1973 entitlement to WWP was rejected where death occurred before 3 September 1939 but the serviceman did not marry until after removal from duty on account of the fatal illness or after the termination of service.

32101 These are cases where service was in the 1914-1919 War and are extremely rare. They are known as 'September Widows'.

32102-32109

Since 1 October 1973

32110 Following a change in regulations, the date of marriage was not a reason for rejection. These widows are treated like any other war widow, but pension is only payable from 1 October 1973.

32111-32199

Age Allowance to elderly widows

32200 From the age of 65 an age allowance is paid in addition to WWP.

32201 This is increased from the age of 70 and further increased when the widow reaches age 80.

32202-32209

Age 80 National Insurance (NI) Age Addition

32210 When a widow reaches age 80, a further NI addition of 25p a week or £13.00 a year may, in certain circumstances, be paid in addition to WWP.

32211 This allowance is normally paid as an increase of Retirement Pension (RP).

32212 The additional allowance is paid with WWP. If **only WWP** is in payment, ie Widow is **not in receipt of**:

- RP based on her own contributions
- Graduated Pension
- Additional Component.

32213-39999

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Supplementary Allowances

Unemployability Supplement

Introduction

40000 UNSUPP is payable to claimants who are in receipt of retired pay or pension in respect of disablement which is assessed at 60% or more for claims made on or after 7 April 1997 and 20% or more for claims made before 7 April 1997 and which is so serious as to make them unemployable. Although the requirement is that unemployability must be due to the AD, it need not be the sole cause.

Important

In all cases, you must:- establish the correct date of claim, see the [Claims guide, Volume 2, Part 5, Date of claim](#) and commencing date of award:

- when the commencing date of UNSUPP is on or after 7 April 1997, the pensioner must be under age 65 on that date
- when considering a NISHL case, if the date of claim for the supplementary allowance is:
 - on or after 22 October 1996 use true assessment and not the assessment used for payment purposes
 - before 22 October 1996 use the advisory payment assessment.

40001 You must not invite claims for UNSUPP on any claim to War Pensions.

40002 Any subsequent award of UNSUPP will be subject to the normal rules governing commencing dates.

40003 Spare.

Authorities

40004 The main authorities for an award of UNSUPP are as follows:

- **Members of the Armed Forces**
Article 12 of the Naval, Military and Air Forces etc (Disablement and Death) SPO 1983

- **Mariners 1914 War**
The Seamans War Risks Compensation Scheme
- **Mariners 1939 War**
Article 12 of the SPO by virtue of the War Pensions (Mercantile Marine) Scheme 1964
- **GOP civilians or CDVs**
Article 12 of the PICS 1983
- **Members of the Polish Forces**
Article 12 of the SPO 1983 by virtue of the Pensions (Polish Forces) Scheme 1964.

Definition of unemployability

- 40005 The War Pensions instruments do not contain a definition of the term 'unemployable', but the supplement is intended for a pensioner who is unable to follow a remunerative occupation for a prolonged period because of their AD.
- 40006 The question of whether or not a pensioner is unemployable is a lay decision. In difficult cases, refer to SPVA Medical Services for advice.

Duration of unemployability

- 40007 As unemployability is not the same as medical unfitness for work, all aspects of the case must be looked at. It is not always possible to make a firm forecast that a pensioner's disablement will never improve, and that they will never become fit for any kind of employment.
- 40008 The practical and workable solution is, therefore, that a pensioner will be regarded as unemployable if it is expected that they will not be capable of work for at least two years.

Minimum of two years' unemployability

- 40009 The period of two years is not unduly long, but at the same time it is short enough to make a reasonably accurate forecast about the possibility of improvement in the pensioner's health, based on the nature and degree of incapacity. In cases where there is a limited life expectancy, i.e. less than two years, consider the case sympathetically.

40010 A pensioner whose inability to work is not expected to last for more than two years will not be classed as unemployable.

40011-40019

Dual claims

Basic ruling: SPO Article 9(3)

40020 UNSUPP cannot be paid at the same time as Allowance for Lowered Standard of Occupation (ALSO). The following rules must be observed:

- if a claim for ALSO is received, the Agency is required at the outset to consider whether UNSUPP would be more appropriate. In some cases, however, it will be evident which is the correct allowance to consider, e.g. if the pensioner is still working
- if a pensioner makes a vague enquiry for a Supplementary Allowance UNSUPP should be considered in the first instance. (From 7 April 1997 he must be assessed at 60% or more disabled and under the age of 65)
- if a claim for UNSUPP is unsuccessful, then ALSO should be considered, provided that the AD is assessed at less than a 100% but a minimum of 40% and the pensioner is under the age of 65 for claims made on or after 7 April 1997
- UNSUPP should always be considered when a claim for ALSO is received and the pensioner is in receipt of Incapacity Benefit (IB) provided the AD is assessed at 60% or more and the pensioner is under the age of 65 from 7 April 1997.

Financial implications

40021 When title to UNSUPP exists, it should be awarded, irrespective of whether ALSO would be financially more beneficial. (Incapacity Benefit plus ALSO is normally more beneficial than UNSUPP).

40022-40039

Underlying title

- 40040 If a claim for UNSUPP is received and the pensioner is already in receipt of ALSO, you must still consider eligibility for the supplement provided the pensioner is assessed at 60% or more. If there is entitlement to both UNSUPP and ALSO but it is financially more beneficial for the pensioner to continue to receive ALSO, then it should normally remain in payment. See [Assessment of 80% or 90%](#) for further details.
- 40041 Which allowance is financially more beneficial will depend on individual circumstances. As the pensioner is also entitled to UNSUPP, underlying title to the allowance should be accepted. This will ensure that Temporary Allowance for Widow (TAW) is awarded to the pensioner's wife in the event of his death.

Assessment of 80% or 90%

- 40042 Where a married pensioner is assessed 80% or 90%, and it is financially more beneficial for them to continue to receive ALSO, they will be given the option of receiving UNSUPP in order that their widow will automatically qualify for a War Widows Pension in the event of their death.

40043-40049

Pensioners over retirement age

Claim made before 7 April 1997

- 40050 If a pensioner left the employment field and was awarded a Retirement Pension it is unlikely that the AD will be the main cause of the unemployability. If a specific claim is received however, it cannot be rejected just because the pensioner is over retirement age, but should be dealt with as indicated in the [Claims guide](#).
- You must establish the correct date of claim;** see the '[Date of claim and commencing date of award](#)' section of the [Claims guide](#).
- 40051 Claims from pensioners over retirement age used to be rejected unless it could be established that for at least a year before retirement age, the AD was wholly or mainly the cause of the inability to continue in employment rather than advancing years.
- 40052 In March 1985, Legal Branch advised that there was no legal basis in the Service Pensions Order (SPO) for rejecting claims simply because the pensioner was in employment up to retirement

age. Until the SPO was amended on 25 November 1985, specific claims had to be treated as shown at [prior to 25 November 1985](#) below.

Date of entitlement

40053 When a specific claim is received from a pensioner who is over retirement age, the date of possible entitlement to the supplement must first be established. This is the date that the allowance would be awarded from if the conditions for eligibility are met.

40054 The case must then be submitted to SPVA Medical Services (SPVAMS) in the usual way specifying under which of the following 2 rules the employment prospects should be considered.

Prior to 25 November 1985

40055 If a specific claim is received from a pensioner who is over retirement age and the date of entitlement is before 25 November 1985, SPVA Medical Services (SPVAMS) should be asked to advise if the pensioner was unemployable at the date of claim.

40056 A special exercise to identify past cases was not undertaken, but any cases that came to light were reconsidered as at the date of claim:

- the 12 months rule was cancelled out **and**
- arrears and compensation were paid if appropriate.

After 25 November 1985

40057 If a specific claim is received from a pensioner who is over retirement age, and the date of entitlement is on or after 25 November 1985, the following rule applies.

40058 A pensioner over retirement age is not eligible for the supplement unless they were in receipt of a War Pension and were unemployable due wholly or mainly to their AD:

- on the day before their 60/65th birthday
- on the day after the last day for which they received earnings, whichever is the later.

40059 This rule also applies in cases where the pensioner would have been eligible for a War Pension if they had claimed it at that time.

Claim made on or after 7 April 1997

40060 From 7 April 1997 male and female pensioners will only be eligible to qualify for consideration of UNSUPP if they are under age 65 at the date of claim and assessed at 60% disabled or more.

You must establish the correct date of claim; see the '[Date of claim and commencing date of award](#)' section of the [Claims guide](#).

Civilians

40061 A claim for UNSUPP may be considered for a civilian under Article 12 of the PICS 1983. The pensioner must have been gainfully occupied on the date that the relevant injury or disease was sustained. A gainfully occupied person (GOP) is defined as one of the following:

- a person who was engaged in any trade, business profession, office employment or vocation, in which he was wholly or substantially dependent for a livelihood **or**
- normally so engaged if unemployed on the date of the injury **or**
- a Civil Defence Volunteer (CDV).

Non GOPs: SPO Article 17

40062 A claim from a pensioner who was not gainfully occupied on the date that the injury was sustained cannot be considered unless, on the day the injury was received, they had:

- not attained the age of 15 years
- attained the age of 15 years but were students or apprentices.

40063 They must not, in either case, have been suffering from any physical or mental infirmity which would preclude the likelihood of ever being able to earn a living immediately before the date of injury.

40064 This type of case should be considered in the same way as a gainfully occupied person.

40065-40069

Housewives

- 40070 Claims from married women who have had to give up their jobs because of disablement should be treated in the same way as other war pensioners. A claim may be received, however, from a housewife who has not been in paid employment since her marriage.
- 40071 Consider the claim in the usual way and if the pensioner is not medically capable of following her last occupation but is capable of following another occupation, observe the points below.

Considerations

- 40072 In the case of a housewife, the following points must be considered:
- a housewife's long-lasting intention not to work is relevant to the question of her employment prospects because it will affect her potential value as an employee;
 - would a housewife who had chosen not to enter the employment field for many years and who then offered her services in the job market even after some form of retraining, be likely to find employment regardless of disablement ?
 - if the prospects for such a housewife are good, does the pensioner's AD put her in a significantly worse position than other housewives of the same age and experience ?
- 40073 It must be decided, therefore, whether the AD or lack of work experience is the cause of unemployability.

40074-40089

Consideration of an award of UNSUPP

Accepted cause of unemployability

- 40090 For an award of UNSUPP, it is necessary for the pensioner to be unemployable, and for the AD to be wholly, or mainly, the accepted cause of their unemployability. The table below gives the guidelines to be followed when considering an award:

Details	Decision
----------------	-----------------

Pensioner unemployable

AD the only cause	Award
-------------------	-------

AD a serious factor	Award
---------------------	-------

AD not a serious factor	Reject
-------------------------	--------

Pensioner capable of light or sedentary occupation

AD a serious factor	Consider award
---------------------	----------------

AD not a serious factor	Reject.
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Limited work

40091 In some cases, the pensioner may not be medically capable of following their normal occupation, but is capable of following a sedentary or light occupation. They cannot, therefore, be classed as unemployable.

40092 Even though the pensioner is considered fit for some kind of limited work, however, there may be no realistic prospect in the present employment field of an employer taking them on. In these circumstances, consider an award of the supplement on the grounds of poor placing prospects.

Poor placing prospects**Background**

40093 Prior to February 1987, Disablement Resettlement Officers (DROs) were approached in cases where poor placing prospects were being considered. It was thought that advice from a DRO would provide a reliable measurement of the pensioner's employment chances, because of their local knowledge and special expertise in placing disabled people.

40094 They were asked if the AD put the pensioner in a significantly worse position than other individuals of the same age and experience.

40095 From October 1983, men over 60 years of age were not required to register at the Job Centre and consequently DROs have no records on a pensioner who was over 60. A hypothetical question was put to the DRO based on any available information.

40096 From February 1987, it was decided that the DROs should only be approached in cases of difficulty.

Consideration

40097 On deciding whether to award the supplement, each case must be considered on its own merits, taking into account the pensioner's age, assessment, reason for terminating employment, etc.

40098 Policy Branch advises that it is difficult to decide on a set of criteria relating percentage disablement to potential entitlement to UNSUPP.

40099 It is sufficient to operate a policy whereby a young age and low assessment reduces the likelihood of unemployability while increasing age and a greater degree of disablement makes a pensioner more likely to be unemployable.

40100 The following is guidance for considering whether to:

- award the allowance on poor placing prospects **or**
- take action on an implied claim.

Cause of termination of employment

40101 The immediate cause of the termination of the pensioner's last employment may be unconnected with their AD. In such a case it is unlikely that an award of UNSUPP will be warranted.

40102 If the AD, either on its own or with a non-AD, worsens sometime after employment has ceased, but whilst the pensioner is still below retirement age, the chances of an award are increased.

Early retirement

40103 The pensioner may have been forced to retire below the statutory retirement age because of an age limit imposed on all employees by the employer. In this type of case they would be unlikely to qualify for the allowance.

40104 If there is evidence, however, that the pensioner intended to take up other employment to cover the period until they reached retirement age, but claims that their inability to do so was due to their AD, then the case should be carefully considered.

Redundancy

- 40105 It may not be clear from available information whether redundancy was voluntary or compulsory, or whether the AD had any bearing on this. Enquiries should therefore be made as to the circumstances of the pensioner's redundancy.
- 40106 UNSUPP is not appropriate if the pensioner:
- could still perform the full range of duties **and/or**
 - had the opportunity of staying on with their employer.
- 40107 If a pensioner takes voluntary redundancy but it can be proved that their AD would have been the cause of them giving up work anyway, then the supplement can be considered.

Superannuation

- 40108 The receipt of superannuation is not in itself a reason to disregard an award of the supplement, but it may be an indication that it is the pensioner's age and not their AD, which is the present cause of their unemployability. It is important, therefore, to determine whether the AD was a cause of premature retirement, or whether retirement occurred because of a specific age limit.

Retained on the employer's records

- 40109 There may be cases where a pensioner has been absent from work for a considerable time due to sickness and there is no realistic prospect of their being fit enough to resume employment in the future. However, they are still regarded by their employer as an employee. This is usually to enable the pensioner to receive benefits from company insurance schemes which are only available to employees.

Employer insurance schemes

- 40110 These schemes are usually cash payments based on the employee's salary and are paid until the pensioner reaches the appropriate retirement age. At this time the benefit paid on account of sickness finishes and the employer's pension becomes payable.
- 40111 Payments from the insurance scheme commence when benefit under the employer's ordinary sickness pay scheme ceases, usually after six or twelve months.

40112 Payments under employer insurance schemes should be regarded as being in respect of sickness and not loss of earnings. The pensioner is therefore eligible to be considered for UNSUPP.

40113-40119

Therapeutic work and income

Periods of employment

40120 UNSUPP can only be awarded to a pensioner whose AD is so serious as to make them unemployable for a prolonged period. It is acknowledged by SPVA, however, that a pensioner's condition may change and during periods of remission they may be able to undertake short periods of employment on the occasional odd job, but be incapable of holding down a job for any length of time.

40121 Provided the employment is considered to be of a therapeutic nature, and the earnings from this occupation are in accordance with a certain earnings limit, UNSUPP may still be payable.

Definition

40122 The first consideration, when a pensioner in receipt of the supplement takes paid employment (even of a part-time nature) is whether they can still be regarded as unemployable. The type of work undertaken must be compatible with their status of unemployability.

40123 For a pensioner to still qualify for UNSUPP there can be no question of employment in the ordinary sense of the word. The War Pensions Instruments, however, do not define therapeutic work because there are no guidelines or sanctions imposed on the war pensioner, as is the case for similar National Insurance benefits.

40124 Each case must therefore be considered individually, after obtaining as much information as possible on the appropriate enquiry form.

Consideration

40125 To consider whether the work can be classed as therapeutic, bear the following points in mind:

- 1 UNSUPP may continue in payment if the work is considered to be:

- of a limited nature in time and content
 - consistent with the AD
- 2 UNSUPP must be cancelled if it is clear from the pensioner's statement that they cannot be regarded as unemployable because the following are not compatible with their reported earnings and AD:
- the nature of the work
 - the number of hours worked
- 3 if the original award of UNSUPP was based on poor placing prospects, it is extremely unlikely that the work they are now doing can be classed as therapeutic.

40126 It is not normally necessary to approach SPVAMS for advice, but they can be consulted in cases of difficulty.

Earnings Limit

Background: SPO Article 12(2)

40127 If it is determined initially that the work is therapeutic, attention should then be turned to the earnings. When the earnings limit was introduced many years ago, it was set in the light of experience of what could be earned by a pensioner engaged in handicraft work. It is clear, therefore, that the purpose of the earnings limit is to quantify the limited nature of the work which could reasonably be carried out by an unemployable pensioner.

Definition

40128 The earnings limit is set each year and appears in the general increase in War Pensions charts. Certain items can be deducted from the gross earnings for essential expenses arising from the employment, and a list of these is shown at [Appendix 14](#).

40129 If employment is casual or intermittent, weekly earnings may fluctuate. In this type of case, a reasonable estimate should be made of the probable annual earnings, to ensure that the annual earnings limit is not exceeded.

Enquiries

40130 If enquiries are made about the 'earnings limit', it should be made clear that the Agency's main concern is the nature of the work. No

reference should be made to an 'earnings limit' or 'therapeutic' earnings in any correspondence. UNSUPP is not intended as a subsidy to low earnings from gainful employment.

Restricted earnings

- 40131 If the pensioner is engaged in work with earnings below the earnings limit, it is possible that these earnings mark the limit of their capacity.
- 40132 Alternatively, if the pensioner has demonstrated an ability to work, it may well follow that their AD is not preventing them from obtaining higher earnings, but that the earnings are being restricted in order to maintain eligibility for the supplement.
- 40133 Consider therefore, whether the earnings are realistic in the light of the hours worked and the nature of the employment.

Self-employed

- 40134 The problem of restricted earnings may be more evident in the case of a self-employed pensioner, where the declared profit is less than the annual earnings limit, but it may be evident from the amount of work performed that if they offered their services to an employer they would be worth more than the earnings limit. In cases of difficulty, approach SPVAMS for advice.

Boarders and lodgers payments

- 40135 Profit from the letting of rooms with service, e.g. cleaning or answering calls, or the taking in of boarders or lodgers should be regarded as a gainful occupation and taken into account. Income should be averaged over the whole year, unless the business is clearly of a seasonal nature, when the earnings should be related to the period in which they are earned.
- 40136 Income from the letting of rooms without service can be disregarded.

Business partnership earnings

- 40137 A pensioner who is a partner in a business should be regarded as in continuous gainful employment for as long as the business continues, unless they can produce evidence that the Inland Revenue have accepted a declaration on the partnership tax return that they are a 'sleeping' partner only.
- 40138 If they are not a 'sleeping' partner, earnings should include any salary or wages, profits of the business and interest on any capital invested in the business.

Consultancy fees

- 40139 A pensioner who enters into a business agreement under which they receive payment in return for services given (or liable to be given) e.g. in an advisory capacity as a specialist, technical or business consultant, is carrying on an employment even though they may not be called upon to render any services.
- 40140 Even if there is no agreement, a pensioner who receives a sum described by the firm as a payment or reward for advisory services, which is accepted by the Inland Revenue as earned income, should be regarded as being in gainful employment whether or not such services are given.

Council meetings

- 40141 From August 1988, the SOS decided that war pensioners should not be penalised with the loss of UNSUPP because of the level of allowances paid to Local Authority Councillors. The allowances are not classed as earnings under Article 12(2) of the SPO and should be ignored when determining entitlement to the supplement.

Employment Services Training Course

- 40142 If the pensioner attends an Employment Services training course, eligibility for UNSUPP depends on the type of course attended. If the course is a vocational one, they are regarded as being capable of work and eligibility for the supplement must cease.

Holiday pay or lieu of notice

- 40143 Payment for weeks in lieu of notice or holiday pay does not affect payment of UNSUPP and can be disregarded.

Industrial rehabilitation

- 40144 UNSUPP may still be paid if the pensioner attends a course of industrial rehabilitation. Employment Services will adjust their maintenance allowances. If, at the end of the rehabilitation course, the pensioner is found to be suitable for placing in employment, eligibility for the supplement must be carefully reconsidered, in conjunction with SPVAMS if necessary.

Occupational therapy

- 40145 If earnings exceed the annual earnings limit due to the sale of homecrafts undertaken as occupational therapy, and the opinion is

that UNSUPP is not warranted, seek advice from SPVA Policy.

Other forms of income

40146 Consider any other forms of income, e.g. company director's fees, income from investments, etc.

40147-40169

Armed Forces Pension Scheme Medical Discharge (AFPS Med Discharge)

Background

40170 The MOD's initial Attributable Pension Scheme was designed to produce a guaranteed minimum income for certain members of the Armed Forces who were invalided on or after 31 March 1973. This scheme, known as AFPS Medical Discharge, can only be considered if SPVA has:

- accepted the invaliding condition for War Pension purposes, as either caused by, or made worse by, service in the Forces **and**
- awarded an assessment of 20% or over (it is payable in addition to basic War Pension).

Definition

40171 The AFPS Medical Discharge Scheme consists of two scale rates of payment, dependent on several factors including length of service. These are:

- Other ranks:
 - **SIP** Service Invaliding Pension
 - **SAP** Service Attributable Pension
- Officers:
 - **SIRP** Service Invaliding Retired Pay
 - **SARP** Service Attributable Retired Pay.

40172 When service personnel are invalided from the service, they qualify for SIP or SIRP. If the amount to which they are entitled falls short of a guaranteed minimum rate, the AFPS Med Discharge Scheme will apply and SAP/SARP is awarded.

- 40173 The difference between the SIP/SIRP rate and the SAP/SARP rate is known as the MOD supplement.
- 40174 SAP can be awarded if the person was invalided before the age of 18 or invalided with less than two years' service.

Twelve month ruling: SPO Article 52

- 40175 If SAP/SARP is in payment, UNSUPP cannot be awarded during the twelve months following discharge. It is only payable from the day following the twelve month period, e.g.:
- date of discharge – 29 May
 - award payable from – 30 May one year later.
- 40176 If SIP/SIRP only is in payment, or more than twelve months has elapsed since discharge from the forces, the MOD ARP ruling does not apply and UNSUPP can be considered in the normal way.
- 40177 Under MOD rules, SAP/SARP would be permanently adjusted if UNSUPP was awarded during the first twelve months following discharge. SPVA, therefore withhold payment of the supplement for twelve months, so that after this period of time the pensioner can receive both SAP/SARP and UNSUPP.
- 40178 If a pensioner would be better off receiving UNSUPP rather than SAP/SARP for the first year after discharge, the supplement should not be awarded. Sickness or Invalidity Benefit should be claimed as this will avoid any permanent reduction in the SAP/SARP rate.

Death cases

- 40179 If a pensioner dies during the twelve months following invaliding, and would have been eligible for UNSUPP but for the restriction imposed by the MOD award, Temporary Allowance for Widows (TAW) may still be paid.

40180-40199

Overlapping benefits: pensioner

Social Security (Overlapping Benefits) Regulations 1979

- 40200 Under the Social Security (Overlapping Benefits) Regulations 1979, an NI personal benefit is required to be adjusted in respect of the personal allowance of UNSUPP. If such benefit is payable by the Irish Republic or other overseas authorities, the War Pensions Instruments provide for it to be taken into account when reckoning the amount of UNSUPP.

Employer's Statutory Sick Pay

Basic ruling

- 40201 The Employer's Statutory Sick Pay (ESSP) scheme was introduced on 6 April 1983 and made employers responsible for the flat-rate minimum sick pay during the first eight weeks of illness. The scheme was extended to cover the first 28 weeks of illness from 6 April 1986, when it became known as 'Statutory Sick Pay' (SSP).
- 40202 To qualify for payment under the scheme, the pensioner must be on the employer's records. SSP is not covered by the Overlapping Benefits Regulations, and therefore UNSUPP cannot be awarded for the same period with a view to adjusting the arrears. If the pensioner's employment is terminated, SSP will cease and the supplement can then be awarded from the day following cessation of employment or removal from the payroll, provided that eligibility is established.

Details of incapacity

- 40203 Under the SSP scheme, employers are not required to keep any record of incapacity, nor are they obliged to provide any information for War Pension purposes.
- 40204 It is SPVA policy, therefore, that an employer must not be approached to provide details of sickness except as a last resort.
- 40205 Even if employers do keep medical certificates, these will not be sent to the local office until SSP is due to finish, and Incapacity Benefit is ready to be put into payment. If the period of SSP has already finished, the local office will be holding the up-to-date medical records.

SSP with IB age addition

- 40206 All awards IB age additions are determined by the pensioner's age at the date when the incapacity began, and remain at that rate. If the pensioner has no entitlement to SSP, e.g. because they are self-employed, the relevant date for IB age addition purposes is the commencing date of Incapacity Benefit.
- 40207 If the claim for SSP was made before 6 April 1986, the commencing date for IVA is the date on which Sickness Benefit was first paid. The eight weeks' SSP will, however, continue to be included in the cumulative total for Invalidity Benefit (IVB).
- 40208 After 6 April 1986, when SSP became payable for 28 weeks, the commencing date for IVA is the first day the pensioner qualified for SSP.
- 40209 From 13 April 1995 Incapacity Benefit (IB) replaced SB and IVB as an income maintenance benefit for those incapable of work because of the effects of their medical condition. IVA was then replaced by IB age addition, the commencing date for IB age addition is the first day the pensioner qualified for SSP.

Enterprise Allowance

- 40210 This allowance was introduced in some areas from January 1983 but became generally available from 1 August 1983. To qualify for the allowance, the claimant must:
- be in receipt of Unemployment Benefit or IS
 - be at least 18 but under retirement age
 - have been out of work for at least eight weeks.
- 40211 It provides a set weekly payment for up to 52 weeks to help unemployed people set up in business by themselves. A person who applies for Enterprise Allowance must continue to make themselves available for work until they are ready to start the business. They cannot, therefore, be classed as unemployable during this period and UNSUPP is not appropriate.

Income Support (IS)

- 40212 IS replaced Supplementary Benefit from 11 April 1988. A war pensioner is entitled to a statutory weekly disregard of £10 when entitlement to IS is being assessed. Prior to April 1990, the weekly disregard was £5.

The disregard also applies when entitlement to Housing Benefit, Family Credit or Council Tax Benefit is being assessed.

USA cases – UNSUPP overlap with USA Income Support

40213 Do **not** adjust USA cases where USA Income Support is being paid. Any necessary adjustment will be made by the USA authorities.

40214-40219

Industrial Injuries Disablement Benefit Scheme

40220 The Industrial Injuries Disablement Benefit Scheme (IIDB) is covered by the Social Security Act 1975. It is paid where an employed earner has suffered a personal injury or developed an industrial disease due to their employment. The following allowances may be payable under the scheme:

- Disablement Benefit
- Reduced Earnings Allowance
- Constant Attendance Allowance
- Exceptionally Severe Disablement Allowance
- Hospital Treatment Allowance
- Industrial Death Benefit.

Disablement Benefit

40221 This long term benefit is payable for any residual disablement after the industrial accident or onset of prescribed disease. It is paid on the same basis as a War Pension – the rate depends on the degree of disablement expressed as a percentage. Disablement Benefit does not overlap with UNSUPP but can be paid at the same time.

Reduced Earnings Allowance (REA)

40222 REA is awarded to a claimant, who, because of the effects of the loss of faculty resulting from an industrial accident or prescribed disease, is unable to return to normal work or do work of an equivalent standard. Provided that the conditions for an award of

UNSUPP are satisfied, it can be paid at the same time.

UNSUPP

- 40223 Industrial Injuries UNSUPP was abolished in April 1987. If the Allowance was already in payment prior to this date, it remains in payment. An award of War Pensions UNSUPP cannot be paid at the same time as the supplement paid under the Industrial Injuries scheme.

Other Industrial Injury Allowance

- 40224 The Industrial Injuries CAA and ESDA may be paid in addition to the War Pension UNSUPP. If the pensioner is a hospital inpatient receiving the Industrial Injuries TA, action regarding UNSUPP should be taken as in any hospital case.

Carer's Allowance (CA)

- 40225 Carer's Allowance (CA) previously Invalid Care Allowance (ICA) is a non-contributory, non means-tested, taxable benefit which is payable to those who are unable to work because they need to care for a severely disabled person. The person must be receiving either AA at the lower or higher rate, or a War Pension CAA at the full day rate or above.
- 40226 The allowance came into effect for men and single women between school leaving age and pension age from 5 July 1976. It was extended to include married women from 22 December 1984. From April 2003 entitlement to CA was extended to customers aged 65 and over. Provision was also given for the Carer's Allowance customer to retain the CA for 8 weeks following death.
- 40227 When considering a claim to UNSUPP from someone who is already in receipt of CA or has underlying entitlement to CA, you must **not** take into account the fact that they originally gave up work to care for someone disabled. If their Accepted Disablements (ADs) render them unemployable at the time the claim to UNSUPP is made and the other criteria for entitlement to UNSUPP are met, then the claim must succeed. You must **not** reject a claim for UNSUPP purely on the grounds that CA is in payment.

Job Release Allowance (JRA)

- 40228 JRA was in operation from January 1977 until January 1988. No new claims were accepted after that date, but any already in payment were allowed to remain.
- 40229 JRA was not paid at the same time as UNSUPP.

Retirement Pension (RP)

40230 Subject to the contribution conditions being fulfilled, an RP is payable from age 65 (men) or age 60 (women). A married woman can receive RP from age 60 based on her husband's contribution record provided that he has reached 65 and is receiving RP.

Definitions

40231 The following table shows the types of RP that may be payable, following the Social Security Pensions Act of 1975:

Category	Description
CATARP	based on a person's own contributions
CATBRP	based on the husband's contributions, payable to a widow or widower at the higher rate
CATB(L)RP	based on the husband's contributions, payable to a married woman, at the lower rate
CATAB(L)	the wife has eligibility for reduced pension on her own insurance and this is 'topped up' by virtue of her husband's insurance
CATC	non-contributory RP payable to a person over age 60/65
CATD	non-contributory RP payable to a person over age 80.

40232-40239

Effect on UNSUPP

40240 The law prevents payment of both UNSUPP and basic Retirement Pension (RP) at the same time. The war pensioner therefore has to make an informed choice about whether to continue to receive UNSUPP or to give up UNSUPP in favour of receiving RP. However, if the pensioner chooses to receive UNSUPP they can still receive:

- Graduated Retirement Benefit (GRB) under the National Insurance Act 1965
- an Additional Component (AC) under Section 6(I)(b) of the Social Security Pensions Act 1975

- Age Addition under Section 40 of the Social Security Pensions Act 1975
- Category A or B Retirement Pension as provided by regulation 18 of the Social Security (Widows Benefit, Retirement Pensions and other benefits) (Transitional) Regulations 1979.

40241 The above rules also apply in the case of the pensioner who resides in Northern Ireland, in relation to corresponding provisions and legislation of Northern Ireland.

Graduated Retirement Pension (GRP)

40242 GRP is payable as an increase to the weekly rate of Retirement Pension. The scheme was in operation from 6 April 1961 to 5 April 1975, and during this time, contributions paid by an employee earned a certain amount of units. For every unit earned, a designated amount accumulated towards their pension. Prior to 1975, GRP was known as GRAD Pension.

Prior to 6 April 1979

40243 Before this date GRP was classed as an increase of Retirement Pension, and as the whole of the RP (flat-rate, increments and GRP) was subject to the Overlapping Benefits Regulations, GRP was not payable in addition to UNSUPP.

40244 When the ruling changed, a special exercise was undertaken, in conjunction with Newcastle Benefits Directorate (NBD) to identify relevant cases.

From 6 April 1979

40245 From this date, a war pensioner in receipt of UNSUPP can receive GRP at the same time, provided that eligibility has been established.

Additional Component (AC)

40246 AC was first payable from 6 April 1979. It is based on a percentage of a persons earnings from April 1978, and is payable in addition to UNSUPP. Some people are contracted out of the scheme because their employers have a pension scheme, or superannuation, at least equivalent to that of the state scheme. In this type of case the employer's pension is payable instead of the AC. This pension is known as the Guaranteed Minimum Pension (GMP).

NI Age 80 Addition

- 40247 The National Insurance (Age Addition) Act of 1971 makes provision for an allowance of 25p a week (other ranks) of £13 per annum (officers) payable on reaching age 80. It is paid in addition to any RP, GRP or AC.
- 40248 A scan on WPCS will identify pensioners within 6 months of them becoming 80 years old, who may be entitled to this addition. See [Job Aid 13](#) for further details.
- 40249 The Age 80 Addition is usually paid by Pensions and Overseas Benefit Directorate (POBD), along with the RP, although the District Offices deal with any paperwork.
- 40250 If payment of UNSUPP/AASP means that RP is withheld, and no GRP or AC is in payment, the addition is paid with UNSUPP/AASP.
- 40251 Prior to 6 April 1979, GRP was not payable at the same time as UNSUPP.

Overseas cases

- 40252 In overseas cases NI Age 80 Addition is also payable, providing there is underlying entitlement to a Retirement Pension in countries where UK pensioners would be eligible to receive the full rate of Retirement Pension.
- 40253 A list of countries affected by this NI Age 80 Addition is shown at [Appendix 24](#).

Severe Disablement Allowance (SDA)

- 40254 SDA was introduced on 22 November 1984, to replace Non-Contributory Invalidity Pension (NCIP). It is a non-contributory, non-means tested benefit payable to persons who:
- are incapable of work
 - satisfy age and residence conditions
 - do not normally qualify for Sickness or Invalidity Benefit at an amount equal to or higher than the SDA rate
 - from 13 April 1995 do not qualify for IB at an amount equal to or higher than the SDA rate.

40255 If incapacity arose under age 20, the primary condition for the benefit is incapacity for work. For those over age 20 when incapacity arose, there is a dual test – incapacity for work and disablement assessed at 80% or more.

With UNSUPP

40256 The disablement condition is accepted as satisfied if the claimant is in receipt of a War Pension assessed at 80% or more. However, if UNSUPP is in payment, SDA cannot be paid as it is an overlapping benefit.

40257 SDA replaced Non-Contributory Invalidity Pension (NCIP) which was payable to men and women (other than married women or a woman living with a man as his wife).

40258 In November 1977, NCIP was extended to include married women, and any woman living with a man as his wife, provided that she was incapable of performing normal household duties. It was known as Housewives Non-Contributory Invalidity Pension (HNCIP). Both were overlapping benefits with UNSUPP.

Incapacity Benefit

40259 There are three rates of Incapacity Benefit. These are:

- Short Term Low Rate (first 28 weeks)
- Short Term High Rate (29 – 52 weeks)
- Long Term Rate (over 52 weeks).

Incapacity Benefit – Short Term

40260 Incapacity Benefit – Short Term has replaced Sickness Benefit.

40261 The first 28 weeks of incapacity is the responsibility of the employer, and benefit is paid in the form of Statutory Sick Pay (SSP). However, anyone who does not qualify for SSP because they haven't an employer, e.g. self employed or unemployed will receive Short Term Rate straight away.

40262 From 29 weeks – Short Term High Rate becomes payable.

Incapacity Benefit – Long Term

40263 Incapacity Benefit – Long Term has replaced Invalidity Benefit.

40264 Incapacity Benefit – Long Term replaces Incapacity Benefit – Short Term once a person has been incapable of work due to illness or disability over 52 weeks.

With UNSUPP

40265 All rates of Sickness and Incapacity Benefit are overlapping benefits, and cannot be paid with UNSUPP. As the supplement is generally more beneficial, it is paid instead of IB.

Age related addition (ARA) payable with Incapacity Benefit (IB)

40266 If a pensioner claimed Invalidity Benefit (IVB) before 13 April 1995 he will continue to receive Invalidity Allowance (IVA).

40267 If a pensioner claimed Incapacity Benefit (IB) on or after 13 April 1995 he will receive ARA instead of IVA.

40268 If the DO are paying ARA, it will overlap with War Pension IVA.

40269 ARA must be included as a separate allowance.

Statutory Maternity Pay (SMP)

40270 SMP was introduced on 6 April 1987 and is paid by the employer for a period not exceeding 26 weeks. The state Maternity Allowance scheme which was in payment prior to this date was revised, and is paid to those women who do not qualify for SMP.

40271 It is highly unlikely that a female war pensioner in receipt of SMP would qualify for UNSUPP as her AD would not be the cause of her terminating her employment.

40272 However, if the allowance was awarded in an exceptional case, it does not overlap with SMP or Maternity Allowance.

Statutory Adoption Pay (SADP)

40273 SADP was introduced on 6 April 2003 and is paid by the employer for a period not exceeding 26 weeks. Other benefits refer to Statutory Adoption Pay as SAP, but this must not be confused with Service Attributable Pay. Therefore, SPVA will refer to Statutory Adoption Pay as SADP.

40274 It is highly unlikely that a war pensioner in receipt of SADP would qualify for UNSUPP as the AD would not be the cause of their

terminating their employment.

40275 However, if the allowance was awarded in an exceptional case, it does not overlap with SADP.

Job Seekers Allowance (JSA)

40276 Job Seekers Allowance replaces Unemployment Benefit and Income Support, for unemployed people, from 7 October 1996.

40277 To be eligible for JSA a person must be capable of work, so it is unlikely that they would qualify for UNSUPP. However, if a claim is made, it should be considered in the usual way. If it is decided that the pensioner is unemployable, it is likely that UNSUPP is the more appropriate allowance, so consider substitution for JSA.

40278 For the time being JSA will be dealt with by both DOs and Job Centres.

40279 SPVA will continue to send overlapping benefit forms to the DOs, and these will be couriered to the relevant Job Centre, if applicable.

40280 Eventually JSA will be dealt with by the Job Centres. We will then receive a directory of their addresses and telephone numbers.

Contribution-based and/or Income-based element

40281 JSA consists of both a contribution-based and/or income-based element. Those who have paid sufficient National Insurance contributions will receive a personal rate of JSA irrespective of capital, or of partner's earnings, payable for up to 182 days.

40282 The additional benefit currently payable for a dependant will no longer exist within contribution-based JSA.

7 Day period

40283 JSA is payable over a 7 day period, UB was paid over 6 days.

40284 For details affecting payment, see the [PRAM guide, Part one, Awarding and rejections](#).

War Widows Pension

40285 War Widows Pension is not payable at the same time as UNSUPP.

40286 If War Widows Pension is in payment and UNSUPP is claimed,

the supplement should be withdrawn in favour of War Widows Pension.

40287 In the past, cases have been discovered where both UNSUPP and War Widows Pension were in payment. If any further cases come to light, no action should be taken to withdraw UNSUPP or raise an overpayment. This decision was taken in August 1988.

Widow's Benefit

40288 It is rare for a female war pensioner to have concurrent eligibility for UNSUPP and any of the National Insurance (NI) Widows' Benefits. There are three types of NI Widows' Benefits, which are all adjustable with UNSUPP. These are:

Benefit	Description
Widow's Payment	This is a lump sum payment of £1,000 paid immediately on bereavement. A childless widow under 45 years of age does not qualify for any further Widow's Benefits.
Widowed Mother's Allowance	This is a weekly allowance payable immediately on bereavement to a widow who has a child for whom she received Child Benefit.
Widow's Pension	This is payable immediately on bereavement or following cessation of Widowed Mother's Allowance, to widows aged 45 and over.

40289-40299

Allowances for dependants

General

40300 Under Article 12(5) of the Naval, Military and Air Forces etc (Disablement and Death) SPO 1983, an additional allowance may be awarded for the wife, husband or unmarried dependant living as spouse, provided that:

- the pensioner is in receipt of UNSUPP; or
- there is entitlement to basic Dependency Allowance under Article 12 of the Naval, Military and Air Forces, etc (Disablement and Death) SPO 1983. This only applies to claims prior to 6 April 1992; or

- the circumstances of the individual case merit an award.

- 40301 Any income received by the dependant in the form of earnings or NI benefits/RP (with the exception of DLA/AA) must be taken into account when considering an award.
- 40302 In 1991 a change in policy stated that AASP was not reduced by a GRP or AC paid to the wife. On review, where AASP is in payment and GRP and AC were previously disregarded, it will continue to be disregarded on subsequent reviews.
- 40303 With effect from 31 January 1994, GRP and AC must be taken into account when considering AASP. If a spouse is receiving or is entitled to RP plus GRP and AC, they must normally relinquish the whole or their entitlement if the pensioner wishes to receive AASP.
- 40304 In 2001 a change in policy stated that AASP/AADP was to be withdrawn if the income of the dependant is more than the personal rate of Jobseeker's Allowance (JSA). The type of income that can be taken into account when assessing entitlement to AASP/AADP includes:
- earnings; and
 - Social Security benefits (including State Retirement Pension); and
 - occupational pensions.
- 40305 Where UNSUPP has been awarded **on or after 9 October 2001**, you must take any occupational pension from the dependant into account when considering entitlement to AASP/AADP.
- 40306 Where UNSUPP and AASP/AADP are already in payment **prior to 9 October 2001** and an occupational pension for the dependant has been in payment **prior to 9 October 2001**, you must disregard the occupational pension when considering whether AASP/AADP is still appropriate.
- 40307 However, where UNSUPP and AASP/AADP are already in payment and the dependant becomes entitled to an occupational pension **on or after 9 October 2001**, you must take the occupational pension into account when considering whether AASP/AADP is still appropriate.
- 40308 If the occupational pension is more than the current personal rate of JSA, then an award of AASP/AADP is not merited.

40309 If the occupational pension is less than the current personal rate of JSA, you must disregard the occupational pension and consider the full rate of AASP/AADP.

Additional Allowance for Husband (AAH)

40310 From 26 November 1984, a female war pensioner could claim a basic Dependency Allowance, and subsequently AAH with her UNSUPP. AAH is considered on the same basis as AAW.

40311 A special exercise was undertaken by Supplementary Allowance Group to identify existing female war pensioners in receipt of UNSUPP and invite them to claim AAH.

Unmarried dependant living as a spouse (AASP)

40312 In cases where the unmarried dependant is living as a spouse, and not receiving benefit in their own right, we can pay an adult dependant increase with UNSUPP, providing the following criteria is fulfilled:

- the unmarried dependant must have been wholly or substantially maintained by the pensioner on a permanent bona fide basis throughout the period beginning 6 months prior to the commencement of his service

Any earnings or NI Benefits must be taken into account when considering an award of AASP.

Adult dependant (AADP)

40313 To qualify for an allowance as an adult dependant, the person concerned must, in the first instance, live in the home of the pensioner, and be one of the following:

- 1 grandparent, parent or step-parent who is:
 - widowed; or
 - has never been married; or
 - is married to someone incapable of self-support
- 2 child, stepchild, adopted or illegitimate child who has attained the child's age limit and:
 - has never been married; or

- is widowed; or
 - is married to someone incapable of self-support
- 3** sister, brother, stepsister/brother or half sister/brother who has attained the age of 16 years and:
- is widowed; or
 - has never been married; or
 - is married to someone incapable of self-support
- 4** an adult female person who, in the home of the pensioner, looks after any child of the pensioner, without necessarily living there herself. The child must be in receipt of a Child Allowance under UNSUPP.

40314 In addition, the adult dependant must be in receipt of regular and substantial support from the pensioner and any earnings or NI benefits must be taken into account, when considering an award.

Incapable of self-support

40315 If it is a condition for an award to be incapable of self-support, the incapacity must arise from physical or mental infirmity of a permanent or prolonged nature, or old age.

Adult Dependency Addition (DA)

Previously in payment

40316 If, prior to the award of UNSUPP, the pensioner was eligible for an NI Adult Dependency Addition (ADA) in respect of the same person for whom they now claim, the conditions for an award may be regarded as satisfied, subject to the earnings rules.

Not previously in payment

40317 The following rules must be applied where there is not underlying title to an NIADA:

- pensioner alone maintaining members of the household – Allowance for Adult Dependant should be awarded
- household comprises of only pensioner and dependant – Allowance for Adult Dependant should be awarded at the NI dependency rate provided that:

- no person outside the household is contributing towards their maintenance **and**
- dependants earnings or benefits do not exceed the current rate of AAW
- persons other than pensioner and dependant contribute towards maintenance of the household, decide whether the pensioner can be regarded as maintaining the dependant.

Article 53 of the SPO

40318 If a War Pension has been reduced because of the pensioner's serious negligence or misconduct there should be no corresponding reduction of Additional Allowances for dependants.

40319-40329

Additional Allowance for a child

40330 A pensioner in receipt of UNSUPP can receive an additional allowance for each eligible child up to the age of 16 years, provided that the child is supported by the pensioner. The allowance normally ceases from the end of term after the child's 16th birthday.

Child is not the pensioner's

40331 A child who is not the the child of the pensioner may be eligible for the allowance. Factors to consider may be:

- the length of time the child has lived with the ex-serviceman as part of his family unit, i.e. how permanent the arrangement is
- whether the pensioner is maintaining the child in whole or in part
- whether some other person is paying maintenance for the child.

40332 As usual, with the exercise of discretion we cannot lay down hard and fast rules. It is necessary to show that all the circumstances have been carefully weighed in arriving at the decision.

Maintenance rule

- 40333 AAC cannot be awarded where maintenance is being paid for the child by some other person, and it amounts to more than two thirds of the rate of AAC. This maintenance rule overrides the usual practice of awarding for a dependant provided that the dependant has been accepted by the local office for IVB purposes.
- 40334 In this type of case, the local office would have paid an IVB increase for the child regardless of any other maintenance payments, as long as the mother and her child were living with the pensioner.

Guardian's Allowance

- 40335 If one or both of the child's parents are dead, Guardians Allowance may be in payment to the pensioner's wife or other member of the household. This is not an NI benefit but a tax-free allowance payable in certain circumstances when a child has been taken into the family.
- 40336 If AAC was awarded, the Guardian's Allowance would have to be cancelled; therefore an award of AAC in these circumstances would not be of any financial advantage to the household.

Child over age 16

- 40337 An Additional Child Allowance may be continued beyond the age of 16, for a child who is a student receiving full-time education, an apprentice or a child incapable of self-support.

Students

- 40338 The child must be receiving full-time education at any of the following:
- university
 - college
 - secondary school
 - technical school
 - any other comparable educational establishment.
- 40339 Attendance should be for at least 25 hours a week. If attendance is for less than 25 hours, the reason for this must be established.

- 40340 Eligibility for an over age 16 award is not affected by any scholarship or grant in payment to the child, provided that it is assessed on parental income.
- 40341 The amount of a grant, assessed on parental income, must not be taken into account when considering an award.
- 40343-40349
- 40350 If the scholarship or grant is not assessed on parental income but is aimed at making the child financially independent, then the allowance cannot be awarded.
- 40351 See [Volume 1, Part 3, Widows](#) for further details about students.

Apprenticeship

- 40352 The SPO defines an apprentice as a person undergoing full-time training for any of the following:
- trade or profession
 - business
 - employment or vacation
 - office.
- 40353 In cases where the child is an apprentice and is in receipt of a wage, training allowance or Income Support, an additional allowance cannot be paid.
- 40354 The Earnings Limits, however, have never increased so, in cases where the child is an apprentice and receives what the pensioner regards as a 'nominal wage', you must refer the case to Procedural and Legislative Guidance (PLG) who will refer it to WII.

Infirm children

- 40355 An allowance may be continued beyond the age of 16 years on the grounds of infirmity. Evidence must be received from the child's doctor that the infirmity. Evidence must be received from the child's doctor that the infirmity is not temporary, but is likely to prevent the child from earning either permanently or for a prolonged period. The infirmity must have arisen before the age of 16.

Restricted award

- 40356 If an infirm child over age 16 years is in receipt of IS or SDA the AAC should be restricted to £1 a week.
- 40357 If neither IS nor SDA are in payment and the child has no other income, the AAC should be awarded at £1 a week and the pensioner should be advised that the child should claim IS or SDA.

Circumstances when an allowance for infirmity is payable

- 40358 An Over Age 16 Allowance can be awarded provided that the details obtained from the child's own GP confirm the:
- ailment is of a nature which is likely to prevent the child from earning either permanently or for a prolonged period
 - infirmity commenced before the age of 16.
- 40359 SDA, which replaced Non-Contributory Invalidity Benefit (NCIP) on 22 November 1984 is, broadly speaking, payable to infirm persons between age 16 and 65 (man or 60 (women) who do not qualify for National Insurance Sickness Benefit. SDA can continue beyond pensionable age until it is replaced by Retirement Pension which is equal to or at a higher rate. When SDA is in payment, it can be assumed that the person is infirm.

Circumstances when the allowance is not payable

- 40360 There are no grounds for an award of Over Age 16 Allowance when either of the following are in payment:
- Sickness Benefit
 - Income Support (from 10 April 1988).

Infirm dependant's income

- 40361 If the dependant is under age 21 any private income can be ignored.
- 40362 If the dependant is over age 21 an allowance may be awarded provided that the allowance plus any other income does not exceed the set limit. In assessing the total income, Attendance Allowance can be disregarded. If this total is exceeded, an award should not be made unless the total income is very close to the means limit or there are exceptional circumstances.

Compensation from other sources

40363 If any compensation/allowances are being paid to the Over Age Infirm Child because of their infirmity, i.e. they are paid an allowance because they are infirm and cannot earn a normal living, take any payments into account when calculating an award of Over Age Infirm Child Allowance.

40364-40379

Overlapping Benefits: Dependants

40380 A pensioner in receipt of UNSUPP is not eligible for AAW in respect of a wife who is in receipt of a personal NI benefit of at least equivalent value.

40381 If a pensioner is already in receipt of AAW for his wife and she starts to receive a short term benefit on her own insurance, e.g.: Sickness Benefit or Job Seekers Allowance, the AAW must cease.

40382 If, however, owing to a deficiency in contributions, the NI benefit is at a rate lower than the AAW rate, the AAW should be reduced by the amount of NI benefit and the balance only should be paid.

40383 If these rules are applied and a complaint is received from the pensioner regarding loss of income, the case should be referred to Policy Branch via SPVA policy.

Temporary periods of unemployment

40384 A wife who is normally in employment and because of her earnings does not qualify for AAW, may be temporarily unemployed or incapacitated for work. If she is not entitled to Job Seekers Allowance or Sickness Benefit in her own right, the pensioner may claim AAW. AAW cannot be awarded for short periods of incapacity, but provided that the pensioner has underlying title to Sickness or Invalidity Benefit, the pensioner should be advised to claim a dependency increase at the District Office.

Industrial Injuries Disablement Benefit

40385 Industrial Injuries Disablement Benefit (IIDB) is payable for any residual disablement after the industrial accident or onset of prescribed disease. It is paid on a similar basis to a War Pension and the rate depends on the degree of disablement expressed as a percentage. Disablement Benefit does not overlap with AAW, but can be paid at the same time.

Reduced Earnings Allowance

- 40386 REA is awarded to a claimant who, because of the effects of the loss of faculty resulting from an industrial accident or prescribed disease, is unable to return to normal work or do work of an equivalent standard. AAW may be paid at the same time, but any reduced earnings the wife may have are subject to the normal earnings rules.

Carer's Allowance (CA)

- 40387 CA cannot be paid at the same time as AAW. A pensioner cannot claim AAW for his wife if she is in receipt of CA, even if the CA is for looking after someone else, e.g.: a child in receipt of AA. The basic rate of CA can be increased to include payments for an adult dependant and children. These additions overlap with the Additional Allowance for Child and Adult Dependant payable with UNSUPP.
- 40388 Social Security Regulations do not allow personal benefits to be withheld when another benefit or pension is in payment. Therefore, where AASP is already in payment and CA is subsequently awarded and payment made retrospectively, payment for the retrospective period cannot be regarded as a SPVA overpayment, under Social Security Regulations.
- 40389 Where CA is awarded, AASP must be cancelled from the date of review.

Important

- 40390 Where the AASP award is withdrawn after the CA award is put into payment any period where both were being paid concurrently must NOT be recorded an overpayment or recovery considered by SPVA. It is for the CA Unit to consider any overpayment action. You must:
- 1 notify CA Unit by telephone and
 - 2 confirm in writing on form WPA0882 that SPVA are going to cancel AASP and that CA appears to have been overpaid.

Job Release Allowance (JRA)

- 40391 JRA was abolished in January 1988. No new claims were accepted after that date, but any already in payment were allowed to remain. AAW is not payable in respect of a wife who is receiving an allowance under the Job Release Scheme.

40392-40399

Retirement Pension

Basic Ruling

- 40400 A pensioner in receipt of UNSUPP is not eligible for AAW in respect of a wife if she is in receipt of Retirement Pension of at least equivalent value.
- 40401 GRP and Additional Component (AC) are also overlapping benefits and cannot be paid at the same time as the full rate of AAW.
- 40402 Social Security Regulations do not allow personal benefits to be withheld when another benefit or pension is in payment. Therefore, where ASAP is already in payment and RP is subsequently awarded and payment made retrospectively, payment for the retrospective period cannot be regarded as a SPVA overpayment, under Social Security Regulations.
- 40403 Where RP is awarded, AASP must be cancelled or adjusted from the date of review as follows:
- payment of AASP must cease, unless the RP is payable at a rate lower than the current rate of AASP. In such cases, the AASP should be reduced by the amount of the RP and the balance only should be paid

Important

Where the AASP award is revised or withdrawn after the RP is put into payment any period where both were being paid concurrently must NOT be recorded as an overpayment or recovery considered by SPVA. It is for the RP Unit to consider any overpayment action. You must:

- notify RP Unit by telephone and
- confirm in writing on form WPA0882 that SPVA are going to cancel/reduce AASP and that RP appears to have been overpaid.

The 'topping up' principle

- 40404 A reduced Retirement Pension (RP) may be in payment to a wife due to her deficient NI contributions. In this type of case, a reduced award of AAW may be made to 'top up' her RP to the full dependency rate.

40405 If the AAW is to be a 'topping up' award, any of the wife's GRP or AC must be taken into account when calculating the amount of AAW.

RP with GRP and AC

40406 Prior to April 1979, GRP and AC were not adjustable with AAW but could be paid concurrently. Only basic Retirement Pension was taken into account.

40407 From April 1979, any GRP or AC in payment to the wife was treated as overlapping benefits with AAW. This means that a wife who is receiving RP, GRP and AC must relinquish the whole of her entitlement if the pensioner wishes to receive AAW instead.

40408 Cases prior to this date where GRB or AC was already in payment were maintained at the full AAW rate and only adjusted at the November 1980 uprating exercise.

Severe Disablement Allowance (SDA)

40409 AAW cannot be paid for a wife who is in receipt of SDA.

Sickness Benefit and Incapacity Benefit

40410 AAW cannot be paid for a wife who is in receipt of Sickness or Invalidity Benefit.

40411 Prior to 20 September 1971 however, a pensioner whose wife had been in receipt of SB or IVB for more than one year, could receive AAW for her at the same time. Such an award, if already in payment on 20 September 1971, was allowed to continue.

40412 In this type of case, AAW continued in payment to the pensioner even when his wife's Retirement Pension became payable. This was to avoid a substantial drop in income at that time.

40413 At subsequent upratings, AAW was reduced by the total amount of the increase in his wife's RP and IVA until the AAW was completely eroded.

Statutory Sick Pay

40414 SSP in payment to a wife must be treated as earnings when considering an award of AAW.

40415 If SSP is in payment and AAW is claimed from a date prior to 16 September 1985, the £45 tapered earnings rule will apply.

40416 If a wife in receipt of AAW on the tapered earnings scale is sick and claiming SSP, it must be treated as earnings and the AAW adjusted accordingly. If, after 28 weeks, the wife then receives IB at a rate higher than AAW, the AAW must be cancelled. If the rate is lower, then AAW can be adjusted.

40417-40429

Statutory Maternity Pay (SMP)

40430 SMP was introduced on 6 April 1987 and is paid by the employer for a period not exceeding 26 weeks. The state Maternity Allowance scheme that was in payment prior to this date was revised and is paid to those women who do not qualify for SMP.

40431 AASP cannot be paid for a wife who is in receipt of SMP or Maternity Allowance, unless this rate is lower than the current AASP rate.

Statutory Adoption Pay (SADP)

40432 SADP was introduced on 6 April 2003 and is paid by the employer for a period not exceeding 26 weeks.

40433 AASP cannot be paid for a spouse who is in receipt of SADP, unless this rate is lower than the current rate of AASP. In some cases SADP may reduce the earnings to below the current rate of AASP for a limited 26 week period. If you receive a claim to AASP that is made on this basis you must refer the case to Policy (WPP1) for advice.

Job Seekers Allowance (JSA)

40434 AASP is not paid for a spouse who is in receipt of JSA.

UNSUPP

40435 If a wife is a war pensioner and is in receipt of UNSUPP in her own right, her husband cannot receive AASP for her. The additional allowance is regarded as an overlapping benefit with personal UNSUPP.

40436 The receipt of a basic War Pension has no effect on the payment of additional allowances in respect of UNSUPP.

40437-40449

Pensioner in hospital

Hospital reduction

40450 Hospital reductions in respect of UNSUPP (including AASP and AAD) and IVA were abolished with effect from 12 April 2006. CAA and SDOA remain subject to deduction after 28 days in a hospital or care home.

40451 - 40452

Resettlement Benefit

40453 Prior to 9th April 2001 a single pensioner without dependants, who has been in hospital for more than 52 weeks, was entitled to a Resettlement Grant when they were finally discharged from hospital. The provision to accrue and pay resettlement grants was removed from 9th April 2001.

Special Treatment Allowance (STA)

40454 STA is paid to cover a period of recuperation following hospital inpatient treatment. Treatment Group will approve the allowance for a pensioner who:

- is normally in employment and intends resuming work after recuperation
- has had a period of inpatient treatment
- has incurred a loss of earnings as a result of the treatment.

40455 UNSUPP cannot be paid at the same time as STA, unlike ordinary Treatment Allowance which can be paid at the same time.

Pensioner employed while in hospital

40456 If Treatment Group are advised that a pensioner has commenced outside employment while still in hospital, they will immediately inform the appropriate End to End Section, who will determine whether or not UNSUPP should remain in payment. It may be possible to consider the work as therapeutic.

Blind Pensioners: St Dunstan's

- 40457 St Dunstan's make recommendations for awards of UNSUPP in cases of war blinded pensioners resident in the British Isles (excluding Scotland).
- 40458 A definite recommendation from St Dunstan's can be acted upon without reference to SPVA Medical Services (SPVAMS) provided that blindness is the main cause of unemployability.
- 40459 If non Ads are involved, or there is any doubt, SPVA is not obliged to accept the recommendation. In this type of case, SPVA Medical Services may be asked for advice.

Scottish National Institute for the Blind (SNIB)

- 40460 SNIB make recommendations for awards of UNSUPP in cases of war blinded pensioners resident in Scotland. These recommendations should be treated in the same way as those from St Dunstan's.

40461-40469

Capitation hospitals or homes

- 40470 In some cases, the NHS is unable to provide the care and facilities required by pensioners with very severe disablements. Arrangements are therefore made for their permanent maintenance and treatment in certain hospitals or homes outside the NHS and these are paid an agreed sum by SPVA via Treatment Group. They are known as capitation hospitals, e.g.: Erskine Hospital (formerly Princess Louise Hospital), Chaseley Home, and Tyrwhitt House.

Paraplegics

- 40471 Paraplegics may appear to have a very good claim to UNSUPP. Experience has shown, however, that once the initial difficulty of mobility has been overcome, especially in getting to and from work, many of these pensioners are able to secure remunerative occupations. Any claim should, however, be referred to SPVA Medical Services (SPVAMS) in the usual way.

Lyme Green Settlement

- 40472 Lyme Green Settlement is an establishment providing care and accommodation for men and women with spinal injuries and other disabilities.

Stoke Mandeville

40473 Pensioners who are admitted to the National Spinal Injuries Centre at Stoke Mandeville are usually severely disabled and in many cases under 30 years of age. The Department's WM responsible for Stoke Mandeville usually gives advice about the unemployability aspect of pensioners with spinal injuries who have only recently been invalided from service.

40474-40489

Invalidity Allowance (IVA)

Definition

40490 IVA may be paid with UNSUPP, IVB or SDA. The rate depends on the age when unemployability/incapacity began and once it has been put into payment remains at the rate for that age. IVA will not be paid with IB.

Authorities: SPO Article 13

40491 The main authorities for an award of Invalidity Allowance are as follows:

- **Members of the Armed Forces**
Article 13 of the Naval, Military and Air Forces etc (Disablement and Death) SPO 1983
- **Mariners 1939 war**
Article 13 of the SPO 1983 by virtue of the War Pensions (Mercantile Marine) Scheme 1964
- **GOP civilians or CDVs**
Article 19 of the PICs 1983
- **Members of the Polish Forces**
Article 13 of the SPO 1983 by virtue of the Pensions Polish Forces) Scheme 1964.

Age bands

Prior to April 1979

40492 Before April 1979, the age bands were as follows:

- Under age 35 Highest rate

- Age 35 to 44 Middle rate
- Age 45 to 59 (man) Lowest rate
- Age 45 to 54 (woman) Lowest rate

40493 The change in age bands from April 1979 did not affect pensioners who had reached retirement age before that date.

From April 1979

40494 Before April 2001, the age bands were as follows:

- Under age 40 Highest rate
- Age 40 to 49 Middle rate
- Age 50 to 59 (man) Lowest rate
- Age 50 to 54 (woman) Lowest rate.

From April 2001

40495 There are 3 rates of IVA and these are shown on the general increase in war pensions charts issued every year. The current age bands which determine the rate to be paid are:

- Under age 40 (man and woman) Highest rate
- Age 40 to 49 (man and woman) Middle rate
- Age 50 to 59 (man and woman) Lowest rate.

40496 IVA cannot be awarded for the first time to a man or woman aged 60 or over.

Commencing date

40497 If IVA is already in payment to the pensioner together with IB the End to End group take over payment of the SPVA, using the age band already established by the Local Office. This will take effect from the commencing date of the UNSUPP award.

40498 If the pensioner is not already receiving IVA from the Local Office, the award of IVA is based on the pensioner's age at one of the following, whichever is earlier:

- the commencing date of the award of UNSUPP or

- the date the pensioner was recorded as being continuously sick by the Local Office, even though IB and IVA were not in payment, e.g.: because contribution conditions were not satisfied.

Period of Interruption of Employment: SPO Article 13(4)

40499 If a period of sickness has been accepted by the DO as a Period of Interruption of Employment (PIE) for contributory benefits purposes, IVA can be awarded based on the pensioner's age on the first day of this incapacity, even where the first day may be earlier than the commencing date of the UNSUPP award.

40500-40519

Two or more periods of incapacity

40520 If there have been 2 or more periods of incapacity, IVA should be awarded on the basis of the pensioners age on the first day of the last period. However, where a break between 2 periods does not exceed 56 days, the periods should not be treated as separate.

40521 Interruptions of less than 56 days do not count when considering a claim for IB and the same applies when considering IVA for War Pension purposes.

IVA adjustment

40522 If IVA is in payment with IB and there is entitlement to AC or Guaranteed Minimum Pension (GMP), the DO will not pay IVA if the AC and GMP are in payment at the higher rate. This adjustment only applies to persons receiving previous IVB covered by the transitional rule. A war pensioner in receipt of UNSUPP can receive both IVA and AC in full.

40523 Care must be taken to establish the full rate of IVA awarded by the Local Office before awarding it with UNSUPP.

40524-40539

Comforts Allowance

40540 A pensioner who is awarded UNSUPP is also entitled to a Comforts Allowance. There are 2 rates:

- lower
- higher.

40541 The lower rate only is paid with UNSUPP.

Higher rate in payment

40542 The higher rate of Comforts Allowance may be paid with CAA. Comforts Allowance can not, however, exceed the higher rate, so, where this is already in payment with CAA, no more can be awarded with UNSUPP. There is, however, an underlying title to the lower rate.

40543 If the higher rate of Comforts Allowance with CAA is reduced, the UNSUPP award will automatically attract the lower rate of Comforts Allowance, thereby still leaving them on the maximum rate.

40544-40559

Overseas cases

40560 The basic conditions of eligibility to UNSUPP for a pensioner living abroad (including the Irish Republic and Channel Islands) are the same as for a pensioner living in the United Kingdom.

Overlapping benefits

40561 A pensioner living abroad may become eligible for a Retirement Pension or other benefit payable out of the public funds of that country. If such benefit is similar to one that the pensioner would be eligible for in the UK (under the Social Security Act 1975) the UNSUPP may be adjusted with that benefit.

Overseas benefits

40562 SP POL decides which overseas benefits are to be treated as similar to the UK benefits and the method of adjustment to be adopted.

40563 Note that the age at which RP becomes payable varies from country to country.

40564 In cases of doubt, seek guidance from SP POL via Procedural and Legislative Guidance.

40565-40579

Overlap of UNSUPP cases with Canadian Pension Plan

40580 See [Claims guide, Part 8, para 80870](#).

40581-40699

Allowance for Lowered Standard of Occupation (ALSO)

Background

40700 ALSO was introduced in 1946, but was known then as 'Special Hardship Allowance'. The general intention of ALSO is to allow for some loss of earning power brought about by the AD. The basic qualifying conditions for ALSO are that:

- for claims made on or after 7 April 1997 they must be 40% disabled or more and under the age of 65 at the date of claim and be permanently incapable of following their regular occupation or an occupation of an equivalent financial standard because of the AD
- for claims made before 7 April 1997 the pensioner must be in receipt of a War Pension at less than 100% rate (or received a gratuity) and again, be permanently incapable of following their regular occupation of an equivalent financial standard because of the AD

Important

In all cases, you must: establish the correct date of claim, See [Claims guide, Volume 2, Part 5](#) of claim and commencing date of award:

- when the commencing date of UNSUPP is on or after 7 April 1997, the pensioner must be under age 65 on that date
- when considering a NISHL case, if the date of claim for the Supplementary Allowance is:
 - on or after 22 October 1996 use true assessment and not the assessment used for payment purposes
 - before 22 October 1996 use the advisory payment assessment.

40701 You must not invite claims for ALSO on any claim to War Pensions.

Authorities

40702 The main authorities for an award of ALSO are as follows:

- **Members of the Armed Forces**
Article 15 of the Naval, Military and Air Forces etc Disablement and Death) SPO 1983
- **Mariners 1914 war**
The Seamen's War Risk Compensation Scheme
- **Mariners 1939 War**
Article 15 of the SPO 1983 by virtue of the War Pensions (Mercantile Marine) Scheme 1983
- **GOP civilians or CDVs only**
Article 21 of the PICs 1983
- **Members of the Polish Forces**
Article 15 of the SPO 1983 by virtue of the Pensions (Polish Forces) Scheme 1964.

40703-40709

Eligibility

40710 ALSO is payable when a pensioner is permanently unable to follow their regular occupation because of their AD. They must also be permanently incapable of following any other occupation which is of equivalent financial standard to the regular occupation and is suitable in their case.

EXAMPLE

A former professional violinist who lost the tip of a finger during war service who is unable to return to their chosen profession may qualify for an award of ALSO if they are unsuccessful after service in finding a suitable occupation of equivalent financial standard.

40711 For the purpose of meeting the terms of eligibility for ALSO, the AD, including greater disablement or disablement included under the paired organs/limbs rules should be mainly, although not necessarily wholly, responsible for loss of earning capacity.

40712 In many cases, taking account of the nature of the regular occupation and the nature and extent of the AD, it should be clear that the AD is responsible for the change of employment.

40713 The terms of eligibility are regarded as met if there is a strong probability that the AD is mainly responsible for the loss of earnings capacity if there are contributory factors such as:

- age
- a non-accepted condition
- a non-accepted worsening of an aggravated disability.

Women pensioners

40714 If the AD prevents the pensioner from following her regular occupation ALSO can be considered in the same way as it is for a man. ALSO may continue to be paid (subject to the normal conditions) after marriage.

Date of eligibility

40715 A pensioner's capability for their regular occupation should be examined at the date of claim. No account should be taken of the years between the end of service and the date of the ALSO claim.

40716 The decision to be made is whether or not the AD prevents the pensioner from carrying out their regular occupation at the date of their claim. Do not take into account factors such as whether the regular occupation became closed to the pensioner from following their regular occupation.

Further disability

40717 If the AD is solely responsible for a change in occupation, it would be immaterial if at some later date another disability arose which would have prevented the pensioner from following their regular occupation.

Restricted payment

40718 Article 15 of the SPO and Article 21 of the PICS 1983, states that an award of pension added together with an award of ALSO should not exceed the 100% rate of pension. This means that ALSO cannot be awarded to a pensioner who is in receipt of pension at 100% rate. Therefore ALSO is restricted where the award of pension is 70, 80 or 90%.

UNSUPP

40719 Article 15 of the SPO and Article 21 of the PICS 1983, precludes payment of ALSO for any period during which UNSUPP is payable.

Period of award is temporary

40720 ALSO is not appropriate where the period of award is:

- temporary less than a year (TLTY)
- temporary more than a year (TTY).

40721 TLTY means that the effects of service are likely to change within 12 months from the date of the award of War Pension.

40722 TMTY means that the effects of service will not change within one year but are likely to change within an undefined but not unduly lengthy period of time. The award of War Pension is treated as being for a notional period of 2 years.

Treatment Allowance (TA)

40723 As ALSO cannot be awarded where pension is paid at the 100% rate, ALSO cannot be paid when TA is in payment. This is because TA increases the pension to the 100% rate.

40724-40739

Claims from pensioners over retirement age**Claims made before 7 April 1997**

40740 Claims from pensioners over retirement age used to be rejected unless it could be established that there was no earnings differential on the day before the 60/65 birthday.

40741 In March 1985, Legal Branch advised that there was no legal basis in the SPO for rejecting claims such as these. Until the SPO was amended, specific claims under this category continued to be rejected. **You must establish the correct date of claim**, See the [‘Date of claim & commencing date of award’](#) section of the [Claims guide](#).

Claims made on or after 7 April 1997

- 40742 From 7 April 1997 male and female pensioners will be eligible to qualify for new awards of ALSO only if they are under age 65 at the date of claim. **You must establish the correct date of claim**, See the '[Date of claim & commencing date of award](#)' section of the [Claims guide](#).

Claims made on or after 25 November 1985 but before 7 April 1997

- 40743 If ALSO is being considered for a pensioner who is age 60/65 or over and the date of entitlement is on or after 25 November 1985, apply the following rule.
- 40744 A pensioner aged 60/65 or over is not eligible for ALSO unless they are unable to follow their regular occupation or an occupation of equivalent financial standard because of the AD on the day:
- before the 60/65th birthday
 - following the last day of work, whichever is the later.
- 40745 This ruling also applies where the pensioner would have been eligible for a War Pension if they had claimed it at that time.

40746-40759

Regular Occupation

Definition

- 40760 Article 15(2) of the SPO provides a definition of the term 'regular occupation' as follows:
- when the member's disablement is due to service between 2 September 1939 and 1 August 1973, the occupation which was their regular occupation before their service
 - when there was no such regular occupation or when the member's disablement is due to service after 31 July 1973, the occupation which was their regular occupation on the date when they sustained the wound or injury, or was first removed from duty on account of the disease on which their award is based, or if there was no such occurrence, the date of termination of their service

- when the member's disablement is due to service during the 1914 World War, the occupation which was the most remunerative occupation which, in the opinion of the SoS, accounted for a substantial period of their employment during the period beginning on 1 July 1944 and ending on 1 July 1945.

40761 Interpret the term 'substantial period' as being more than 4 weeks.

Mercantile Marines

40762 If a pensioner was a regular mariner on 2 September 1939, their regular occupation should be decided according to higher rank held at:

- the time of the relevant injury
- the time of their discharge
- any time between the date of the relevant injury and the date of discharge if the loss of the higher grade was due to the effects of the relevant injury.

40763 If the pensioner became a mariner after 2 September 1939, their regular occupation is the occupation they regularly followed before becoming a mariner. If a pensioner did not have a regular occupation before becoming a mariner, the criteria for deciding the regular occupation is the same as for mariners serving on 2 September 1939.

40764 When the regular occupation has been decided, applications for ALSO under the War Pensions (Mercantile Marine) Scheme 1964 are dealt with on the same lines as applications in service cases.

Civilians

40765 Article 21 of the PICS 1983 defines the terms 'regular occupation' as it applies to civilians as:

- in the case of the whole-time paid member of a civil defence organisation, the regular occupation is that which they followed before becoming a member of such an organisation
- in any other case, the regular occupation is that which they followed before the material date. The material date means the date of the qualifying injury on which the relevant award of pension or gratuity is based.

40766 Applications for ALSO under the PICS 1983 are dealt with on the same lines as applications in service cases when the regular occupation has been decided.

Great War

40767 A pensioner who was unemployed or sick throughout the whole of the qualifying period is not eligible for ALSO. It may be possible to make a case for an award under Treasury Authority if:

- the sickness was due to the AD
- there was a good work record for the 6 months prior to 1 July 1944.

40768 If the pensioner was serving with the Armed Forces during the period 1 July 1944 to 1 July 1945, the value of the regular occupation should:

- be the highest rank held during that period
- relate to the particular service the pensioner was serving in at that time.

40769-40779

Sources of information about a pre-service occupation

40780 The report of the medical examination immediately before enlistment may show the occupation followed by the pensioner at the time. In many cases this may be regarded as reliable evidence since the statement was made at a time when the pensioner was unaware that they would be disabled and change their job. They may claim however, that the occupation stated was not in fact their true or regular occupation for a variety of reasons, e.g.: they were in a:

- reserved occupation and gave a false occupation in order to enlist
- stopgap job owing to the war time dislocation of industry.

40781 A further point to consider is that the type of employment was not too exact and a particular facet of an occupation may have been concealed in a general classification.

40782 Another possibility is that the occupation given in good faith by the pensioner on enlistment may have been what they regarded as their regular occupation but one which, for a number of reasons, they had been unable to follow for a considerable time. The evidence in each type of case must be examined carefully in order that a fair decision is reached.

40783 In the event of a subsequent claim to ALSO where the initial claim was rejected because at the date of claim the AD did not prevent the pensioner from following their regular occupation, it is necessary to decide whether the AD prevents them from following their regular occupation at the date of the subsequent claim.

Prior cause

40784 Regular servicemen or servicewomen who were discharged fit for further service or Class A were not at one time considered for ALSO. Claims were rejected at the outset because they had no percentage disablement on discharge.

40785 In 1977 that the practice of rejecting claims for ALSO on the basis that an ex-regular was fit for further service or Class A on discharge was deemed incorrect. It was accepted that the decision to be made is whether or not the AD prevents the pensioner from carrying out their regular occupation at the date of claim.

Students

40786 Before April 1978, pensioners who joined the services straight from school or higher education, whose AD arose before 1 August 1973 were not considered for ALSO because they had no pre-service occupation. Article 13 of the SPO was amended in 1978 and it is now accepted that in these cases the regular occupation is the regular service occupation.

40787 When an earlier claim to ALSO was rejected because the pensioner was a student immediately before service, arrears of ALSO and compensation for delay in payment should be considered. Arrears cannot be backdated beyond:

- 5 April 1978 (other ranks)
- 3 April 1978 (officers).

Important note: These types of cases must be referred immediately to Procedural and Legislative Guidance (PLG) for advice.

40788 Claims that an award should be backdated beyond 3 or 5 April 1978 should be rejected on the grounds that the War Pensions Instruments do not allow an award earlier than 3 or 5 April 1978 (when Article 13 was amended).

Pre-service occupation no longer exists

40789 Owing to changes in industrial techniques, it may happen that a pre-service occupation loses its identity or changes its nature so that it calls for different abilities and skills to those it previously called for. In this type of case the employer should be asked what happened to the people engaged on the particular type of work at the time when it ceased to exist or changed its nature.

40790 Unless there is firm evidence to show that the pension would have lacked the physical and mental abilities to follow it, the new occupation should be used for comparison purposes.

Change of pre-service occupation

40791 The last occupation a pensioner followed before service may not be the regular occupation. An earlier occupation may be treated as the regular occupation where the:

- last pre-service occupation was clearly of a temporary nature **and**
- pensioner would have been able to continue to follow the earlier occupation if service and disablement had not intervened.

40792 If the change from an earlier occupation was due to a temporary trade recession, the earlier occupation should be taken as the regular occupation provided that:

- it had been followed for a reasonable period **and**
- there is no evidence to show that the pension abandoned it in favour of the new occupation.

40793 No definition of 'temporary' or 'reasonable' can be given, as it is not possible to accept the earlier occupation as being the regular occupation if:

- the pensioner followed their immediate pre-service occupation for several years **or**
- an earlier occupation was followed for only a few months.

40794 However, if the pensioner returned to the earlier occupation after service, it may be regarded as the regular occupation even though one of the conditions above may apply.

War time direction of labour

40795 If the pensioner was following an occupation before enlistment to which they were directed (mining for example), the directed occupation should not be regarded as the regular occupation if it was of a lower standard than an earlier occupation.

40796 If the directed occupation is of a higher standard than an earlier occupation, to decide whether the directed occupation can be regarded as the regular occupation, consider whether the pensioner could have returned to the directed condition after service had it not been for the AD. The following should be taken into account:

- the general standards of skill accepted in the trade
- any agreements between employers and trade unions about the retention of persona who would not have fulfilled the standards of skill and training normally required in the trade, but who were admitted to the trade because of war time labour conditions.

No regular occupation: service between 1939 and 1 August 1973

40797 The regular occupation of a pensioner whose disablement resulted from service between 1939 and 1 August 1973 may be regarded as the relevant service occupation in the following circumstances:

- student before service
- pensioner unemployed:
 - if there is no record of employment before service, the regular service occupation is regarded as the regular occupation
 - if the pensioner was employed immediately prior to their period of unemployment, the earlier occupation can be regarded as the regular occupation provided that it had been followed for a reasonable period

- pensioner in casual employment – in these cases, it may be necessary to find out whether the pensioner was ‘marking time’ before enlistment by taking whatever casual employment was available, when:
 - a pensioner was clearly marking time **or**
 - none of the pre-service occupations can be classed as ‘regular’; the regular service occupation may be regarded as the regular occupation.

40798 Full details of the jobs held between leaving school and enlistment should be obtained. In making the decision about the regular occupation, bear in mind the pensioner’s intentions particularly in cases where they returned to a pre-service occupation after service.

Subsidiary occupations

40799 A subsidiary occupation is a gainful occupation which can be and is normally followed outside or mainly outside ordinary hours of the main occupation. ALSO can be awarded where the AD prevents a pensioner from following their regular occupation which consists of a main and a subsidiary occupation thereby causing a loss of earnings.

EXAMPLE

A clerk who works in the evenings as a switchboard operator would be regarded as having a main occupation of clerk and subsidiary occupation of switchboard operator.

40800 The value of the regular occupation includes the combination of earnings from both occupations. ALSO may be payable if the AD prevented the pensioner from following either one or both occupations.

40801 Other common examples of subsidiary occupations are evening or weekend work as a:

- barman
- cleaner
- taxi-driver
- territorial in the Army.

More than one occupation before service

- 40802 If before service the pensioner's working hours were more or less divided equally between two or more occupations or they derived their livelihood equally from each, they should be treated as having more than one regular occupation.
- 40803 If they are now unable to follow any of these occupations, they may be considered for ALSO. The earnings from all occupations should be added together to arrive at the value of the regular occupation.

Pensioner following one occupation before service but with two or more employers

- 40804 If the pensioner was concurrently and regularly employed before service by two or more employers and doing the same type of work for each employer, the earnings from each job should be added together to arrive at the value of the regular occupation.

Pensioner working part-time

- 40805 If, before service, a pensioner was following one occupation for a small number of hours a week or where they were following an occupation normally followed by people in their spare time, the occupation should be regarded as a main occupation and not a subsidiary one.

Professional footballers

- 40806 If the pensioners regular occupation was professional footballer, awards of ALSO were cancelled or claims were rejected on the grounds that the pensioner had reached an age beyond which their playing career would normally have come to an end. Arrears and compensation for delay in payment must be considered in cases where an award was cancelled or rejected purely on 'age' grounds prior to May 1962 when the policy was changed.

Other occupations where age limits the normal range of activities

- 40807 Similar considerations to those of professional footballers should be given in other occupations where age is a limiting factor in continuing in an occupation. This applies whether it is a sporting or specialist professional skill.

Determining whether PD renders the pensioner incapable of following his regular occupation

- 40808 The law on ALSO provides that the allowance may be awarded where the pensioned disablement (PD) is such as to 'render' (the pensioner) incapable and likely to remain permanently incapable, of following his regular occupation and any other occupation of an equivalent standard which is suitable for him. Where disablement is due to service after 31 July 1973 (or, for cases where disablement was due to service before that date and there was no pre-service regular occupation) 'regular occupation' is defined as the pensioner's Regular Service Occupation (RSO) i.e. the service trade or profession he followed in service. Examples are: gunner, clerk, electrician, chef, infantry, soldier, marine.
- 40809 Policy have also pointed out that, contrary to the legislation, some awards of ALSO have been made where the PD has not actually had any effect on the pensioner's ability to follow his regular occupation in service.

EXAMPLE

Minor hearing loss was diagnosed five years before discharge, but the serviceman continued to do the same job in service up to the end of his engagement.

Determining the Regular Service Occupation

PD caused by wound or injury

- 40810 Where the Pensioned Disablement (PD) arose as a result of a wound or injury, the Regular Service Occupation (RSO), will **always** be:

- the occupation held on the date that the wound or injury was sustained; **or**
- if there was no specific date when disablement arose, the occupation at discharge.

PD is a disease

- 40811 Where the PD is a disease, the RSO is either:
- the occupation held on the date on which the pensioner was first removed from duty on account of the disease, or

- if the pensioner was not removed from duty, the occupation held at discharge.

40812 Removal from duty can include a period of sickness or hospitalisation. You must check **all** the service medical documents thoroughly for any evidence of removal from duty because of the PD, before you can confirm the RSO.

More than one Pensioned Disablement

40813 When there is more than one PD and the pensioner had more than one occupation in service, you must confirm all possible RSO's using the criteria set out in *PD caused by wound or injury and PD is a disease*. If there is more than one possible RSO the occupation to use for ALSO purposes will normally be the highest paid occupation that PD prevents. Where there is more than one possible Pre Service Occupation the occupation to be used for ALSO purposed will normally be the highest paid occupation that PD prevents.

Non completion of Basic Training

40814 When the injury happened during the pensioner's basic training, the RSO will be the occupation the pensioner would have followed after completion of the training.

Deciding whether Pensioned Disablement prevents

Invalided because of Pensioned Disablement

40815 PD will normally prevent where the MOD invalidated the pensioner on the grounds that they could no longer do the service job.

Invalided for Other Reasons

40816 Do not accept that PD automatically prevents where the pensioner was invalidated because of non-service injuries rather than the accepted disablement.

40817 If the pensioner was no invalidated, or was invalidated because of the reasons at *Invalided because of Pensioned Disablement/invalidated for other reasons*:

- you must **not** take into account any ADs assessed at NIL%, these are **not** PDs
- if any combined assessment included Greater Disablement (GD), **you must** take GD into account.

Interval between claim to War Pension/increased assessment/further condition accepted

40818 Service documents do not always give an indication of the pensioner's current ability to carry out the RSO where:

- there is an interval between the date of discharge and the date of first claim to pension, **or**
- there has been an increase in assessment, **or**
- a further condition has been accepted.

The service documents may show the pensioner was unable to carry out the RSO prior to discharge: e.g.: a change of jobs as a result of the PD(s).

Job descriptions

40819 If you have been unable to confirm whether PD prevents or not, the duties involved in the RSO(s) will have to be known. If this is not obvious, you must:

- consult the library of job descriptions provided by the MOD, **or**
- if the job description is not available, issue from WPA151 to the pensioner.

PD does not prevent

40820 PD does not normally prevent when:

- there is evidence that the PD(s) existed in service, **and**
- the pensioner continued to carry out their RSO until normal retirement/completion of engagement etc without having to change jobs, **and**
- a War Pension was claimed almost immediately following discharge and there has been no increase in assessment or further condition accepted, **or**
- the pensioner is now doing the same type of job as his RSO (see section [Service factors](#)), **or**
- you are satisfied that the current level of disability (PDs only) would not prevent the pensioner from following the RSO.

If you have any doubt as to whether or not PD prevents, obtain advice from SPVAMS.

PD prevents

40821 PD will normally prevent when any of the following apply:

- the pensioner was invalided from service as a result of the PD(s) because they were unable to carry out the RSO
- the pensioner had to change their job in service because the PD(s) prevented the continuation of the original RSO
- you are satisfied that the current level of disablement PD(s) only, would prevent the pensioner from following the RSO.

Service factors

40822 If the pensioner is now following an occupation which is the same or similar to, the RSO, you should reject the claim on the grounds that PD would not prevent in such cases.

If the pensioner contests the rejection on the grounds that there are factors of the service occupation that do not apply in the civilian equivalent, you will have to reconsider the facts of the case, e.g.: did the pensioner continue in RSO until the end of the engagement ?

No account can be taken of any duties that all service personnel are required to carry out whatever their trade. This includes such things as Combat Fitness Training (CFT).

Deciding whether PD prevents in deafness cases

Deafness assessed at 20% or over

40823 Where deafness is assessed at 20% or more and the regular service occupation is one where the ability to hear well is important, generally PD will prevent.

Deafness assessed at less than 20%

40824 Where the nature of the regular service occupation is such that the ability to hear accurately is important and the level of deafness is under 20%, refer the case to the SPVAMS for advice if you feel it is necessary.

Examples of this kind of occupation are: radio operator, sonar operator, instructor and bandsman.

EXAMPLE 1

A pensioner was an instructor in the Army.

He is now assessed at 15-19% for deafness but is employed as a teacher/lecturer.

The pension is following a job of a similar nature to his regular service occupation, provided he was not invalidated because of his PD, so PD does not prevent.

EXAMPLE 2

The pensioner's hearing loss was diagnosed in 1980 whilst he was serving in the Navy as a sonar operator. At that time his hearing on the PULHEEMS scale was assessed at H3.

When he was discharged in 1993 at the end of his engagement (i.e.: he was not invalidated), he was still a sonar operator and his hearing was still H3.

He was awarded a War Pension at 6-14% the day after his discharge and there has been no deterioration.

It is therefore correct to say that he carried out the job of sonar operator with his current level of disablement for 13 years, so PD does not prevent.

Regular occupation has a high level of noise present

40825

As a general rule in service jobs where by nature there is a high level of noise such as gunner, infantry soldier, air engineer mechanic, etc and the level of deafness is under 20%, PD will not usually prevent.

EXAMPLE 3

A pensioner was an infantry soldier when his deafness was diagnosed and as a result he was given a change of service occupation to clerk.

PD prevented the pensioner from continuing in his regular service occupation of infantry soldier.

EXAMPLE 4

A pensioner was a gunner when his deafness was diagnosed and as a result he was placed on 'limited employment (LE) no gunfire'.

This shows that the pensioner was not capable of carrying out his full range of duties so in this case PD prevents.

40826 Where the level of deafness is 20% and the pensioner was in an occupation as described in *Example 4*, PD usually prevents, but if in doubt seek advice from SPVAMS.

Other minor disablements assessed at under 20%

40827 Generally a minor disablement would not prevent the pensioner from carrying out his regular service occupation. However, you must give careful consideration to the nature of the disablement and the service occupation. If you are in **any doubt**, refer the case to SPVAMS for advice.

40828 You must thoroughly scrutinise service documents and any other evidence, even if the disablement is very minor. This is because the pensioner may have had a change of job due to his PD or was invalidated because he could not carry out his service occupation due to his PD.

Important

40829 You must consider each case individually and carefully in accordance with the law, irrespective of the level of disability. It follows, that the higher the assessment, the greater the case must be.

40830 If you are dealing with a case where it is difficult to make a decision, consider:

- 1 obtaining further information from the MOD
- 2 obtaining further information from the pensioner; **or**
- 3 referring the case to SPVAMS for advice. Attach a job description of the duties carried out in service where necessary.

Advice needed

40831 You must consult SPVAMS in cases of doubt and attach a job description of the duties carried out in service where necessary.

No entitlement to ALSO

40832 In cases where we decide that PD does NOT prevent the pensioner from doing his service job, there is no entitlement to ALSO. Send the pensioner rejection letter WPA606 and WPA606 ALSO.

40833 Spare.

Occupation of an equivalent standard

40834 When you have confirmed that PD prevents, then you must consider whether the pensioner is capable of following an occupation of an equivalent standard. This is:

- an occupation with equivalent earnings, which is suitable for the pensioner taking into account their training, education, experience and physical and mental condition, **and**
- can be either a civilian **or a service** occupation.

40835 If the RSO is **not** the job on discharge and despite the wound, injury, disease or deafness the pensioner:

- continued in another job at the same rank as the RSO, **or**
- was subsequently promoted in service

then a job of equivalent standard has been followed.

Provided that:

- the assessment of the PD has not been increased since the date of discharge, **or**
- any increase in assessment would not prevent the pensioner from following one of the service occupations that they followed after the RSO

the claim can be rejected.

If you have any doubt as to whether any increased assessment would prevent the pensioner from following a service occupation that was followed after the RSO, obtained SPVAMS advice.

Comparison of earnings

Pensioner capable of following service occupation of equivalent standard

40836

When:

- the RSO is **not** the job at the date of discharge, **and**
- PD would **not** prevent the pensioner from following a job of an equivalent standard to that which they followed in service, i.e.: **where the earnings are higher, or the same as the RSO, you must reject the claim.**

Use the comparison of earnings between the current earnings in the RSO and the current earnings in any of the service jobs that were followed at a later date than the RSO and which the pensioner is still capable of following.

EXAMPLE

Pensioner injures an ankle whilst working as a driver, the rank is Private, because he is unable to carry on working as a driver, he is moved to the position of a clerk, keeping the rank of Private. The pensioner keeps this position until discharge. The RSO is the job at the time of the injury, i.e.: Driver – Private. PD prevents this job but **does not prevent** the job as a clerk.

Compare the earnings of a driver, rank of Private, with those of the highest rank attained as a clerk.

Assessment increased since termination of service

40837

When the pensioner gained promotion later in service, and:

- the assessment of the PD has been increased since termination of service, **and**
- the increased assessment would prevent the pensioner from following the job carried out at discharge **as well as** the RSO

compare the earnings in the current or potential civilian occupation with those of the RSO.

The earnings of the job/rank at discharge must only be used where the job at discharge is the RSO.

40838 If the pensioner claims that they would have progressed in their RSO had it not been for the PD, see [Advancement in Service](#).

40839 Spare.

Service Personnel

Boy Soldiers

40840 If a pensioner joined the services straight from school or college, then the regular occupation is the Regular service occupation.

AD arose after 31 July 1973

40841 If the AD arose during service after 31 July 1973, the regular occupation is the regular service occupation. The value of the regular occupation is that which was the regular service occupation when:

- they sustained the wound or injury
- the pensioner was first removed from duty on account of the disease on which their claim was based.

40842 If neither of the above applies, the regular service occupation is that which the pensioner was following on the date service finished. If the disablement arose during basic training, then the regular service occupation is that which the pensioner would have been assigned had he/she been able to complete basic training.

Pensioner serving on 2 September 1939

40843 If a pensioner was serving on a regular engagement on 2 September 1939 and had become a regular serviceman or servicewoman before 2 September 1939 with the intention of making the armed forces their career, their regular occupation is their service occupation. If on 2 September 1993 the pensioner was serving as a reservist called out for full-time service shortly before the outbreak of war or as a militiaman, it may not be appropriate to regard the regular occupation as the service occupation.

Militiamen/territorials

40844 The basic difference between a militiaman and a territorial soldier before 2 September 1939 was the element of compulsion (in peacetime). A territorial is a part-time volunteer, whereas a militiaman, after the passing of Military Training Act (which became law on 26 May 1939) was a man who was compulsorily

called up for regular service on 3 June 1939. (This was the only intake of such 'militiamen' before the Military Training Act was suspended at the outbreak of World War 2).

40845 Such men were deemed to have enlisted in the militia and were liable for a total of four years service of which a continuous period of six months had to be spent in full-time training with the forces.

40846 Although the militia nominally existed in 1939, it had effectively ceased to do so in 1921. No militiamen were recruited between 1921 and May 1939.

Service spans 31 July 1973

40847 If the AD arose before 1 August 1973 but was worsened by service after 31 July 1973, the regular service occupation is regarded the regular occupation.

40848 If the AD arose before 1 August 1973 and it was not worsened by service after 31 July 1973, the regular occupation will be the regular pre-service occupation.

40849-40879

More than one period of service

First claim

40880 If there is more than one period of service but disablement is causally connected to only one, the SoS's policy is to determine the regular occupation using the period to which the AD is attributable or which first aggravated that disablement.

40881 If there have been several jobs held prior to or between periods of service and none can be classed as regular occupation, Article 15 (2)(c)(ii) of the SPO applies. The regular occupation is the regular service occupation.

40882 Reasons for the SoS's decision must always be recorded on form WPA224 and kept on file.

Reviews

40883 When there is more than one regular pre-service occupation and only one is used for comparison purposes, if the overall AD worsens, both regular occupations must be reconsidered to determine whether the AD prevents the pensioner from following both occupations.

40884 If on review it is decided that the pensioner is prevented from following both regular per-service occupations, the earnings comparison is made as described above.

40885-40899

Prospects of advancement

General

40900 In deciding the regular occupation, you should take into account:

- the normal pattern of progression within an occupation **and**
- whether there is a recognised avenue of promotion from one grade to another the pensioner was first removed from duty on account of the disease on which their claim was based.

40901 The regular occupation should be treated as extending to cover any other occupation to which there is a normal channel of advancement. If a pensioner would have had at least normal prospects of advancement, they should be treated as incapable of following that new occupation as long as the AD deprives them wholly or partly of those prospects.

EXAMPLE

A pensioner was a colliery loaderman before service. Normally they would have advanced to the much better paid occupation of face worker but was unable to do so because of their AD. Faceworker was accepted as the regular occupation since they had at least normal prospects of advancing to faceworker before their service and AD intervened.

When to consider advancement

40902 The question of possible advancement in the pre-service occupation should be considered when:

- 1 it is known that promotion in the occupation concerned is automatic
- 2 after service a pensioner secured advancement in their pre-service occupation
- 3 there is a claim by the pensioner that they would have advanced in their pre-service occupation but for their disablement; and

- 4 exceptionally, the pre-service employer mentions the possibility of advancement.

40903 In cases where 3 or 4 above apply, the pre-service employer should be asked whether in their opinion the pensioner would have progressed to the higher grade.

Apprentices

40904 If the pensioner was an apprentice before enlistment or if they had completed their apprenticeship but not started employment as a journeyman, unless there is evidence to the contrary it may be presumed that they would have become employed as a journeyman in civil life had it not been for the AD.

EXAMPLE

If a pensioner was employed as an apprentice butcher before service and was unable to return to their trade after service because of their AD, the regular occupation will be butcher rather than apprentice butcher.

Examinations/professional qualifications required for advancement

40905 Advancement which is conditional upon the attainment of professional qualifications or passing examinations cannot be presumed, e.g.: progression from articled clerk to solicitor. There may exceptions to this general rule.

EXAMPLE

Progression in the occupation of Engineer Officer in the Merchant Navy is by periodic examination but may be regarded as practically certain when:

- entry to the basic grade of Engineer Officer has been secured
- the pensioner has served a reasonable period in that grade.

40906-40919

Selection tests

40920 Advancement which depends on selection tests cannot be accepted as reasonably assured. An exception may be made where particular circumstances make such advancement appear to be reasonably assured, e.g.: an acute shortage in a grade.

Value of advanced occupation

- 40921 If advancement in the pre-service occupation has been accepted, the value of the advanced occupation should be used in assessing the pensioner's eligibility to ALSO.

Regular occupation is regular service occupation – pensioner claims progression in service

- 40922 If the regular occupation is the regular service occupation and a pensioner claims that he would have achieved a higher rank had it not been for the accepted disablement, study the service documents.
- 40923 Progression to one rank higher can only be accepted if the pensioner would certainly have been promoted but for his accepted disablement. If the service documents show that he had passed the necessary promotion examinations, or other selection procedures, but was unable to take that promotion because of his accepted disablement, accept progression to one rank higher.
- 40924 If there is no evidence to show that the pensioner would certainly have been promoted, do not accept progression.

40925-40939

Return to regular occupation

Pensioner able to carry out full range of duties

- 40940 A pensioner who on returning to their pre-service occupation is able to carry out the full range of duties in spite of their AD is not eligible for ALSO, even when they suffer a loss of earnings through not being able to work normal hours or overtime.

Duties changed

- 40941 ALSO may be considered where the pensioner has returned to work for their pre-service employer, but their duties have been changed or lightened because of their AD.

EXAMPLE

Before service, a pensioner was employed as a painter and decorator which involved climbing ladders. When they returned to their pre-service occupation they could not climb ladders because of their AD. They were then employed on painting at floor level at a reduced rate of pay. It was accepted that they were incapable of following their regular occupation and were engaged in one of a

lower standard.

Charitable employment

- 40942 ALSO may be considered if the pensioner's retention in the pre-service employment is of a charitable nature and they are being paid at less than the normal rate for the job, thereby suffering a loss of earnings.

Pensioner claims to be incapable of following their regular occupation

- 40943 A pensioner who has returned after service to their pre-service occupation may claim that they are not actually capable of following that occupation even though there has been no apparent deterioration in the AD. Enquiries may substantiate their claim and if so an award of ALSO may be appropriate:

EXAMPLE 1

A pensioner worked as a member of a team and received help from colleagues when some of the tasks were made either difficult or impossible by the AD. (It is not always possible to get evidence in this type of case as sometimes the employer is not aware of the true situation).

EXAMPLE 2

A pensioner whose AD was dermatitis continued after service in a particular job because they were not aware at the time that the job was detrimental to their dermatitis. After receiving medical advice they change their job and were considered incapable of following their regular occupation.

40944-40949

Dock workers

General

- 40950 Before the introduction of the Decasualisation Scheme for dock workers early in 1968, the Dock worker's (Regulations of Employment) Scheme was operated by the National Dock Labour Board. Under this scheme, registered dock workers were divided into two Groups, A and C.
- 40951 A docker registered as a Group A docker was required to report for eleven half-day turns (i.e.: four hours each) every week.

40952 A docker in Group C was one who for various reasons, e.g.: age or disablement was not capable of undertaking the full range of work. Group C dockers were required to attend for six half-day turns each week. There were appreciably less than those for Group A.

Docker before service

40953 If a pensioner stated they were a docker before service, (before the Decasualisation Scheme of 1968) it is accepted that they would have been registered as a Group A docker unless they were disabled.

Application received

40954 Under the old system of categorisation it was usually clear whether or not the AD prevented the pensioner from following their regular occupation. The abolition of categorisation has to a certain extent placed all dockers on an equal footing. As a consequence, many disabled dockers can potentially earn much more than was possible when they were restricted to Group C employment.

40955 When considering an application for ALSO from a pensioner currently employed as a docker and the regular occupation is also docker, enquiries should be made to find out:

- whether the pensioner is employed on restricted duties **and**
- the extent to which the AD restricts their working capacity.

40956 If it is accepted that the pensioner is currently unable to carry out the full range of duties, the application should proceed by comparing the current earnings with those of a fit docker in the same area.

ALSO awarded

40957 If an award of ALSO has been based on Group A/Group C earnings, the AD should be regarded as continuing to prevent the regular occupation unless the AD improves. When ALSO is reviewed, the current earnings should be compared with the earnings of a fit docker in the same area.

40958-40969

Present/potential occupation

Comparative occupation

40970 The occupation used for comparison with the regular occupation is that which is the highest standard followed since service, taking into account the:

- pensioner must be capable of following the comparative occupation having regard to the effects of the AD
- comparative occupation must be suitable for the pensioner.

40971 If a pensioner has not worked since service or none of their post service occupations are suitable, find a potential occupation.

Pensioner employed

40972 If a pensioner is currently employed, consider whether any earlier occupation followed is of a higher standard than the present occupation.

Suitable employment

40973 A suitable occupation is an occupation that the pensioner is capable of, according to:

- training
- experience
- normal physical and mental condition.

40974 Previous occupations can be regarded as suitable in any of the following instances where the pensioner:

- might be regarded as too old for the job
- may have had their work or hours restricted because of domestic reasons
- is suffering from the effects of a non-AD
- has lost their driving licence because of negligence or other reason not connect with the AD.

Post-service occupation of equivalent standard to the regular occupation

40975 A pensioner who is prevented from following their regular occupation may start work in an occupation that is of an equivalent standard. In this case the pensioner will normally only qualify for ALSO if the:

- nature of the occupation has changed so that they are no longer qualified to do the job, e.g.: qualifications are now required where they were not in the past **and/or**
- pensioner is prevented by the AD from following the equivalent standard occupation.

40976 The decision to be made is:

- whether the pensioner at the date of claim is capable of following an occupation taking into account their AD **and**
- whether that occupation remains suitable.

Standard of employment

40977 The standard of any employment is the total value which can be obtained from it including overtime and bonus. This is not the same as the rate of pay for the job. The total value is the actual amount received or expected to be received in a given period, e.g.: weekly wage. Whether or not one occupation is regarded as socially inferior to another is irrelevant.

Employment finished

Unsatisfactory work

40978 If a pensioner's employment was finished by the employer owing to unsatisfactory work, enquiries should be made to the employer to find out whether or not the AD had any bearing on the unsatisfactory work. An occupation cannot be regarded as suitable and therefore used for comparison purposes if the pensioner's employment finished due to:

- unsatisfactory work caused by the AD, **or**
- lack of any of the following:
 - education

- training
- experience

Reasons not connected with the AD

- 40979 Earlier employment should be considered as still suitable if it finished because of any of the following reasons:
- redundancy
 - unsatisfactory work not connected with the AD
 - industrial misconduct
 - industrial injury not connected with the AD
 - a non-AD
 - domestic circumstances.
- 40980 Do not consider earlier employment if there is medical evidence to show that there has been deterioration in the AD since leaving the earlier occupation.
- 40981 If employment has finished for any of the reasons given above (or other reason not connected with the AD), take into account the following when deciding which is the highest standard occupation for comparison purposes:
- the time spent in the earlier occupation
 - the length of time since the pensioner left the earlier employment, (the longer the periods, the greater the presumption that it will not represent the current earnings capacity)
 - the extent of the AD at the time of the earlier occupation and at present
 - whether the pensioner remained in the earlier employment only by the help of colleagues or by the leniency of the employer.
- 40982 There must be acceptable evidence to support any decision that an earlier well paid occupation remains suitable for a pensioner. It would be difficult to defend a decision that a pensioner who has followed their present occupation for a number of years is still capable of doing a better paid job which they had for a short time

after service which then finished because of redundancy.

Vocational training

40983 Claims for ALSO are rejected when:

- a pensioner is undertaking vocational training approved by Employment Services **and**
- the occupation for which the pensioner is being trained is of equivalent standard to the regular occupation.

40984 If the pensioner does not succeed in qualifying for the occupation trained for, reconsider ALSO.

Rehabilitation course

40985 If a pensioner is undergoing a rehabilitation course, they are not yet fitted for employment. A potential occupation must be considered in the same way as an applicant who is sick because of the AD.

40986-40989

Sick or unemployed

40990 If ALSO is being considered for a pensioner who is sick or unemployed, the question of whether the sickness or unemployment is of temporary or permanent nature should be considered. This is because ALSO cannot be awarded to cover temporary periods where the pensioner intends to return to or will be capable of following their regular or pre-sickness occupation.

Prolonged sickness

40991 The possibility of awarding UNSUPP should be considered before eligibility to ALSO is investigated in cases where the sickness or incapacity is:

- of a prolonged nature, **and**
- due to the AD.

Sickness due to AD

40992 If it appears likely that the pensioner will return to the pre-sickness occupation, ALSO should be considered as though pensioner was still employed in that occupation.

Pre-sickness occupation no longer suitable

40993 If sickness is due to the AD, enquiries should be made to find out the most remunerative potential occupation which is suitable when it appears that:

- the pensioner
 - is no capable of following the pre-sickness occupation, **or**
 - will only be able to follow the pre-sickness occupation with difficulty, **or**
- the employer will no longer employ the pensioner.

40994 Consult SPVAMS in cases where there is doubt about the pensioner's ability to follow the pre-sickness occupation.

Sickness due to non-AD

40995 When considering eligibility to ALSO, periods of sickness due to a non-AD should be disregarded. The pensioner should be treated as though they are still working the pre-sickness occupation.

Pensioner unemployed

40996 UNSUPP should be considered in the first instance where a pensioner has been unemployed for a prolonged period. If the supplement is not appropriate and the pensioner is capable and available for work, take account of the:

- reasons for unemployment
- occupation for which the pensioner is registered
- duration of the unemployment.

40997 If the pensioner is considered capable of following the pre-unemployment occupation (or an earlier occupation), confirm the current rates of pay with the employer or two representative employers.

40998 If the pensioner is prevented from following the pre-unemployment occupation (or an earlier occupation), a suitable potential occupation should be found.

40999-41009

Potential occupation

Suitable potential occupation

41010 A suitable potential occupation is one which the pensioner has never done, but which they are capable of, taking into account the effects of the AD. Determine a suitable potential occupation if appropriate when the pensioner:

- has never worked after leaving the services
- is no longer capable of following the post-service occupations because of the AD
- has been sick or unemployed.

Finding a suitable potential occupation

41011 Whenever possible, decide the most suitable potential occupation by looking at:

- the type of occupations the pensioner has followed since service
- whether the pensioner has any professional or educational qualifications
- whether the assessment has altered since the pensioner last worked.

Potential occupation not obvious

41012 If a suitable potential occupation is not obvious or it is not possible to decide a potential occupation SPVAMS must advise:

- whether a certain occupation would be suitable taking into account the affects of the AD, **or**
- what limitations are imposed by the AD.

Pensioner registered for employment at the Job Centre

41013 The potential occupation is that registered for at the Job Centre if the pensioner is registered for employment at the Job Centre and has either:

- never worked since service, **or**

- is prevented by the AD from following the post service occupations.

41014 If the registered occupation is different from the occupation followed before unemployment, the pre-unemployment occupation will be the potential occupation provided that it remains suitable and taking into account the effects of the AD only.

41015-41019

Values of regular and present/potential occupations

41020 Unless otherwise stated, the following paragraphs dealing with values of regular and present/potential occupations apply equally to first claims and reviews of ALSO.

Definition of earnings

41021 Earnings mean the pensioner's gross earnings, i.e. before any deductions are made. They include:

- bonus
- overtime
- shift pay.

Obtaining earnings figures

41022 In first claims for ALSO, wherever possible, the pensioner's actual or previous employer is approached and asked to provide earnings or probable earnings in the occupation concerned.

Occupation is rare

41023 When an occupation is rare, it may not be possible to find employers who employ anyone in the occupation in question. In these cases, approach a Trade Union or Trade Association.

Pensioner currently employed

41024 If a pensioner is working, the current earnings in their present occupation must be obtained. The value of the present occupation is taken to be the normal gross earnings provided that they are conforming to normal working patterns regarding shifts and overtime etc.

Verifying earnings

- 41025 In first claims to ALSO, obtain pay slips containing a minimum of six weeks earnings (two months if salaried) during a period when no time was lost.
- 41026 If pay slips cannot be obtained, ask the pensioners present employer to provide statements of earnings to cover the required period.
- 41027 Calculate the earnings to arrive at the gross earnings figure. Take into account whether:
- there will be a pay rise in the next three months
 - the earnings differ from other employees doing the same job and if they differ:
 - for reasons unconnected with the AD, the employer should be asked to provide the normal earnings for the job
 - because of their AD, the actual earnings as stated should be used for comparison purposes
 - a pensioner works a cycle of shifts over a period of two weeks, the earnings for a complete cycle should be added together and divided by the number of weeks in the cycle
 - the basic hours worked vary through the year, the pensioner's earning capacity should be calculated on the basis of a yearly cycle.

Salary on a rising scale

- 41028 If a pensioner is employed in an occupation that has a rising salary scale, the scale should be regarded as a whole rather than at the point the pensioner has reached on the scale at the date of claim. This is particularly relevant where a pensioner may rapidly reach a point on the scale which is higher than the value of the regular occupation.

Efficiency bar on a salary scale

- 41029 If there is an efficiency bar on the scale or efficiency test, the part of the salary on the scale above the efficiency bar should be ignored.

EXAMPLE

The Civil Service operates rising salary scales with added spine points awarded for merit, so any merit pay should be disregarded.

Treatment of overtime and bonus

41030 Current overtime and bonus earnings should be presumed to continue for the period of the award, unless there is evidence to the contrary. If there have been fluctuations in overtime and bonus payments, the employer should be asked to provide an average figure for the year.

41031 – 41039

Pensioner does not agree with inclusion of overtime and bonus in gross pay

41040 If a pensioner makes representations that overtime and bonus should not be included in the calculation of present or potential occupations, you must compare the basic earnings in the present or potential occupations with the basic earnings of the regular occupations:

- a pensioner qualifies for ALSO where the current basic wage in the present or potential occupation is less than the current basic wage in the regular occupation. This is the case even where with the additions of overtime and bonus, the regular occupation earnings are greater than the present or potential occupation earnings
- a pensioner does not qualify for ALSO where the current basic wage in the present or potential occupation greater than the current basic wage in the regular occupation. This is the case even where with the addition of overtime and bonus, the present or potential earnings are less than these in the regular occupation.

Present earnings not representative of normal earnings capacity

41041 If a pensioner is working in an occupation where the current earnings are greater than those in the regular occupation, it may be that the current earnings do not represent their normal earning capacity. If a pensioner makes such representations, consider whether the:

- job is of a temporary nature

- employer is working to a contract with strict time penalties
- pensioner, because of their experience, obtains higher paid work for which their qualifications particularly suit, but the job terminates and comparable work is not available.

41042 There is no eligibility for ALSO while the pensioner is receiving the higher earnings, but the allowance should be reconsidered when the exceptional employment finishes.

Earnings cannot be obtained from an employer

41043 Approach the job centre for the current rates of pay in the particular employment held by the pensioner.

41044 If a pensioner queries the rates, approach the Job Centre again for the names and addresses of three representative employers in the area who employ a reasonable number of persons in the same type of work. Send enquiries to all three employers. Use the first replies received as a basis to calculate average earnings. If all three are received on the same day, use an average of all three.

41045 If one employer employs most of the type of labour involved in a particular area, it is sufficient to approach that employer only.

Pensioner returned to regular occupation after service

41046 Exceptionally, a pensioner may return to their regular occupation for a period after service. If there is no evidence that during the period concerned their AD adversely affected their earnings, the current earnings are obtained from their employer.

EXAMPLE

A pensioner with the regular occupation of joiner returned to the regular occupation earnings are obtained from the post service employer.

41047 If there is evidence that the pensioner's earnings in the post-service period were adversely affected by the AD, the value of the regular occupation is the higher of the earnings from the earnings from the pre and post service employer.

Short –time working

41048 If short time working is common at the place of employment, make enquiries about the position in the industry generally:

- if the short time is isolated, use the normal wage appropriate to the industry
- if short time working is general, use the short time earnings
- ignore brief periods of short time working.

Seasonal employment

- 41049 If a pensioner changes their occupation according to the seasons, calculate the value of their present occupation on the basis of their yearly earnings capacity i.e. add the income from both occupations together and calculate a weekly figure.
- 41050 If a pensioner is normally employed for part of the year obtain the weekly earnings figure by adding the seasonal weekly average earnings to the possible earnings from the employment for which they register in the off season.

Payments in kind

Prior to 28 January 1994

- 41051 If gratuities or payments in kind formed part payment of a pensioner's income, the value of these, as stated by the employer, were accepted and included as part of the wage received. Some examples are:
- provision of board and lodgings
 - rent free accommodation
 - free milk
 - meals or meal vouchers
 - coal.
- 41052 When calculating the value of the concessionary coal, milk etc the savings to the pensioner were accepted, not the cost to the employer.
- 41053 PLG compared the list of payments in kind taken into account or disregarded when calculating entitlement to ALSO, with the way the payments are treated when calculating entitlement to IS.
- 41054 They found that provided the payments in kind are not part and parcel of a person's earnings, IS does not take them into account.

EXAMPLE

Coal – if a person receives this as actual bags of coal, it will constitute a payment in kind. If cash in lieu of coal is given, it is taken into account as income.

Post 28 January 1994

- 41055 Exercise the SoS's discretion in applying the IS rules and disregards on payments in kind as long as the payments are neither paid in the form of cash nor regarded as part and parcel of the person's normal earnings.
- 41056 The SoS can depart from this general rule where the individual circumstances of the case demand it.
- 41057 War pensioners must not be treated less favourably than there is counterparts as far as payments in kind are concerned.
- 41058 The new procedures must be applied to new claims and existing cases as they arise on review. The 28 January 1994 date is the date that SPVA first became aware of the change.

41059 – 41069

Other payments

- 41070 Other payments which should be included in the pensioner's earnings are:
- travelling time
 - subsistence allowance or overtime
 - tips (when the amount of tips received affects the rate of ALSO, compare the pensioner's statement with the employer's estimates or any other reliable source).

Benefits not to be included in the regular or post service occupation value

- 41071 The following benefits should not be included in the occupational value:
- protective clothing
 - free products

- discounts
- travelling expenses
- subsistence allowance paid for working away from home
- training allowances paid by Employment Services
- allowances to provide and maintain tools
- Additional Housing Cost Allowance received by a civil servant in respect of a transfer
- foreign service allowance paid to a civil servant stationed abroad
- superannuation payments.

Payment for attending council meetings

- 41072 Payments received for attending council meetings are disregarded as 'expenses' and should not be taken into account when considering eligibility for ALSO.

Payment for sitting on Disabled Living Allowance (DLA) Appeal Boards

- 41073 Payments received by a pensioner for sitting on a DLA Appeal Board as a lay representative are not classed earnings and must not be taken into account when considering eligibility for ALSO.

Pensioner living in a different area from that in which they followed their regular occupation

- 41074 It is not usually necessary to take into account variations in wages in different parts of the UK. If however, one of the civilian employments accepted for ALSO purposes is in the London area, special consideration should be given.
- 41075 In this event the pensioner's present earnings are compared with the amount which they would be earning if they were following their pre-service occupation in the area where they now work.
- 41076 This will not apply if both before and after service the pensioner lived within daily travelling distance of London but now works outside London. In these circumstances a comparison on the normal basis may be fairer.

41077 The London area cannot be defined in relation to fixed boundaries for all types of cases because of the many separate wage agreements negotiated by different industries. If London rating is one of the points to be considered, refer to the particular national agreement on wages within the industry concerned to ensure that the correct values are applied.

41078 - 41089

Self-employment

Pensioner currently self-employed

41090 If the pensioner is currently self-employed, ask them to supply:

- a copy of the Self-Employment pages from their latest tax return if they are self-employed
- a copy of the Partnership pages from their latest tax return if they are a partner in a business.

41091 If the pensioner states that they have not kept a copy of the relevant pages ask them to obtain a copy from the Inland Revenue.

Potential occupation is self employment

41092 If the pensioner is not working but the potential occupation is self employment, the earnings of a person employed in a similar occupation should be obtained:

EXAMPLE 1

Assess the value of a one man self-employed window cleaner on the value of a window cleaner employed by a window cleaning firm.

EXAMPLE 2

Assess a master plumber employing others on the value of a manager, foreman or supervisor employed by a firm of plumbers.

Reviews

41093 If the potential occupation is self-employment and earnings are obtained as above, the award of ALSO may be increased where the values show an increase appropriate. However, if the earnings result in a reduction of ALSO, the award should be maintained at

the pre-review rate.

No profits shown on accounts

41094 If there are no profits shown or the business is running at a loss, the pensioner should be treated as having no earnings.

41095 – 41109

Value of service pay

Pay and allowances

41110 If the regular service occupation has been accepted as the regular occupation, the value is obtained by referring to the Pay and Allowances supplied by the MOD.

Rank for award

41111 The rank used in calculating the value of service pay should be determined according to Article 15 of the SPO. Except where progression in service has been accepted, this will be the rank that the pensioner had achieved at the date used when establishing the regular service occupation, i.e. either the date:

- that the wound or injury occurred
- on which the pensioner was first removed from duty to a disease or:
- of discharge.

Receiving MOD ARP

41112 A MOD ARP case is the phrase used to describe a pensioner receiving a pension under the MOD ARP scheme. Those who benefit from the scheme are pensioners invalided or discharged after 31 March 1973. They will receive either service invaliding or service attributable pay. The scheme covers those whose assessment is above and below 20%.

Pensioner discharged

Before 31 July 1973

41113 pensioner was discharged before 31 July 1973, and the regular occupation is the Regular service occupation, calculate the rates using the rate of pay for 9 years or more service. Also include any:

- length of service pay
- specialist pay to which the pensioner was entitled.

41114 The rate of length of service pay is determined by calculating the length of service the pensioner would have completed at the date of the award if they had been serving.

41115 On review, the length of service increment is increased according to the length of service that would have been completed at the date of review.

After 31 July 1973: Receiving MOD ARP

41116 The value is based on the length of engagement signed on for or the actual period of service, whichever is the longer if the regular occupation is the regular service occupation and they:

- were discharged after 31 July 1973 and
- receive a pension under the MOD ARP scheme.

41117 The value should include any specialist pay to which the pensioner was entitled.

41118 The rate of length of service is calculated by referring to the length of service signed on for or actually served, whichever is the longer.

41119 On review, the length of service pay is increased but not beyond that which the pensioner actually served or would have served if they had completed the engagement.

After 31 July 1973: Not receiving MOD ARP

41120 The value of service pay for those who were discharged after 31 July 1973 and are not eligible for MOD ARP, is calculated in the same way as for servicemen or servicewomen discharged before 31 July 1973.

41121 Full details of the rates of pay and length of service increments to be used are shown at [Appendix 4](#) of the [Claims Guide](#).

41122-41129

‘Bought out’ cases

41130 If a serviceman or servicewoman bought themselves out of

service before completing their engagement, the value of service pay should be calculated on that appropriate to the committed length of service, including length of service increments that the pensioner was entitled to at the date of termination of service. At review, increases in basic pay are taken into account but further length of service increments are not.

Backdated awards

41131 Before September 1983, the value of service pay was calculated by using the maximum possible rate for the particular rank. This was incorrect and values ought to differentiate between those benefiting from the MOD ARP Scheme and those who were not. Procedures were revised from 26 September 1983 and reviews were treated as indicated in [Pay and Allowances](#). Overpayments were not created.

RAF pay and allowances

41132 In RAF cases when the regular occupation is the regular service occupation and service ended before 1 April 1964, the following should be taken into account:

- List 1 and List 2 trades with the rank of AC1 and AC2 (Aircraftman) should be regarded as LAC (Leading Aircraftman) for ALSO purposes
- former LACs should be regarded as SACs (Senior Aircraftman).

41133 Arrears should be paid if on review it is found that the above instructions have not been applied.

Overseas cases

41134 If the regular occupation is the regular service occupation and the pensioner lives overseas, obtain the value of the equivalent service and rank from the country in which the pensioner lives. Pay and Allowances for British servicemen are used when the pensioner lives in the:

- Isle of Man
- Channel Islands.

41135 - 41139

Pensioner has industrial disablement

- 41140 If a pensioner has any type of industrial disablement, the effects of this should not be considered when determining eligibility for ALSO. If the pensioner is employed in an occupation of a lower standard because of the industrial disablement, the matter may be for the DO to consider.
- 41141 If the pensioner's lowered standard of occupation resulted from an AD before the industrial disablement occurred, the pensioner could have title to both ALSO and Reduced Earnings Allowance (REA) without any overlap.
- 41142 Eligibility for ALSO should normally be considered on the pensioner's capabilities immediately prior to the time when the industrial disablement began to reduce their employment capacity.
- 41143 It may be necessary to reject an application or cancel an award of ALSO if the pensioner was then following or capable of following their regular occupation or a suitable occupation of equivalent standard.
- 41144 The employment position immediately prior to the time when the industrial disablement began to reduce the pensioner's employment capacity may not provide a suitable basis for consideration of eligibility for ALSO.
- 41145 Accept the figure used for REA purposes if:
- REA is in payment and
 - the lowering of occupational standard concerned involves an occupation whose value has to be for comparison purposes in deciding eligibility for ALSO.
- 41146 Where a review of ALSO results in a change in the present/potential occupation, you must consider whether the pensioner would be compensated by both ALSO and REA for loss of earnings in the same occupation should ALSO be increased. Where this would be the case, in order to avoid duplicating provision made under the Industrial Injuries Scheme, consider maintaining ALSO based on the earnings in the present/potential occupation prior to the review.
- 41147 - 41159

Overseas cases

Self-employed

- 41160 If a business is conducted overseas, obtain copies of the profit and loss account and balance sheet and calculate the earnings as for UK cases.

Awards

- 41161 If the pensioner lives overseas the loss of earnings should be converted into sterling, where appropriate, before the rate of ALSO is decided.

Obtaining values

- 41162 The pensioner's present or potential earnings should be compared with those they would receive if they had been able to follow their regular occupation in the country where they now reside. This is because the wage levels vary in different countries.

41163- 41169

Advisory work for other Government Departments

- 41170 Use the principles outlined in the following paragraph when dealing with ALSO claims on behalf of another Government Department.

- 41171 The MOD are concerned with service disablement between the end of the Great War and the beginning of the 1939 War. MOD grant ALSO on the same basis as SPVA deals with Great War claims by reference to the occupation followed between 1 July 1944 and 1 July 1945. See Part two, Disablement for further details when dealing with requests for advice on this type of case.

41172 - 41299

Constant Attendance Allowance (CAA)

Background

- 41300 CAA may be awarded if the pensioner's AD is assessed at 80% or more, and they are so severely handicapped mainly by their AD that they must depend to a greater or lesser degree upon 'attendance' from some other person. The rate of the allowance varies according to the amount of attendance required. Attendance in the context includes supervision.
- 41301 The attendance must not be solely of a domestic nature ordinarily provided by a member of the pensioner's family, eg shopping, housekeeping, etc. It must be in connection with functions fit people would normally perform for themselves, such as dressing, eating, drinking, bathing and going to the toilet.
- 41302 Supervision of the pensioner may also give rise to the need for 'attendance'. In such cases, the supervision should be required to avoid danger to the pensioner or someone else, eg the possibility of a pensioner with epilepsy dropping a baby. The risk should not only be a remote possibility, it must be likely to occur and the pensioner must be unable to avoid the risk.
- 41303 CAA is awarded for the amount of attendance required, not necessarily the amount of attendance received. The Statutory Instruments do not make the award dependent on the presence of an attendant, the need for attendance is all that is required.

Eligibility

- 41304 The following conditions must be met for an award of CAA to be made, these are:
- the war pensioned disablement must be assessed at 80% or more
 - the war pensioner must have a medical need for regular attendance and supervision
 - the attendance or supervision must be wholly or mainly because of the war pensioned disablement.
- 41305 In cases of difficulty you consult SPVAMS.
- 41306 - 41319

CAA rates

41320 There are four rates of CAA and which rate is appropriate depends upon the amount of attendance required:

- 1 **Part day rate** payable if it is clear that the pensioner's need are of a personal nature and attendance or supervision is necessary for not less than 4 hours each day but not more than 8 hours because of their pensioned disablement

- 2 **Full day rate** payable if it is clear that the pensioner's needs are of a personal nature and attendance or supervision is necessary because of their pensioned disablement for not less than 8 hours per day but nor more than 16 hours and such attendance is not likely to reduce; **or**

if the attendance during the day is for less than 8 hours but the pensioner requires regular attendance at night i.e. at least twice every night because of their pensioned disablement and their attendance needs are unlikely to reduce

- 3 **Intermediate rate** payable where the pensioner's attendance or supervisory needs:

are not less than 8 hours and regular attendance is required at least twice every night because of their pensioned disablement and such attendance or supervisory needs are unlikely to reduce; **or**

consist of frequent or regular attendance at night for periods which total not less than 8 hours and during the day for the periods which total not less than 4 hours because of their pensioned disablement

- 4 **Exceptional rate** payable where the pensioner's attendance or supervisory needs, because of their pensioned disablement, are such that they are completely or almost completely helpless and need constant attendance day and night.

Authorities

41321 The main authorities for an award of CAA are as follows:

- **Members of the Armed Forces**
Article 14 of the Naval, Military and Air Forces, etc (Disablement and Death) SPO 2006
- **Mariners 1914 War**
The Seaman's War Risk Compensation Scheme
- **Mariners 1939 War**
Article 14 of the SPO by virtue of the War Pensions (Mercantile Marine) Scheme 1964
- **GOP civilians or CDVs**
Article 14 of the PICS 1983
- **Non-GOP civilian**
Article 43 of the PICS 1983
- **Members of the Polish Forces**
Article 14 of the SPO by virtue of the Pensions (Polish Forces) Scheme 1964.

Exceptionally Severe Disablement Allowance (ESDA) and Severe Disablement Occupational Allowance (SDOA)

41322 If CAA is awarded at the intermediate or exceptional rate, the pensioner may be eligible for ESDA or SDOA.

Rates of CAA

Prior to 1 October 1973

41323 Prior to 1 October 1973, CAA was awarded at the following rates:

- ¼ day rate
- ½ day rate
- ¾ day rate
- full day rate:
 - basic
 - intermediate
 - exceptional.

41324 From 1st October 1973, the $\frac{3}{4}$ day rate was abolished and all existing awards at that rate were increased to the basic full day rate.

From 1 October 1975

41325 From 1 October 1975, the $\frac{1}{4}$ day rate and $\frac{1}{2}$ day rate were abolished and all existing awards at that rate became the part-day rate. The rates were then as follows:

- part-day rate
- full day rate
- intermediate rate
- exceptional rate.

Old 100% rule

41326 Prior to 1978, CAA was only awarded to a pensioner who was 100% disabled from all causes but whose accepted condition for war pension was assessed at 80% or more.

41327 In 1978, the 100% rule was reviewed: it may be acceptable as a guideline, but there is no justification in law for the strict adherence to it. A claim for CAA could not be rejected solely because the pensioner was not, in total, 100% disabled.

41328 In November 1982, Treasury Authority was finally given to the cessation of the rule which required a pensioner to be 100% disabled from all causes. A claim could be considered from a pensioner whose AD alone was assessed at 80% or more.

100% rule: special exercise

41329 In January 1984, a special exercise was undertaken to identify cases that had previously been rejected because the AD was assessed at less than 100%. Arrears and compensation were paid, when appropriate, up to 31 March 1984.

CAA with Comforts Allowance

41330 An award of CAA automatically attracts an award of Comforts Allowance at either lower or higher rate depending on the rate of the CAA award.

41331 CAA and any appropriate award of Comforts Allowance should be made at the same time. If the award of CAA alone merits Comforts Allowance at the higher rate but Comforts Allowance is already in payment at the lower rate with UNSUPP, then Comforts Allowance can only be awarded at the lower rate with the CAA award.

41332 The combination of two lower rates are equivalent to the higher rate, which is the maximum award allowable.

41333 - 41349

Conditions of eligibility

80% assessment

41350 For CAA to be considered, the AD must be assessed at 80% or more. The 80% need not be pensionable under one War Pensions Instrument exclusively, but it may arise from a combination of disabilities pensioned under two or more War Pensions Instruments.

Pension reduced under SPO Article 59

41351 A pensioner's assessment may be reduced under Article 59 for payment purposes only. This means that although disablement is assessed at a certain percentage, the actual amount in payment is less than the percentage rate. This penalty is imposed because the pensioner themselves have contributed in some way towards their disablement, eg by their own negligence.

41352 The penalty does not affect the assessment when considering a claim for CAA but can be disregarded. Provided that the assessment is 80% or more before the reduction, CAA may be considered.

Constant attendance must be essential

41353 The pensioner must require the services of an attendant for a period of at least eight weeks, as CAA is not intended for short-term incapacity. It must be established that the pensioner has need of:

- an attendant constantly at hand to protect them from involuntary injury, such as choking during a coughing paroxysm or injury during an epileptic fit

- an attendant within call to assist with natural and reasonable requirements that are not of a domestic nature, but are more personal, eg help with eating, drinking or natural functions
- the services of an attendant for a particular purpose at more or less regular times. This could include such services as extra washing of soiled clothing, eg in a colostomy or incontinence case.

Accepted Disablement (AD)

- 41354 When considering a claim, only take account of the amount of attendance required for the AD.
- 41355 The AD alone must be responsible for the need of attendance, and non-accepted injuries cannot be taken into account unless greater disablement applies.

Greater Disablement

- 41356 The greater disablement principle is applied by SPVAMS when a pensioner's AD adversely affects a non-AD. It reflects the extent to which the assessment should be increased to take account of the effects of the non-service injury or disease. In this type of case, CAA may be considered if the total assessment is 80% or more, and the need for attendance is mainly due to the AD.

Paired organs/limbs rule

- 41357 If there is a pensionable injury to, or disease in, one of a pair of organs, disablement must be assessed not only on the basis of the disabling injury itself, but also on the functional capacity of the pair of organs working together. Examples of paired organs are eyes and ears. If a claim for CAA follows an increase in assessment to 80% or more under paired organs/limbs rule, you should establish if the need for attendance is mainly due to the AD. SPVAMS should be consulted if necessary.

Malignant disease cases

- 41358 If the AD and a malignant condition are associated, you may be able to make an award for the malignant condition under Treasury Letter 2-SS 27/233/01, provided that an award cannot be made under the appropriate War Pensions Instrument. If appropriate, CAA may be awarded on the same basis as the disablement award.

Humanitarian award

- 41359 If there are no medical grounds for associating the malignant condition with the AD, and the pensioner is unaware that they are suffering from a malignant condition, it may be possible to make a humanitarian award of pension under general Treasury Authority. In this type of case, CAA may be considered, provided that:
- SPVA does not invite or initiate the claim
 - the claim could not be resisted without arising suspicion about the true nature of the condition
 - if an element of discretion is involved in determining the rate at which CAA should be paid, it should not be awarded at any more than the full day rate.
- 41360 This type of humanitarian award is made under the authority of Treasury Letter 2-SS 27/233/01 dated 19 February 1971. There is no entitlement to Temporary Allowance for Widow (TAW).

Terminally ill

- 41361 The Social Security Act 1990 introduced special provisions for handling claims for Attendance Allowance from people who are terminally ill and these provisions affect claims to CAA.
- 41362 Terminally ill persons suffer from progressive disease and their death in consequence of that disease can be expected within six months.
- 41363 In order, therefore, to speed up procedures, if a person is judged terminally ill by their GP, they will be deemed to satisfy the conditions for intermediate rate payment of CAA. Consult SPVAMS in these type of cases.
- 41364 The legislation applies to claims and requests for review of CAA made on or after 1 October 1990.

Special sanction

- 41365 If the basic disablement pension is granted under a Dispensing Instrument or Extra Statutory Authority, an award of CAA may be authorised. This is covered by a Treasury Letter.

AD extinguished by non-AD

- 41366 If an AD is extinguished by a non-AD, you must decide whether or not the assessment may continue at its current rate. This is possible under Treasury Authority. This Treasury Authority also covers any allowance, eg CAA, based on the assessment concerned, unless the extinguishing disablement removes the criteria which provides eligibility for the allowance.
- 41367 If CAA is continued under this Treasury Authority (2SS/151/80/01 dated 10 December 1962) the rate should be pegged at the rate that was payable before the extinguishment of the original disablement, subject to normal uprating or review.

41368 - 41389

Overlapping benefits

If any of the following benefits are in payment, make further enquiries:

- 41390 If any of the following benefits are in payment, make further enquiries:
- Attendance Allowance (AA)
 - Disability Living Allowance (DLA)
 - Industrial Injury Disablement Benefit (IIDB)
 - an award under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme

Attendance Allowance (AA)

- 41391 AA is a DWP benefit payable for any person living in the UK, whose disabilities began after the age of 65 and who is so badly disabled as to require attendance for a period of at least six months. It is payable at two rates:
- Higher - for attendance required both day and night
 - Lower - for attendance required either by day or night.
- 41392 CAA and AA are overlapping benefits but CAA takes precedence over AA because of the additional awards of Comforts Allowance.

Adjustment of AA with CAA

41393 An award of CAA takes precedence over an award of AA. The following rules are therefore applied:

- if CAA is awarded at the intermediate or exceptional rate, AA cannot be paid
- if CAA is awarded at the part day or full day rate, the AA award is abated by the amount of CAA.

Non-ADs

41394 SPVAMS may advise that some attendance needs are due to non-accepted disabilities. The pensioner may, therefore, be entitled to a higher rate of AA than the CAA award. If this happens, the pensioner should be told about their possible entitlement and advised to obtain more information or an AA claim form from their District Office.

Disability Living Allowance (DLA)

41395 DLA was introduced on 6th April 1992. It brought together Attendance Allowance and Mobility Allowance as one benefit for people whose disabilities began before the age of 65. There are two components, Care and Mobility. The care component overlaps with CAA and is reduced by the amount of CAA in payment.

41396 As a result of a ruling made by the EU, people who were entitled to DLA/AA prior to 1 June 1992 and who go to live in another EU country will continue to receive DLA/AA. Enquiries must be made on Form WPA123 to ensure there is no overlap with CAA.

Industrial Injuries Disablement Benefit (IIDB)

41397 The IIDB Scheme is covered by the Social Security Act 1975. The following allowances are payable under the scheme:

- Disablement Benefit (DB)
- Reduced Earnings Allowance (REA)
- Constant Attendance Allowance (CAA)
- Exceptionally Severe Disablement Allowance (ESDA)
- Hospital Treatment Allowance (HTA)

- Industrial Death Benefit (IDB).

Industrial Injuries CAA

41398 Under the IIDB Scheme, CAA may be paid to a person who is receiving disablement benefit, based on an assessment of 100% for:

- an industrial injury
- a prescribed disease under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme.

41399 Under the Industrial Injuries provisions, entitlement to CAA may be considered if the disablement is assessed at less than 100%. There must be other conditions present for which a War Pension is being received, and the aggregate of assessments must amount to 100% or more.

Dual entitlement to CAA

41400 Comforts Allowance is not payable under the Industrial Injuries provisions. It is therefore necessary to ensure that if dual entitlement to CAA exists, the CAA is paid with the War Pension and CAA on the basis of Industrial Injuries is withheld.

Exceptionally Severe Disablement Allowance (ESDA)

41401 Entitlement to ESDA under both the Industrial Injury and War Pension provisions depends on eligibility for CAA at the intermediate or exceptional rate.

41402 Under the Industrial Injuries provisions, ESDA may be paid where there is entitlement to CAA but it is not actually in payment.

41403 If CAA under the Industrial Injuries provisions has been suspended because it is in payment with the War Pension, care must be taken to ensure that an award of ESDA is not duplicated. Close liaison is therefore necessary between the District Office and SPVA.

41404 - 41419

Pensioner in hospital

Hospital reduction

41420 CAA is payable during the first four weeks of a pensioner's stay in hospital but it must be suspended from the day following the 28th full day of in-patient treatment. The 28 days need not be continuous but may be 'linked'. The days of admission and discharge are not included in the calculation of 28 days.

Private treatment

41421 If a pensioner is admitted to an NHS hospital as a private patient and they are paying the whole cost of their treatment and maintenance. CAA may be put into payment, or continued, as appropriate.

41422 It may also be granted or continued where the pensioner is in a hospital or home which is not supported by public funds, whether or not they contribute towards their maintenance.

Consideration of CAA

41423 If the AD is assessed at 80% or more and the underlying title to CAA has not already been accepted, the allowance should be considered if:

- an award of UNSUPP is being made to a pensioner in hospital. This includes cases where the supplement is awarded following the classification of the pensioner as 'permanently maintained'; or
- a pensioner has been in hospital for six months and eligibility for CAA has not been considered under **1** above. This includes 'permanently maintained' pensioners but not:
 - a pensioner in residential care
 - a single pensioner without any dependents, who is in a psychiatric hospital.

41424 Treatment Group refer the case for consideration of CAA when the pensioner has been an ion-patient for six months or more.

41425 - 41429

Paraplegic pensioners

- 41430 An award of CAA to a paraplegic pensioner is not normally reviewed but a review must be undertaken if they start work for the first time. Although ability to work does not necessarily affect the pensioner's need for attendance, it can sometimes mean that their condition has improved.

Leave from a special home

- 41431 A paraplegic pensioner on leave from a special house or home, eg the Star and Garter Home, may sometimes receive CAA when granted leave to visit their own home.

Lyme Green Settlement

- 41432 Lyme Green Settlement is an establishment where 'chair' paraplegics are trained to become fit for work under sheltered conditions at the Settlement. Special financial arrangements exist between SPVA and the Settlement. The administration of CAA is carried out by Treatment Group, but you may be asked to advise on the appropriate rate.

Duchess of Gloucester House, Isleworth

- 41433 The Duchess of Gloucester House is a home for paraplegics and is run by Employment Services. The residents (including industrial disablement pensioners as well as war disabled) are employed in nearby factories. The House is specially equipped, and was constructed with the aim of making the residents as mobile and dependant as possible. A small nursing staff is maintained at the House and a medical officer makes weekly visits.
- 41434 CAA is not payable while a war pensioner is resident in the Duchess of Gloucester House but Comforts Allowance may still be paid.

Kytes Estate, Watford

- 41435 The Kytes Estate is an estate controlled by Hertfordshire County Council, which consists of specially constructed bungalows to meet the needs of paraplegics. Arrangements for the payment of rent is a private matter between the pensioner and the County Council. All allowances are paid in full direct to the pensioner.

Comforts Allowance

41436 Comforts Allowance remains in payment during in-patient treatment, even though CAA may have been suspended. If a War Pension assessed at 80% or more is awarded for the first time, and the pensioner is in hospital, eligibility for CAA should be considered. If CAA is appropriate, Comforts Allowance can be paid.

41437 - 41449

Eligibility for ESDA

41450 While the pensioner remains in hospital, possible entitlement to CAA at the intermediate or exceptional rate must be kept under review, as this would qualify them for an award of ESDA.

41451 Treatment Group refer the case when the pensioner has been in hospital for six months or more, to check if a higher rate of CAA is merited. The position must be reviewed as advised by SPVAMS unless it has been established that the rate of CAA will not fall below the intermediate rate.

Pensioner on leave from hospital

41452 If a pensioner receiving in-patient treatment is granted leave from a hospital or Local Authority Home, CAA may be paid for each day of absence. It is paid at the rate applicable immediately before the date of admission, or as advised by SPVAMS, if a review has been undertaken since that time.

Pensioner discharged from hospital

41453 If CAA was awarded because of long-term in-patient treatment, the award must be reviewed if the pensioner is discharged. Treatment Group will refer the case.

Posthumous hospital reduction

41454 If a pensioner dies in hospital after making a claim for CAA, any hospital reduction required in respect of a posthumous award must be made.

Kidney dialysis

- 41455 If kidney dialysis is being carried out at hospital on an out-patient basis, there is no eligibility for CAA. If a pensioner in receipt of CAA is receiving kidney dialysis at home, the case must be kept under review because if the pensioner has a kidney transplant, CAA may no longer be appropriate.
- 41456 If the pensioner is receiving Continuous Ambulatory Peritoneal Dialysis (CAPD) they are unlikely to qualify for CAA. However, this decision must be made by SPVAMS.

Pulmonary tuberculosis

- 41457 When a pensioner with pulmonary tuberculosis is discharged from hospital, the CAA award must be reviewed as their condition may have improved.

41458 - 41469

Blind pensioners

St Dunstan's

- 41470 St Dunstan's National Institute for the War Blinded is concerned with members of the Armed Forces, MMs and CDVs who:
- are blind as a result of war service **and**
 - live in the British Isles (excluding Scotland).

The Scottish National Institute for the Blind

- 41471 The Scottish National Institute for the Blind (SNIB) look after the interests of war blinded pensioners who live in Scotland.

Recommendations from St Dunstan's and SNIB

- 41472 It is a condition of membership of these institutions that the loss of sight or defective vision must be totally disabling. The institutions therefore bring appropriate cases to SPVA's attention by forwarding recommendations for an award of CAA.

Blind pensioners, review of CAA

- 41473 Blind pensioners resident in the British Isles are regularly reviewed by representatives of St Dunstan's or SNIB. They will report any case to SPVA where CAA no longer appears to be necessary.

Pensioner undergoing training at St Dunstan's

- 41474 A blind pensioner who is already in receipt of CAA when they are admitted to St Dunstan's or SNIB, continues to receive CAA. However, if they should undergo training there, they will receive an Employment Services training allowance. CAA must, therefore, be suspended after 28 days of training because St Dunstan's is not supported by public funds and the cost of providing the pensioner with a training allowance is partly borne by a Government Department. Payment of the allowance can be resumed for holiday periods.

41475 - 41479

Death of a pensioner

Death following claim for CAA

- 41480 For an award of CAA to succeed, attendance must be necessary for a period of at least eight weeks. If a pensioner dies within eight weeks of a claim, CAA may still be considered. SPVAMS should be asked to advise whether, had it not been for their death, the pensioner would have been eligible for CAA for eight weeks.

Claim made after death

- 41481 Consideration may be given to a new claim or review of CAA made after the pensioner's death, if made for the purpose of gaining title to a War Widows Pension. SPVAMS should be asked to advise whether constant attendance was necessary for 26 weeks prior to death, because of the AD.
- 41482 Any award is advisory only and no payment should be made.

Change of policy from 13 November 1978

- 41483 Before 13 November 1987, eligibility for CAA for the purpose of gaining title to a War Widows Pension could only be considered if a specific claim had been made. From 13 November 1978, Treasury decided that eligibility for CAA, or review of the rate already in payment, need no longer be restricted to cases where a specific claim has been made.

Consideration of a claim after death

- 41484 Widows Group will refer any cases where there is a clear doubt as to whether there may have been title to CAA, or a higher rate of CAA if appropriate. In addition, refer to SPVAMS any case if, on review, you consider that CAA, or a higher rate of CAA, may have

been merited.

- 41485 Any awards made under these provisions are covered by Treasury Letter SS 334/198/01 dated 23 June 1978. This authority also covers Mercantile Marines, Civilians and members of the Polish Forces.

Title to War Widows Pension

- 41486 If a pensioner dies and CAA was in payment up to death, or would have been if they had not been in hospital, death is regarded as being due to service. This entitles his widow to receive Temporary Allowance for Widows (TAW) and then a War Widows Pension.
- 41487 CAA may be in payment at any rate, but prior to 13 November 1978, CAA had to be in payment at the full day rate or more.

Temporary Allowance for Widows (TAW)

- 41488 TAW is payable to the widow of a war pensioner who was in receipt of, or has underlying title to, UNSUPP or CAA at the time of death. It is paid whether or not the pensioner's death was due to service.
- 41489 TAW is paid for a period of 26 weeks after death to help during the first weeks of widowhood when there would otherwise be an appreciable drop in income.

41490 - 41499

Reviews

Reviews of CAA

Award increased

- 41500 If it is recommended that the award of CAA be increased, the pensioner's eligibility for any other Supplementary Allowances should be examined.

Award reduced

- 41501 If CAA is reduced following a review, the reduction should be made 'date last paid'.

Award cancelled

- 41502 If CAA is cancelled following a review, the cancellation should be made from the 'date last paid'. Cancellation of CAA affects Comforts Allowance, so the case must be carefully scrutinised to check if Comforts Allowance is in payment with UNSUPP.

Overseas cases

- 41503 The basic conditions of eligibility to CAA for a pensioner living abroad (including the Irish Republic and Channel Islands) are the same as for a pensioner living in the United Kingdom. Notification that a pensioner is to go to another country, however, may indicate that there has been some improvement in their condition which has lessened the need for attendance. A review of CAA should, therefore, be undertaken.

41504 - 41599

Deductions from War Pension

General

- 41600 Many war pensioners receive long term treatment in a psychiatric hospital, care home or a general hospital.
- 41601 In long term inpatient cases it is important to check whether the pensioner is in receipt of:
- Constant Attendance Allowance (CAA)
 - Severe Disablement Occupational Allowance (SDOA)
- 41602 Deductions must be made from Supplementary Allowances if the pensioner is in a hospital/care home which is supported wholly or partly from public funds. If it is not clear whether this is so, make enquiries by telephone to clarify the position and note the outcome on the file.
- 41603 Similarly, deductions must be made where the pensioner is receiving SNC (formerly know as "Permanent Maintenance") at SPVA's expense.
- 41604 See the Policy Statement section entitled "*Effect on Hospitalisation/Entry to Residential Care/Nursing Home Care*" for full details of Hospital reductions and types of care available.

41605 The *PRAM guide* also contains details of Hospital or Nursing Home Reductions under *Change of Circumstances (award impacting) in Part five*.

41606 - 41609

Admission to hospital

Basic War Pension

41610 A basic War Pension is not affected in any way by admission to hospital or similar institution even if that hospital or similar institution is supported partly or wholly from public funds.

Supplementary Allowances

41611 If the pensioner is in receipt of the Supplementary Allowances CAA or SDOA which are intended to cover such contingencies as care and attendance needs those allowances are affected by admission to a hospital or similar institution which is partly or wholly supported from public funds.

41612 If the hospital or institution is not supported partly or wholly by public funds, i.e. the pensioner is paying the full cost of his care; payment of CAA/SDOA is not affected.

41613 CAA/SDOA are affected because it is a basic principle of the War Pension Scheme that duplicate payments should not be made out of public funds for the same purpose. A pensioner or pensioner's dependant(s) admitted for inpatient treatment to a hospital supported partly or wholly by public funds is for that period of treatment being maintained free of charge by the State.

Article 53

41614 Prior to 9th April 2001 Article 53(1) enabled the S of S to deduct any amount he may have thought fit, having regard to all the circumstances of the case, from a pension (Supplementary Allowance) or gratuity payable in respect of the period for which such treatment was received – and could apply the amounts so deducted, or any part thereof in such proportions and subject to such conditions as they may have determined having regard to all the circumstances of the case, in a payment or payments to the person upon their discharge following a period of free inpatient treatment, or towards paying or repaying the cost of maintaining the person, incurred by any authority.

S of S discretion under Article 53

41615 Article 53 gives the S of S wide powers of discretion to decide:

- what deductions should be made
- in pre 09/04/01 cases, what payment(s) if any should be made on discharge from hospital e.g. Resettlement Grant
- in pre 09/04/01 cases, how to use the money saved to pay any appropriate authority which has had the responsibility of maintaining the pensioner.

Notification of admission to hospital

41616 When notification of admission to hospital is received, you must consider whether payment of CAA/SDOA should cease after 28 days in hospital. These cases are urgent and for immediate action. **An overpayment may result if there is any delay or if notification is received more than 28 days after admission.**

Linked periods

41617 When the pensioner is re-admitted within 28 days the two periods of inpatient treatment are linked. It is possible for there to be more than two “linked periods” if the pensioner has frequent periods in hospital.

Deductions

41618 If the pensioner remains an in-patient, deduction of CAA/SDOA must be made.

Important

41619 When calculating the length of an inpatient period, the day of admission and the day of discharge are not included.

CAA cases

41620 The total amount of CAA is deducted when the pensioner has been in hospital for 28 days (i.e. on the 29th day).

British Limbless Ex-Servicemen's Association (BLESMA)

- 41621 A war pensioner who is permanently maintained in a BLESMA home, where the cost of treatment and maintenance is met by SPVA, cannot receive CAA/SDOA: it must be suspended.

Capitation hospitals

- 41622 In some cases, the NHS is unable to provide the care and facilities required by pensioners with very severe disablements. Arrangements are therefore made for their treatment in certain hospitals or homes outside the NHS, which are paid an agreed sum by SPVA via Treatment Group. They are known as capitation hospitals, e.g. Erskine (formerly Princess Louise Hospital Chaseley Home, Tyrwhitt House.
- 41623 As the institution is supported wholly or partly by public funds, CAA/SDOA must be suspended. Payment of CAA/SDOA can recommence on discharge.

Part III Accommodation

- 41624 Part III Accommodation is residential accommodation for the aged and infirm, which is provided by the Local Authorities under Part 111 of the National Assistance Act 1948. Residents are required to contribute where possible, toward the cost of maintenance.
- 41625 CAA/SDOA must be suspended after four weeks, regardless of whether the pensioner is paying all or part of the cost during their stay. This is because the Local Authority would take responsibility for their maintenance should the need arise, i.e. they would meet the balance if the pensioner's financial resources fell below the level at which they could pay the standard charge or full fees.

41626 - 41631

Free Personal Care in Scotland

- 41632 With effect from 1 July 2002, the Scottish Executive (SE) introduced non means tested free personal care (FPC) for self-funding residents aged 65 or over in Scotland. The definition of a "self-funder" is someone who pays for the whole cost of their place in a residential/nursing home who does not receive any financial help with their costs from a Local Authority (LA) or other public fund.

- 41633 This means that anyone aged 65 or over, in a residential care or nursing home in Scotland may apply to the LA or Scottish Social Work Department for free personal care. When FPC notifications are received from the Scottish LAs, payment of CAA/SDOA must be stopped.
- 41634 If the notification is received within 28 days of the effective date of FPC, payment of CAA/SDOA should be withdrawn from the 29th day.
- 41635 If the notification is received more than 28 days after the FPC effective date, payment of CAA/SDOA should be withdrawn from the date last paid.
- 41636 In all cases, you must issue draft letter DL131 to the War Pensioner to inform him that CAA/SDOA is no longer payable.

41637 – 41639

Leave periods

- 41640 A pensioner receiving long term treatment may have a period of leave from the hospital or nursing home.
- 41641 In most cases, the purpose of a leave period is for the pensioner to visit friends or relatives. In psychiatric cases it can be short periods of leave at home so that the pensioner can make gradual readjustments to life outside the hospital in preparation for their eventual release.
- 41642 If a pensioner is receiving SNC at SPVA's expense, they may spend their leave period in another nursing home for a change of environment.

Reimbursement of deductions

- 41643 If pensioners are on leave from hospital and supporting themselves financially, they are entitled to have any deductions reimbursed in full for each day that they are on leave.
- 41644 The pensioner is entitled to reimbursement of whichever of the following is being deducted:
- full rate of CAA
 - Full rate of SDOA

41645 - 41659

Resettlement Grant

41660 Prior to the abolition of hospital reductions on Unsupp/IVA/AASP/AADP, there were two rates of hospital reduction. The lower rate was deducted after 52 weeks in hospital; this was increased to the higher rate after a further 52 weeks, i.e. after 104 weeks in hospital.

41661 A Resettlement Grant equal to 52 weeks at the difference between the higher and lower rates of hospital deduction became payable when a pensioner was discharged from a hospital or care home to their own home more than 104 weeks after admission. From 9 April 2001, the Resettlement Grant is no longer payable.

41662 - 41699

Comforts Allowance

Background

41700 A pensioner who is awarded UNSUPP or CAA is also awarded a Comforts Allowance.

41701 The allowance was introduced in 1951 to provide some comforts for severely disabled pensioners.

Authorities

41702 The main authorities for an award of Comforts Allowance are:

- **Members of the Armed Forces**
Article 14 of the Naval, Military and Air Forces, etc (Disablement and Death) SPO 2006
- **Mariners 1914 War**
The Seaman's War Risks Compensation Scheme
- **Mariners 1939 War**
Article 20 of the SPO by virtue of the War Pensions (Mercantile Marine) Scheme 1964
- **GOP civilians or CDVs**
Article 20 of the PICS 1983

- **Non-GOP civilians**
Article 45 of the PICS 1983
- **Members of the Polish Forces**
Article 20 of the SPO by virtue of the Pensions (Polish Forces) Scheme 1964.

41703 - 41709

Rates

41710 There are two rates of Comforts Allowance:

- a higher rate
- a lower rate.

41711 The following chart shows the circumstances under which the higher or lower rate is paid.

Circumstances	Rate of Comforts
CAA – Part rate	Lower
Unemployability Supplement	Lower
CAA (any rate) and Unemployability Supplement	Higher
Non- gainfully occupied civilians	Lower
Pulmonary tuberculosis case CAA – full day 100%	Lower, unless the pensioner is expected to qualify indefinitely for full day or higher CAA

No UNSUPP in payment

Circumstances	Rate of Comforts
CAA – full day 80% or 90% award	Lower
CAA – full day 100% award	Higher, provided the pensioner is expected to qualify indefinitely for full day CAA
CAA – intermediate 100% award	Higher

CAA – exceptional 100% award Higher

41712 A pensioner cannot receive more than the higher rate of Comforts Allowance, so if they are eligible for the lower rate with UNSUPP as well as any rate with CAA, the maximum Comforts that can be awarded is the higher rate.

41713 - 41719

Awarding

41720 Comforts Allowance is awarded at the same time as UNSUPP or CAA. If CAA merits Comforts Allowance at the higher rate, but it is already in payment with UNSUPP, it is sufficient to authorise Comforts Allowance at the lower rate with the CAA.

41721 - 41729

Reviews

41730 When an award of CAA is under review, it is important to consider the effect on Comforts Allowance of a reduction or cancellation of CAA, particularly if UNSUPP is not in payment.

Cancellation of CAA

41731 When you need to cancel CAA, you must:

- 1 reduce the Comforts Allowance to the lower rate if UNSUPP is in payment
- 2 cancel the Comforts Allowance from the same date as the CAA if UNSUPP is not in payment.

41732 - 41739

Cancellation of UNSUPP: CAA in payment

41740 If UNSUPP is cancelled and CAA is in payment, there may still be entitlement to Comforts Allowance at the higher rate by virtue of CAA alone.

41741 Comforts Allowance is payable at the higher rate if CAA is awarded at:

- full day rate and AD is 100%

- intermediate rate
- exceptional rate.

41742 When reviewing CAA, you must consider the effect on Comforts Allowance. When CAA is in payment and UNSUPP is awarded, you must consider what rate of Comforts Allowance is payable.

41743 - 41744

Cancellation of UNSUPP: CAA not in payment

41745 Where CAA is not in payment and an award of UNSUPP is to be cancelled, you must cancel the award of Comforts Allowance from the same date as the award of UNSUPP.

41746 - 41749

Pensioner in hospital

41750 Comforts Allowance may be awarded for the first time to a pensioner in a hospital or home, if it is established that they would be eligible for CAA/SDOA if they were not an inpatient.

41751 If the pensioner has been in hospital for some time and a hospital reduction has been implemented, Comforts Allowance remains in payment. It makes no difference whether CAA/SDOA have been suspended or reduced.

41752 - 41799

Exceptionally Severe Disablement Allowance (ESDA)

Background

41800 ESDA was introduced in March 1966 for pensioners who are in receipt of CAA permanently at the intermediate or exceptional rate, or would be in receipt of CAA at one of these rates if they were not in hospital or other institution.

Authorities

41801 The main authorities for an award of ESDA are as follows:

- **Members of the Armed Forces**
Article 9 of the Naval, Military and Air Forces, etc (Disablement and Death) SPO 2006

- **Mariners 1939 War**
Article 15 of the SPO by virtue of the War Pensions (Mercantile Marine) Scheme 1964
- **GOP civilians or CDVs**
Article 15 of the PICS 1983
- **Non-GOP civilians**
Article 44 of the PICS 1983
- **Members of the Polish Forces**
Article 15 of the SPO by virtue of the Pensions (Polish Forces) Scheme 1964

41802 There is no general Treasury Authority to award ESDA in the following types of case:

- former war
- Great War Mercantile Marine.

41803 If a case arises, seek individual Treasury Authority. If the basic disablement pension has been awarded under a Dispensing Instrument or Treasury Sanction, the award of ESDA can be made under the same authority as the basic pension.

41804 - 41809

Eligibility

41810 Eligibility for ESDA depends upon BAMS being able to certify that the pensioner is likely to remain eligible for CAA indefinitely at the intermediate or exceptional rate.

Pension reduced under SPO Article 59

41811 A pensioner's assessment may be reduced under Article 59 for payment purposes only. This has no effect on the awarding or payment of ESDA.

Humanitarian award

41812 If a humanitarian award of pension has been made under general Treasury Authority and if CAA is awarded, then ESDA may be considered in the normal way.

41813 - 41819

Overlapping benefits

Industrial Injuries Disablement Benefit

- 41820 IIDB is covered by the Social Security Act 1975.
- 41821 CAA and ESDA are both payable under the IIDB Scheme as well as under the War Pension provisions. However, CAA under IIDB is usually withheld in favour of War Pension CAA.
- 41822 ESDA may be paid under the IIDB Scheme as long as there is entitlement to CAA. It can therefore still be awarded even though CAA may be withheld in favour of the War Pension CAA.

41823 - 41829

Prescribed industrial diseases

- 41830 The pensioner may have an award under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme, or the Workmen's Compensation Supplementation Scheme. The rules governing CAA and ESDA are the same as for those under the Industrial Injuries Disablement Benefit Scheme.

Other overlapping benefits

- 41831 ESDA does not overlap with any NI benefits, but may have to be adjusted in respect of IS payments.

41832 - 41899

Severe Disablement Occupational Allowance (SDOA)

Background

- 41900 SDOA was introduced in April 1961. It is awarded to a pensioner who is:
- receiving CAA at the intermediate or exceptional rate **and**
 - normally employed in a remunerative occupation.
- 41901 It can be paid at the same time as ESDA.

Authorities

41902 The main authorities for an award of SDOA are as follows:

- **Members of the Armed Forces**
Article 10 of the Naval, Military and Air Forces etc. (Disablement and Death) SPO 2006
- **Mariners 1914 War**
The Seaman's War Risks Compensation Scheme
- **Mariners 1939 War**
Article 16 of the SPO by virtue of the War Pensions (Mercantile Marine) Scheme 1964
- **GOP civilians and CDVs**
Article 16 of the PICS 1983
- **Members of the Polish Forces**
Article 16 of the SPO by virtue of the Pensions (Polish Forces) Scheme 1964.

41903 There are no provisions for an award of the allowance to non-gainfully occupied civilians. Prior to 1968 it was administered by the WPWS.

41904 - 41909

Eligibility

41910 If CAA is awarded at or increased to the intermediate or exceptional rate, consider SDOA.

41911 These cases are few and far between as it will usually be found that UNSUPP is in payment because the pensioner is unemployable. SDOA cannot be paid at the same time as UNSUPP.

41912 If it seems from available information that the pensioner is ordinarily in employment, send then an enquiry form.

41913 - 41919

Consideration

41920 If the completed enquiry form shows that the pensioner is in employment, check the amount of earnings. If these are more than the therapeutic earnings limit, SDOA can be awarded subject to the overlapping benefit rules.

41921 - 41929

Therapeutic earnings

41930 If the amount of earnings is below the therapeutic earnings limit, it must first be decided whether the pensioner is eligible for UNSUPP. The type of work undertaken must be considered therapeutic.

41931 If UNSUPP is not acceptable, SDOA can be awarded.

41932 - 41939

Overlapping benefits

41940 If the pensioner is in receipt of any of the following benefits, SDOA cannot be awarded:

- Unemployability Supplement
- Retirement Pension
- Invalidity Benefit
- Invalidity Allowance
- Severe Disablement Allowance
- Carer's Allowance
- Industrial Injuries Disablement Benefit
- Treatment Allowance.

Disability Working Allowance (DWA)

41941 If a war pensioner in receipt of SDOA also claims DWA, they must declare that fact to the DWA Unit who will make the offset. A claimant claiming a War Pension must declare receipt of DWA on their War Pension claim form. If they are awarded a War Pension plus SDOA, both they and the WPA must notify the DWA Unit so that they can consider offsetting SDOA against DWA.

41942 - 41949

Statutory Sick Pay or Sickness Benefit

41950 If the period of sickness has already lasted 28 weeks, the pensioner is not eligible for SDOA as they cannot be regarded as being gainfully employed. However, consider eligibility for UNSUPP.

41951 - 41959

Pensioner unemployed

41960 If a pensioner has been unemployed for five weeks or more and there is any doubt about their wish or ability to resume work, the WPWO should be asked to visit the pensioner to ascertain their intentions regarding future employment. The WO's report will indicate if there is any possibility of reinstating the pensioner in employment. If it is decided that the pensioner cannot be regarded as ordinarily employed, SDOA cannot be awarded.

41961 If SDOA is already in payment, it should be cancelled. UNSUPP may then be considered.

41962 - 41969

Industrial rehabilitation

41970 A pensioner who is undergoing training in an industrial rehabilitation unit may be considered for an award of SDOA.

41971 - 41979

Overseas cases

41980 If a pensioner in receipt of SDOA leaves the United Kingdom to live overseas, they should be advised that benefits paid by the government of another country may affect payment of SDOA.

41981 - 41999

War Pensioners Mobility Supplement (WPMS)

Background

42000 War Pensioners Mobility Supplement (WPMS) was introduced in November 1983 to replace the War Pensioners Vehicle Scheme (WPVS). It is payable to a war pensioner, who, regardless of age, is in receipt of War Pension for an AD which causes serious difficulty in walking.

42001 Under the WPVS there was no provision for seriously disabled war pensioners who could not, or did not, wish to run a car. WPMS is a non-taxable cash payment which enables the pensioner to choose the best way to provide for their mobility needs.

42002 Disability Living Allowance, introduced in April 1992 to replace Mobility Allowance and Attendance Allowance, has a mobility component, providing an allowance to people with serious walking difficulties. WPMS maintains the war pensioner's preference as it is paid at a higher rate and is not subject to age limitations. The AD(s) must be assessed at 20% or more for claims made before 7 April 1997 and 40% or more for claims made on or after 7 April 1997.

Action on receipt of claim

42003 From 26 October 1992 all claims for WPMS must be made on a Self Assessment Questionnaire.

42004 This means the pensioner chooses whether they wish to:

- have a War Pensions Medical Examination **or**
- be self assessed with assistance from the GP.

Authorities

42005 The main authorities for an award of WPMS are:

- **Members of the Armed forces**
Article 26A of the Naval, Military and Air Forces etc (Disablement and Death) SPO
- **Mariners 1914**
The Seamen's War Risk Compensation Scheme
- **Mariners 1939 War**
Article 20 of the SPO 2006 by virtue of the War Pensions (Mercantile Marine) Scheme 1964
- **Civilians and CDVs**
Article 25A and 48A of the PICS 1983
- **Members of the Polish Forces**
Article 26A of the SPO (to which reference is made above) by virtue of the Pensions (Polish Forces) Scheme 1964.

42006 - 42009

Eligibility

42010 To be eligible for an award of WPMS, a war pensioner must have an AD (or combined Ads) assessed at 20% or more of claims made before 7 April 1997 and either:

- satisfy the medical criteria or
- have automatic entitlement to an award.

You must establish the correct date of claim. See the '[Date of claim & commencing date of award](#)' section in the [Claims guide](#).

42011 For claims made on or after 7 April 1997 a war pensioner must have an AD (or combined Ads) assessed at **40% or more** and either:

- satisfy the medical criteria **or**
- have automatic entitlement to an award.

You must establish the correct date of claim. See the '[Date of claim & commencing date of award](#)' section in the [Claims guide](#).

Category 1

42012 Pensioners must qualify for an award of WPMS in one of the following ways:

- a double leg amputee with amputations which are either through or above the ankle.

Category 2

- any other condition that:
 - is likely to persist for at least 6 months from the date of claim
 - is wholly or mainly responsible for seriously affecting walking ability so that:
 - they are unable to walk
 - leg movements are restricted to such an extent that they cannot walk without severe discomfort

- they experience physical pain or breathlessness and the exertion required to walk; is a danger to life or likely to cause serious deterioration in health

In assessing a pensioner's walking ability SPVA Medical Services (SPVAMS) take into account the ability to walk with a suitable prosthesis or artificial aid which is worn, used or expected to be used habitually.

Category 3

- **both** deaf and blind. Further legislation amending Article 26A under:
 - Statutory Instrument 1308 of the SPOs
 - Statutory Instrument 1300 of the PICS, which came into effect 25 July 1990.

42013 To qualify, a pensioner will be treated as:

- blind, if the degree of disablement due to blindness is assessed at **more than 80%** (this means 90% of 100%) and
- deaf, if the degree of disablement due to deafness is **80% or more.**

This means that they cannot walk outside without someone helping them.

42014 A lay decision to award WPMS can be made when a pensioner satisfies the medical criteria for category 1 or category 3 cases.

42015 For category 2 cases, in assessing a pensioner's walking ability, either the Band D (B) or SPVAMS take into account the ability to walk with a suitable prosthesis or artificial aid which is worn, used or expected to be used regularly, when making their decision.

42016 - 42019

Automatic entitlement

42020 Automatic entitlement to WPMS is granted to a war pensioner who:

- is receiving a War Pension for an AD assessed at **20% or more** for claims made before 7 April 1997 or **40% or more** for claims made on or after 7 April 1997 and had any of the following immediately before the date on which eligibility is first considered
 - an invalid carriage or other vehicle on loan under the Department's Vehicle Schemes
 - Private Car Maintenance Allowance (PCMA)
 - Mobility Allowance paid under special arrangements to beneficiaries of the former Invalid Vehicle Scheme (IVS).

You must establish the correct date of claim. See the '[Date of claim & commencing date of award](#)' section in the [Claims guide](#).

Other lay decisions

42021

A lay decision to award WPMS can also be made, without reference to SPVA Medical Services if the pensioner is:

- assessed at **20% or more** for claims made before 7 April 1997 or **40 or more** for claims received on or after 7 April 1997 and
- unable to walk 200 yards and the main cause is service related.

You must establish the correct date of claim. See the '[Date of claim & commencing date of award](#)' section in the [Claims guide](#).

42022

A lay decision to reject the claim without reference to SPVA Medical Services can be made if the:

- pensioner is able to walk 200 yards or more **or**
- AD is Aggravated and a limitation is appropriate or if the pensioner could walk at the time the limitation was given **or**
- main cause of walking difficulty is not service related.

42023

If there is any doubt, refer the case to SPVA Medical Services for advice.

42024 - 42029

Adaptations

42030 Pensioners in receipt of WPMS and residing in the UK are sometimes eligible for cash help towards the cost of adapting cars. SPVA does not award grants to a pensioner who obtains a car privately. To qualify for help the pensioner must satisfy all the following conditions:

- be in receipt of WPMS
- buy or hire a car through the Motability Scheme
- be unable to use a non-adapted car either as a driver or as a passenger. This restriction does not have to be due to an AD.

Available adaptations

42031 The most common adaptations and cash limits are:

- | | |
|---|----------|
| • automatic gearbox | £550.00 |
| • hand control accelerator | £230.00 |
| • hand control brake | £230.00 |
| • hand control brake and accelerator | £275.00 |
| • left foot accelerator with flip up pedals | £275.00. |

42032 Other adaptations include:

- minor alterations to car doors and/or seats to help with getting into and out of a car
- provision of extra mirrors
- removable accelerator pedals
- modifications to seat belts and different steering wheels.

High cost adaptations

42033 Requests for expensive sophisticated adaptations or specialised transport are considered by Motability Harlow. In some cases Motability Harlow will consult the Car Adaptation Section, Norcross before making a decision.

Payment for adaptations

42034 Payment for adaptations is made on SPVA's behalf by Motability. When the adaptations have been accepted as essential, the amount of the following can be paid:

- automatic gearbox
- hand control adaptations
- other approved adaptations
- minor adaptations.

42035 When you receive the invoice from Motability, you must check each card to ensure that the adaptation has been authorised and:

- if you have any queries contact Motability and withhold payment until cleared; or
- prepare FF91B and send it to Cashiers.

42036 See the [PRAM guide](#) for further details.

42037 - 42049

AA/RAC disabled drivers assistance card

42050 A pensioner in receipt of WPMS who uses a car but is not already a member of any automobile organisation, can make use of the Roadside Assistance Scheme operated by the AA and RAC. If possible the pensioner will receive free roadside assistance from the AA/RAC on production of a Disabled Drivers Assistance Card. See the [Administration guide](#).

M6 Toll Exemptions

42051 Customers in receipt of WPMS can claim exemption from charges when using the M6 toll motorway. However, they must apply in advance for a Mobility Exemption Pass.

42052 To obtain a Mobility Exemption Pass customers must complete an application form which is available via the M6 Toll website www.m6toll.co.uk or by 'phone from the M6 Toll Helpline number 0870 850 6262.

42053 Customers must produce a photo-copy of their Vehicle Exemption Certificate, form WPA0442, a passport sized photograph and pay a non-refundable administration charge of £5 for the initial application, with their application form.

42054 - 42059

Help from other sources

42060

War pensioners receiving WPMS may be eligible for any of the following:

- European Blue Badge Scheme (formerly known as the Orange Badge Scheme), which exempts disabled people from certain parking restrictions
- The Royal Association for Disability and Rehabilitation (RADAR) which offers discount facilities afforded by motor companies
- a disabled persons railcard, which offers concessions on British Rail Services.

42061

There are various other schemes and services available to disabled people. Applications for such help should be made to the appropriate organisation or authority.

Motability

42062

Motability is an independent voluntary organisation which only operates in Great Britain and Northern Ireland. It does not operate in the Irish Republic, Isle of Man, The Channel Islands or overseas. This organisation was set up at the initiative of the Government to help people, who were awarded mobility allowance and wanted a vehicle, to obtain the maximum value for money through discounts negotiated with car and wheelchair manufacturers, insurance brokers, etc. Motability assist war pensioners awarded WPMS with the loan, ie 'leasing', or the hire purchase of cars or wheelchairs. From 20 November 1985, a new type of lease agreement was introduced based on a fixed rental rate.

42063

Motability has four schemes available to war pensioners:

- **Scheme 1** in return for the payment of a set weekly amount up to the maximum value of DLA, over an agreed period, a vehicle is provided on hire purchase
- **Scheme 2** in return for the payment of an amount equal to current mobility component of Disability Living Allowance (DLA). A 'Mini' on lease is provided with all the servicing and insurance costs paid

- **Scheme 3** in return for the payment of the whole of the WPMS over a specified number of weeks, Motability offer a range of larger and more expensive cars for lease
- **Scheme 4** in return for the payment of a set weekly amount up to the maximum value of WPMS, a vehicle is provided on a fixed rental rate.

42064 In all the schemes detailed above, the war pensioner signs an agreement with Motability authorising SPVA to pay all or part of the WPMS (as appropriate) to Motability Finance Limited (MFL) for the whole period of the leasing or hire purchase agreement.

Overseas cases

42065 Motability does not operate abroad but if a pensioner goes abroad and payments are due to MFL, the payment to MFL should continue for the period of the agreement.

Motability Finance Ltd (MFL)

42066 MFL is the finance company that arranges the necessary loans and to whom all payments have to be made.

Addresses

42067 The address for Motability is:

Motability
Goodman House
Station Approach
Harlow
Essex
CM20 2ET

Tel: Harlow (01279) 635666

42068 The address for Motability Finance Limited is:

Motability Finance Limited
57 Southwark Street
London
SE1 1SA

Tel: 0171 620 0400

42069- 42089

Vehicle Excise Duty certificates

42090 SPVA act as an agent for the Department of Transport, by issuing exemption from Vehicle Excise Duty certificates (VED certs) on request. The VED cert can be issued to:

- the WPMS recipient
- their appointee or representative (nominated driver).

42091 It is a condition that the vehicle is used solely by, or solely for the purpose of, the WPMS recipient. Only one exemption certificate may be issued in respect of a pensioner receiving WPMS.

42092 The pensioner can claim VED exemption from the Department of Transport. Applications must be made by the pensioner to the Department of Transport's local Vehicle Licensing Office or the Post Office. If pensioners have any queries relating to the conditions for VED exemption, they must be advised to contact their local Vehicle Licensing Office. However, SPVA can no longer backdate refunds on VED certificates. Refund of duty can now only be claimed from the date of surrender of the current licence.

42093 - 42099

Vehicle scheme transfers

42100 The Department's Vehicle Schemes (IVS and WPVS) ceased in December 1975 and November 1983 respectively. However, war pensioners were allowed to continue using their three-wheelers and those who had a Departmental car were given an opportunity to buy it. In both cases the pensioner is entitled to WPMS from either:

- the date the car is purchased **or**
- the date it is surrendered.

Vehicle Scheme Offices

42101 The Department's Vehicle Schemes are administered by the Vehicle Scheme Offices (VSOs) which are listed at [Appendix 22](#). Their responsibilities include:

- notifying SPVA of the pensioner's request to transfer to WPMS either permanently or temporarily

- disposal of vehicles
- questions on entitlement to Vehicle Scheme Benefits, eg WPVS, PCMA.

Rights to transfer to WPMS

42102 Pensioners, including those living overseas, using a vehicle, have the right to transfer to WPMS in any of the following circumstances:

- pensioner surrenders the vehicle
- pensioner decides to buy a Departmental car (3 wheelers are not available to purchase)
- vehicle becomes temporarily unroadworthy.

42103 Pensioners should contact their VSO who is responsible for the transfer arrangements.

Date of transfer to WPMS

42104 The date of transfer is normally the first day that the vehicle is no longer on loan to the pensioner. The date is determined by the VSO who notifies SPVA on form MHS 675 or HSU 675 (Scottish cases).

Claims made before 7 April 1997 – Assessment less than 20%

42105 If the pensioner's AD is assessed at **less than 20%** and they request a transfer to WPMS, the IVS documents file is needed for submission to SPVA Medical Services for confirmation of the assessment. All IVS reference numbers start with an H followed by a series of digits, eg H696070.

You must establish the correct date of claim, see the '[Date of claim & commencing date of award](#)' section of the [Claims guide](#).

Claims made on or after 7 April 1997 – Assessment less than 40%

42106 From 7 April 1997 if the pensioner's AD is assessed at **less than 40%** and they request a transfer to WPMS, the IVS document file is needed for submission to SPVA Medical Services for confirmation of the assessment. The document file used by IVS is known as the 'H' file.

You must establish the correct date of claim, see the '[Date of claim & commencing date of award](#)' section of the [Claims guide](#).

Pensioner purchases Departmental car

42107 A pensioner can transfer to WPMS and use the money to purchase a car in the following circumstances:

- the transfer is automatic for pensioners assessed at **20% or more** and the claim was made before 7 April 1997
- he must be **40% or more disabled** for claims made on or after 7 April 1997. **You must establish the correct date of claim**, see the '[Date of claim & commencing date of award](#)' section of the [Claims guide](#).

42108 The allowance is withheld at:

- £15.00 per week **or**
- up to the total weekly amount of supplement until the purchase price of car has been recovered.

Temporary WPMS

42109 Temporary payment of an award may be made to a pensioner who has a car which is temporarily off the road because of an accident or breakdown. There is no minimum or maximum period of award.

Permanent transfer of WPMS

42110 If a pensioner decides to transfer to WPMS permanently, a revised award must be prepared.

Transfer to Motability

42111 If a pensioner intends to obtain a car through Motability, form MHS/HSU 675 will not have a transfer date but will be noted that the pensioner is retaining their vehicle until they receive their Motability car.

Underlying entitlement to WPMS

42112 Normally an award of WPMS cannot be made when a pensioner has a vehicle on loan from the Department but underlying entitlement can be awarded to a pensioner who:

- wants to claim WPMS
- intends to obtain a car through Motability **and**
- wishes to retain a Departmental car until receiving the Motability car.

42113 - 42199

Clothing Allowance

Background

42200 Clothing Allowance was introduced on 1 February 1946 to help with the expense of exceptional wear and tear on clothing due to the war pensioned disablement. The allowance is paid annually in addition to the basic war pension.

42201 Prior to 7 April 1997, there were 2 rates of Clothing Allowance, higher and lower. From 7 April 1997, there is only one rate of Clothing Allowance, the standard rate Clothing Allowance. Lower rate awards in payment were automatically increased to the new standard rate.

Authorities

Service Pensions Order (SPO) Articles 11 and 46

42202 The authority for the award of an allowance for wear and tear of clothing is contained in Article 11 of the Naval, Military and Air Forces etc (Disablement and Death) SPO 2006 and Articles 17 and 46 of the PICS.

42203 - 42209

General guidance

42210 The following usually qualify for Clothing Allowance:

- **Amputee**
- **Non-Amputee** – regularly wearing a calliper or spinal support
- **Incontinence** – resulting in soiling of clothing and the need for frequent laundering
- **Skin conditions or sinus** – if discharge results in soiling of clothing and the need for frequent laundering

- **Skin conditions** – if the use of ointment results in soiling of clothing or the need for frequent laundering
- **Alterations to clothing** – excessive wear and tear of clothing would occur if clothing was not altered on purchase or specially made
- **Footwear** – special footwear is not required but wear and tear is substantial.

42211 Refer cases of difficulty to SPVA Medical Services for their advice.

42212 - 42219

Types of awards

42220 Apart from an award which is made retrospectively, i.e. a posthumous award, the two types of award prior to 12 April 1993 were:

- UFI, (Until further instruction) made if the AD is assessed at 20% or more and it is accepted that excessive wear and tear of clothing is of a permanent nature
- non UFI, made for 12 months if the AD is assessed at 20% or more but there is doubt that the wear and tear of clothing will be permanent, The pensioner is advised to apply again before the award expires if they wish the allowance to be extended.

42221 With effect from 12 April 1993 all clothing allowance awards have been made UFI (Until further Instructions).

42222-42229

Amputees

42230 Amputees are normally eligible for Clothing Allowance and should be assessed using the following guidance:

- an **arm amputee** is eligible whether an artificial limb is regularly worn or not
- a **leg amputee** is eligible whether an artificial limb is regularly worn or not.

42231 Clothing Allowance may be awarded if:

- there is an amputation at or above the wrist or ankle joint or
- a mid tarsal amputee has to wear a prostheses of corset and steel.

42232 Clothing Allowance may also be awarded if the AD is amputation of:

- a single arm or leg, or a double leg amputee who is in a wheelchair or bed bound (i.e. does not use artificial limbs or crutches)
- a single leg with tilting table limb
- a single leg with serious disablement to the other leg which necessitates the use of crutches and artificial limb or the wearing of a calliper for one leg and artificial limb for the other.

Clothing Allowance not payable

42233 Clothing Allowance should not be awarded to:

- a pensioner with a partial amputation of a hand or foot
- a mid tarsal amputee fitted only with surgical boots.

42234 - 42239

42240 Clothing Allowance is normally appropriate if:

- the disablement necessitates the use of crutches for:
 - tubercular hip
 - gunshot wound of hip or thigh
 - spinal injuries **or**
- an appliance is worn, eg:
 - walking callipers or below the knee leg irons
 - a permanent cock-up splint or other arm splint which prevents the use of the arm **or**

- a Fischer type spinal support with steel belt, pelvic hoops and moveable arm crutches is worn.

Pensioner ceases to wear appliance

42241 Where a pensioner ceases to wear an appliance or is fitted with a different one, review the Clothing Allowance.

42242 - 42249

Non-appliance cases

42250 A clothing Allowance may be awarded in cases where soiling and frequent laundering is caused by:

- serious bladder or bowel incontinence **or**
- a skin condition or sinus discharge
- a skin condition which needs frequent use of staining ointment.

42251 Each case should be considered on its own merits when determining the extent of damage to the clothing, in particular:

- the area and extent of the skin condition **or**
- whether it is chronic or subject to periodic irritation **or**
- the type of ointment prescribed.

42252 If Clothing Allowance is awarded, advice from SPVA Medical Services may be needed in order to determine whether the award should be UFI or non-UFI in cases where the commencing date is before 12 April 1993.

Paraplegics

42253 Clothing Allowance is payable to a paraplegic who is confined to a wheelchair.

Alterations to clothing

42254 If it is evident that excessive wear and tear of clothing would occur if either alterations to garments were not made or garments not specially tailored on purchase, then an award may be merited.

Footwear

42255 If the pensioner applies for Clothing Allowance in respect of footwear, they should be medically examined to determine:

- whether special footwear is needed because of the AD
- whether there is exceptional wear and tear of footwear which is a direct result of the AD
- the extent of the exceptional wear and tear.

Special footwear

42256 If SPVA Medical services advise that special footwear is needed, the awards file should be referred to treatment Group to arrange provision with Disablement Services centre (DSC).

42257 If special footwear is not required but there is exceptional wear and tear because of the AD, a Clothing Allowance may be merited. This is usually a result of:

- having to buy three pairs of shoes in 12 months
- sole and heel repairs every two to three months.

Hospital inpatients

42258 A pensioner undergoing prolonged hospital treatment or permanently maintained in hospital is not usually eligible for a Clothing Allowance. If the patient is allowed out of bed and regularly wears their, an award should be considered.

Part 111 Accommodation

42259 A pensioner who is in Part 111 Accommodation is not normally eligible for Clothing Allowance. The Local Authority should be consulted about the circumstances of the cases. If the pensioner regularly wears their own clothing the allowance may be merited.

Irish Republic

42260 A pensioner in residential care in the Irish Republic cannot be paid Clothing Allowance.

Great disablement and paired organs/limbs rule

42261 There is no entitlement to Clothing Allowance if the disablement which causes wear and tear to clothing has not been accepted for pension purposes. This also applies if the non-AD is taken into account on the greater disablement principle or the paired organs/limbs rule:

EXAMPLES

A

Right leg	AD
Left leg	Wears appliance but disablement not accepted
Note	The wear and tear of the clothing must be due to the AD on the right leg.

B

Right leg	Wears appliance – AD
Left leg	Amputated but non – AD.

42262 - 42299

Education Allowance

Background

42300 Education Allowance was introduced in 1917 to enable children to have the same standard of education they would have received, if their father had not been killed or disabled whilst serving in the Armed Forces. Applications for officers' children were only considered up until 1939, when eligibility was extended to include children of other ranks, provided that the education was the same or similar to that which the father would have provided. This condition was removed in 1948.

42301 The allowance was awarded for school fees or expenses or a combination of both. The maximum award is £120 a year.

- 42302 This section mainly deals with applications from war pensioners who served with the Armed Forces after 2 September 1939. There are other types of cases however, which may be similarly considered, the exception being those cases when AFPS Med Discharge is in payment.
- 42303 With effect from 12 April 1993, no new awards of Education Allowance were made.
- 42304 Current awards will continue until the child is no longer dependant, but claims for a “new” child must not be accepted.

Authorities

- 42305 The main authorities for awarding Education Allowance are:
- **Members of the Armed Forces**
Article 13 (disablement) or Article 38 (death) of the naval, Military and Air Forces Etc (Disablement and Death) SPO1983
 - **Mariners**
Article 13 or 38 of the SPO1983, by virtue of the War Pensions (Mercantile Marine) Scheme 1964
 - **GOPs and CDVs**
Article 13 (disablement) or Article 36 (death) of the PICS 1983
 - **Deceased non –GOPs**
Special provisions by means of Article 52 of the PICS 1983.
- 42306 If underlying pension entitlement has been granted under a dispensing instrument or under extra-statutory provisions, the Treasury Letter reference number and date should be shown on the records.

Conditions

- 42307 All the following conditions must be fulfilled to qualify for an award of Education Allowance:
- the AD must be assessed at 20% or more
 - the child must have attained age five or will reach age five during the school term. The allowance can remain in payment up to the date that the child completes their full-time education **and**

- the circumstances of the family are such that there is a need for the allowance because the present income is less than it would have been but for the war disablement.

42308 - 42319

Awards to children over age 16

42320 Prior to August 1988, Education Allowance was paid for children who were:

- between 16-19 years of age
- over age 19 provided that they were still in full-time education.

42321 From August 1988 following advice from SpPol, payments were withdrawn at age 19 in line with withdrawal of any Child Benefit in payment. However, from June 1990, SpPol confirmed that the 1988 decision was incorrect and awards for a child over 19 could be considered provided that the child remains in full-time education:

- at a university, college, technical college or any other comparable education establishment **and**
- it leads to a recognised technical, educational or academic qualification.

42322 Consult the Band D Caseworker in cases where deciding eligibility for an award is difficult, eg where the student changes the course they had first undertaken.

42323 - 42399

Christmas Bonus

Background

42400 The Christmas Bonus was introduced in 1972. Except for 1975 and 1976 it has been paid every year since.

42401 – 42409

Eligibility

42410 War Pensioners who receive UNSUPP and/or CAA may qualify for a Christmas Bonus payment depending on whether there is any other higher qualifying benefit in payment. If both UNSUPP and CAA are being paid the bonus is payable on their UNSUPP entitlement. WPMS became a qualifying benefit for receiving the bonus in December 1993.

Christmas Bonus is reviewed 12 months from the date an award of UNSUPP, CAA or WPMS is implemented and every 12 months thereafter (see *Claims Guide para 91312*).

Benefit priority list

42411 If the pensioner or their spouse/partner/adult dependant receives any other benefit which takes precedence over war pension, the responsibility for the Christmas bonus payments rests with the relevant paying office. The order of precedence is as follows:

- Retirement Pension (RP)
 - Widow's Pension (WP)
 - Widowed Mother's Allowance (WMA)
 - Widowed Parent's Allowance (WPA)
- War Widows/Widowers Pension (WWP)
 - Industrial Death Benefit Widows (IDBW)
- Unemployability Supplement (US) payable with:-
 - War Disablement Pension (WDP)
 - Industrial Injuries Disablement Benefit (IIDB), unless it will be paid with Income Support
 - Old Scheme Benefits:
 - 1 Pneumoconiosis, Byssinosis and Miscellaneous Diseases

2 Workmens Compensation (Supplementation Scheme)

- Carer's Allowance (CA)
- Incapacity Benefit (INCAP)
 - Severe Disablement Allowance (SDA)
- Constant Attendance Allowance (CAA) payable with:
 - War Disablement Pension (WDP)
 - Industrial Injuries Disablement Benefit (IIDB), unless it will be paid with Income Support
 - Special Scheme Payments:
 - 1 Pneumoconiosis, Byssinosis and Miscellaneous Diseases

2 Workmens Compensation (Supplementation Scheme)

- Attendance Allowance
- Disability Living Allowance (DLA)
- Income Support Pension (IS) – customer over State Pension age
- War Disablement Pension (WDP) over 65 and considered retired
- War Pensions Mobility Supplement (WPMS).

Spouses/partners/adult dependants

UNSUPP as a qualifying benefit

42412

The following criteria must apply before a spouse/partner/adult dependant is entitled to receive a Christmas Bonus from SPVA:

- the pensioner must be in receipt of UNSUPP with Additional Allowance for Spouse (AASP) or Additional Allowance for Dependand (AADP)
- the pensioner must be aged 65 male (60 female) or over at the time of their spouse/partner/adult dependant's 60th (female) or 65th (male) birthday

- the spouse/partner/adult dependant must not be in receipt of any additional pension (AP) or Graduated retirement Pension (GRP).

WDP as qualifying benefit

42413 Where WDP is the only qualifying benefit, the spouse/partner/adult dependant is entitled to a Christmas Bonus providing that no other qualifying benefit is in payment and the pensioner is aged 65 (male) or 60 (female) or over at the time of their spouse/partner/adult dependant's 60th (female) or 65th (male) birthday.

42414 If all the above criteria is met, the spouse/partner/adult dependant will receive a Christmas Bonus from SPVA. However, if any other qualifying benefit is in payment, SPVA will not pay the Christmas Bonus.

European Union (EU) and European Economic Area (EEA) Countries

42415 In addition to the restrictions of payment already mentioned, the pensioner and their spouse/partner/adult dependant must live in the UK (including Northern Ireland), the Isle of Man, Channel Islands, Gibraltar or one of the following EU/EAA countries:

- Austria
- Belgium
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary

- Iceland*
- Republic of Ireland
- Italy
- Latvia
- Liechtenstein*
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway*
- Poland
- Portugal
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland**

* denotes EEA Countries

** denoted not in the EEA, but has similar rights from 1 June 2002.

Graduated Retirement pensions

42416

Graduated retirement pension is based on contributions paid between 6 April 1961 and 5 April 1975 by all employees including married women with reduced liability. Employees could be contracted out by their employers but they are still paid a small amount of graduated retirement pension.

42417 The amounts paid were converted into “units” which can be paid on their own or on top of a basic pension. Widows can inherit half of their husband’s graduated pension, in addition to any of their own, up to a maximum of 72 units (86 for a man). As these pensioners are National Insurance Contributory Pensions administered by Newcastle, SPVA do not pay the Christmas Bonus in these cases.

42418 - 49999

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Treatment Allowance (TA)

Background

50000 TA is a temporary allowance which replaces a War Pension and is payable at 100% rate. For administrative ease, any less than 100% pension in payment is topped up to the 100% rate.

Article 17

50001 The Service Pensions Order (Article 17(1)) provides that a member of the Armed Forces may be awarded TA for any period during which they received treatment and, as a result of such treatment, they incur a loss of earnings. Article 17(6) defines treatment as:

- any treatment as an in patient of a hospital or similar institution
- a course of medical, surgical or rehabilitative treatment of a remedial nature.

50002 The SOS must be satisfied that a member of the Armed Forces should receive for any disablement:

- for which an award under this order or any previous order or Royal warrant may be made or has been made **and**
- which does not include any treatment which involves no interruptions or only occasional interruptions of the member's normal employment.

50003 Under Article 17(2)(b) of the SPO and 23(1)(b) of the PICS when TA is awarded, the only allowance not payable is Allowance for Lowered Standard of Occupation (ALSO).

50004 The pensioner continues to draw their War Pension and the amount of TA is the difference between this and the 100%, but technically the pensioner is in receipt of TA.

Types of TA

50005 There is only one type of TA, but the following terms are used for the Scheme:

- **Outpatient Treatment Allowance (OPTA)** can be approved if the pensioner is attending for outpatient treatment for their AD at least three times a week. The **treatment** must prevent work. Eligibility for OPTA must be confirmed by evidence of attendance

- **Outpatient Treatment Allowance (OPTA)** can be approved if the pensioner is attending for outpatient treatment for their AD at least three times a week. The **treatment** must prevent work. Eligibility for OPTA must be confirmed by evidence of attendance
- **Home Treatment Allowance (HTA)** can be approved if the pensioner's GP prescribes a course of treatment which prevents them from working
- **Special Treatment Allowance (STA)** is only approved for pensioners who have had a period of inpatient treatment and need a period of recuperation before returning to work.

Eligibility

50006 Treatment Allowance is payable to a pensioner who is receiving treatment, providing they meet the following criteria

- the pensioner is prevented from working because of the treatment for their accepted condition
- the treatment must be for the AD and normally, depending on the circumstances of the case, last for eight days or more
- the pensioner must have suffered a loss of earnings because the treatment prevents them from working.

Course of treatment

50007 For TA purposes, SPVAMS normally defines a course of treatment as one in which active medical or surgical treatment is required for a definite period with the object of improving or preventing deterioration of the AD.

50008 The treatment must be a specific course prescribed by a doctor which, in itself, prevents the pensioner from working.

50009 Bed rest plays a part in most treatment, but in order to qualify for TA it must be:

- an essential element of the treatment
- prescribed with remedial intent, to improve the condition.

50010 - 50019

Remedial treatment

50020 Remedial treatment is a course of treatment which is aimed at improving or curing a condition.

Palliative treatment

50021 Palliative treatment is treatment that may be necessary throughout the pensioner's lifetime without necessarily causing any improvement or cure.

50022 The term palliative is for internal use only and must **never** be used in correspondence or discussion with the public or members of War Pensions Committees.

Earnings

50023 For TA purposes, earnings means any remuneration or profit derived from employment.

Certificate of Eligibility

50024 A Certificate of Eligibility indicates:

- the type of TA awarded (IPTA, HTA etc)
- how long approval is given for
- whether entitlement to TA should be renewed at the end of the approved period.

Effects of TA on Supplementary Allowances

50025 An award of TA does not affect the payment of:

- Unemployability Supplement (UNSUPP)
- Invalidity Allowance (IVA)
- Constant Attendance Allowance (CAA)
- Comforts Allowance (COMF)
- Exceptionally Severe Disablement Allowance (ESDA)
- Severe Disablement Occupational Allowance (SODA)

- Education Allowance
- Clothing Allowance
- Age Allowance
- Service and Badge Allowance
- Gallant Conduct Awards.

Income Support (IS)

- 50026 Income Support (IS) overlaps with TA. If the pensioner says that they have received IS, this must be confirmed with DO and taken into account when calculating the payment of TA.

Income related benefits

- 50027 If the pensioner is in receipt of an income related benefit such as Housing Benefit, Council Tax Benefit, Family Credit or Disability Working Allowance (DWA) the onus is on the pensioner to notify the paying authority of an award of TA.

ALSO

- 50028 If the total amount of ALSO and War Pension is equal to the 100% rate, payment of TA would be of no financial benefit, although there would be an underlying entitlement to TA.

Late of Out of Time claims

- 50029 Treatment Allowance (TA), if approved, is normally payable from the date treatment began provided that the application is made **within 13 weeks** of the:
- start of treatment, or
 - notification of entitlement to a war pension being awarded.
- 50030 The '**13 week rule**' **does not apply to claims made on or after 7 April 1997**, and payment can only be made from the date of claim. Claims made **prior to** this date are not affected.

Backdating – exceptional circumstances

- 50031 There are, however, provisions under Schedule 7 of the SPO Amendment Order for the Secretary of State to consider backdating an award of TA to before the date of claim where:
- the claimant can satisfy the Secretary of State that they would have made an earlier claim or application for review had they not been prevented from doing so due to illness or disability, or,
 - there is evidence of delay in claiming due to official error or misdirection.
- 50032 The Secretary of State must consider each case on its own merits.

Treatment finished

- 50033 If the treatment has finished by the time a late claim is received, you must reject the claim.
- 50034 **Note:** It is not acceptable for the pensioner to plead ignorance as grounds for not claiming sooner. Information about TA is contained in OBs and in leaflets issued to pensioners paid by other methods.

Psychiatric cases

- 50035 For action to take on psychiatric cases, see the section headed *'Admission for psychiatric treatment'*.

Pensioner laid off from work

- 50036 The pensioner must provide written confirmation from their employer if they are laid off from work because they need time off for treatment for the AD. TA can be considered for the duration of the treatment period whether or not the pensioner has a job to return to.

50037 – 50039

Posthumous claims

- 50040 There is no provision in the War Pensions Instruments for an award of TA to be made on the basis of a posthumous claim.
- 50041 If the pensioner signed and dated the claim form prior to their death, the claim must be referred to the Band D Caseworker.

Posthumous awards

50042 If a decision is made on a claim for TAs after the pensioner has died, the notification and any resulting payment must be made to the designated person: NOK, solicitor, etc via the appropriate Operational Team.

50043 – 50059

Admission for psychiatric treatment

50060 If a pensioner needs psychiatric treatment for their AD they can qualify for TA in the same way as a pensioner receiving treatment for an 'organic' condition.

50061 If a pensioner is admitted to a psychiatric hospital, Treatment Group are usually notified by:

- the pensioner
- the hospital
- the VWS
- another source such as relatives, friends, solicitors, Operational Team.

Types of admission

50062 There are two types of admission for psychiatric treatment:

- voluntary admission. This is the most common type of admission. The pensioner is admitted willingly and knowingly for treatment of their condition;
- compulsory admission. In these cases the pensioner has no choice about their admission for treatment. They are very often a danger to themselves and society because of their psychiatric condition. The decision to admit them is often made by a Court of Law under a section of the Mental Health Act 1983, see [Appendix 17](#).

Policy

50063 Since 1919 it has been the practice that pension is suspended when a pensioner is imprisoned.

- 50064 The main reason for this is that it is considered inappropriate to pay from public funds to someone who has offended against the laws of society by committing a criminal offence.
- 50065 A further reason to support this practice is that payment should not be made from public funds to a person who is being maintained at public expense.
- 50066 The SOS has discretion to order the forfeiture of pension from such a date (including any past date) as they may think fit.

Compulsory admission

- 50067 If the admission is as a result of a Court Order requesting a psychiatric report, no further action is taken as TA is not considered.
- 50068 If the pensioner has made a specific application for TA, a notification of rejection must be issued to the pensioner.

Voluntary admission

- 50069 If a pensioner is voluntarily admitted for psychiatric treatment, eligibility for TA must be considered. Some psychiatric conditions make the pensioner unaware of their eligibility to claim TA and they may be incapable of completing a claim form. The VWS protects the pensioner's right by taking action to claim on their behalf.
- 50070 If a claim is submitted by or via the VWS, all replies/correspondence relating to the claim must be sent to the VWS for them to inform the pensioner. This is to avoid the risk of disturbing the pensioner with news which they may not understand.

Procedural differences

- 50071 When a pensioner is admitted to a psychiatric hospital, the essential procedural differences from organic treatment are:
- rejection notices must not be sent to the pensioner unless it is clear that they have made a claim without any help from the VWS; and
 - TA can be paid long term.
- 50072 Treatment Allowance, if approved, is payable from the date of claim.

- 50073 There are, however, provisions under Schedule 7 of the SPO Amendment Order 1997 for the Secretary of State to consider backdating an award of Treatment Allowance to before the date of claim where:
- the claimant can satisfy the Secretary of State that they would have made an earlier claim or application for review had they not been prevented from doing so due to illness or disability; or,
 - there is evidence of delay in claiming due to official error or misdirection.
- 50074 Backdating is not automatic in psychiatric cases. You must take into account:
- medical opinion on the severity of the psychiatric condition
 - whether the reason for the delay in claiming was continuous up to the date of claim, particularly where the claim was made after the treatment finished.
- 50075 The Secretary of State must consider each case on its own merits.

50076 – 50079

Discretionary Age Addition (DAA)

- 50080 DAA is considered if it is thought that the treatment of the AD is likely to lead to permanent or material worsening of the AD.
- 50081 DAA is an increase of the existing age allowance to the amount appropriate to the likely post-treatment assessment. Whilst the pensioner is in receipt of TA, Service Personnel and Veterans Agency Medical Services will advise a provisional assessment and the DAA is paid at the rate appropriate to that percentage.
- 50082 If a pensioner is assessed at less than 40%, DAA can still be awarded.

Eligibility

- 50083 If a pensioner is in receipt of, or eligible for TA and is aged 65 or is within two months of their 65th birthday, DAA can be considered.
- 50084 Seek Service Personnel and Veterans Agency Medical Services' (SPVAMS) advice on whether there has been a permanent or material worsening of the AD.

- 50085 DAA can still be considered if the pensioner's assessment is less than 90% because the 'topping up' of the Age Allowance would be of financial advantage.
- 50086 DAA is paid until TA ends. When it is known that TA is to end, notification must be sent to the Operational Team, who will then review the assessment in the light of Service Personnel and Veterans Agency Medical Services' (SPVAMS) advice.
- 50087 – 50089

Overseas Treatment Allowance

- 50090 When a War Pensioner who is living overseas, makes a specific claim for TA, it is normally the responsibility of Treatment Group.

TA claim from pensioners living in Canada

- 50091 If you receive a claim from a pensioner living in Canada, check whether they are receiving a Supplemented or an Option Pension.
- 50092 If the pensioner is in receipt of a Supplemented or an Option Pension you must refer the claim to Ancillary Benefits Division, Canada.

Irish cases

- 50093 If you receive an application for TA from a pensioner living in Northern Ireland, it must be referred to the Veterans Welfare Service, Belfast. If the pensioner lives in the Irish Republic, refer any application for TA to the VWS Dublin.

Indian cases

- 50094 If you receive an application for TA from a pensioner living in India, refer it to the appropriate OPA.

50095 – 50109

Part Time Treatment Allowance (PTTA)

Article 19

- 50110 PTTA is an allowance paid under Article 19 of the SPO to a pensioner who has incurred an actual and unavoidable Loss Of Earnings (LOE) as a result of occasional interruptions to their normal employment so that they can receive 'treatment' for their AD.

Treatment

50111 'Treatment', as defined in Article 17(6) of the SPO:

- means:
 - any treatment as an inpatient in a hospital or similar institution **or**
 - a course of medical, surgical or rehabilitative treatment **and**
- does not include treatment which involves no interruptions or only occasional interruptions of the member's normal employment.

50112 In practice, PTTA is normally payable to a pensioner who receives treatment lasting for seven days or less and loses earnings as a result. PTTA is:

- paid in addition to the basic pension
- limited to the loss incurred and is subject both to a daily ceiling and an overriding maximum in respect of 'any period of a week'.

50113 The amount of PTTA payable can exceed the amount of TA that would otherwise be payable but for the limitation of Article 17(6).

Period of a week

50114 A 'period of a week' is not defined in the SPO but should be given its everyday meaning of any period of seven consecutive days.

50115 PTTA may also be paid when the pensioner is receiving accepted treatment at home if the treatment cannot be given outside normal working hours, as follows:

- dental treatment
- treatment from their GP.

Loss of Earnings payable (LOE)

50116 LOE may be paid to a pensioner and/or their approved escort when:

- attending a medical examination at the request of SPVA
- attending and re-attending if necessary, an Office of the Department about an application for treatment, see [Hospital Treatment Expenses](#) for further details

- attending a hospital, Disabled Services Centre (DSC) or Artificial Limb and Appliance Centre (ALAC) for the supply, repair or renewal of an artificial limb or surgical appliance
- attending a hospital, clinic, etc for accepted outpatient treatment
- attending an optician, apart from a local optician, some distance from home, for the fitting of contact lenses
- attending by appointment, a meeting of the War Pensions Committee (WPC) for the purpose of making a complaint or seeking advice.

Circumstances when LOE not payable

50117 Compensation for LOE should not be paid:

- when a pensioner claims LOE because they did not have an artificial limb that was fit for use (unless the Appliance Medical Officer certifies that for reasons beyond their control the pensioner will be without an artificial limb, and as a result is unable to work for a period of seven days or less)
- when a pensioner is receiving or is eligible to receive TA
- when a claim is made for a day when the employer's works were closed for holidays or other reasons
- for loss of casual overtime earnings or earnings from subsidiary occupations, e.g. evening employment.

50118 - 50199

Skilled Nursing Care (SNC)

General

50200 SNC is the provision of long term nursing care for eligible pensioners requiring regular palliative treatment (treatment which helps to minimise the pain and suffering from an AD) of the type normally only available from trained nursing staff in a hospital or nursing home.

50201 This used to be known as Permanent Maintenance and requests from the VWS, BLESMA or Ex-Servicemen's Organisations may still refer to Permanent Maintenance.

50202 **All correspondence** with the pensioner, their representative or Ex-Servicemen's Organisations, etc must use the term '**Skilled Nursing Care**'.

Policy

50203 The Policy on the provision of SNC is to meet nursing home fees in respect of severely disabled war pensioners who need long-term nursing care wholly or mainly as a result of their AD under the discretionary power contained in Article 21 of the SPO.

50204 The exercise of SOS's discretion must be seen to be reasonable and this dictates that every case must be considered on its individual merits.

50205 - 50209

Eligibility

50210 Pensioners with very severe disablements requiring regular palliative treatment of the type normally only available from trained nursing staff in a hospital or nursing home.

50211 It is not sufficient for the ADs to be a contributory cause to the need for SNC. Factors such as old age and non-accepted conditions must be excluded.

50212 A pensioner whose need is only for the kind of care which can be provided by an attendant who has no nursing or medical training is not classed as requiring SNC.

50213 The need for SNC can arise when:

- the disablement reaches a stage when the attendant is no longer able to cope
- the attendant/carer is no longer available due to illness or death.

50214 If a pensioner or their representative applies for SNC and seeks admission to a private nursing home, they must be told that SPVA cannot accept liability for any arrangements they make, until their application is approved by SPVAMS.

50215 - 50219

Urgent admission

50220 If a pensioner is in need of urgent admission, the VWS **must** inform Social Services Department (SSD) or the Health Authority (HA) that it is **their** responsibility to cater for emergency needs. SPVA will normally take several weeks to consider and approve a claim.

50221 - 50229

Pensioners in NHS hospitals

50230 If a pensioner who is an inpatient in an NHS hospital is ready to be discharged, they may be unable to return to their own home because they need nursing care.

50231 The NHS do not provide places in hospitals or pay the cost of contractual beds in nursing homes for patients whose only remaining need is for nursing care. In these cases SPVA will consider SNC and any request must be referred to the Caseworker. Each case must be considered on its own merits.

50232 – 50239

Rehabilitation under 'Care in the Community'

50240 Under the 'Care in the Community' Project, Has are undertaking a programme of rehabilitation for psychiatric and handicapped patients, within the community.

50241 A request for SNC received from or on behalf of a war pensioner who has recently been discharged from long term care must be referred to the Band D Caseworker/Band C2 for guidance.

50242 If it appears that the pensioner is being cared for in a residential home or they are deemed to be capable of caring for themselves and have recently been discharged from long term care, approval should not be given.

50243 If a pensioner's condition has deteriorated since their discharge, and they are now in need of SNC, the case must be considered in the usual way.

50244 Each case must be treated on its own merits, Treatment Group should consult PLG or the Regional Welfare Manager as appropriate.

50245 – 50249

Types of nursing residence

50250 There are different types of nursing residence:

- Capitation hospitals
- Nursing Homes
- Residential care homes.

Capitation hospitals

50251 Capitation hospitals have always maintained close links with SPVA. The title 'capitation' is derived from their method of calculating the fees, i.e. the total outgoings divided by the number of occupants. There is a list of capitation hospitals at [Appendix 18](#).

50252 If the pensioner has elected to go into a capitation hospital the VWS must telephone Treatment Group with the information. The nursing home fee limits do not apply to capitation hospitals.

Nursing homes

50253 Nursing homes must be registered under the Registered Nursing Homes Act 1984, with the local authority, and must be registered with the Health Authority. There are, however, a few exceptions to this rule.

Leonard Cheshire Homes

50254 Exceptionally, Leonard Cheshire Homes may be used, provided the following conditions are met:

- the Matron is a State Registered Nurse
- a nurse is on call at night
- a doctor is resident at the home or visits when required
- the standards of hygiene are acceptable
- there are adequate fire escapes and appliances.

Other non-registered homes

50255 If the above criteria are met, charitable homes such as British Red Cross, Royal British Legion and BLESMA may be used even though they are unregistered.

- 50256 Unregistered Homes include those run under Royal Charter by one of the organisations listed at [Appendix 23](#).

Veterans Welfare Service involvement

- 50257 The Veterans Welfare Service must comment on the suitability of a Home with regard to whether it can provide the level of skilled nursing care needed. If the Veterans Welfare Service have not commented, SPVA must ask them to do so.

Nursing home selected

- 50258 When the pensioner and/or relatives have chosen the nursing home, the VWS will notify Treatment Group.

Nursing home fees

- 50259 Fees may be met within the set limits, see *the PRAM guide*. The limit should only be exceeded in exceptional circumstances with the agreement of the Regional Welfare Manager (RWM) if:
- specialised nursing care is required, e.g. 'one to one' intensive psychiatric (or other) nursing care
 - the nursing home selected provides the most suitable care taking into account its ability to cope with the particular pensioner's disability as well as its geographical location, e.g. if a less expensive home would involve an unreasonable degree of travelling for visiting spouse/family.
- 50260 The limits do not apply in the case of capitation hospitals, Leonard Cheshire Homes and St Dunstons.

Residential care homes

- 50261 Residential care homes are homes which provide basic care and attention only and do not provide SNC. SNC is not approved in a rest home.

50262 – 50269

Retainer fees

- 50270 A pensioner may leave the nursing residence due to:
- admission to an NHS hospital
 - a period of convalescence in another nursing residence

- a period of home leave.

50271 When this happens, it is SPVA policy to pay a retainer fee as shown below.

50272 The position must be reviewed after four or eight weeks in both private nursing homes and capitation hospitals.

Nursing homes

50273 During the first seven days of absence, the fees will be paid in full.

Resident less than 12 months

50274 If the pensioner has been resident for less than 12 months, pay a retainer fee of 80% for four weeks.

Resident 12 months or more

50275 If the pensioner has been resident for 12 months or more, pay a retainer of 80% for eight weeks.

Capitation hospitals

50276 Retainer fees in capitation hospitals are different from private nursing homes.

Resident for less than 12 months

50277 If the pensioner has been resident for less than 12 months, pay a retainer of 50% for four weeks.

Resident for 12 months or more

50278 If the pensioner has been resident for 12 months or more, pay a retainer fee of 50% for eight weeks.

50279 - 50299

Convalescence

General

50300 Pensioners require convalescence for the following reasons:

- following treatment in an NHS hospital
- they are in need of a break and are unable to stay in a hotel or boarding house, because of their AD
- for a respite break, in order to give their carer a rest.

50301 - 50309

Convalescence following NHS treatment

50310 When a pensioner requires convalescence following a period of treatment in an NHS hospital, the hospital arrange for the pensioner to be transferred to a convalescent home under the NHS provisions.

Entitlement to convalescence

50311 Convalescent treatment for a severely disabled pensioner is considered only if:

- the need for admission arises mainly from their AD
- the AD is assessed at:
 - 50% or more
 - 50% or more but SPVA's liability is limited to not less than 30%.

50312 – 50319

Types of convalescence

50320 There are two types of convalescence:

- convalescent breaks
- respite breaks.

Convalescent breaks

- 50321 The basic requirement is that the AD itself prevents the pensioner taking a normal break in a hotel or boarding house if accompanied by the usual carer.
- 50322 Before the pensioner can have a period of convalescence paid for by SPVA, the convalescence must be approved by SPVAMS.
- 50323 The VWS will normally supply the following information:
- When did the pensioner last have a break?
 - Where did they go?
 - At what type of establishment did they stay?
 - How did they manage?
 - Were they accompanied: If so, by who – spouse or carer?
 - What particular problems did they experience?
 - Why do they consider that they cannot now take a normal break in a hotel or boarding house?
- 50324 A pensioner should not book a period of convalescence and expect SPVA to meet the cost unless approval has been given beforehand.
- 50325 Once convalescence is approved, a pensioner can ask to take their break whenever they like.
- 50326 Convalescence is normally limited to four weeks in any period of 12 months. However, if a pensioner requests convalescence in a more costly nursing home than normal, they can stay for 3 weeks rather than the usual 4 weeks. A period of 12 months begins on the date they first went for convalescence.
- 50327 The minimum period of convalescence should normally be 14 days in order for them to derive the maximum benefit from the break. However, a convalescent period of less than 14 days can be approved, but SPVA will only meet the cost of travelling expenses for not more than two periods of convalescence.
- 50328 If it is clear that convalescence is necessary as an annual event, SPVAMS can approve authorisation 'Until Further Instruction' (UFI).
- 50329 Treatment Group take into account the pensioner taking normal holidays after having been approved for a convalescent break.

- 50330 If it is seen that the pensioner can take a normal holiday, obtain the details and consider the withdrawal of eligibility to further convalescence at SPVA's expense.

Establishment to be used

- 50331 Convalescence and respite breaks can be taken either in:

- A capitation hospital or
- a private or voluntary run nursing home (provided that the needs of the AD are such that admission to a nursing home is required).

Where appropriate the home must be registered. No exceptions are allowed, and we cannot consider any other places.

50332 – 50339

Respite breaks

- 50340 The basic requirements of a respite break are that:

- due to the state of the carer's health, it is necessary for the carer to have a break **and**
- the extent of the personal attendance required mainly for the AD would preclude the pensioner's admission to a hotel or boarding house.

- 50341 The VWS must provide evidence to support a claim for a respite break as follows:

- the age and general health of the carer
- a medical certificate from the carer's GP
- whether the extent of personal care required by the pensioner living at home arises from the AD.

- 50342 If old age and/or non-Ads are the major factors necessitating care, the responsibility for providing respite care falls on the SSD.

Elderly carer

- 50433 SPVA would not normally expect the carer to accompany the pensioner on a respite break. The exception to this would be where the carer, who is the spouse, is elderly. The carer, however, would not have to be involved in caring for the pensioner during the break. SPVA cannot be responsible for the carer's expenses.
- 50434 Medical approval must be given before any arrangements for a respite break can be made.
- 50345 A Respite Break can only be approved as a '**one off**'. Any further requests for a Respite Break must be treated as a new claim and approved by SPVA Medical Services (SPVAMS).
- 50346 - 50399

Remedial treatment

General

- 50400 The policy regarding the provision of short term 'remedial treatment' is to meet the fees in respect of such treatment for a pensioner suffering from a mental or nervous condition where the disability results wholly or mainly from the Ad under the discretionary power contained in Article 21 of the SPO 2006.
- 50401 The exercise of the SOS's discretion must be seen to be reasonable at all times and this dictates that every case must be considered on its individual merits.
- 50402 Short term 'remedial treatment' for eligible pensioners is provided at homes which are maintained by Combat Stress.
- 50403 Fees are met on a capitation basis.
- 50404 Admission to the homes are normally for six weeks, taken in either two separate periods of three weeks or three separate periods of two weeks in any one year. In exceptional circumstances, SPVA Medical Services (SPVAMS) may approve a longer period.
- 50405 Arrangements for admission to the hospital are made by Combat Stress who then write to SPVA seeking approval for the cost of the remedial treatment to be met by SPVA.

- 50406 In some circumstances Combat Stress homes may be used for convalescence/respice care. It is for SPVA Medical Services (SPVAMS) to make a decision on eligibility in each individual case, taking account of the nature of the AD.
- 50407 Medical approval is required for the initial period of treatment or where the pensioner has had six weeks' treatment already in the year and a longer period is requested.
- 50408 Normally approval may not be given to a pensioner for remedial treatment as well as a period of convalescence during a single year. In exceptional circumstances, however, SOS's discretion may be exercised to allow this.

50409 - 50429

First claim for remedial treatment

- 50430 First claims for admission for remedial treatment should be accompanied by a report from Combat Stress, explaining why the treatment is necessary.
- 50431 Pensioners may be entitled to claim travel expenses and subsistence allowance for themselves and their escorts. If appropriate, their escorts may be entitled to claim subsistence allowance and loss of earnings, see '[Hospital Treatment Expenses](#)' for further details.

50432 - 50499

Special transport

General

- 50500 Special transport is transport provided by voluntary organisations to badly disabled pensioners. The transport is suited to the pensioners' mental or physical needs. It is arranged when the pensioner is so mentally or physically disabled that he is unable to use public or private transport even with the help of an escort.
- 50501 When it is appropriate, special transport is arranged in liaison with the VWS and the voluntary organisations.
- 50502 The voluntary organisations include:
- The British Red Cross
 - St John's Ambulance Service

- Women's Royal Voluntary Service (WRVS).

50503 Requests for special transport are usually made by the VWS and Combat Stress at the same time as requests for:

- convalescence
- remedial treatment
- SNC.

50504 Requests for special transport may also be made by:

- pensioners attending for outpatient treatment
- ex-FEPOWs attending a Tropical Disease Investigation (TD).

Ex-FEPOWs

50505 If the request is for special transport to attend a TDI, refer the request to the Minor Schemes Section.

Respite breaks

50506 If convalescence is required for a respite break, special transport can be considered if the nursing home is within 50 miles of the pensioner's home. Obtain medical approval before making arrangements for special transport.

50507 Seek approval at the same time as approval for the respite break.

Convalescent holidays

50508 Special transport cannot be arranged or paid when convalescence is required for a holiday, even if there is existing approval on the TU.

50509 The British Limbless Ex-Servicemen's Association (BLESMA) may be able to offer financial assistance with travelling expenses to enable BLESMA members to stay at one of their homes. Do not refer pensioners who are not amputees to BLESMA.

Remedial treatment

50510 When Combat Stress apply for a period of remedial treatment they may also say that the pensioner needs transport. They must provide information as to why:

- the pensioner is unable to use public transport **and**

- special transport is necessary.

50511 - 50599

Aids and adaptations

Background

50600 The authority providing for the health and care of war pensioners after leaving service has been honoured in various legislation. The present authority is contained in Article 21 of the Naval, Military and Air Forces, etc (Disablement and Death) SPO 2006, as amended.

Article 21

50601 Article 21 of the SPO 2006 as amended states:

‘Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a member of the armed forces or appropriate aids and adaptations for disabled living, in both cases arising as a result of disablement due to service before 6th April 2005 may be defrayed by the Secretary of State under such conditions and up to such amounts as he may determine. No expenses shall be defrayed in respect of treatment, aids or adaptations provided for, otherwise than on payment of a charge by the member, under legislation of the United Kingdom.’

50602 Under Article 21, a war pensioner may be supplied with an appliance or item of home nursing equipment or awarded a grant towards the cost of adapting their home.

50603 Claims for the following can be considered:

- spectacles and contact lenses
- dental treatment
- hearing aids
- surgical appliances
- walking aids
- wheelchairs
- wigs
- artificial eyes.

50604 – 50609

Pensioners not resident in England or Wales

Scotland

50610 If the pensioner lives in Scotland, SPVAMS will advise on eligibility, i.e. confirmation that the need arises from the AD. However the appropriate Artificial Limb and Appliance Centre (ALAC) is responsible for the ultimate decisions on suitability and supply of:

- appliances, including:
 - hearing aids
 - walking aids
 - wigs
- dental treatment
- wheelchairs.

50611 Treatment Group are responsible for the ultimate decisions on the supply of spectacles.

Northern Ireland

50612 If the claimant lives in Northern Ireland, SPVAMS will advise on eligibility, i.e. confirmation that the need arises from the AD. However, VWS Belfast are responsible for the ultimate decision on suitability and supply of:

- appliances, including:
 - hearing aids
 - walking aids
 - wigs
- dental treatment
- wheelchairs.

50613 The Northern Ireland Hospitals Authority undertake the supply and maintenance.

Channel Islands

50614 Under the reciprocal agreement with the Islands' States, residents of the Channel Islands are eligible for provision of a wheelchair through the DSC.

50615 - 50629

Spectacles and contact lenses

General

- 50630 SPVA has responsibility to meet the cost of spectacles for war pensioners who need them for their AD.
- 50631 Prior to 1 April 1995, most war pensioners could obtain NHS spectacles and claim statutory charges from SPVA.
- 50632 If the type of spectacles needed were available under the General Ophthalmic Services (GOS) provisions, no refund was made for lenses or frames bought privately. However, when the pensioner needed non-standard frames or lenses because of the clinical needs of their AD, and these were not available under the GOS arrangements, the full cost of the privately purchased spectacles was reimbursed.
- 50633 NHS charges were abolished from 1 April 1985 and the new voucher scheme was introduced on 1 July 1996. There was an interim period between these dates when SPVA reimbursed the full cost of privately purchased spectacles for eligible claimants.

Voucher scheme

- 50634 From 1 July 1996 the voucher scheme was introduced and claimants who had previous entitlement to reimbursement of NHS charges were covered by this scheme and reimbursed to the voucher value.
- 50635 Claimants who had entitlement to privately purchased spectacles or lenses prior to 1 April 1985 retained that entitlement.
- 50636 If entitlement to spectacles was established during the interim period, the claimant was entitled to the voucher value only, unless the MA advised that non-standard frames were clinically necessary for the AD.

Contact lenses

50637 Pensioners can use the spectacle voucher to obtain contact lenses if they prefer. However, SPVA will not reimburse for spectacles and contact lenses unless approval is held.

Sight tests

50638 Prior to 1 April 1989, sight tests were provided free of charge under the NHS. Since 1 April 1989, opticians have charged for these tests. There is no fixed charge for a sight test.

Exemption from payment

50639 There are certain groups of people who do not have to pay for a sight test. These are people who are:

- prescribed contact lenses
- registered blind or partially sighted
- diagnosed diabetic
- suffering from glaucoma; or
- from April 1999, men aged 65 or over and women 60 or over.

50640 War pensioners, other than those in the above groups are not exempt from payment. They can, however claim reimbursement of the sight test fee, when the need for a sight test is due to an AD. Reimbursement will be made on production of evidence of payment (GOS(V) annotated by the optician or a separate receipt).

Frequency of sight tests

50641 In normal circumstances a sight test should only be required every two years.

50642 Claims for reimbursement for a sight test should be looked at to determine whether they had good reason to have a further test.

50643 Reimbursement must always be considered where a further test was necessary or there has been a change in prescription.

Financial difficulty

- 50644 The normal procedure is for the claimant to pay for their sight test and/or spectacles and claim reimbursement from SPVA. However, in exceptional circumstances where eligible claimants are experiencing financial difficulty and cannot afford to pay for the sight test/spectacles and await reimbursement, the fee/voucher value can be paid directly to the optician.

Hospital Eye Service

- 50645 Some pensioners are referred to the Hospital Eye Service (HES) for specialist advice and the provision of spectacles. Invariably the cost of the spectacles exceeds the value of the vouchers but Treatment Group can reimburse the full cost of spectacles provided by the HES.

Spare spectacles

- 50646 SPVAMS may recommend a spare pair of spectacles when the claimant would be unable to follow their occupation without their spectacles because they would:

- suffer serious loss of vision
- be unable to appear in public because of facial disfigurement.

- 50647 There are some disablements which, to a lay person, do not appear to be connected with the need for spectacles, e.g. ankylosing spondylitis, diabetes, head injury. It is important to seek medical advice if there is any doubt about the need for spectacles.

AD includes an eye condition

- 50648 If the pensioner's AD includes an eye condition which would necessitate spectacles, e.g. loss of eye or loss of vision, the application for spectacles can be approved without submission to SPVAMS.

50649 – 50659

Lost or damaged spectacles

- 50660 If the claimant has lost or broken their spectacles and is applying for a replacement, look at the circumstances causing the loss or damage.
- 50661 If the claimant breaks or loses their spectacles due to neglect or carelessness they must pay for their own repairs or replacement.

- 50662 The cost of a replacement for spectacles which a claimant has lost or damaged can be considered if:
- they are eligible for spectacle because of their AD
 - no blame can be ascribed to the claimant, e.g. the spectacles were lost due to a natural disaster such as fire or accident.
- 50663 Occasionally spectacles are supplied or repaired when the AD does not include defective vision, e.g. if a claimant's AD is epilepsy and they damage their spectacles in a fall caused by the epilepsy.

Frames only approved

- 50664 Sometimes the need for spectacles may not be due to the pensioner's AD but because of their disablement they may need a special frame, e.g. if there is facial disfigurement or loss of an ear.
- 50665 In these cases the MA may give eligibility for reimbursement of spectacle frames but not the lenses.

Request from a widow or a dependant

- 50666 SPVA helps with the cost of spectacles only when they are needed because of the AD. A widow or a dependant is not eligible for help with spectacle charges.

50667 – 50679

Dental treatment

General

- 50680 A pensioner who obtains dental treatment or dentures through the NHS will be required to pay the statutory NHS charge to the dentist. However, if the treatment is for their AD they may apply for reimbursement.
- 50681 The provision of dental treatment and the supply of dentures may be accepted if:
- the treatment is in respect of an accepted jaw or facial injury. In these cases any necessary dental treatment, including the provision, repair or replacement of dentures will be accepted throughout the pensioner's lifetime

- it is necessary to extract teeth for effective treatment, e.g. where the patient suffers from dental sepsis which is preventing effective treatment of the AD, infective arthritis. In these cases the extraction of the teeth and an initial supply of dentures only will be approved.

Special dental treatment

- 50682 Claimants should normally obtain their treatment under the NHS. However, if the AD involves injury to the jaw or face which SPVAMS consider will call for special skill or care on the part of the dentist, or will require special dental appliances, SPVAMS will ask for advice from the Regional Dental Officer (RDO) about what treatment is necessary.

Replacement of dentures due to negligence

- 50683 If the need for replacement of dentures is due to the claimant's negligence, do not make any reimbursement.
- 50684 If there are grounds for believing that the replacement of a denture may be due to a lack of care on the part of the claimant, the Family Health Services Authority (FHSA) is required to investigate the circumstances and decide whether the claimant should be required to pay all, or part of the cost of replacement. Even if there was a lack of care, the FHSA may reduce or waive the amount payable if payment would cause hardship.
- 50685 Where the claimant claims reimbursement of a charge for the replacement of their dentures it should be ascertained:
- whether the case has been referred to the FHSA to consider whether there was a lack of care
 - what was their decision
 - whether, having regard to the circumstances they would be prepared to waive or refund any charge payable by the pensioner.
- 50686 If the FHSA decide that the charge cannot be waived, even though the loss or damage to the dentures was a result of the effects of the AD, or if the case has not been referred to the FHSA and the normal statutory charge has been paid, reimbursement can be made provided that you are satisfied there was no lack of care.

Dental treatment for pensioners with defects of the arm or hand

- 50687 Claimants whose AD includes a single or double arm amputation or arm or hand defects may be entitled to dental treatment because they could be using their teeth for unusual functions such as opening doors, etc. This will mean that there is more than average 'wear and tear' on their teeth. Give careful consideration to any claim.

Private dental treatment

- 50688 If the necessary treatment is not available on the NHS, SPVAMS may approve private dental treatment.

Reimbursement of NHS costs

- 50689 Reimbursement is restricted to the cost of equivalent NHS treatment if NHS treatment has been approved but the pensioner is having private treatment because:
- this is their personal preference
 - their dentist no longer gives NHS treatment.
- 50690 In the past, NHS dental treatment was approved for a pensioner whose AD was:
- peptic ulcer
 - gastric ulcer
 - duodenal ulcer.
- 50691 If payment has been reimbursed previously, you must allow any subsequent claims.
- 50692 Refer new claims to SPVAMS for medical approval.
- 50693 Spare.

Scottish cases

- 50694 If the claimant lives in Scotland, SPVAMS will advise on eligibility. However, the appropriate Artificial Limb and Appliance Centre (ALAC) is responsible for the ultimate decision on suitability and supply of dental treatment.

50695 If any further evidence is required, SPVAMS will ask for a report from the RDO.

50696 In Scotland, the RDO Service is part of the Scottish Office Home and Health Department, and is located in Glasgow.

50697 – 50709

Hearing aids

General

50710 Following implementation of the National Health Service Trust and Community Act 1990, Hearing Aid Centres (HACs) may now purchase and supply **any** type of hearing aid that they consider suitable.

50711 Hearing aids and a follow-up service, including repairs and batteries, are supplied free of charge on the National Health Service (NHS) to war pensioners as well as other hearing impaired people resident in the UK.

50712 If the pensioner requests a hearing aid for their AD, you must tell them to see their General Practitioner (GP) about their hearing difficulty. Their GP will then, if necessary, refer them to a local Ear, Nose and Throat (ENT) Department or possibly refer them direct to a Hearing Aid Centre (HAC) for testing and the provision of a hearing aid.

50713 If a NHS aid is found to be suitable, it will be supplied to the pensioner free of charge by the HAC.

Commercial (or privately supplied) hearing aids

50714 If there is no NHS hearing aid suitable, the HAC will then consider the supply of a commercial hearing aid. However, the pensioner cannot choose to have a commercial aid from personal preference.

50715 As it is for the NHS to provide a hearing aid that meets their clinical needs, the SPVA can only consider the supply of a commercial hearing aid in exceptional circumstances. If the pensioner claims that the NHS cannot supply a suitable hearing aid, you must ask them:

- 1 why the NHS cannot supply a free clinically suitable hearing aid, and
- 2 if it is considered that the circumstances of any particular case are exceptional, refer the case to PLG for advice as to whether SPVA can pay for the hearing aid.

Repairs

Repairs to a NHS hearing aid

50716 On receipt of a request for a repair to a NHS hearing aid, prepare a letter to the pensioner advising them that:

- NHS aids are repaired by the HAC **and**
- they should contact their local NHS Hearing Aid Centre.

Repair to a commercial hearing aid

50717 The cost of repairs to commercial hearing aids, supplied by the HAC of the DSC on SPVA's behalf, can be reimbursed to the pensioner provided that the cost is not more than the agreed limit.

50718 If the cost of repair is more than the agreed limit this can be considered, taking into account:

- the cost of the repair
- the length of time the pensioner has had the aid
- the cost of the aid
- the amount spent on repairs to the aid.

Batteries for NHS aids

50719 HACs provide batteries for NHS aids, free of charge.

Batteries for a commercial aid

50720 The cost of batteries for a commercial hearing aid can be met by Treatment Group, providing the aid was provided by Treatment Group.

Request for a tinnitus masker

50721 If you receive a request for a tinnitus masker you must tell the pensioner to contact their GP as these are available on the NHS.

Request for a hearing aid battery recharger

50722 All batteries for NHS hearing aids are provided free of charge. However, a hearing aid battery recharger for a commercial hearing aid costs approximately £30. As these are **not** available on the NHS, the SPVA will meet the cost of a battery recharger.

50723 – 50739

Surgical appliances

General

- 50740 A war pensioner may be supplied, free of charge, with any appliance certified to be necessary for the treatment or control of their AD providing the NHS or Social Services cannot supply. Any appliance supplied will be maintained and, if necessary, renewed free of charge.
- 50741 The term ‘appliance’ is used to cover a wide range of articles and aids which may be supplied to a claimant, see [Appendix 19](#) for a list of surgical appliances, which can be supplied.

Northern Irish cases

- 50742 Pensioners who live in Northern Ireland are dealt with by VWS Belfast.

NHS supply

- 50743 All surgical appliances are available through the NHS. When an application for a surgical appliance, shoes etc, is received, you must send WPA0294 to the pensioner advising them to approach their GP first.
- 50744 If the NHS is unable to supply the necessary appliance, the pensioner may ask SPVA to reconsider – see the [Claims guide, Part four, ‘Consideration of a claim’](#).
- 50745 Spare
- 50746 Sometimes it is obvious that the AD could give rise to the need for the appliance, as shown below:

AD	Appliance requested
Ankle injury	Surgical footwear
Shortening of leg	Surgical footwear
Loss of eye	Artificial eye

- 50747 In these cases, approve the appliance without referring to SPVAMS for medical eligibility.

Adaptations

- 50748 If the clinical needs of a claimant can be met by the provision of a standard article, such as may be worn as an item of normal clothing (e.g. footwear, corsets) or an item of normal clothing can be adapted, specially made appliances must not be supplied.
- 50749 Advise the pensioner to purchase the item privately and any adaptation which is clinically necessary will be carried out by the DSC free of charge.
- 50750 When adaptation is clinically necessary, the DSC can arrange for up to three pairs of footwear or other items of clothing to be adapted, initially. Thereafter, one adaptation per year should be sufficient.

Repairs

- 50751 Repairs to adapted articles which do not affect the surgical features should be carried out privately at the pensioner's own expense.
- 50752 Any other repairs and all replacements of surgical footwear and appliances should be carried out free of charge.

Local repairs

- 50753 Pensioners may arrange to have repairs to surgical shoes done locally. The cost will be refunded by the DSC on receipt of the repairer's account.
- 50754 Any requests for refund received by Treatment Group must be sent to the appropriate DSC.

Number of appliances

- 50755 Footwear and appliances should always be supplied in duplicate when:
- the pensioner would be unable to continue their employment or suffer hardship when the appliance became unserviceable
 - the provision of two appliances is necessary on medical or hygienic grounds.

EXAMPLE

Two pairs of surgical footwear should be the minimum and the provision of a third pair should be authorised if there appears to be a genuine need. This could be because their employment causes excessive wear and tear to their footwear.

50756 – 50769

Surgical sports shoes

50770 Occasionally the pensioner may request a pair of surgical footwear for sports purposes. If the DSC / ALAC MO indicates that the pensioner's disability would preclude them from using sports shoes without surgical features, the supply of special shoes can be authorised as a third pay of shoes.

Replacements

50771 The frequency at which replacements will be necessary will depend on the individual circumstances and disability of the pensioner. Each case must be considered on its own merit.

50772 The main criteria for deciding whether a replacement is justified should be the serviceability of the appliance or footwear and the clinical need.

50773 Replacement of surgical footwear should not be delayed until the boots / shoes are worn out. The pensioner must have serviceable footwear to use whilst they are waiting for the new pair.

Refund of postage

50774 Pensioners may obtain a refund from the DSC / ALAC, of the cost of postage incurred when forwarding surgical footwear and appliances for renewal or repair. Any application for refund of postage received by Treatment Group should be forwarded to the relevant DSC / ALAC.

Appliances received in Treatment Group

50775 When a pensioner sends surgical footwear or any other appliance, by post to Treatment Group:

- pack the appliance securely and send to the DSC with a covering note
- remove the postage stamp(s) from the pensioner's parcel and affix to the covering note for refund by the DSC.

50776 If a pensioner asks for a prepaid label to enable them to forward an appliance for renewal or repair, telephone the DSC and give them the details.

Sending appliances overseas

- 50777 All appliance sent abroad should be addressed to the Overseas Pension Agent (OPA) and the following certificate must be attached to the outside of the package to help customs clearance:

This package contains
which is Government property on loan to a war pensioner.

Weight:

Dimension:

Value:

Reimbursement of postage to the UK

- 50778 If a pensioner claims reimbursement of the cost of postage or the transport of an appliance to the United Kingdom for repair, payment can be authorised in the usual way.

Temporary visit to the UK

- 50779 If a pensioner is returning temporarily to the UK, arrangements can be made for the supply / repair of an appliance to be carried out whilst they are in this country.

50780 – 50789

Walking aids

General

- 50790 Walking aids such as crutches and walking sticks may be supplied to a claimant for their AD, provided the aid is recommended by the MO at the DSC. See [Appendix 19](#) for a list of walking aids.

Crutches

- 50791 If a pensioner needs to use crutches permanently, the DSC will normally supply forearm stick crutches. This is to avoid the risk of crutch paralysis. If the claimant prefers axilla crutches, these can be supplied.
- 50792 A duplicate pair will be provided by the DSC for use when repairs or replacements are necessary.

- 50793 Three piece forearm crutches can be supplied to amputee pensioners whose work involves much travelling away from home, if the DSC Manager considers them necessary and the DSC Medical Officer agrees.

Walking sticks

- 50794 Walking sticks can be supplied to:

- amputees
- pensioners permanently lamed
- pensioners leaving hospital with a temporary disablement.

- 50795 The standard type of walking stick is usually supplied, however a lighter, thinner stick is available.

Ferrules

- 50796 A ferrule (rubber tip) is supplied with each walking aid and can be renewed by the DSC when no longer serviceable.

50797 - 50809

Wheelchairs

- 50810 The Department of Health has authority under Section 5(2)(a) of the National Health Service Act 1977, to supply and maintain non-powered wheelchairs, spinal carriages and cycles etc to severely disabled war pensioners resident in England whose need for such is permanent.

- 50811 It is the responsibility of the DSC to supply wheelchairs to war pensioners as well as other disabled people. On receipt of a request, refer it to the GP.

- 50812 In very exceptional circumstances Treatment Group will consider the supply of a wheelchair where the DSC / NHS are not able to supply one suitable for their needs.

- 50813 Do not consider supplying a sophisticated type of wheelchair just because it is the claimant's preference. There must be a very good reason for taking over supply from the DSC.

50814 – 50819

Wigs

50820 Wigs may be provided for pensioners whose need arises from an AD. Eligibility is established by Treatment Group with advice from SPVAMS and supply is arranged by the DSC.

Type of wig

50821 Ready made stock size wigs will be supplied by the DSC in all cases where they will adequately meet the claimant's needs. If the MO at the DSC considers a stock wig would be unsuitable, a made to measure hair wig can be supplied.

50822 Two wigs may be supplied if the DSC Medical Officer considers it necessary.

Cleaning

50823 The DSC will arrange for human hair wigs to be returned to the supplier at regular intervals to be cleaned and re-dressed. Failure to do this shortens the life of the wig. Invoices are paid by the DSC.

50824 - 50829

Artificial eyes

50830 Artificial eyes may be provided for claimants whose need arises from an AD. Eligibility is established by Treatment Group and the supply is arranged by DSC.

50831 Applications for artificial eyes are dealt with in the same way as applications for surgical appliances.

50832 Travelling expenses should be claimed from the Artificial Eye Clinic.

50833 – 50839

Overseas

50840 Treatment Group, with advice from SPVAMS if necessary, notify the OPA of eligibility for:

- appliances, including:
 - spectacles
 - walking aids

- wigs
 - dental treatment
 - wheelchairs.
- 50841 The OPAs are authorised to arrange whenever possible for the local supply or repair, but if the items required are not obtainable locally, Treatment Group may be asked to assist.
- 50842 Arrange supply from the UK for walking aids and appliances if this would be less expensive, unless fitting is required. Seek advice from SPVAMS if necessary.
- 50843 If a pensioner is returning temporarily to the UK, arrangements can be made for the supply of a walking aid or spectacles or provision of dental treatment under the NHS, during their visit.

Hearing aids

- 50844 The SPVA can only pay for hearing aids overseas where the hearing loss can be related to service and the need for the aid is not wholly or mainly due to ageing – see the Policy Statement in '*A Guide to war Pensions Policy*'.
- 50845 SPVAMS advice must be obtained in all cases.

50846 – 50849

Pensioners going abroad

- 50850 If a pensioner who has an appliance notifies Treatment Group that they are going abroad, make urgent arrangements with the DSC for the appliance to be overhauled before the pensioner leaves the UK.

Artificial limbs

- 50851 A limbless pensioner should be told that it is advisable to take their spare artificial limb with them.
- 50852 If they are travelling by air and claim that additional expense will be incurred, advise them to:
- take advantage of any arrangements which the airline has for allowing excess baggage to be sent at a reduced rate
 - send receipted accounts for the additional cost to Treatment Group for reimbursement.

Reimbursement

- 50853 Authorise the reimbursement of freight charges for the transport of duplicate artificial limbs by air provided that the amount is reasonable having regard to the circumstances.

Certificate of identity

- 50854 When a pensioner who resides in the UK is going abroad, they must be issued with a certificate of identity and a letter advising them who to contact about repairs to an artificial limb or appliance whilst overseas.
- 50855 A pensioner who has to have emergency repairs to an artificial limb or appliance whilst they are abroad and who cannot get in touch with the Overseas Pension Agent (OPA) immediately, may make arrangements for the repair and apply for reimbursement for the expense incurred.
- 50856 Provided such expenses are reasonable, authorise reimbursement.

50857 – 50899

Private treatment

General

- 50900 SPVA cannot be expected to meet the cost of private treatment or consultation for war pensioners.
- 50901 Treatment is available free of charge under the NHS to everyone resident in the UK.
- 50902 Priority treatment can be requested at NHS hospitals for examination and treatment of Ads. The only exception is chiropody treatment.
- 50903 Responsibility for the expenses incurred by a pensioner who decides to obtain private treatment for their AD must only be accepted by SPVA if:
- the treatment is not available from anywhere else
 - prior approval has been obtained.
- 50904 Under no circumstances can SPVA accept financial liability for private treatment for conditions which are not due to service.
- 50905 A pensioner should never be encouraged to arrange private treatment whether for their AD or some other condition unless they are prepared to bear the cost themselves.

Scottish cases

50906 In Scotland, provision is made by the Scottish Home and Health Department.

Statutory authorities

50907 The authority to provide private treatment for disabled war pensioners is contained in the following statutes:

- the Naval and Military War Pensions, etc Act 1915
- the Naval, Military and Air Forces, etc (Disablement and Death) SPO 2006, Article 21.

50908 – 50919

Physiotherapy

50920 Whenever possible, physiotherapy treatment should be obtained from a member of St Dunstan's Chartered Physiotherapists.

50921 If this is not possible, all new arrangements should be made with State Registered Physiotherapists whose names are listed in the Physiotherapists' Register. This register is printed and published annually under the direction of the Physiotherapist's Board in pursuance of Section 2(4) of the Professions Supplementary to Medicine Act 1960.

50922 Exceptionally, physiotherapists whose names do not appear on the Physiotherapist's Register may be used when:

- no local physiotherapist is prepared to treat the pensioner
- the registered physiotherapist is unable to provide the necessary frequency of treatment
- the nearest registered physiotherapist is so far away that it would cause hardship to the pensioner.

Scottish cases

50923 In the case of pensioners living in Scotland, treatment must be arranged in the same way but payment of the physiotherapist's fee is made by the Scottish Health Board.

50924 – 50929

Hydrotherapy

50930 Medical treatment in the form of hydrotherapy is available under the NHS to patients who, on the advice of their GP need this form of treatment. Hydrotherapy pools are provided at a number of hospitals for both inpatient and outpatient treatment.

Churchill Centre

50931 The Churchill Centre is a rehabilitation centre providing:

- hydrotherapy
- physiotherapy
- occupational therapy.

50932 The full name and address of the centre is:

The Churchill Centre for Rehabilitation and Assessment
Royal British Legion Village
Maidstone
Kent
ME20 7NL

50933 See the [Claims guide](#) for further details.

50934 – 50939

Alternative treatment

50940 The provision of treatment such as osteopathy, spa treatment and acupuncture is not normally available under the NHS and applications for private treatment must be referred to SPVAMS.

50941 – 50949

Lip reading tuition

50950 When a pensioner applies for lip reading tuition, you must tell them that this service is available from the NHS.

50951 The procedure to follow is the same as for any other types of private treatment except that claims for lip reading must be approved for one year at a time up to five years. By this time the pensioner should be proficient.

50952 The pensioner may ask for help in finding a qualified lip reading teacher within a reasonable distance of their home.

50953 One of the following bodies may be able to help you in this matter:

- the Local Education Authority (LEA)
- the Local Institute for the Deaf
- Lecturer in Hearing Therapy Centre for the Deaf, Keeley House, London WC2.

50954 If the pensioner of Welfare Manager has arranged a course with the LEA or the Local Institute for the Deaf the fees will be paid by Treatment Group where approval has been given by SPVAMS.

Residential course

50955 Check the TU to ascertain if medical approval is held if the pensioner requests approval to attend a residential course at:

The Link Centre
The British Centre for Deafened People
19 Hatfield Road
Eastbourne
East Sussex
Tel: 0132 363 8230.

50956 - 50969

Sophisticated devices

Definition

50970 Sophisticated devices are items of equipment which require specialist therapy or surgery from a doctor. They are all new innovations and should not be mistaken with the routine types of equipment already supplied under the NHS.

50971 Examples of sophisticated devices are as follows:

- **Hip Guidance Orthosis** (The Parawalker) – A mechanical device attached to the lower trunk, legs and feet of paralysed people and produces with crutches a reciprocating gait
- **The Douglas Brace** – A light metal frame supporting the body on both sides and can be worn under clothes

- **The prosthetic Sphincter** – A device implanted in the body to control incontinence
- **The BMP Stimulator** – A machine to ease spasms
- **The Clinitron Bed** – A bed filled with polystyrene beads which speeds up the process of healing wounds.

Enquiry from pensioner

- 50972 If a pensioner makes an enquiry about this type of item, direct them, in the first instance, to discuss the matter with their own GP or consultant.
- 50973 If they are not under the care of a consultant, they should their GP to arrange for them to be referred to a hospital consultant for advice.
- 50974 If a pensioner has obtained this type of device or treatment and is paying for it themselves, there is no guarantee that SPVA will reimburse the private treatment costs and no such assurance must be given.
- 50975 If a pensioner is advised by their GP or consultant that such devices cannot be obtained under the NHS, they may make a claim to SPVA.

50976 – 50989

Chiropody treatment

General

- 50990 The Service Personnel and Veterans Agency (SPVA) will not normally be able to accept new claims for chiropody treatment.
- 50991 Pensioners who are already receiving chiropody treatment for their AD will continue to do so.

Claim for chiropody treatment

- 50992 If you receive a new request for chiropody treatment you must refer it back to the pensioner or his VWS with a minute telling him to contact his GP for provision under the NHS.
- 50993 If the pensioner is unable to obtain chiropody treatment via the NHS, or there will be a delay in receiving his treatment, we may consider payment.

50994 You must consider each case on its own merits, and if approval is given it can only be on a short term basis.

Arm amputees, certified blind etc

50995 SPVA does not pay for chiropody treatment where pensioners have difficulty reaching their feet because of their AD, other than due to a foot condition. The main categories include:

- those suffering from paralysis or other immobility of hands and arms
- those unable to reach their feet because of leg or spinal problems, including arthritis.

50996 Examples of such cases are:

- arm amputees
- certified blind
- certified by a Register Medical Practitioner to be unable to attend to his/her feet by reason of:
 - arthritis or ankylosis of the spine, hip or knee
 - incapacitating neurological disease (e.g. stroke, Alzheimer's Disease, Parkinson's Disease, Multiple Sclerosis)
 - severe respiratory incapacity (e.g. emphysema, myocardial insufficiency, terminal cancer).

50997 In such cases, costs are met by BLESMA and you must answer such claims using DL10.

Home visit

50998 If the pensioner requests a home visit (Domiciliary Visit), treatment at home should be sanctioned in all cases in which it can be demonstrated that, due to infirmity, the pensioner is unable to attend for treatment. This applies even though the condition preventing the pensioner visiting the surgery is not related to the AD.

Pensioner unable to find a State Registered Chiropodist (SRCh)

- 50999 If the pensioner has not been able to find a suitable SRCh, who will treat them for standard fee, contact the District Chiropodist of the respective LHA and request them to provide the name and address of a SRCh in the area.
- 51000 If neither the pensioner or the District Chiropodist is able to provide the name of a suitable SRCh in the area, consider using the services of a non-state registered chiropodist.
- 51001 All new arrangement should wherever possible, be made with SRChs whose names are listed in the Chiropodist's Register. This register is printed and published annually under the direction of the Chiropodist's Board in pursuance of Section 2(4) of the Professions Supplementary to Medicine Act 1960.

Qualifications for State Registering

- 51002 SRChs are practitioners of chiropody whose qualifications are accepted by the Council of Professions Supplementary to Medicine.
- 51003 The qualifications are recognised for inclusion in the Chiropodist Register:
- Licentiate of the Institute of Chiropodists (**L Ch**)
 - Fellow of the Institute of Chiropodists (**F Inst Ch**)
 - Member of the Society of Chiropodists (**M Ch S**)
 - Fellow of the Society of Chiropodists (**F Ch S**).
- 51004 A registered practitioner may use the title State Registered Chiropodist (SRCh).

Chiropodists' fees

- 51005 Chiropodists' fees are agreed by the General Whitley Council and the rates are notified by Health Services Policy Division whenever they are revised.

51006 - 51099

Priority treatment

General

51100 When the hospitals run by the Ministry of Pensions for the treatment of war pensioners were transferred to the National Health Service in 1953, the government of the day gave a clear understanding that priority would be given to war pensioners (including civilians and Mercantile Marines) requiring examination and treatment for their AD.

51101 The Department of Health issued a reminder to NHS hospitals, including Trust Hospitals. The Family Health services Authority (FHSA) sent copies of the letter to all GPs.

51102 – 51109

Priority subject to urgent needs

51110 Priority is to be given at all NHS hospitals to war pensioners needing examination or treatment as outpatients or admission as inpatients in respect of the AD, subject only to the needs of emergency and other urgent cases which clearly must take precedence.

51111 If a war pensioner is found eligible for priority treatment, their name is not automatically moved to the top of the waiting list. The consultant will consider the urgency of the treatment and decide the urgency of the admission.

51112 All enquiries regarding priority treatment must be treated as urgent.

51113 – 51119

Claim for priority treatment received

51120 It is unusual for a war pensioner who resides in Northern Ireland to experience difficulty in obtaining priority treatment for their AD. In Northern Ireland the cost of any NHS treatment in respect of war pensioner's Ad is met from War Pension funds.

51121 If a pensioner residing in Northern Ireland complains about delay in receiving treatment, the correspondence must be passed, urgently, to the VWS Belfast.

51122 Request for priority treatment from other UK war pensioners are answered by Treatment Group using WPA0352.

51123 – 51199

Prescriptions

General

- 51200 War pensioners are exempt from NHS prescription charges if the need for the treatment / medication is due to the AD.
- 51201 All war pensioners under the age of 60, including gratuity cases but not 'NIL' assessments, are issued with an exemption certificate.
- 51202 Prior to 1 May 1991, exemption certificates were only issued to pensioners assessed at 20% or over. This means that some pensioners may not have an exemption certificate and will apply for a refund of NHS Prescription charges.

51203 – 51209

Refunds

- 51210 When a refund is being made, an exemption certificate must be issued.
- 51211 To claim a refund of prescription charges the pensioner should obtain a receipt FF57 (EC57 in Scotland) from the chemist. This form must be completed and sent to Treatment Group.

51212 – 51219

Prescribable items – NHS Drugs List

- 51220 The National Health Service (General Medical and Pharmaceutical Services Amendment Regulations 1985) conferred upon the Secretary of State for Social Services the power to restrict the number of medicines prescribable under the NHS to seven categories.
- 51221 The Department's Chief Medical Officer and their Advisory Committee, which included general practitioners and a pharmacist, were unanimously satisfied that in its new and extended form, the list will be sufficient to meet all clinical needs, including those of war pensioners.
- 51222 There is no provision to allow pensioners to claim from SPVA, a refund of charges for the supply of drugs that are not on the selected list available under the NHS.
- 51223 If a pensioner persists that a particular drug should be available on NHS prescription, it should be brought to the attention of the Advisory Committee on NHS Drugs.

Annual prescription card

51224 If a pensioner claims a reimbursement for the purchase of an annual prescription card, refer the case to the Band D Caseworker.

51225 - 51299

Home Nursing equipment (HNE)

General

51300 HNE is an aid or an item of equipment required by a claimant for the management or alleviation of a war disability.

51301 An item of HNE can be considered provided that the following criteria are satisfied:

- the pensioner lives at home
- the equipment is required for the management or alleviation of a war disability **and**
- the equipment is not available from any other source.

51302 See [Appendix 20](#) for a list of items.

51303 – 51309

Supply

51310 Most items of home nursing equipment which Treatment Group are asked to supply are available:

- from the Health Authority (HA)
- from the Social Services Department (SSD)
- on NHS prescription.

51311 Therefore the possibility of the item being supplied by one of these sources should be explored before Treatment Group consider supplying it.

51312 The VWS must be asked to obtain:

- written confirmation in all cases when the HA and/or SSD are unable to supply **and**

- the reason why they are unable to supply.

51313 SPVA will not normally provide an item which is not available from HA or SSD because of lack of funds at a particular time. Exceptionally an item may be provided, e.g. if there is likely to be undue delay in supplying an item which is essential rather than desirable. Unreasonable delay must not be caused when equipment is required urgently.

51314 This is not a hard and fast rule and each case must be considered on its own merits.

51315 – 51319

Consultant's recommendation

51320 A consultant in the NHS can prescribe any item of equipment which they consider a patient needs and it should be provided free by the NHS.

51321 If it is clear that a consultant has recommended a particular piece of equipment for a pensioner, a letter should be sent to the Health Authority pointing out that the equipment should be supplied free by the NHS.

51322 On receipt of an application for HNE, establish the type of equipment required and if it can be supplied by SPVA. See [Appendix 20](#), which gives guidance on the supply of particular appliances.

51323 If the equipment is something that SPVA can consider, establish whether it is available from any other source.

51324 – 51329

Fact sheets

51330 There are some fact sheets at [Appendix 20](#) to provide guidance in dealing with some of the items of HBE for which you may be asked.

51331 – 51399

House Adaptation Grants (HAGs)

General

- 51400 It is SPVA's policy, under a discretionary power contained in Article 21 of the SPO 2006, to make a contribution towards the cost of adapting the home of a severely disabled war pensioner where the need for such an adaptation arise wholly or mainly from the Ad. This is known as a House Adaptation Grant (HAG) and may be paid in addition to any other grant payable under Local Authority legislation.
- 51401 The exercise of SOS's discretion must be seen to be reasonable at all times and this dictates that each individual case must be considered on its own merits.
- 51402 Grants towards the cost of adapting the homes of severely disabled war pensioners are fundamentally the responsibility of the Local Authority Social Services Department under Section 2 of the Chronically Sick and Disabled Persons Act 1970. It may, therefore be in a claimant's interest to approach Social Services to see if they can offer any financial assistance towards the cost of the adaptation.
- 51403 However, as most Social Services grants are means tested it is unlikely that a severely disabled war pensioner will qualify for a grant for the full cost of an adaptation. It is therefore not necessary for enquiries to be made to confirm whether a claimant has approached Social Services before considering eligibility for a HAG, although professional advice – for example a report from an Occupational Therapist – may be needed to help assess the suitability of the adaptation.
- 51404 Requests for HAGs are usually received via the VWS and are considered by Treatment Group, with advice from SPVAMS, as necessary.
- 51405 The adaptation must also be **essential** to life at home and not merely to enable the claimant to live there more conveniently, see [Appendix 21](#).
- 51406 House adaptations are broadly adaptations which entail disturbance to the fabric of the house. At [Appendix 21](#), there is a list of examples of house adaptations for which a grant can be considered. There is also a list which contains examples of house adaptations that do **not** qualify for grants.
- 51407 The HAG can be given only for the direct benefit of the pensioner and not for the benefit of the spouse or family.

51408 Grants are not payable to claimants in residential homes. They are only payable to claimants living in their own homes (this includes rented houses).

51409 – 51419

Purpose built homes provided by ex-Services organisations

51420 Some ex-Services organisations, such as the Forces Help Society and Lord Roberts Workshop provide purpose built homes for ex-Service personnel.

51421 Treatment Group may consider requests for adaptations to this type of accommodation.

51422 Treatment Group and the VWS must avoid being drawn into any disputes between the claimant, ex-Services organisation and Local Authorities (LA) about whether structural alterations approved by the LA can be permitted.

51423 – 51429

Amount payable

51430 With effect from 12 April 1993 the maximum amount payable was increased to £750. Once this amount has been granted in respect of one comprehensive job, or in aggregate, no more is payable unless a claimant is compelled, for good reason, to leave a house already adapted.

EXAMPLE

A claimant who is living in house which has been adapted for their needs, is required to move nearer a relative who is helping to look after them.

51431 – 51439

Eligibility

51440 HAGs are payable to severely disabled claimant who needs the adaptation as a result of their AD. Each case must be treated on its own merits.

51441 The 80% guideline is for **internal use only** and must **never** be quoted to the pensioner, their representative or any third party.

Scottish cases

- 51442 Prior to June 1987, House Adaptation Grants for claimants living in Scotland were paid by the Scottish Home and Health Department (SHHD). However, in view of the many changes affecting Local Authorities, the SHHD no longer holds records containing this information. It is therefore no longer necessary to check whether a claimant resident in Scotland was paid a HAG prior to June 1987.

Welsh cases

- 51443 The Welsh Office is responsible for the provision of HAGs for claimants living in Wales. Occasionally Treatment Group may be asked to obtain advice from SPVAMS.

Channel Islands / overseas cases

- 51444 Requests for HAGs from claimants living in the Channel Islands or overseas are considered by Treatment Group with advice from SPVAMS as necessary.
- 51445 Treatment Group deal with the Overseas Pension Agent (OPA).

51446 – 51499

Hospital Treatment Expenses (HTEs)

General

- 51500 Article 21 of the SPO 2006 provides that any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a member of the Armed Forces and of appropriate aids and adaptations for disabled living may, in so as not provided under legislation of the UK (other than any enactment under or by virtue of which this order is made) be defrayed by the SoS under such conditions and up to such amounts as they may determine.
- 51501 These provisions mean that only necessary travelling expenses may be paid to pensioners and approved escorts when:
- attending a medical examination including TDI and Psychiatric examination at the request of SPVA
 - attending hospital, Limb Fitting Centre or DSC for anything other than the supply or maintenance of a wheelchair or artificial limb
 - attending a hospital clinic, etc. for accepted outpatient treatment

- attending by appointment a meeting of the War Pensions Committee for the purpose of making a complaint or seeking advice
- attending an optician, apart from local optician, some distance from home for the fitting of contact lenses
- being admitted to or discharged from accepted inpatient treatment,, residential care or observation
- being transferred during accepted inpatient treatment from one hospital to another including transfer into residential care
- on authorised leave during accepted long term inpatient treatment or residential care. In the case of escorts, travelling expenses must be payable to the pensioners.

51502 Travelling expenses to and from a medical examination at the request of SPVA, are paid by the DBCs.

51503 The responsibility for paying travelling expenses to and from a DSC / ALAC for the provision of artificial limbs / wheelchairs lies with the Health Authority.

51504 Travelling expenses for treatment at an Artificial Eye Clinic are paid at the time of the visit.

51505 The Ambulance Service provides suitable transport to the hospital or treatment centre for any patient who is considered by a doctor to be medically unfit to travel by any other means.

51506 Ambulance transport is not provided for patients whose medical condition does not prevent them from travelling by any other means.

51507 – 51519

Travelling expenses not payable

51520 You must **not pay** travelling expenses for:

- visits to the doctor's surgery for any general appointments
- visits for any treatment of any non-accepted disablements
- any unauthorised visits to Hospital
- any treatment at home
- visits in connection with the supply and or maintenance of a wheelchair or artificial limbs.

51521 – 51529

Leave of absence: inpatient treatment

- 51530 A pensioner who is undergoing accepted inpatient treatment may be granted leave of absence by the hospital authorities.
- 51531 Travelling expenses necessarily incurred by the claimant in travelling home from and returning to the hospital are payable for a maximum of 13 visits per year at four weekly intervals.
- 51532 The expenses are payable provided:
- the pensioner has been in hospital for at least one month **and**
 - is not expected to be discharged within a month.

Residential care

- 51533 Pensioners in residential care are entitled to travelling expenses under the same conditions as pensioners receiving inpatient treatment.

51534 – 51539

Cost of travel

- 51540 Travelling expenses at the first class daily rate may be allowed to the following pensioners and their approved escorts:
- officers
 - arm and leg amputees:
 - have not yet been fitted with an artificial limb
 - cannot wear the limb because of the condition of the stump
 - may suffer discomfort by travelling second class for any other reason
 - any other claimants who are so seriously disabled that they cannot reasonably be expected to travel second class.
- 51541 Second class rates apply in all other cases.

Public transport

- 51542 A claimant (and their approved escort) who makes an approved journey by public transport may be reimbursed the cost of the journey for the appropriate class of travel.
- 51543 The cheapest route should be used subject to any special considerations such as the need to reserve a special compartment on a train because of the pensioner's physical or mental condition.
- 51544 The cost of a sleeper on a train or berth aboard ship may be refunded if:
- it is essential for the journey to be made overnight **and**
 - a receipted voucher is produced.

Rail travel

- 51545 Rail warrants may be issued to pensioners and approved escorts. See ['Escorts'](#) for further details.

Air travel

- 51546 Air travel warrants may be issued to pensioners and approved escorts so that treatment for the AD may be obtained from hospitals or other centres which make special arrangements for war pensioners.
- 51547 When considering whether an air travel warrant is justified, account should be taken of:
- whether air travel is necessary from a medical point of view, taking into account the nature of the pensioner's disablement and/or physical condition
 - the need for urgent or specialised treatment at a hospital or other centre on the mainland of Great Britain, eg if the pensioner lives in the Channel Islands. The treatment should be certified as medically essential
 - whether travelling by air enables the pensioner to return home earlier and therefore prevent a more expensive claim for loss of earnings and/or subsistence allowance.

Private car

- 51548 If the pensioner or their approved escort prefers to use their own private vehicle instead of public transport, travelling expenses may be paid at the public transport rate with an additional amount for the escort/passenger, if appropriate.

- 51549 The public transport rate approximates to the cost of the public transport and has no relation to the cost of petrol or other expenses of running a car. This ensures that those who are obliged to use public transport are not treated less favourably than those who choose to travel by private car.

Parking, toll and ferry charges

- 51550 The cost of reasonable toll and ferry charges may be refunded where the total claim for travel expenses does not exceed the amount which would have been payable if a longer alternative route had been used.
- 51551 Parking costs may be refunded if the total claim for travel expenses does not exceed the cost of the journey by public transport. Cheap day public transport rates should not be used to make the comparison.

Higher mileage allowance

- 51552 A higher rate of mileage allowance may be payable if:
- SPVAMS are satisfied that in view of the pensioner's age or medical condition, travel by public transport would be unwise or likely to be distressing **or**
 - public transport is not available, or infrequent services only are available.
- 51553 Pensioners in receipt of the DLA Mobility component or War Pensioner's Mobility (WPMS) may claim the higher mileage rate if the conditions above are satisfied.

Higher mileage and convalescence

- 51554 Higher mileage is not payable for convalescence breaks.
- 51555 However, where a period of convalescence is required for a respite break, higher mileage can be considered provided the place of convalescence is within 50 miles of the pensioner's home address. If there is no suitable home within this area, the 50 miles limit may be extended.
- 51556 Cases of this type will be few and far between. Pensioners who need this type of convalescence will, in the main, be severely disabled (a carer will be in constant attendance). Most requests for help with travel will be for special transport.

Departmental cars

51557 Disabled pensioners with Departmental cars can only claim mileage at the public transport rate. They already have the benefit of being provided with a car, and an allowance to maintain it.

Taxi fares

51558 Reasonable claims for taxi fares or private car hire may be allowed if:

- the claimant is unable to use public transport because of their health
- public transport is unavailable at the time of attendance
- the hire of a taxi would enable the pensioner to return home earlier and therefore prevent a more expensive claim for loss of earnings

51559 Taxi fares may also be paid for an approved escort.

51560-51569

Visits to Pensioner

Visits to inpatients

51570 Travelling expenses may be paid to a relative visiting a pensioner who:

- is undergoing long term accepted inpatient treatment **and**
- is unable to make the journey home **or**
- prefers that a relative should visit them.

51571 The visits should be in lieu of authorised leave and payment restricted to the amount that would have been paid had the pensioner travelled home.

51572 If the pensioner is an officer, travelling expenses of the relative are payable at the second class rate within the limit that would have been paid to the officer if they had travelled home at the first class rate.

51573 Travelling expenses may be paid to relatives visiting pensioners who:

- are regarded as receiving SNC **or**
- who have been in hospital for 12 months and are regarded by SPVAMS as likely to need permanent hospital care.

51574 A total of up to 13 visits in one year may be paid for. A visit may be made by:

- two adult relatives **or**
- one adult and two children travelling at half the adult fare.

51575 Payment of travel expenses for one adult fare should be restricted to the amount that would have been paid had the pensioner travelled home.

Pensioner dangerously ill

51576 Travelling expenses may be paid for two persons (not necessarily relatives) to visit a pensioner who is:

- receiving accepted inpatient treatment **and**
- classified as 'dangerously ill'.

51577 Free travel warrants may be obtained from any police station in the UK on production of the relevant notification from the hospital. If warrants were not obtained before the visit, travelling expenses may be refunded when:

- it is confirmed that travel warrants were not issued by the police **and**
- the hospital notice, informing that the pensioner was 'dangerously ill' has been seen.

51578 Public transport rate is allowed for persons travelling by private vehicle.

Pensioner seriously ill

51579 The concessions which apply to pensioners classified as 'dangerously ill' do not apply to pensioners classified as 'seriously ill'. Travel expenses or travel warrants may be issued to relatives visiting seriously ill pensioners. See '[Visits to inpatients](#)' for further details.

51580 Relatives are not entitled to claim subsistence allowance or loss of earnings when claiming travel expenses to visit inpatients.

51581 Requests for travelling expenses at the higher mileage rate, received from relatives visiting a pensioner, must be sent to Procedural and Legislative Guidance (PLG) with a brief minute outlining the request.

51582 - 51589

Escorts

- 51590 An escort may be needed to accompany a pensioner when attending for accepted inpatient or outpatient treatment because the disablement or general physical condition is such that they should not travel alone.
- 51591 An escort may be a relative, friend or member of a voluntary organisation.
- 51592 The authority for payment for an escort is normally given either by SPVAMS or the Band D Caseworker, before payment is made. However, if the pensioner's GP or hospital doctor signs the claim form to say that an escort was necessary, payment can be made.
- 51593 An escort is entitled to claim:
- travel expenses
 - subsistence allowance
 - loss of earnings.

Higher mileage

- 51594 If an escort has been approved and the higher mileage rate has also been approved, the higher rate is payable to the escorts for both the outward and the return journey, even though they may only have accompanied the pensioner on one journey.

Fees

- 51595 It is not possible to pay a fee for an escort to accompany a pensioner. This applies whether or not payment is made for loss of earnings.

51596-51609

Subsistence allowance

- 51610 The criteria used for the payment of subsistence allowance is the time spent away from home and not the purchase of food or payment for overnight accommodation.
- 51611 The subsistence rates are not intended to cover the specific costs which may be incurred but to cover the additional costs over and above the normal expenditure.

Rehabilitation centres

- 51612 Some rehabilitation centres and day centres provide patients with food either without payment or for very little cost. In these cases subsistence allowance is limited to the expenses incurred by the pensioner.

Day subsistence

- 51613 The day subsistence rate is payable in one of three time bands:
- absence of two and a half hours or more but less than five hours
 - absence of five hours or more but less than ten hours
 - absence of ten hours or more.

Escorts

- 51614 Provided the pensioner is entitled to travel expenses, the approved escort may be reimbursed with the cost of a main meal taken on a train or a boat. They may also claim for gratuities up to 10% of the cost of the meal, excluding VAT. The escort must produce a receipt showing that a meal was taken.
- 51615 The number of meals for which an escort can be reimbursed relates to the period of absence:
- for an absence of five hours or more but less than ten hours
 - one main meal
 - for an absence of ten hours or more:
 - one main meal plus five to ten hours rate of day subsistence **or**
 - two main meals.

- 51616 A main meal on a boat or train is full breakfast, lunch, dinner or high tea but excludes alcoholic beverages.

Night subsistence

- 51617 The night subsistence allowance covers a 24 hour period and is paid at one of two rates:
- Inner London – within a five mile radius of Charing Cross
 - Elsewhere.

Absence more than 24 hours

- 51618 When a pensioner is away from home for more than 24 hours, the appropriate rate of day subsistence is payable to cover the extra hours.

Example

Pensioner leaves home at 1600 hours on 9 September 1994.

Arrives back home at 2000 hours on 10 September 1994.

They are entitled to:

- overnight subsistence
- day subsistence at the two and a half to five hour rate.

- 51619 The full rate of night subsistence is payable even if the pensioner and/or escort pays less than this rate for accommodation.

Advance payment of subsistence allowance

- 51620 Night subsistence can be paid in advance to another rank pensioner if they have to stay overnight before they reach the hospital.
- 51621 If the pensioner does not attend for the treatment they should be asked to refund the amount paid to them.
- 51622 If a refund is not received, overpayment and recovery action must be taken. See the [PRAM guide](#) for further details.

BLESMA homes

- 51623 Treatment Group do not meet the cost of overnight stays for a pensioner travelling to a BLESMA home in Crieff or Blackpool.

51624-51639

Loss of earnings (LOE)

- 51640 LOE can be paid to a pensioner and/or approved escort who:
- has to take time off work to attend for treatment to their AD **and**
 - loses money as a result.

Inpatient treatment

- 51641 LOE may also be paid to a pensioner who has been an inpatient for treatment to their AD for a period of seven days or less.

Home treatment

- 51642 LOE may be paid when the pensioner is receiving accepted treatment at home and the treatment cannot be given outside normal working hours, eg GP or dental treatment.
- 51643 Loss of earnings cannot be paid when a pensioner is receiving, or is eligible to receive, TA.

Employer's certificate

- 51644 Claims for LOE should normally be accompanied by an employer's certificate showing:
- loss or expected loss of earnings
 - hourly rate of pay
 - employer's official stamp or letter headed paper.
- 51645 LOE cannot normally be paid without a certificate confirming the loss. The exceptions to this are:
- if the pensioner does not wish the employer to know about their disablement. In this case, write to the pensioner asking:
 - why a certificate was not provided
 - the hourly rate of pay
 - if the pensioner is self employed. In this case, accept the pensioner's statement that they have lost earnings as a result of attending for treatment.

51646 - 51699

Miscellaneous

Paraplegic reviews

Definition of paraplegia

- 51700 A general definition of paraplegia is “paralysis of the lower limbs caused by injury or disease affecting the spinal cord”.
- 51701 Paraplegics, apart from losing the use of their legs also suffer disturbance of the function of the bladder and bowel. There may also be psychological complications brought on by their reaction to their condition. As a consequence they will need permanent medical supervision.

Requests for paraplegic reviews

- 51702 A paraplegic pensioner can request a review at any time. However, WPA no longer arrange for paraplegic War Pensioners to be examined to assess their treatment needs, or to assess their need for equipment to help them with their disability. This is a matter for their doctors and the NHS, through which they can obtain any necessary treatment and/or nursing home equipment.
- 51703 When you receive a request for a paraplegic review, advise the pensioner to discuss their needs with their doctor.

51704-51719

Refusal of, or neglect to receive treatment

- 51720 A member of the Armed Forces should, in their own interest, receive medical, surgical or rehabilitative treatment to effect an improvement or prevent deterioration of their AD, whenever possible.

Article 63 of SPO

- 51721 If a member refused or neglects to receive treatment, the SOS may reduce the pension if they consider such refusal or neglect is unreasonable.
- 51722 The pensions may be reduced by an amount not exceeding half of the pension.
- 51723 Any misconduct by the member which results in the treatment being discontinued may be regarded as refusal to receive treatment.

Article 69 of the Personal Injuries (Civilians) Scheme

51724 Article 69 of the PICS allows the SOS wider discretionary powers. If the SOS considers refusal or neglect to receive the treatment is unreasonable, they may:

- withhold or cancel any award of pension in respect of the qualifying injury **or**
- reduce the amount of any pension.

51725 When it becomes known that a pensioner has refused or neglected to receive treatment, you must prepare a minute to the End to End Section, outlining all the details and ask them to take action accordingly. See the [PRAM guide](#) for further details.

51726-51739

Channel Islands

51740 The Channel Islands do not have any scheme similar to the NHS so all medical treatment provided on the islands is private.

51741 War pensioners who live in the Channel Islands can have the cost of the treatment for their ADs met by SPVA.

51742 The pensioner's own doctor will usually provide Local General Medical Practitioner (LGMP) treatment for ADs at fees which have been agreed by the local Medical Association. These fees, however, do not cover medicines etc.

51743-51749

Inpatient treatment

51750 Residents of Jersey are entitled to free inpatient treatment in the public wards of Jersey General Hospital and St Saviours Psychiatric Hospital.

51751 There is no free hospital at Guernsey Hospital, although help may be available to persons of limited financial resources under the various schemes administered by the States Insurance Authority.

51752 Inpatient treatment on the mainland is quite frequently necessary, especially where highly specialised treatment is required which is not available on the islands. Arrangements for treatment in the UK can be made by:

- the LGMP
- the local hospital
- Treatment Group

Treatment not provided by LGMP

51753 Treatment such as:

- chiropody
- dental treatment
- physiotherapy

is not provided by the LGMP and is subject to approval by SPVAMS.

51754 Arrangements for this type of treatment are made in the same way as for UK cases.

Applications for treatment

51755 Applications for treatment from pensioners resident in the Channel Islands are usually received by of Jersey VWS.

51756-51769

MOD Service Hospitals

51770 There is now only one remaining MOD Service Hospital in the UK, at the Royal Naval Hospital, Haslar, Gosport. This hospital provides treatment for servicing members of all three branches of the armed forces.

51771 There are also military medical facilities at Catterick, plus MOD Hospital Units (MDHUs) at Plymouth, Aldershot and Peterborough.

51772 Only serving members of the armed forces and Far East Prisoners of War (FEPOWs) are entitled to treatment in MOD Service Hospitals or MDHUs.

Request for referral or admission received

51773 When a request for treatment in a MOD Service Hospital is received, the pensioner must be advised to consult their GP. You must also inform them that they will only be able to receive treatment at a MOD Hospital/MDHU if:

- they live in the area covered by one of the MOD hospitals/MDHUs and their GP has a contract or agreement with that hospital/MDHU; **or**
- their GP or local Health Authority agree to fund the treatment by Extra Contractual Referral
- the MOD Hospital/MDHU can accept them.

51774-59999

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Appeals

Appeals Legislation

The Pensions Appeal Tribunal Acts 1943 and 1949

- 60000 These Acts laid down certain rules:
- all rights to appeal to an independent Pensions Appeal Tribunal should be shown on the notices of decision
 - right of appeal was given against a decision made under the Pensions (Polish Forces) Scheme. However, the Pensions Act of 1995 introduced an amendment to the Pensions Appeal Tribunals Act 1943 to provide former members of the Polish Forces under British Command and Polish Resettlement Forces, their widows and dependents with rights of appeal against decisions made on or after 02.10.95 under the Polish Scheme
 - the Lord Chancellor and corresponding legal officials in Scotland and Northern Ireland were to draw up rules and orders governing appeals.
- 60001 These rules lay down the procedures for appeals and are referred to as the:
- Pensions Appeal Tribunals (England & Wales) Rules 1980
 - Pensions Appeal Tribunals (Scotland) Rules 1981
 - Pensions Appeal Tribunals (Northern Ireland) Rules 1981.
- 60002 Section 6 of the PAT Act 1943 allows an appeal on point of law to go to a judge of the:
- High Court (England & Wales)
 - Court of Session (Scotland) and
 - Supreme Court (Northern Ireland).
- 60003 This right is restricted to entitlement appeals and can be made by the pensioner (appellant) or Minister.
- 60004 Select judgements from the High Court have been issued as Reports of selected War Pensions Appeals.

- 60005 The PAT Act 1943 provides for all appeals relating to service from 3 September 1939. It also provides certain rules for appeals against decisions to withhold or reduce an award because the disability was caused or contributed to be serious negligence or misconduct by the appellant. A provision is made for appeals to be brought by:
- members of the Armed Forces (including the Home Guard and Ulster Defence Regiment)
 - war time Mercantile Marine and Naval Auxiliary Personnel
 - coastguards
 - CDVs and civilians
 - widows and other dependents of the above.
- 60006 Provisions for entitlement appeals came into practice on 5th August 1943.
- 60007 Provisions for assessment appeals came into practice on 25 July 1946.
- 60008 The PAT Act 1949 broadened the scope of the 1943 Act to consider claims which arose other than out of war service in the Armed Forces. It also allowed for the PAT to deal with appeals which arose out of certain ex-gratia awards.

Great War cases

- 60009 The procedures and conduct of PAT in these case are covered by the PAT (England and Wales) Regulations 1926. There are similar rules for those appeals heard in Scotland, Northern Ireland and Republic of Ireland.
- 60010 There is now no right of appeal for disablement claims but the Tribunal will hear appeals from widows of deceased service members.
- 60011 - 60019

War Pension Special Review Tribunal

- 60020 After the PAT Act 1943, certain judgements were made in 1945 and 1946 both in the High Court and Court of Sessions, casting doubt on whether the PAT had acted correctly in disallowing certain entitlement appeals under the 1943 Act. A provision was therefore made for a special review of cases which had been disallowed before 1 August 1946.

60021 If SPVA could still not allow the claim, it was passed to a Special Review Tribunal. Any decision given at this stage would be legal and binding on both SPVA and the appellant. However, the PAT Act 1949 provided for appeals to the PAT on assessment or against SPVA's decision that aggravation did not persist due to the ex-gratia award made under the special review procedure. Special reviews were no longer done after 30 November 1949.

60022 - 60029

The Chronically Sick and Disabled Persons Act 1970

60030 This Act allowed for changes in assessment appeals. It disposed of the two-year waiting period for a right of appeal in those cases with non-final awards.

60031 It ruled that when setting aside a final award (replacing the final award with an interim award), an assessment should be given for a period of no more than two years from the date of that decision.

60032 The Act also made specific provisions for the decision of a Tribunal on entitlement under Section 6 of the PAT Act 1943, to be the subject of a joint application. This would be referred to the President of the PAT by SPVA and the appellant if additional evidence is available or if a previous decision on a point of law was incorrect. The previous Tribunal decision would then be set aside (disregarded) and the appeal would then be re-heard.

60033 - 60039

Social Security Act 1980

60040 This Act allowed for further amendments to the PAT Act 1943 regarding assessment appeals. The 1943 Act enabled a Tribunal to maintain (uphold) an interim assessment or to assess the disablement at a higher or lower degree.

60041 Although the 1980 Act still allowed the Tribunals to maintain interim assessments, it also allowed for them to alter such assessments as follows by:

- increasing or reducing the degree of disablement
- reducing the period concerned.

60042 - 60049

The Pensions Appeal Tribunals (Posthumous Appeal) Order 1980

60050 This Order made the following provisions from 1 September 1980 (except in relation to 1914 war widow's appeal rights) for:

- an entitlement appeal to be lodged by a designated person, ie next of kin, after the death of the claimant within three years of the date of death
- both entitlement and assessment appeals to be carried on by the designated person after the death of the appellant
- SPVA to inform the designated person of the Tribunal's decision, should the appellant die before this decision was given to them
- the designated person to be able to apply for a previous decision by a Tribunal to be set aside.

The designated person

60051 Article 68 of the SPO gives the following list of acceptable designated persons in the order approved by the SOS.

- claimant's widow or widower
- claimant's unmarried dependent who had been living as the claimant's spouse
- claimant's children
- claimant's parents
- any other dependents and
- claimant's personal representatives if there is no grant of probate, letters of administration or any proof of title to the claimant's estate, a 'personal representative' is the person(s), who appears to the SOS to be beneficially entitled to the estate.

60052 - 60059

Social Security and Housing Benefit Act 1982

60060 This Act was started on 30 August 1982. It made further provision to Section 6 of the PAT Act 1943 relating to joint applications for a review of a previous Tribunal decision.

- 60061 It stated that if a hearing was to be arranged, the Minister may review the original decision before a period of two months from the date the new hearing was directed. If on review, there are grounds to revise the previous decision, the Minister will:
- let the appellant know of their opinion and the decision they propose to make
 - revise the decision accordingly when the appellant withdraws their appeal against the previous decision.
- 60062 Set aside cases which do not satisfy the criteria above will be heard by a fresh Tribunal.

60063 - 60099

Types of appeals and basic rights of appeal (1939 War and later)

Entitlement appeals

- 60100 Members of HM Forces including the Home Guard and UDR, the Merchant Navy and Civilians (including CDVs, Coastguards and Naval Auxiliary Personnel) have rights of appeal to the PAT against decisions on entitlement and assessment made by the SOS.
- 60101 Decisions on assessment are made under Article 42 of the SPO 2006 or Article 6 of the PICS 1983. An assessment may be on an interim or final basis in accordance with Article 42(2)(d) or Article 6 respectively (See [Great War](#) for further details of Great War disablement claims).
- 60102 Where a signed claim form has been received and the claim has been rejected as being outside the scheme it has been considered under eg on the basis that the man did not serve in a unit of the Armed Forces covered by the Service Pensions Order. A right of appeal must be given against this decision.

Members of the Forces

- 60103 When a disablement claim is made or a death occurs within seven years from the end of Service, an appeal can be made under Section 1 of the PAT Act 1943 to the PAT against a decision under Article 40 of the SPO. An appeal can be made against one or more of the following:
- that the disablement is neither attributable to nor aggravated by (and remains aggravated by) Service, ie the conditions is rejected because there is no connection with the appellant's time in service

- that disablement is not attributable to service , (caused by service) although accepted as aggravated by (made worse by) service
- that disablement no longer remains aggravated by service (an award of pension based on aggravation having been cancelled because of this)- an appeal against this decision would be referred to under the label 'Aggravation Passed Away'
- that death was neither due to or hastened by a wound, injury or disease which was attributable to or aggravated by service.

60104 If a disablement claim is made or a death occurs more than seven years from the end of service, an appeal can be made under Section 1 of the PAT Act 1943 to the PAT against a decision under Article 41 of the SPO that:

- disablement is neither attributable to service nor had been and remained aggravated by service at the date of claim to pension
- disablement is not attributable to service, although accepted as aggravated by service at the date of claim to pension
- disablement no longer remains aggravated by service (an award of pension having been cancelled) – an appeal against this decision would be referred to under the label 'Aggravation Passed Away'
- death was neither due to nor substantially hastened by a wound, injury or disease which was attributable to or aggravated by service.

Section 4 PAT Act 1943

60105 Under Section 4 of the PAT Act 1943, an appeal to the PAT can be made when an award is withheld or reduced under Article 59 of the SPO by the SOS because disablement or death was caused or contributed to/by the serious negligence or misconduct of the disabled person.

Home Guard and UDR

60106 Appeal rights from Home Guard and UDR are similar to those for members of the Military Forces.

60107 - 60119

Mercantile Marines, Naval Auxillary Personnel and Coastguards

60120 Under Section 2 of the Pensions Appeal Tribunals Act, 1943 an appeal can be made to the PAT if a claim for disablement or death is rejected by the SOS on any of the following grounds:

- that the disablement or death is not directly attributable to a war injury, war risk injury or detention
- that a mariner is not to be treated as having sustained the injury or suffered the detention by reason of their service, as a mariner on a British Ship, ie the circumstances leading to the claimed disablement cannot be defined as a war injury, war risk injury or detention under the Scheme
- that the following are not to be treated as having sustained the injury or suffered the detention by reason of their service:
 - pilot
 - apprentice pilot
 - master or crew member of a pilot boat, lightship or lighthouse
 - lightship tender
 - salvage worker
 - coastguard
- that a naval auxiliary member has not:
 - sustained an injury in the circumstances specified in the Naval Auxiliary Personnel Scheme or
 - suffered the detention by reason of his service in a ship forming part of HM Navy.

Section 4, PAT Act 1943

60121 Under Section 4 of the PAT Act 1943, there is a right of appeal as in service cases, where an award is withheld or reduced on the grounds that the injury was caused or contributed to by the serious negligence or misconduct of the claimant.

60122 - 60129

Civilians and Civilian Defence Volunteers (CDS's)

60130 Under Section 3 of the Pensions Appeal Tribunals Act 1943 an appeal can be made to the PAT if a claims for disablement or death is rejected by the SOS on the grounds that:

- disablement was not caused by a war injury
- death was not the direct result of a war injury
- in the case of a CDV, disablement or death was not a result of a war injury or a war service injury.

Section 4 – PAT Act 1943

60131 Under Section 4 of the PAT Act 1943, there is a right of appeal as in service cases, where an award is withheld or reduced on the grounds that the injury was caused or contributed to by the serious negligence or misconduct of the claimant.

No right of appeal: Civilian/Mercantile Marine

60132 If disablement is accepted on the basis that a pre-existing condition has been aggravated by a war injury, war risk injury, war service injury or detention, there is no right of appeal against the entitlement decision on the issue of 'attributability' since, by implication, it has already been accepted that the aggravation of the condition is directly attributable to or caused by the relevant qualifying injury.

60133 If the assessment of the disablement, caused by the aggravation of a pre-existing condition by a qualifying injury/detention, reduces to the point where medical officers consider that the aggravation of the condition no longer remains an issue, the decision to be noticed will be one of 'disablement having come to an end'.

60134 It is important to recognise this is not the same as an entitlement decision of 'aggravation having passed away', as happens under the SPO. Thus any appeal on this issue would lie to an Assessment Appeal Tribunal, and not to an Entitlement Appeal Tribunal.

60135 There is also no right of appeal:

- where the circumstances occurred outside the period of emergency, ie:
 - 3 September 1939 – 19 March 1946 or
 - 3 September 1939 – 31 March 1948 – National Fire Service (England & Wales) or

- 3 September 1-39 – 15 May 1948 – National Fire Service (Scotland)
- for a Foreign National
- if CDV Service cannot be confirmed and
- the claim cannot be considered under the terms of a war injury.

Great War

- 60136 There is no right of appeal against an entitlement or assessment decision for disablement claims as the time limits within which such appeals could be lodged have expired. However, there is a right of appeal against the rejection of a claim in respect of the death of a member who served in the Great War.
- 60137 An appeal made by a Great War widow must be lodged within a time limit of 12 months from the date of the decision. Before 2nd October 1972 this right of appeal only existed where the deceased member had been in receipt of an award at any time before his death, under the War Pensions instruments or under a Dispensing Instrument. However, the same restriction also applied to claims following the death of Civilians, Merchant Seaman, etc and not just those who served in the Armed Forces.

Service in both wars

- 60138 If a member served in both wars and the widow claims that her spouse's death was due to the Great War, consideration must be given to see whether the new war service would grant any entitlement to war widows pension.
- 60139 If the widow claims that her spouse's death was due to the 1939 War, the same consideration should be given to see whether entitlement would be granted in respect of Great War service.

Appeal rights

- 60140 If both claims are rejected, formal appeal rights will be given under PAT Acts 1943 and 1949, and, the War Pensions (Administrative) Act 1919.
- 60141 If an appeal is made following such a case described in the previous paragraph, the Tribunal will be asked to:
- decide if death was due to service and

- advise whether death was ‘substantially hastened’ by service, in respect of the Great War service only. With regard to service in the New Was from 3 September 1939, the Tribunal will be asked to decide if death was due to or (substantially) hastened by service under either Article 40 or Article 41 as appropriate.

Past Decisions

- 60142 If decisions similar to those mentioned (see [Members of the forces/Section 4 PAT Act 1943/Home Guard and UDR](#)) were made by the Ministry under the relevant Instruments, before the PAT Act 1943 was passed, appeals may be made against them.

Polish Cases

- 60143 There is no right of appeal against either an entitlement or assessment decision for members of the Polish forces or Polish Resettlement Forces where the decision was made prior to 02.10.95. However, these decisions can be reviewed and a new decision given. The Pensions Act of 1995 introduced an amendment to the Pensions Appeal Tribunal Act 1943 to provide former members of the Polish Forces under British Command and Polish Resettlement forces, their widows and dependents with rights of appeal against decisions made on or after 02.10.95 under the Polish Scheme.

Advisory cases

- 60144 The Overseas Development Agency (ODA) assists pensioners from other governments/countries which do not operate a War Pension Scheme. SPVA will advise the ODA what action would be taken had the pensioner served in the British Armed Forces. It is then for the ODA to decide what action they should take and whether there is to be a right of appeal.
- 60145 However, members of the former Indian and Burmese Armed Forces have a statutory right of appeal with effect from 18th November 1981.

60146 - 60159

Assessment appeals

General

- 60160 When a disablement claim is accepted as being:
- attributable to service, or aggravated by service (members of the Forces etc) or

- directly attributable to a war injury, a war risk injury, or detention (Mercantile Marine cases etc) or
- caused by a war injury or a war service injury (Civilians/CDVs)
- as the case may be, the MAs will assess the amount of disablement. This is done by comparing the claimant with a normal health person of the same age and sex. The disability is assessed on a percentage basis and a pension or gratuity is awarded at the appropriate rate (100% representing maximum disablement).

Civilian cases (disablement no longer serious and prolonged)

60161 Under Section 5(2) of the PAT Act 1943, there is a right of appeal to the Tribunal on the following assessment issues:

- whether the circumstances of the case permit a final settlement of the question to what extent they are disabled
- whether the final decision that disablement is no longer serious and prolonged was right.

Interim assessments

60162 These can be given for any percentage of award. They cover a specific period – usually four years. At the end of this period, the assessment can be:

- reviewed by SPVA
- extended automatically for a further period – Long Term Assessment (LTA).

60163 An appeal against an interim assessment should be lodged within three months from the date of the notification.

60164 Interim assessments can be split into two types:

- less than 20% - when the condition is not suitable for final settlement but disablement is only slight these are paid in a lump sum (gratuity) and is a one-off payment. Less than 20% awards can be 1-5%, 6-14% or 15-19%
- 20% or more – these are assessed in 10% steps up to a maximum of 100% they are paid:
 - weekly, by order book or

- four weekly/monthly or quarterly into a bank account.

60165 An interim assessment can also be identified by one or more of the following abbreviations:

- **NFFS** (Not fit for final settlement) this is used when the condition could improve or get worse in the near future. The case is usually put on the conditional list. This means the assessment is not stable. The case will be reviewed by SPVAMS in two years or less
- **NFFS LTA** (Not fit for final settlement but suitable LTA). Meaning the condition could get worse or improve
- **LTA** (Long term assessment) see above and interims of 20% or more for further details. This means that the condition is stable. The assessment is maintained for an indefinite period.

60166 The abbreviation **ID** (Indeterminate duration) can be used with either an interim or final assessment.

60167 It is given when the disablement is not expected to disappear within a certain period, if at all. A notional period of six years will also be given from the notional commencing date of award, should some or all of the gratuity be subsequently treated as an advance payment of pension.

60168 Awards made after 17 October 1990 which showed either TLTY or TMTY are treated as interim assessment. The TLTY awards will be reviewed after nine months, the TMTY awards after two years.

60169 After review the pensioner is notified of one of the following changes:

- that the condition has become final assessment at NIL, ie there is no disablement
- that the condition is no longer aggravated by service (agg passed away)
- that the assessment has been maintained or even increased and the period ID.

Final assessments

60170 These are given when the disablement is slight. They are therefore always less than 20% and are paid in a lump sum (gratuity). They are not reviewed by SPVA unless the pensioner makes a deterioration claim.

60171 An appeal against a final assessment should be lodged within 6 months from the date the award was notified.

60172 A final assessment can be identified by one of the following abbreviations:

- **FFS** – used when the MA considers that the condition is suitable for final assessment. It can also be used when a condition is aggravated by service and the assessment is limited
- **TLTY** before October 1990 – used when the disablement and/or service aggravation is expected to last up to one year. A notional period of one year is given, from the notional commencing date of the award, should some or all of the gratuity be subsequently treated as an advance payment of pension
- **TMTY** before 17th October 1990 – used when the disablement and/or service aggravation is expected to last up to two years. A notional period of two years is given from the notional commencing date of the award, should some or all of the gratuity be subsequently treated as an advance payment of pension.

Final awards in respect of NISHL less than 20%

60173 With effect from 7 January 1993, the legislation affecting claims in respect of NISHL has changed.

60174 This means that gratuities will no longer be paid if SPVA Medical Services have certified a final assessment of less than 20% (NISHL cases only).

60175 These cases are not reviewed by SPVA unless the pensioner makes a deterioration claim. A right of appeal exists against the degree of disablement only and any appeal against such an assessment should be lodged within 6 months from the date the award was notified. However, there is no right of appeal against non-payment of a gratuity following the change in legislation.

60176 The change in legislation and subsequent appeal rights affect only those claims in respect of NISHL. Claims in respect of other forms of hearing loss are not subject to the less than 20% assessment rule.

Final decisions

60177 Final decisions are given when the condition is attributable to service (members of the forces), directly attributable to a war injury, war risk injury or detention (MM, NAP and Coastguards) or the direct result of a war injury or war service injury (CIV and CDV), but:

- there is no disablement or
- disablement has now ended or

- in civilian cases, disablement is not or is no longer serious and prolonged.

60178 Final decisions are, therefore, always NIL. They are not reviewed by SPVA unless the pensioner makes a deterioration claim. An appeal against a final decision should be lodged within 6 months from the date the award was notified.

60179 When an appeal is made against a final assessment of decision, the PAT must first decide if a final settlement is appropriate for the disablement.

60180 If it is, they can then decide if the assessment is correct.

60181 If a final settlement is not appropriate, the PAT can set aside or overrule this decision. They will then replace this with an interim assessment which will be reviewed after two years.

60182 - 60189

Miscellaneous

Composite assessment

60190 When more than one condition is accepted, a composite (combined) assessment is given for the total amount of disablement. The right of appeal is against this assessment and not against any separate assessments.

60191 If an assessment made or upheld by a Tribunal is subsequently included in a composite assessment which has been made to bring in or include a further disablement, a right of appeal exists against the composite assessment, even though the composite assessment may be the same as the assessment previously fixed by the Tribunal:

EXAMPLE

First stage

Condition 1 Gunshot wound right leg 6-14%

Decision made or upheld by PAT

Condition 1	Gunshot wound right leg 6-14%	}
		} 6-14%
Condition 2	Gunshot wound left leg 1-5%	}

There is a fresh right of appeal against the composite assessment of 6-14%.

60192 The Tribunal fix an assessment of 6-14% for condition 1 but the amount of disablement for condition 2 is between 1% and 5% and will not increase the total disablement. Therefore, the pensioner may appeal against the composite assessment of 6-14% even though it is the same as condition 1.

- four yearly periods, notified by WPCS (LTA)
- short term assessment for six months or 12 months if SPVA medical services expect an improvement
- five year awards (60 months) in a scheduled assessment
- 100% cases. These cases continue indefinitely. The award is noted UFI.

Limited Assessments

60193 These are only given in certain cases where the condition is aggravated by service.

Greater disablement

60194 This term is used to indicate the extent by which an accepted condition has become more disabling because of its interaction with one or more non-accepted conditions.

EXAMPLE

The accepted condition is Amputation left leg below knee – 30%.

Greater Disablement award of 6-14% for the condition Atherosclerosis due to adverse interaction between this condition and the accepted condition.

This composite assessment is therefore increased to 40% (30% + 6-14% = 40%).

Paired Organs

60195 Awards given for the effect of a disability on the corresponding organ such as kidneys, eyes etc.

EXAMPLE

The scheduled assessment for amputation of one foot with end-bearing stump is 30%.

The assessment for amputation of both feet with end-bearing stumps is 90%, not 60%. The additional 30% is referred to as a connecting factor.

Specified Minor Injuries

- 60196 If an award is made exceptionally in respect of a SMI, separately from another condition (ie where the composite assessment for both conditions is less than 100% but is no greater than that for the 'other condition' alone) compensation for the SMI will be final and paid in a single lump sum.
- 60197 The assessment for the other condition(s) will normally be on an interim basis. There are separate rights of appeal against the final and the interim aspects of both assessments.

EXAMPLE

£1,800 for loss of terminal phalanx right little finger assessed at 5%.

Specified injuries

- 60198 Specified injuries comprise:
- amputations of arms and legs
 - very severe facial disfigurement
 - absolute deafness
 - loss of an eye/vision in one eye and
 - total loss of sight.
- 60199 Specific assessments are laid down for Specified Injuries in schedules which are reviewed over the years. The assessment can be made on either a final or interim basis.

60200 – 60299

Time limit for appeals

Entitlement appeals

- 60300 In 1939 War and later disablement case there is a 6 month time limit for an appeal against a decision on entitlement.
- 60301 There is no right of appeal in a Great War disablement case, since the statutory time limit for making a claim has expired.

60302 - 60319

Assessment appeals

- 60320 In assessment appeals, a time limit is given for a pensioner to make their appeal. An appeal lodged after this time is an out-of-time (Late) appeal. However, the appeal may still be heard if the PAT consider there was a reasonable excuse for the delay.
- 60321 The reasons for the delay are pointed out to PAT who will then decide whether to hear the appeal or not. There is no provision for a posthumous assessment appeal to be made.

Interim assessment

- 60322 An appeal against an interim assessment should be made not later than three months after the date of the award notification. An appeal lodged after this time is a late appeal application.

Final assessment/decision

- 60323 An appeal against a final assessment/decision should be made not later than 6 months after the date of the notification of decision.

60324 – 60399

Right of appeal to the PAT in certain types of awards under the dispensing instruments**Members of the Forces injured by enemy action while on leave**

- 60400 Treasury letter 25220/046 dated 5 July 1941 authorised awards under the dispensing instrument at Royal Warrant etc rates for disabilities certified to be attributable to or aggravated by an injury resulting from enemy action while the member was on leave, if such an injury is a war injury within the meaning of the PICS.
- 60401 It is important not to refer to admission of entitlement, either as attributable to or aggravated under the Treasury Authority in any communication to the pensioner.
- 60402 Entitlement is not admissible under the SPO because the member is regarded as being off duty at the time of the injury. This is strictly an appealable issue.
- 60403 If the award is on the basis of aggravation, send an appropriate letter and the formal Notice of Decision (WPA601).

- 60404 If the award is on the basis of attributability, the only possible ground of objection is that it was given under special sanction and not under the SPO. As an appeal to the Tribunal in that event would be on the simple issue of whether the member was on duty at the time, it is bound to fail in such cases, therefore do not refer to a right of appeal.
- 60405 If the member later claims to be pensioned under the SPO, explain the position, if they press the matter, notify a right of appeal by a letter and WPA601.
- 60406 If it becomes necessary to terminate an award because the disablement has become nil or aggravation has passed away, notify the member by special letter stating that after fully considering the report of the recent medical examination the SOS has decided that there are no grounds for any further award.
- 60407 Give a right of appeal to the Pensions Appeal Tribunal against the assessment of disablement, on the basis that there is underlying entitlement under the PICS carrying assessment appeal rights.

60408 - 60419

Awards made following application to the Special Review Tribunal

- 60420 Awards following admission of entitlement by the Special Review Tribunal, or by SPVA on review before submission to the Special Review Tribunal are also made under the dispensing instruments. Section 2 of the PAT Act 1949, provides however, that such awards carry a right of appeal against the assessment and against any later decision that aggravation by service no longer remains.
- 60421 The forms to use to notify awards as described above are the same as for awards following PAT decisions, adapted as necessary.

60422 - 60429

Ex-gratia payments made following rejection confirmed by PAT

- 60430 Section 2 of the PAT Act 1949, confers similar appeal rights if an Agency rejection was upheld by the PAT before 9 March 1949, and later the SOS makes an ex-gratia award, with the Treasury's consent, for the same disablement, eg if the rejection has been reviewed in the light of fresh evidence.

60431 - 69999

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1939 War – chronology of events with which some members of the British Armed Forces or British civilians at home and abroad were concerned

1939

September	3	SS ATHENIA torpedoed off the North West of Ireland
	10	British Expeditionary Force began to move to France
	17	Aircraft carrier COURAGEOUS was torpedoed by a U-boat off the South West of Ireland
October	14	Battleship ROYAL OAK was sunk at Scapa Flow
November	13	Destroyer BLANCHE was sunk
	21	Destroyer GYPSY was lost
	23	Armed merchant cruiser RAWALPINDI was sunk South East of Iceland
December	13	Battle of the River Plate

1940

January	20	Destroyer GRENVILLE was sunk
	21	Destroyer EXMOUTH was sunk
February	15	Destroyer COSSACK rescued prisoners from the German prison ship ALTMARK in Norwegian waters
	18	Destroyer DARING was lost
April	8	Destroyer GLOW WORK sank after ramming German cruiser HIPPER in North Sea
	9	Germany invaded Denmark and Norway
	10	First battle of Narvik in which HMS HUNTER was sunk and HMS HARDY was beached
	13	Second battle of Narvik
	15	British landed near Narvik
	16	British troops landed in Faroe Islands
	16-18	British troops landed at Namsos

	18-19	British troops landed at Andalsnes
	20	Namsos bombed
	21	British troops advancing from Namsos attacked
	23-24	British attempt to reach Trondheim failed
	26	Heavy fighting North of Lillehammer
May	2	Allied Forces embarked at Namsos
	10	Germany invaded Holland, Belgium and Luxembourg British troops entered Belgium British troops landed in Iceland
	16-17	British Expeditionary Force began withdrawal West of Brussels (night)
	28	Dunkirk evacuation commenced. Narvik captured by Norwegian and British Forces
June	2-3	Dunkirk evacuation ended (night)
	8	Aircraft carrier GLORIOUS and destroyer ACASTA sunk during allied withdrawal from Narvik
	10	Withdrawal of British Forces from Northern Norway announced
	11	Italy at War with Britain
	12	Allied Force cut off at St Valery First bombing raid by RAF on Italy (Turin and Genoa)
	17	Evacuation of British Expeditionary Force from France completed
July	10	Battle of Britain commenced
	13	Italians attacked Moyale in Abyssinia
	15	British garrison withdrew from Moyale
August	11	Italians attacked main British positions at Tug Argan (Somaliland)
	15-16	British withdrew from Tug Argan (night)
	16-17	British Forces began to embark at Berbera (Somaliland) (night)
	19	Evacuation from Somaliland completed
September	7	London air blitz began. Heavy attacks made on Thames-side and many large fires were started
October	9-10	British Naval Forces bombarded Cherbourg (night)

November	3	Landing of British troops on Greek territory announced
	5-6	Surface raider attacked 38 ships in an Atlantic convoy. HMS JERVIS BAY was sunk (night)
	6	British recaptured Gallabat
	9	Italians reoccupied Gallabat
	10	Gallabat in British hands again
	11-12	Fleet Air Arm attacked Taranto (night)
	14-15	Heavy air raid on Coventry from dusk till dawn caused extensive damage and about 1,000 casualties (night)
	19-20	Heavy air raid made on Birmingham (night)
December	1	Heavy air raid made on Southampton (night)
	8-9	Heavy air raid made on London (night)
	9	In Western Desert, first British offensive opened
	11	British captured Sidi Barrani
	12-13	Heavy air raid made on Sheffield (night)
	17	British occupied Sollum, fort Capuzzo and three enemy frontier forts
	20-21	Heavy air raids made on Liverpool (night)
	21-22	Heavy air raids made on Liverpool (night)
	22-23	Heavy air raids made on Liverpool (night)
29-30	Heavy incendiary bomb raid made on the City of London (nights)	

1941

January	1-2	British carried out naval and air bombardment of Bardia
	2-3	Incendiary bomb raid made on Cardiff (night)
	5	Bardia surrendered
	10-19	Enemy air attacks made on Malta
	19	British re-occupied Kassala (Sudan)
	26	British captured Biscia, a railhead in Eritrea

February	3	British occupied Cyrene	
	4	British armoured column left Mechili to cross desert and intercept retreating Italians south of Benghazi	
	6	First Benghazi victory for the Allies	
	9	Genoa bombarded by British Naval Unit	
	10-11	British parachutists in Calabria (night)	
	14	Kurmuk recaptured	
	19-20	Heavy air raids on Swansea (night)	
	20-21	Heavy air raids on Swansea (night)	
	21-22	Heavy air raids on Swansea (night)	
	20	British crossed the Juba river (Italian Somaliland)	
	March	4	British made a naval raid on the Lofoten Islands (Norway)
		8-9	Air raid made on London (night)
10		British occupied Dagga Bur, North of Mogadishu	
11-12		Air raid made on Portsmouth (night)	
12-13		Air raid made on Merseyside	
13-14		(nights)	
13-14		Air raids made on Clyde area	
14-15		(nights)	
16		British re-occupied Berbera	
16-17		Severe air raid made on Bristol (night)	
17		British occupied Jijiga	
19-20		Heavy air raid made on London (night)	
20		British re-occupied Hargeisa	
20-21		Severe air raids made on Plymouth	
21-22		(nights)	
21		British captured Jarabub	
23		Occupation of Negelli by British was announced	
24		British Somaliland regained	
27	British captured Keren and occupied Harar		
28	British aircraft operating from Greece involved in battle of Cape Matapan		

	30	In North Africa, enemy counter-offensive began
April	1	Asmara (Eritrea) occupied by British
	2	British withdrew from Mersa Brega and Agedabia
	3	British evacuated Benghazi
	3-4	Air raids made on Bristol
	4-5	(nights)
	6	Germans invaded Greece and Jugoslavia
	8-9	Coventry bombed heavily (night)
	9	British occupied Massawa
	10-11	Coventry bombed again heavily (night)
	9-10	Heavy air raids made on Birmingham
	10-11	(nights)
	11-12	Air raid made on Bristol (night)
	13	Germans occupied Belgrade German encirclement of Tobruk and capture of Bardia announced
	13-14	Enemy air raids made on Malta
	15-16	Belfast bombed (night)
	16-17	Very heavy air raid made on London (night)
	17	British Naval bombardment of Fort Capuzzo announced
	17-18	Air raid made on Portsmouth (night)
	19-20	Heavy air raid made on London (night)
	21	Royal Navy bombarded Tripoli at dawn
	21-22	Heavy air raids made on Plymouth (night)
	22-23	Heavy air raids made on Plymouth (night)
	23-24	Heavy air raids made on Plymouth (night)
	22-23	Enemy bombed Malta (night)
	23	German attacks on British airfields in Athens area which had taken place on previous days culminated in virtual destruction of RAF remaining in Greece
	26	British took Dessie
	27-28	Air raid made on Portsmouth (night)
	28-29	Heavy air raid made on Plymouth (night)
	30	Six enemy air raids made on Malta

May	1-8	Seven consecutive night air raids made on Liverpool (nights)
	2	Iraqi Forces attacked Habbaniya cantonment. British occupied Basra
	3	RAF bombed Iraqi Forces around Habbaniya and near Baghdad
	4-5	Heavy air raid on Belfast (night)
	5-6	Air raids made on Clydeside (night)
	6-7	Air raids made on Clydeside (night)
	7-8	Air raids made on Humber area
	8-9	(nights)
	10-11	Very heavy air raid made on London Royal Navy bombarded Benghazi (night)
	15	British re-took Sollum
	19	British Forces occupied Fallujah in Iraq
	20	British Forces resisted the German invasion of Crete (See also entry relating to 1st June 1941)
	24	British occupied soddu (Southern Abyssinia)
	29	British occupied Ur
June	1	British Forces were withdrawn from Crete, leaving 12,970 unaccounted for
	1-2	Air raid made on Manchester (night)
	3	British occupied Mosul
	9	British occupied Tyre
	23	British Forces reached Palmyra
July	3	Palmyra surrendered to British Debra Tabor (Abyssinia) also surrendered to British
	15	British troops began to enter Beirut
	25	Vital British convoy reached Malta after a two day battle
	27-28	Air raid made on London (night)
August	31	British and Soviet Forces in Iran met at Kazvin

- September**
- 1-2 Air raid made on Newcastle (night)
 - 3 British troops occupied Sehneh and Aveh (Iran)
 - 4 Enemy air raid made on Malta
 - 4-5 Enemy air raid made on Malta (night)
 - 8-9 Enemy air raid made on Malta (night)
 - 11-12 Enemy air raid made on Malta (night)
 - 16 Air raid made on Cairo
 - 17 British and Russian Forces reached Tehran
- October**
- 2-3 Air raids made on Newcastle and Dover (night)
 - 21-22 Air raids made on Newcastle and Dover (night)
- November**
- 1-2 Air raid made on Merseyside (night)
 - 18 Second British Western Desert offensive made in Libya
 - 21 British drove wedge between Rommel's armoured forces in Cyrenaica
Tobruk garrison made sortie
- December**
- 7 Japanese made air attacks on Manila, the International Settlement at Shanghai (where their marines took over the water-front and sank British gunboat PETEREL), points in Malaya and Thailand and Hong Kong
 - 7-8 Japanese landed in Thailand and North East Malaya. They also made an air raid in Singapore (night)
 - 8 Japanese made air attacks on Guam, Midway and Wake Islands and the Philippines. Their attack on Hong Kong by land and sea began. Thailand ceased to resist and allowed passage of Japanese troops
 - 9 Japanese landed in Luzon (Northern Island of Philippines)
 - 10 Japanese took Kota Bahru aerodrome HMS PRINCE OF WALES and HMS REPULSE were sunk by Japanese air attack in operations off Malayan coast. Guam sent its last message
 - 13 In Western Desert, enemy Forces made a stand and counter-attacked. Battle raged for 5 days
 - 15 In Malaya, Japanese gained ground in Kedah. In Burma, British withdrew from Victoria Point. At Hong Kong, British began to withdraw from Victoria Point. At Hong Kong, British began to withdraw Forces from Kowloon

- 18 British evacuated Kedah in North West Malaya
- 18-19 Japanese landed from the mainland on Hong Kong (night)
- 19 British evacuated Penang
British re-took Derna and Mekili, in Libya
- 22 Japanese launched major attack on Philippines. In Malaya, fighting began in North Perak
- 24 Wake Island taken by Japanese who also raised Manila
British took Benghazi again
- 25 Hong Kong surrendered (after 17 days siege)
Japanese landed at Kuching (Sarawak capital)
- 27-29 Enemy air raids made on Malta (nights)
- 29 In Malaya, British troops withdraw from Ipoh
- 29-30 Singapore raided (night)

1942

January

- 2 Japanese entered Manila and Cavite
- 5 Further Japanese landings on west coast of Malaya. British continued to withdraw in the central and east regions
- 7 Japanese reached Kuala Selangor. British withdrew south of the Slim River
- 8 Rommel escaped from Agedabia. Pursued by British Forces
- 12 Japanese entered Kuala Lumpur. Tarakan fell to the Japanese. British re-captured Sollum
- 17 Halfaya fell to British
- 18 Japanese captured Tavoy, in South Burma
- 21 Second German counter-offensive in North Africa began. Japanese landed at Raaul and Kavieng
- 23 Japanese landed at Balik Papan (Borneo). Germans took again Agedabia.
- 25 Japanese landed at Lae, capital of New Guinea
- 26 United States troops arrived in Ulster
- 29 Germans took again Benghazi
- 30 British Forces from the mainland crossed the causeway into Singapore Island. Japanese attacked and landed on the Island of Amboina

- February**
- 10 British lost Martaban in Burma. Japanese landed at Macassar
 - 14 Japanese landed parachute troops in southern Sumatra
 - 15 Japanese made a large scale seaborne landing in southern Sumatra. Singapore fell. In Burma, British withdraw to Bilin River
 - 21-22 British in Burma began to withdraw across the Sittang River (night)
 - 27 Battle of Java Sea commenced and continued for three days until whole of Allied force was wiped out by Japanese
 - 28 Japanese landed at three places in Java on this and the following day
- March**
- 6 Japanese occupied Batavia
Japanese cut road from Rangoon to Prome. British Force at Pegu was trapped
 - 7-8 British evacuated Rangoon
 - 8 Japanese landed at Salamaua and Lae, in New Guinea
 - 9 Japanese occupied Bangoeng and Surabaya
 - 12 British garrison withdrawn from Andaman Islands
- April**
- 1 Japanese launched heavy attack on Bataan Peninsula
 - 2 British retired north from Prome
 - 3 Japanese bombed Mandalay
 - 6 Japanese renewed very heavy attacks on Bataan Peninsula. They also bombed India and landed on Bougainville in Solomon Islands
 - 8 Japanese landed on Lorengau
 - 9 Japanese bombed Trincomalee
 - 10 Japanese landed on Billiton Island, off Borneo and on Cebu in Philippines
 - 16 Japanese landed in Panay
 - 29 Japanese took Lashio

- May**
- 1 British evacuated Mandalaya
 - 2 All British troops withdrawn from north bank of the Irrawaddy
 - 3 Japanese captured Bhamo (Burma)
 - 4 Japanese landed on Corregidor (Philippines)
 - 5 British landed on Madagascar
 - 8 Japanese captured Akyab, the last port in Burma
 - 15 First British Forces retreating from Burma reached Indian frontier
 - 26 Third German counter-offensive in Western desert began
- June**
- 21 Tobruk fell to Germans
- July**
- 1 Germans reached El Alamein
- August**
- 19 Raid on Dieppe. Allied Force consisted mainly of Canadians
- September**
- 13 From Egypt, British mobile desert patrols penetrated Benghazi and Barce. British combined forces raided Tobruk
 - 18 In Madagascar, British Forces landed on East coast and occupied Tamatave
- October**
- 23-24 Battle of El Alamein opened (night)
- November**
- 7-8 British troops took part in landings at numerous (night) points on shores of French North Africa
 - 9 British troops landed in Algeria
 - 11 Eighth Army captured Sollum and Baria
 - 12 Tobruk taken by Eighth Army
 - 13 Eighth Army captured Gazala
 - 20 Eighth Army occupied Benghazi
- December**
- 21 British troops having crossed the Burma frontier advanced in direction of Akyab
 - 25 Eighth Army occupied Sirte

1943

January	23	Eighth Army entered Tripoli
	29	Eighth Army advance guard crossed the Tunisian border
March	28	Mareth, Toujane and Matmata occupied by Eighth Army
April	4	In Tunisia British First Army occupied Cap Serrat
	12	Eighth Army occupied Sousse in Tunisia
	14	British Forces from Malta occupied Kerkennah Islands off Tunisian coast
May	7	Tunis captured by British First Army
	20	Announced that commando force under Brigadier Wingate had spent three months on raiding expedition in central Burma
June	11	Pantellaria Island (in the Sicilian Narrows) occupied. Landing force was covered by the Royal Navy
July	9-10	British paratroops landed on Sicily (night)
	10	British took Syracuse and Pachino
	13	British captured Augusta
August	5	British troops entered Catania
	7	British took Adrano
	9	British captured Guardia
September	3	British and Canadian troops of Eighth Army covered by a naval force landed in toe of Italy and occupied Reggio, Catona and San Giovanni. Commandos occupied Bagnara and Melito
	8	Italy surrendered. Eighth Army occupied Gioia Tauro, Bovalino Marina and Locri and landed at Pizza on the Gulf of Eufemia
	9	Allied forces landed at Salerno
	14	Heavy fighting in the Alerno bridgehead
	15	Eighth Army reached Scalea in southern Italy. Islands of Procida and Ponsa (off Naples) occupied
	16	British occupied Leros in Dodecanese
	18	British took Simi, Stampalia and Icaria in Dodecanese
October	16-17	British troops raided Maungdaw in Burma (night)

- November**
- 5 Fifth Army occupied Venafro and Eighth Army took Vasto on the Adriatic
 - 21 British and Norwegian troops destroyed smelting works at Eidhavn in outer Skagerrak
 - 23 Eighth Army crossed the Sangro and entered Alfedena
- December**
- 3 Eighth Army took San Vito
- 1944**
- January**
- 10 British troops captured Maungdaw in Burma
 - 22 Anzio landing took place
- February**
- 15 Cassino Abbey bombarded
- March**
- 17 British airborne forces landed in the rear of a Japanese division in central Burma
 - 22 Second landing of British airborne forces behind Japanese troops but was announced that Japanese had crossed Indian frontier
- May**
- 5 British offensive took place in Kohima area in Assam
 - 11-12 Offensive opened against the Gustav Line in Italy (night)
 - 16 British troops cleared Japanese from Kohima Ridge
 - 18 Cassino captured by British Forces
 - 26 British troops took Monte Cairo and occupied Roccasecca
- June**
- 4 Rome occupied by Fifth Army
 - 5-6 Allied airborne troops landed behind German defences in Normandy (night)
 - 6 Naval Forces supported by strong air forces began landing **D-Day** allied armies on coast of France between Cherbourg and Le Havre
 - 7 Allied troops in Normandy liberated Bayeux
 - 9 Fifth Army captured Viterbo, Vetralla and Tarquinia
 - 13-14 First flying bomb landed in (southern) England (night)
 - 15-16 Large number of flying bombs sent against southern England and such attack continued day and night for the rest of the month. (*See also entries relating to 8 September 1944, 10 November 1944 and 27 March 1945 (night)*)
 - 18 Eighth Army took Assisi
 - 26 Cherbourg liberated. Eighth Army took Chiusi in Italy

- July**
- 1 Fifth Army captured Cecina and Pomerance
 - 2 Foriano captured by Eighth Army
 - 4 British and Canadian troops took Carpiquet, west of Caen
 - 12 Fifth Army entered Fifth Army
- August**
- 4 Eighth Army reached outskirts of Florence British Second Army took Evrecy and Esquisy, southwest of Caen
 - 9 Paugni in Burma captured by British troops
 - 10 British troops captured Vimont in France
 - 14 St malo town captured
 - 15 Allied forces landed at many points between Toulon and Nice
 - 25 British Second Army began to cross the Seine in Vernon area
 - 26 Eighth Army crossed the Metauro in Adriatic sector
 - 31 British Second Army took Amiens and crossed the Somme
- September**
- 1 British troops entered Arras
 - 2 In Italy, Pisa was taken and Gothic Line was broken in Adriatic section
 - 3 British Forces liberated Brussels and Tournai
 - 4 British troops took Antwerp
 - 8 First V2 landed in United Kingdom (Chiswick)
 - 17 First British Airborne division landed at Arnhem
 - 18 Armoured forces of the British Second Army made contact with Airborne troops at Eindhoven
 - 19 British Second Army reached a point three miles from Nijmegen in Holland
 - 24 British Second Army reached lower Rhine. Airborne Forces on west bank at Arnhem were compressed into small area and under incessant artillery fire. British troops crossed German frontier South-east of Nijmegen
 - 25-26 Withdrawal of remnants of British First Airborne division from Arnhem
 - 26-27 (nights)
 - 26 Eighth Army crossed the Rubicon in Adriatic sector
 - 27 Announced that British Land Forces, Adriatic, were operating a wide front including Albania and Dalmation Islands
- October**
- 5 British Land Forces, Adriatic, landed on Greek mainland and entered Patras. Landings also made on Greek Islands and in Albania
 - 8 Corinth reached by British Land Forces, Adriatic, who captured Samos and also landed at Nauplion
 - 11-12 Eighth Army took Lorenzo in Italy (night)
 - 17 British Second Army captured Venraij in Holland

- 20 Eighth Army entered Cesena. British troops occupied Thebes. Allied Force landed on the east coast of Leyte Island in the Philippines
- 23 Eighth Army occupied Cervia
- 24 British troops captured Lamia in Greece
- 25-26 British troops landed on southern shore of South Beveland (night)

November

- 2 Mawlu in Burma captured
- 5 British landed patrols in Salonika
- 10 Eighth Army captured Forli. V2s reported to have fallen in widespread areas of England.
- 19 Announced that British Land Forces, Adriatic, in action on Herzegovina and Montenegro
- 20 British Second Army reached the Maas
- 25 Eighth Army crossed the Cosina
- 26 Port of Antwerp opened to Germans began to attack it with V1 and V2

December

- 1 Pinwe in Burma occupied
- 2 Kalewa in Burma occupied
- 5 British troops began to patrol the streets of Athens. British tanks opened fire. Fighting continued during the month
- 11 In Burma, Indaw, Katha and Naba junction occupied by British
- 14 Eighth Army occupied Mezzano
- 16 Eighth Army captured Faenza

1945**January**

- 9 British troops entered Thebes
- 13 In Burma, Wetlet (30 miles from Mandalay) occupied and new landings made on Myebon peninsula
- 22 Announced that Ledo road across Burma from India to China was clear of Japanese and open for convoys of traffic

February

- 9 British and Canadian Forces pierced first of main Siegfried Line zones. Rhine reached at Milligen
- 14 British and Canadian Forces reached the Rhine opposite Emmerich
- 21 British and Canadian Forces captured Goch
- 24 Manila occupied

March

- 8 British troops entered Xanthen after several days heavy fighting
- 17 In the Mandalay area, Sagain was captured and Ava was entered
- 20 In Burma, Fort Dufferin was occupied and Mogok was captured
- 27 Last V2 (1050th) to reach England landed at Orpington, Kent

- April**
- 3 British Second Army took Rhine
 - 5 British troops reached Miden and crossed the Weser
 - 11 In Italy, Massa and Carrara captured
 - 13 Local truce made near Celle, Germany, so that British troops might take over Belsen concentration camp, United States Third Army reach Buchenwald concentration camp
 - 17 Eighth Army occupied Argenta
 - 24 British and Canadian troops entered Bremen. United States Forces liberated Dachau concentration camp
 - 27 In Italy, Genoa was entered
 - 29 British Forces crossed the Elbe. Eighth Army captured Venice and Mestre
- May**
- 2 British Second Army reached Lubeck and Wismar. German armies in Italy made complete surrender
 - 3 Rangoon captured
 - 5 British troops landed by air in Copenhagen where there was street fighting. German Forces in Denmark capitulated in the evening
 - 6 Austria entered
 - 7 Germany surrendered unconditionally to western allies and Russia. Soviet report on Auschwitz concentration camp was published
 - 8 **VE-Day**
 - 12 German garrison in Crete surrendered
 - 14 Eighth Army Forces from Italy entered Klagenfurt in Carinthia. British Force occupied Canea
- July**
- 4 British troops marched into Berlin
 - 5 Liberation of whole of Philippines announced. Fighting continued after Japanese surrendered
 - 17 Announced that British Naval Task Force had taken part in air attack on Tokyo area
 - 24-26 British Naval Force bombed places on west coast of Malaya
 - 30 Advance part of British troops entered Vienna
- August**
- 6 First atomic bomb dropped (on Hiroshima)
 - 9 Second atomic bomb dropped (on Nagasaki). Allied naval vessels bombed Kamarshi
 - 14 Announced at midnight that Japan had accepted the allied demand for unconditional surrender
 - 15 **VJ-Day**
 - 30 British Naval Force occupied Hong Kong
- September**
- 5 British troops landed at Singapore
 - 7 Naval base at Singapore was handed over to Royal Navy
 - 12 Japanese Forces in South-east Asia surrendered to Admiral Mountbatten in Singapore
 - 13 Instrument of surrender of Burma signed in Rangoon
Japanese Army in New Guinea surrendered Japanese

		Forces in Malaya surrendered
	14	Japanese Forces on Nauru surrendered the island to British
	16	Japanese in Hong Kong surrendered to Admiral Harcourt
	24	Formal surrender to the Commander of the Japanese Army in Burma took place in Rangoon
October	31	First large scale sabotage by Jewish terrorists against British communications in Palestine
November	5	British troops assisted police in Tripoli (Libya) following serious rioting
December		Large scale reinforcements sent to Palestine
1946		
February	21	Violent anti-British disturbance in Cairo and Alexandria; British Forces assisted Egyptians to restore order
March	4	Two British soldiers killed in disturbances in Alexandria, Egypt
June	29	Operation AGATHA; major cordon and search operation throughout Palestine
July	22	King David Hotel, Jerusalem blown up by IZL (Irgun) terrorist group: 91 killed, mainly civilians
July-August		Serious rioting in Calcutta; substantial British Army role supporting police and Indian Army
September		More serious terrorist activity in Palestine: IZL sabotaged the communications system, while Stern Gang attacked individuals
1947		
March	29	Cairo finally evacuated by British Forces, which were now concentrated in the Suez Canal Zone
June	3	Partition of India announced; British troops played an ever decreasing role in support of the Indian police quelling communal violence
	15	Internal security duties in Burma transferred to Burmese Army
July	12	Two British NCOs kidnapped by terrorists in Nathanya (Palestine) (found hanged on 31 July)

December	4	British troops flown to Aden following serious rioting (withdrawn 5 th June 1948)
1948		
January	3	Last British troops left Burma
	26	British reinforcements sent to Mogadishu, Somalia, following serious anti-Italian riots
February	22	Large explosion in Jerusalem killing 54 Jews and wounding over 200 more; wave of anti-British feeling swept the city – nine soldiers were killed
	26	British troops left Karachi, Pakistan
	28	Last British forces left India (Bombay)
	29	Stern Gang blew up a military train near Rehovoth, killing 35 soldiers (Palestine)
April	13	British troops intervened on numerous occasions during Arab-Jewish fighting in Jerusalem
	14	British reinforcements sent to Eritrea at time of serious banditry (the 'Shiftas')
	21-22	Battle for Haifa (between Arabs and Jews): British troops returned fire several times (Palestine)
	28-29	British Military intervention in Jaffa with tanks, armoured cars, artillery, aircraft and naval gunfire from ships lying offshore (Palestine)
April - May		Heavy fighting in Jerusalem, British forces intervening when necessary
May	14	Jerusalem evacuated by British Forces
	15	End of the British mandate in Palestine; British Forces evacuated interior
June	13-14	British troops assisted police in Tripoli (Libya) following communal disturbances Declaration of a State of Emergency in Malaya at time of Communist insurgency
	30	Last British Forces evacuated from Haifa (Palestine)
December	8	British troops reinforced Mogadishu. (Somalia) at time of handover to Italian authorities

1949**1948-1949**

Berlin Airlift: Army personnel contributed to the successful operation by the Western allies to break the Soviet blockade of the city
(Operation PLAINFARE)

**October -
August 1951**

Second Phase of the Malayan Emergency; renewed Community offensive and heightened violence

1950**March**

2-31 Two British battalions involved in anti-Shifta (bandits) operations in Eritrea

April

2-5 British Forces evacuated Somalia

June

25 North Korean Army invaded South Korea; start of the Korean War

August

28 First British troops landed in Korea – 27th Infantry Brigade

**September 15 -
November**

15 - UN advance in Korea; British units repeatedly engaged in
25 fighting

December

11-13 British troops assisted police in Singapore (The Hertogh Riots)

**December -
January**

31 – Chinese offensive in Korea; British units thrown onto the
24 defensive

1951**January -
April**

25 – Advance of UN forces (including British) to the 38th Parallel
22 (Korea)

**April –
July**

22 – Battle of the 38th Parallel (Korea)
7

April

22-25 Imjin river battle: British Commonwealth forces heavily engaged repelling Chinese attacks (Korea)

**August 1951 –
July 1954**

Third Phase of the Malayan Emergency: decisive period in which security forces regained initiative, driving the terrorists into the jungle

October	16	Serious rioting in Ismailia, Port Said and other Suez Canal Zone centres; British Forces intervened to restore law and order and protect British lives
	19-22	Substantial reinforcements sent to the Canal Zone from Cyprus
November	5	Start of terrorist incidents in the Canal Zone (Egypt)
	21	Elements of Strategic Reserve despatched to Egypt from Britain
December	3	Ten servicemen killed by terrorists in a single incident in the Calal Zone (Egypt)

1952

January	25	British forces assaulted locations in Ismailia (Canal Zone of Egypt) which were source of terrorist activity
September	16	Last British troops left Eritrea
October	21	Declaration of a State of Emergency in Kenya, following deterioration of security situation there. Arrival of British Army reinforcements and initiation of emergency legislation against Mau Mau; incidents against Europeans and Africans intensified in numbers and brutality
November	18-19	Fist Battle of 'The Hook' (Korea)

1953

April		Further military reinforcements arrived in Kenya – 39 th infantry Brigade – following continued deterioration of security situation.
May	28-29	Second Battle of 'The Hook' (Korea)
July	12-26	Operation CARNATION 1 against Mau Mau in Aberdare Mountains of Kenya
	27	Armistice in Korea: end of the Korean War
July	29 -	Operation CARNATION II in the Aberdares (Kenya)
August	7	Military assistance provided to Greek authorities after earthquake on the island of Cos
August	14-31	Operation BLUEBELL in Mount Kenya area
September		Further reinforcements – 49 th Infantry Brigade – sent to Rift Valley area of Kenya

1954

April 24 Operation ANVIL: major cordon and search

May 25 Operation ion Nairobi
(Kenya)

**July 1954 –
July 1960** Final Phase of the Malayan Emergency

1955

January 2 – Operation HAMMER: anti-terrorist sweep through the
February 11 Aberdare Mountains
(Kenya)

**February –
April** Operation FIRST FLUTE: anti-terrorist sweep around
Mount Kenya

March 31 First acts of EOKA terrorism in Cyprus

**July –
August** 15 – Operations DANTE and BEATRICE to break up Mau Mau
10 gangs in the Southern Aberdares and Mount Kenya regions
(Kenya)

October 27 First British soldier killed by EOKA in Cyprus

November Worst month so far for terrorist activity in Cyprus
26 State of Emergency declared in Cyprus;
Reinforcements sent to the island

1956

February Further British reinforcements in Cyprus

March 26 Last British troops left Egypt
(Canal Zone)

May 17-31 Substantial cordon and search operation in the Troodos
Mountains, Cyprus
(Operation PEPPERPOT)

**September –
November** Most violent phase of the emergency in Cyprus

November 5 Franco-British attack on Egyptian positions defending the
Suez Canal
(Operation MUSKETEER)
10 British reinforcements sent to the Suez Canal

	13	Withdrawal of Army from operations against Mau Mau (Kenya)
December	22	British forces evacuated the Suez Canal
 1957		
January – March		Period of aggressive action by security forces in Cyprus
January	17-23	Operation BLACK MAC against terrorists in the Adelphi Forest (Cyprus)
February March	28 – 5	Operation WHISKEY MAC in the Makheras Forest (Cyprus)
March May	7 – 23	Operation LUCKY MAC unsuccessful attempt to capture General Grivas, Leader of EOKA
April		Logistic assistance – tents etc - to Turkish civil authorities after an earthquake
July	18	British troops deployed in Muscat and Oman from Bahrein
August September	7 – 12	Operations in Muscat and Oman: small British Forces remained to support the Sultan
 1958		
January	28-29	Serious inter communal disturbances in Nicosia, Cyprus: British forces intervened
May July	15 – 7	Anti-EOKA operation (KINGFISHER) in Limassol area, Cyprus
July	10-20 17	Operation SPRINGTIME: further attempts to capture Grivas (Cyprus) British troops despatched to Jordan
August – February 1959		Operations against insurgents in Muscat and Oman
 1959		
January	4-20 26	Operation MARE'S NEST: anti-EOKA cordon and search in Xeros area of Cyprus British Forces participated in capture of Jebel Akhdar in Muscat

February 19 Signature of the London Agreement on Cyprus: end of military operations

1960

May – June Military assistance provided to civil authorities in Hong Kong after Typhoon ‘Mary’

September 15 British troops sent to the Cameroons to maintain law and order at time of UN referendum

1961

July 1 Operation VANTAGE: reinforcement of Kuwait at time of Iraqi intimidation of that country (withdrawn by 19 October 1961)

October Assistance provided by garrison in British Honduras after Hurricane ‘Hattie’

October – April 1962 Military assistance after serious floods in Kenya

1962

February Military assistance to civil authorities after serious flooding in West Germany
16 Deployment of British troops in Guyana following serious rioting

September Military assistance to civil authorities in Hong Kong after Typhoon ‘Wanda’

December 8-20 Armed rebellion broke out in Brunei and Sarawak (Borneo) suppressed by British troops flown in from Singapore,. Mopping up continued thereafter in other parts of British Borneo

1963

April First Indonesian infiltrators entered Sarawak: countered by British forces; further raiding parties crossed the borders into British Borneo for the next three years during this ‘Confrontation’ with Indonesia

August – November December Humanitarian assistance provided to Yugoslavia after the earthquake in Skopje
10 State of Emergency declared in Arden

26-28 British forces flown to Cyprus following outbreak of intercommunal violence

1964

January 20-26 Mutinies in newly independent armies of Kenya, Uganda and Tanganyika suppressed with help of British forces

February – March Repeated incursions into Sarawak – made by Indonesian regular forces – successfully repelled by British and Commonwealth forces

February 14 Advance elements of Strategic Reserve (3rd Infantry Division) flown to Cyprus

March 27 Formation of UNFICYP (initially provided by HQ 3 Inf Div) in Cyprus

April 29 Start of operations in the Radfan (Aden) (large scale opposition ceased end June 1964)

August – March 1965 Defeat of Indonesian infiltration into Malay Peninsula (West Malaysia)

1965

Sultan of Oman's Armed Forces (SAF) commanded and officered by British loan service (LSP) British personnel, deployed to Dhofar province to counter escalating revolt; counter-intelligence operations continued, with British assistance, until 1975

April Large scale disturbances in Aden: British military reinforcements sent

May 13 Assistance provided after the earthquake in El Salvador
British troops flown to Mauritius following rioting (withdrawn December 1965)

September 25 As a result of deteriorated situation, Legislative Assembly of Aden suspended; civil disturbances and terrorist incidents affecting British troops continued for remainder of 1965 and throughout 1966

December Assistance provided by military garrison after flooding in Malaya

1966

April 7-11 British forces in Hong Kong assisted police in combating serious disturbances (Kowloon)

May		Assistance provided by military garrison after serious flooding in Hong Kong
August	11	Peace Agreement between Malaysia and Indonesia ending 'confrontation' in Borneo and Malaya
September		Assistance provided after serious flooding in Laos
1967		
April	2-8	Terrorist incidents in Aden reached a peak
April – May		British reinforcements sent to Aden
June	20	Mutiny among Federal Regular Army (FRA) of South Arabia and Aden Police. 26 British servicemen killed and 56 wounded; local administration lost control of Crater district of Aden
July	3	British forces re-entered and re-imposed control on Crater (Aden)
	8	British troops assisted police in combating serious civil disorder in Hong Kong
November	29	British forces withdrawn from Aden
1968		
January		Military assistance provided following earthquake in Sicily
	22	British troops sent to Mauritius following rioting and internal disorders (withdrawn 15 November 1968)
April	28	British troops sent to Bermuda following serious rioting (returned to the UK by 3 June 1968)
1969		
March		British troops deployed to Anguilla (West Indies) during local constitutional problem. The troops remained until September 1971
August	14	British troops deployed in Northern Ireland (Londonderry) in support of the civil authority
	15	British troops deployed in Belfast

1970**February –
March 1965**

British forces withdrawn from Libya

April

Military assistance provided after serious floods in Tunisia

September

British forces directly deployed in support of Sultan of Oman (Dhofar)

**September –
November**

Medical assistance provided to Jordan following civil strife

**November –
December**

Military assistance in East Pakistan following floods

1971**February**

6 First soldier killed by terrorists in Northern Ireland

December

Military withdrawal from The (Persian) Gulf

1972**January**26-31 Malta: first withdrawal of British Forces
Grenadier Guards deployed to British Honduras (Belize) in the event of a possible Guatemalan attack**February**

Logistic assistance provided after floods in Oman

**March –
April**

Further reinforcements sent to British Honduras

March

26 New Defence Agreement signed with Malta: British forces returned to island

**June
June**24 100th British soldier killed in NI
Garrison of Hong Kong assisted civil authorities after a serious landslide**1973****March –
April**

Humanitarian assistance provided to Nepal following crop failure and famine (Op KHANA CASCADE)

November

Logistic support – tents, oil, vehicles etc – supplied to UNEF in Egypt, by British forces in Cyprus

1974

January –
April

Logistic assistance provided during famine in Ethiopia

April –
May

Logistic assistance – vehicles – provided to Niger at time of famine

July –
August

British reinforcements to Cyprus at time of increased communal tension

September

Military assistance provided to civil authorities in Belize after Hurricanes 'Fifi' and 'Carmen'

1975

November

Final military withdrawal from Singapore

December

Effective end of the Dhofar revolt

1977

July

Temporary reinforcement of Belize during a period of increased tension with Guatemala

December

3 British troops despatched to Bermuda at time of tension and declared State of Emergency (remained until 17 December)

1979

March

Final military withdrawal from Malta

June –
July

Logistic assistance provided after serious floods in Jamaica

December –
March 1980

Successful Commonwealth Monitoring operation to oversee ceasefire in Rhodesia (Zimbabwe) (Operation AGILA)

1980

A continual programme of air dropping supplies to Nepal throughout the year at a time of famine

October –
December

Military assistance provided in St Lucia (West Indies) after Hurricane 'Allen'

1981

March –

Military assistance provided to Italian civil authorities after

May earthquake

1982

March Deployment of the Multinational Force and Observers (MFO) to oversee the international frontier in the Sinai peninsula (British involvement ended in 1992)

Falklands Conflict (Operation CORPORATE) – chronology of events

1982

- April**
- 2 Argentina invades the Falkland Islands
 - 3 Argentina invades South Georgia; UN passes Security Council Resolution 502; first RAF transport aircraft deploy to Ascension Island
 - 5 First task force ships sail from the United Kingdom
 - 12 200 mile maritime exclusion zone comes into effect
 - 23 The Government warns Argentina that any approach by Argentine warships or military aircraft which could amount to a threat to the task force would be dealt with appropriately
 - 25 British Forces recapture South Georgia; submarine Santa Fe attacked and disabled
 - 30 Total exclusion zone comes into effect
- May**
- 1 First attack on Falklands by Vulcans, Sea Harriers and warships; first Argentine aircraft shot down
 - 2 GENERAL BELGRANO sunk by HMS CONQUEROR
 - 4 HMS SHEFFIELD hit by Exocet missile; later sinks
 - 7 The Government warns Argentina that any Argentine warships and military aircraft over 12 miles from the Argentine coast would be regarded as hostile and liable to be dealt with accordingly
 - 9 Two Sea Harriers sink trawler, NARWAL, which had been shadowing task force
 - 11 HMS ALACRITY sinks store ship CABO DE LOS ESTADOS in Falkland Sound
 - 14-15 Special forces night raid on Peeble Island; 11 Argentine aircraft destroyed on the ground
 - 21 3 Cdo Bde establish beach-head in San Carlos; HMS ARDENT lost; some 15 Argentine aircraft destroyed
 - 23 HMS ANTELOPE crippled (sinks on 24 May); 10 Argentine aircraft destroyed
 - 24 18 Argentine aircraft destroyed; some damage to ships
 - 25 HMS COVENTRY lost and ATLANTIC CONVEYOR hit by Exocet (sinks 28 May); 8 Argentine aircraft destroyed
 - 28 2 PARA recapture Darwin and Goose Green

- 30 45 Cdo secure Douglas settlement; 3 PARA recapture Teal Inlet; 42 Cdo advance on Mount Kent and Mount Challenger
- June**
- 1 5 Bde land at San Carlos
- 8 RFAs SIR GALAHAD and SIR TRISTRAM hit at Fitzroy; 10 Argentine aircraft destroyed
- 11-12 Mount Harriet, Two Sisters and Mount Longdon secured; HMS GLAMORGAN hit by shore-based Exocet – damaged but seaworthy
- June**
- 13-14 Tumbledown Mountain, Wireless Ridge and Mount William secured; General Menendez surrenders
- 15 Surrender agreed 1 am London time – 9 pm Falkland time (14 June)
- 20 South Thule secured
- 25 Mr Hunt, Civil Commissioner, returns to Port Stanley

1983

- February** British deployment to the second Multinational Force (MNFII) in Beirut (withdrawn March 1984)

1985

- February – December** Humanitarian assistance provided in Ethiopia at time of famine

- September – October** Military assistance provided to Mexico after earthquake

1986

- May** Military assistance provided to the Solomon Islands after Cyclone ‘Namu’

- June** Military assistance provided to Jamaica after serious floods

- October** Military assistance provided to El Salvador after an earthquake

1987

- January - February** Military assistance provided to the Cook Islands after Cyclone ‘Sally’

- February – April** Military assistance provided to the civil authorities in Vanuata (New Hebrides) after Cyclone ‘Uma’

- September – October** Military assistance provided to civil authorities in Bermuda after Hurricane ‘Emily’

1988

August Medical assistance provided by British military hospital in Dharan after Nepalese earthquake

September – October Military assistance provided after Hurricane 'Gilbert' in Jamaica

December Military assistance provided to civil authorities after earthquake in Armenia

1989

March British deployment to the United Nations Transition Assistance Group (UNTAG), to oversee elections and monitor the demobilisation of local forces in Namibia (ended after March 1990)

July – November Deployment of RE mine clearance personnel to UN Mine Awareness Team in Pakistan (UNOCA)

September – October Military assistance provided to Montserrat (West Indies) after Hurricane 'Hugo'

1990

March Military assistance provided to Western Samoa after Cyclone 'Ofa'

August 2-3 Iraqi invasion and conquest of Kuwait

1991

January – February 16 – Allied military defeat of Iraq
28 (Ops DESERT STORM/GRANBY)

February – January 1993 British military personnel participated in UN operation to verify the ceasefire in Mozambique (ONUMOZ)

April Start of UN Iraq-Kuwait border observation mission (UNIKOM), including British military personnel

Start of British deployment (Royal Marines) as part of the allied effort to provide safe havens for the Kurdish population in Northern Iraq (Operation HAVEN)

September – September British military personnel took part in the UN mission to observe the ceasefire in Western Sahara (MINURSO)

April 2008

Appendix 1

1993

**December –
February 1992**

Military assistance provided to Western Samoa after Cyclone 'VAL'

December

Start of UN observation operation and mines awareness mission in Cambodia (UNTAC), including British military personnel

1992

January

British military liaison officers deployed on UN monitoring tasks in Yugoslavia (Croatia)

June

Commitment of British medical unit to UN presence in Yugoslavia

October

British combat units committed, in support of the UN, into Bosnia (Yugoslavia) which was involved in a civil war (UNPROFOR/Operations GRAPPLE)

Nuclear weapons tests veterans

Dates and locations of the UK atmospheric nuclear weapons tests

Date of firing (according to GMT)	Operation	Round	Location	
3 October 1952	Hurricane	-	Monte Bello Islands	Western Australia
14 October 1953	Totem	1	Emu Field	South Australia
23 October 1953	Totem	2	Emu Field	South Australia
16 May 1956	Mosiac	1	Monte Bello Islands	Western Australia
19 June 1956	Mosiac	2	Monte Bello Islands	Western Australia
27 September 1956	Buffalo	1	Maralinga Range	South Australia
4 October 1956	Buffalo	2	Maralinga Range	South Australia
11 October 1956	Buffalo	3	Maralinga Range	South Australia
21 October 1956	Buffalo	4	Maralinga Range	South Australia
15 May 1957	Grapple	1	Maiden Islands	South Pacific
31 May 1957	Grapple	2	Maiden Islands	South Pacific
19 June 1957	Grapple	3	Maiden Islands	South Pacific
14 September 1957	Antler	1	Maralinga Range	South Australia
22 September 1957	Antler	2	Maralinga Range	South Australia
9 October 1957	Antler	3	Maralinga Range	South Australia
8 November 1957	Grapple X	-	Christmas Island	South Pacific
28 April 1958	Grapple Y	-	Christmas Island	South Pacific
22 August 1958	Grapple Z	1	Christmas Island	South Pacific
2 September 1958	Grapple Z	2	Christmas Island	South Pacific
11 September 1958	Grapple Z	3	Christmas Island	South Pacific
23 September 1958	Grapple Z	4	Christmas Island	South Pacific

In addition to the above, from 1956 to 1964 a number of open air experiments with radioactive materials, but not producing nuclear yields, were conducted at Maralinga, South Australia.

FEPOW atomic bomb explosions in Japan

List of civilian FEPOW internment camps*

Achi Yamakita
Asahidawa
Futatabi
Kangagawa Pref No 1
Murakamia
Nagasaki
Negishi Race Course
Sendai
Shimodate
Tomakomai
Totsuka
Tokyo
Yokohama

*This is not a comprehensive list – it only shows the camps that are known to have existed and could be located.

FEPOW Atomic Explosions in Japan

Distance of Camps from Epicentre of Bombing

Fukuoka POW Camp

Branch or Detachment	Where Branch or Detachment was Placed	Address	Where a Bomb dropped	Distance from Epicentre
Main Camp		Dazaifu-machi, Tsukushi-gun, Fukuoka	From Nagasaki	About 105 km
1 st Branch	Paymaster's Dept Western Corps	Hakazaki-cho, Fukuoka City Fukuoka Pref	From Nagasaki	About 100 km
2 nd Branch	Koyakijima Dockyard Kawanami Ship- building Co.	Koyaki-mura Nishi-Sonoki-Gun Nagasaki Pref.	From Nagasaki	About 10 km
3 rd Branch	Yawata Iron Works Nihon Iron Mfg Co.	Nakai, Kokura City, Fukuoka Pref.	From Nagasaki	About 160 km
4 th Branch	Harbour Transportation Service Association Kan-mon Area	Sosunoki-machi, Moji City Fukuoka Pref	From Nagasaki	About 170 km
5 th Branch	Ohmine Mining Station Furukawa Mining Co.	Soeda-machi Tagawa-gun Fukuoka Pref	From Nagasaki	About 120 km
6 th Branch	Onga Mining Station Nihon Mining Co	Mizumaki-cho Onga-gun Fukuoka Pref.	From Nagasaki	About 140 km
7 th Branch	Futase Mining Station Nihon Mining Co.	Futase-machi Kaho-gun Fukuoka Pref	From Nagasaki	About 120 km
8 th Branch	Yamano Mining Station Mitsui Mining Co	Inatsuki-machi Kaho-gun Fukuoka Pref	From Nagasaki	About 120 km
9 th Branch	Dainoura Coal Mine Kaljima Coal Mining Co	Miyata-machi Kurate- gun Fukuoka Pref.	From Nagasaki	About 125 km
14 th Branch	Nagasaki Dockyard Mitsubishi Shipbuilding Co	Saiwai-cho Nagasaki City Nagasaki Pref	(From Heiwa Park Nagasaki, Epicentre)	About 3-6 km

Fukuoka POW Camp

Branch or Detachment	Where Branch or Detachment was Placed	Address	Where a Bomb dropped	Distance from Epicentre
17 th Branch	Miike Mining Station Mitsui Mining Co	Shin-Minato-Cho Omuda City Fukuoka Pref	From Nagasaki	About 62 km
18 th Branch	Sasebo Naval Establishment Dept	Yunoki-mura Kita-Matsuura-gun Nagasaki Pref (now Yunoki Sasebo City)	From Nagasaki	About 57 km
21 st Branch	Nazuru Coal Mine Taisho Mining Co	Nakama-machi Onga-gun Fukuoka Pref	From Nagasaki	About 135 km
22 nd Branch	Tadakuma Coal Mine Sumitomo Mining Co	Honami-mura Onga-gun Fukuoka Pref	From Nagasaki	About 110 km
23 rd Branch	Hirayama Mining Station Miji Mining Co	Katsuragawa-machi Kaho-gun Fukuoka Pref	From Nagasaki	About 115 km
24 th Branch	Senryu Mining Station Sumitomo Mining Co	Emukae-cho Kita-Matsuura-gun Nagasaki Pref	From Nagasaki	About 67 km
25 th Branch	Omuda Factory Electro-Chemical Industry	Shinkai-cho Omuda City Fukuoka Pref	From Nagasaki	About 62 km
26 th Branch	Yoshikuma Coal Mine Aso Mining Co.	Katsuragawa-machi Kaho-gun Fukuoka Pref.	From Nagasaki	About 115 km
27 th Branch	Yamadagawa Mining Station Mitsui Mining Co	Nara, Tagawa City Fukuoka Pref	From Nagasaki	About 120 km
6 th Detach	Tanoura Factory Tokai Denkyoku Co	Tanoura-mura	From Nagasaki	About 70 km
7 th Detach	Kasado Factory Hitachi Seisaku-sho	Highashi-Toyoi Shimomatsu City Yamaguchi Pref	From Hiroshima	About 125 km
13 th Detach	Saganoseki Refinery Nihon Mining Co	Saganoseki-machi Kati-Umibe-gun Oita Pref	From Hiroshima	About 200 km

Remarks: The 11th, 12th and 13th Branch were reorganised on 4 July 1943 into the 4th, 5th and 2nd Branches of the Hiroshima POW Camp and the 1st, 2nd, 3rd, 4th and 5th Branches were reorganised on 14th April 1945 into the 6th, 7th, 8th and 9th Branches and the 8th detachment of the Hiroshima POW Camp. They are omitted here to avoid overlapping.

Hiroshima POW Camp

Branch or Detachment	Where Branch or Detachment was Placed	Address	Where a Bomb dropped	Distance from Epicentre
Main Camp		Tote Shin-ichi-Machim, Ashina-gun Hiroshima Pref	From Hiroshima	About 80 km
1 st Branch	Takamatsu Branch Nihon Express co	Shinminato-cho Takamatsu City Kagawa Pref	From Hiroshima	About 150 km
1 st Branch	Sakaide Branch Nihon Express Co	Sakaide-machi Sakaide City Kagawa Pref	From Hiroshima	About 130 km
2 nd Branch	Niihama Factory Sumitomo Kagaku Kogyo Co	Isoura, Niihama City Ehime Pref	From Hiroshima	About 90 km
2 nd Branch	Besshi Mining Station Sumitomo Mining Co	Tachikawayama Sumino-machi Nii-gun, Ehime Pref	From Hiroshima	About 90 km
3 rd Branch	Hibi Refinery Mitsui Mining Co	Hibi, Tamano City Okayama Pref	From Hiroshima	About 140 km
4 th Branch	Mukojima Dockyard Hitachi Shipbuilding Co	Mukojima-machi Mitsugi-gun Hiroshima Pref	From Hiroshima	About 70 km
5 th Branch	Innoshima Dockyard Hitachi Shipbuilding Co	Dosho Innoshima City Hiroshima Pref	From Hiroshima	About 67 km
6 th Branch	San-yo Muen Ube Kogyo Co	Omine-machi Mine-gun Yamaguchi Pref	From Hiroshima	About 190 km
7 th Branch	Okinoyama Coal Mine Ube Kogyo Co	Okinoyama Ube City Yamaguchi Pref	From Hiroshima	About 195 km
8 th Branch	Motoyama Coal Mine Ube Kogyo Co	Onoda, Onoda City Yamaguchi Pref	From Hiroshima	About 200 km
9 th Branch	Ohama Coal Mine Ube Mining Co	Onoda, Onoda City Yamaguchi Pref	From Hiroshima	About 200 km
3 rd Detach	Besshi Haarashiba Factory, Sumitomo Mining Co	Sumino-machi Nii-gun, Ehime Pref	From Hiroshima	About 90 km
8 th Detach	Higashi-hatsumi Coal Ube Mining Co	Ube City Yamaguchi Pref	From Hiroshima	About 195 km

Camp	Branch or Detachment	Location; matters concerned	Where Bombs dropped	Distance from Epicentre
Fukuoka Camp	8 th Branch, Fukuoka	Inatsuki-machi Kaho-gun Yamaguchi Pref	From Nagasaki	About 120 km
Fukuoka Camp	1 st Branch, Fukuoka POW Camp (Hiroshima 6 th Branch)	<p>Omine-machi Mine-gun Yamaguchi Pref</p> <p>Transferred to the 4th Detachment of Hiroshima POW Camp on 14 April 1945, and renamed as the 6th Branch.</p> <p>472 prisoners were delivered to respective home countries at the time of closure of the camp, of them 184 prisoners were British.</p> <p>2 September 1945: Delivered to R A Major Bushby Walter Robert</p>	From Hiroshima	About 190 km
Fukuoka Camp	6 th Detachment Fukuoka POW Camp	<p>Shinkai-cho Omuda City Fukuoka Pref</p> <p>Closed and transferred to the 25th Branch of Fukuoka POW Camp.</p> <p>At the time of closure 396 prisoners were delivered to respective home countries. Of them, 394 British prisoners were delivered to Col Griffin, Chairman of the American Prisoners Delivery Committee on 16 September 1945.</p>	From Nagasaki	About 62 km
Hiroshima Camp	3 rd Branch Hiroshima POW Camp	Hibi, Tamano City, Okayama Pref	From Hiroshima	About 140 km

Camp	Branch or Detachment	Location; matters concerned	Where Bombs dropped	Distance from Epicentre
Hiroshima Camp	4 th Branch, Hiroshima POW Camp	Mukojima, Mitsugun, Hiroshima Pref... Opened under the name of the first Detachment of Zentsuji POW Camp on 13 April 1945 and renamed as the 4 th Branch in August 1945. At the time of closure, 194 prisoners were delivered to respective home countries, of them 77 were British who were delivered to USA Major Artman Ralph Townsend on 2 September 1945.	From Hiroshima	About 70 km
Hiroshima Camp	8 th Branch, Hiroshima POW Camp (6 th Detachment)	Onoda, Onoda City Yamaguchi Pref Opened on 13 th April 1945 and renamed as the 8 th Branch in August 1945. At the time of closure, 872 prisoners were delivered to respective home countries. Of them 541 were British, who were delivered to RA Major Earle Robert James Savi on 2 September 1945.		

Remarks: This list is included in either of List (1) or List (2).

Section 10 of the Crown Proceedings Act, 1947

The Act reads as follows:

Provisions relating to the Armed forces:

- 1 Nothing done or omitted to be done by a member of the Armed Forces of the Crown while on duty as such shall subject either him or the Crown to liability in tort for causing the death of another person, or for causing personal injury is due to anything suffered by that other person while he is a member of the armed forces of the Crown if:
 - at the time when that thing is suffered by that other person, he is either on duty as a member of the armed forces of the Crown or is, thought not on duty as such, on any land, premises, ship, aircraft or vehicle for the time being used for the purposes of the armed forces of the Crown; and
 - The Minister of Pensions certifies that his suffering that thing has been or will be treated as attributable to service for the purposes of entitlement to an award under the Royal Warrant, Order in Council or Order of His Majesty relating to the disablement or death of members of the force of which he is a member.

Provided that this subsection shall not exempt a member of the said forces from liability in tort in any case in which the court is satisfied that the act or omission was not connected with the execution of their duties as a member of those forces.

- 2 No proceedings in tort shall lie against the Crown for death or personal injury due to anything suffered by a member of the armed forces of the Crown if:
 - that thing is suffered by him in consequence of the nature or condition of any such land, premises, ship, aircraft or vehicle as aforesaid, or in consequence of the nature or condition of any equipment or supplies used for the purposes of those forces; and
 - the Minister of Pensions certifies as mentioned in the preceding subsection;

nor shall any act or omission of an officer of the Crown subject him to liability in tort for death or personal injury, insofar as the death or personal injury is due to anything suffered by a member of the armed forces of the Crown being a thing as to which the conditions aforesaid are satisfied.

3 *A Secretary of State, if satisfied that it is the fact:

- that a person was or was not on any particular occasion on duty as a member of the armed forces of the Crown; or
- that any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was or was not, or were or were not, used for the purposes of the said forces;

may issue a Certificate certifying that to be the fact; and any such Certificate shall, for the purposes of this section, be conclusive as to the fact which it certifies”.

Note:

*Words omitted. Defence (Transfer of Functions) (No 1) Order 1964/488

Mercantile Marine

Definitions

Service After 3 September 1939

The terms used in the War Pensions (Mercantile Marine) Scheme 1964 are defined in Article 2 of Part 1 under 'Definitions'. They are explained in general terms as follows:

- 1 Member of the Merchant Navy – means:**
 - a person employed or engaged as a mariner in a British ship, not forming part of the Royal Navy, which belongs to Her Majesty
 - or**
 - a British subject or a British protected person serving on a foreign ship which took part in the war effort.

- 2 Member of the sea fishing service – means a person employed or engaged as a mariner in a fishing boat.**

- 3 'fishing boat' – means a British ship which is employed in sea fishing or in the sea fishing service.**

- 4 Member of the Pilotage Service - means a pilot or apprentice pilot or a master or a member of the crew of a pilot boat.**

- 5 'pilot' and 'apprentice pilot' – means any pilot (other than a senior pilot in the Admiralty yard craft) and any person (whether an apprentice or not) training as a pilot, whose normal occupation is carried on in or from the British Islands and is that of acting as pilot or apprentice pilot in ships at sea or ships proceeding to or from sea from or to ports or pilotage districts in the British Islands which are at sea at some time while they are so acting.**

- 6 'pilot boat' – has the meaning assigned to it by section 38 of the Pilotage Act 1913, except that it includes any vessel which, for the time being, was being used in the pilotage service of any pilotage district in the British Islands.**

- 7 Member of the Light Vessel Service – means a master or member of the crew of a:**
 - lightship
 - a lighthouse tender **or**
 - a lightship tender

- 8 **'lightship'** – means a lightship belonging to a local or general lighthouse authority within the meaning of the Merchant Shipping Act 1894.
- 9 **'lighthouse tender'** means a tender to a lighthouse belonging to any local or general lighthouse authority within the meaning of the Merchant Shipping Act 1894.
- 10 **'lightship tender'** - means a tender to a lightship.
- 11 **'salvage'** - means the preservation or recovery of vessels wrecked, stranded or in distress, or their cargo or apparel, or the recovery of any other property from the water including the removal of wrecks.
- 12 **'salvage vessel'** - means a ship regularly employed, or chartered for the purpose of salvage operations.
- 13 **'salvage worker'** – means any person, other than a member of Her Majesty's naval forces, who, not being the master or member of a crew of a ship, is regularly employed in salvage operations in or from the British Islands.
- 14 **'tidal water'** – means any part of the sea, and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour.
- 15 **'harbour'** – means any harbour, whether natural or artificial, and any port, dock, haven, estuary, tidal or other river, canal, or inland navigation to which seagoing ships have access.
- 16 **'navigational light'** – means a light displayed, whether on a ship or otherwise, as an aid to navigation for ships or as a warning of danger to ships.

Civilians

Acceptable

Not Acceptable

Running for shelter when bombs were actually falling

Running for shelter on hearing the siren (no bombs were actually falling)

The enemy was discharging a missile or using a weapon

There was no action by the enemy

Injuries caused by an impact from a missile or anything dropped from an enemy aircraft

Injuries caused purely by blackout. The blackout was not intended to cause injury and so is not considered as an act intending to cause injury

Anyone injured by the collapse of a bomb damaged building. If the person was a trespasser, serious negligence or misconduct must be considered

Injuries sustained when leaving the shelter. The raid having been declared over, the enemy would not longer be discharging missiles or weapons

A person injured by an enemy explosion. If the explosion's origin cannot be determined the claimant should be given the benefit of any doubt.

An explosion which was not caused by the enemy. The liability would be with the person or Department which failed to take appropriate action to prevent injury to the public.

These are guides only and do not cover all the circumstances in which injuries occur. You must use your discretion, bearing in mind all documentary evidence available and the onus of proof.

Blindness

Assessments for defective vision

For guidance only – suggested assessments

When one eye is removed and there are no special features, the following percentages which take account of the Hambresin scale should be applied:

Best obtainable acuity in remaining eye is:

Degree of disablement percent	Degree of disablement percent
6/6 40	6/26 80
6/9 40	6/60 100
6/12 40	3/60 100
6/18 50	NIL 100
6/24 60	

See overleaf for a [table](#) (based on a report presented by Dr Leon Hambresin during the 18th International Congress of Ophthalmology 1958) which gives specimen assessments for use when both eyes are present..

Valuation Table (figures in percentages)

		6/6	5/6	6/9	5/9	6/12	6/18	6/24	6/36		6/60	4/60	3/60	
		1-0.9	0.8	0.7	0.6	0.5	0.4	0.3	0.2	0.15	0.1	1/15	1/20	-1/20
6/6	1-0.9	0	0	2	3	4	6	9	12	16	20	23	25	27
5/6	0.8	0	0	3	4	5	7	10	14	18	22	24	26	28
6/9	0.7	2	3	4	5	6	8	12	16	20	24	26	28	30
5/9	0.6	3	4	5	6	7	10	14	19	22	26	29	32	35
6/12	0.5	4	5	6	7	8	12	17	22	25	28	32	36	40
6/18	0.4	6	7	8	10	12	16	20	25	28	31	35	40	45
6/24	0.3	9	10	12	14	17	22	25	33	38	42	47	52	60
6/36	0.2	12	14	16	19	22	25	33	47	55	60	67	75	80
	0.15	16	18	20	22	25	28	38	55	63	70	78	83	88
6/60	0.1	20	22	24	26	28	31	42	60	70	80	85	90	95
4/60	1/15	23	24	26	29	32	35	47	67	78	85	92	95	98
3/60	1/20	25	26	28	32	36	40	52	75	83	90	95	98	100
	-1/20	27	28	30	35	40	45	60	80	88	95	98	100	100

Amputations

Minor Injuries specified by the Service Pension Order

Description of Injury	Assessments %
For the Loss Of:	
Fingers	
Index Finger –	
More than 2 phalanges, including loss of whole finger	
More than 1 phalanx, but not more than 2 phalanges	14
1 phalanx or part thereof	11
Guillotine amputation of tip without loss of bone	9
	5
Middle Finger –	
More than 2 phalanges, including loss of whole finger	12
More than 1 phalanx, but not more than 2 phalanges	9
1 phalanx or part thereof	7
Guillotine amputation of tip without loss of bone	4
Ring or Little Finger –	
More than 2 phalanges, including loss of whole finger	7
More than 1 phalanx, but not more than 2 phalanges	6
1 phalanx or part thereof	5
Guillotine amputation of tip without loss of bone	2
Toes	
Great Toe –	
through metatarso-phalangeal joint	14
part, with some loss of bone	3
1 other toe –	
through metatarso-phalangeal joint	3
part, with some loss of bone	1

Description of Injury	Assessments %
<hr/>	
2 toes, excluding great toe –	
through metatarso-phalangeal joint	5
part, with some loss of bone	2
<hr/>	
3 toes, excluding great toe –	
through metatarso-phalangeal joint	6
part, with some loss of bone	3
<hr/>	
4 toes, excluding great toe –	
through metatarso-phalangeal joint	9
part, with some loss of bone	3

Assessment of Specific Injuries and Disablements as Directed by the Service Pensions Order

Description of Injury	Assessments %
Amputation Cases – Upper Limbs	
Loss of both hands or amputation at higher sites	
Forequarter amputation	100
Amputation through shoulder joint	100
Amputation below shoulder with stump less than 20.5 centimetres from tip of acromion	90
Amputation from 20.5 centimetres from tip of acromion to less than 11.5 centimetres below tip of olecranon	80
Amputation from 11.5 centimetres below tip of olecranon	70
Loss of thumb	60
Loss of thumb and its metacarpal bone	30
Loss of 4 fingers	40
Loss of 3 fingers	50
Loss of 2 fingers	30
Loss of terminal phalanx of thumb	20
	20
Amputation Cases – Lower Limbs	
Double amputation through thigh, or through thigh on one side and loss of other foot, or double amputation below thigh to 13 centimetres below knee	100
Double amputation through leg lower than 13 centimetres below knee	100
Amputation of one leg lower than 13 centimetres below knee and loss of one foot	100
Amputation of both feet resulting in end-bearing stumps	90
Amputation through both feet proximal to the metatarso-phalangeal joint	80
Loss of all toes of both feet through the metatarso-phalangeal joint.....	40
Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
Loss of all toes of both feet distal to the proximal interphalangeal joint	20
Hindquarter amputation	100
Amputation through hip joint	90
Amputation below hip with stump not exceeding 13 centimetres in length measured from tip of great trochanter	80

Description of Injury	Assessments %
Amputation below hip and above knee with stump Exceeding 13 centimetres in length measured from tip of great trochanter, or at knee not resulting in end-bearing stump	70
Amputation of knee resulting in end-bearing stump, or below knee with stump not exceeding 9 centimetres	60
Amputation of below knee with stump exceeding 9 centimetres bt not exceeding 13 centimetres	50
Amputation below knee with stump exceeding 13 centimetres	40
Amputation of one foot resulting in end bearing stump	30
Amputation through one foot proximal to the metatarso palangeal joint	30
Loss of toes of one foot proximal to the proximal interphalangeal joint, including amputations through the metatarso-phalangeal joint	20
Other Specific Injuries	
Loss of a hand and a foot	100
Loss of one eye, without complications, the other being normal	40
Loss of vision of one eye, without complications or disfigurement of the eyeball, the other being normal	30
Loss of sight	100
Other Disablement	
Very severe facial disfigurement	100
Absolute deafness	100

Note

If the schedule assessment for a specified injury involving multiple losses differs from the sum of the assessments for the separate injuries, the former is the appropriate assessment.

Great War and Pre 1914

Definitions – Armed Forces

1914 War Services

The terms used in the War Pensions Instruments are defined in the Glossary of Expressions in Schedule 4 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983. They are summarised as follows (for the precise definitions see Schedule 4);

- 1 Service – means service as a member of the Armed forces during the whole or part of the 1914 War
- 2 Member of the Armed Forces – is a member of the Naval Forces, Military forces or Air Forces
- 3 Officer means:
 - A Commissioned Officer; or
 - A subordinate officer (including a Commissioned Officer from warrant rank and a Warrant Officer other than a Warrant Officer of the Royal Marines)

On the permanent, temporary or reserve lists of the:

- Royal Navy
- Royal Marines or Reserves
- Royal Naval Reserve

or on permanent, short service, temporary or local commission in the:

- Regular or Reserve Forces
- Territorial Force
- Royal Air Force

It excludes any officer of the Indian Army or of the Dominion, Colonial or Protectorate Forces unless the terms of their service were made to include pension rights of the Regular Army or Air Force.

- 4 Rating – means a Seaman, Marine, Chief Petty Officer, Petty Officer and Warrant Officer (other than a Warrant Officer in relation to 3 and a Non-Commissioned Officer of the Royal Marines (other than Royal Marine Gunner). It includes:
 - any man belonging to the Naval and Marine Reserves;
 - any Seaman or Marine specially enlisted or deemed to be specially enlisted for the purpose of the 1914 War and transferred to the

Reserve, if they were called into actual service and served.

It does not include any person who was a Seaman or Marine of the Royal Indian Marine, or of Dominion, Colonial or Protectorate Forces.

5 Soldier – means a person defined as a soldier in the Army Act 1881 who enlisted or entered into service in any portion of the Regular Army, Special Reserve or Territorial Force in the United Kingdom. It includes:

- any person who enlisted or entered into service in any troops raised within or without the United Kingdom, whose terms of service included the pension provisions for British troops, if such provisions were a charge on British revenues.

It does not include soldiers who were attested and passed to the Reserve members of the Volunteer Force or any other person unless or until they actually served as a soldier in circumstance in which the pension rights of the Regular Army would apply.

6 Airman – means a person defined as airman in the Air Force Act 1917, who enlisted or entered into service in any portion of the Royal Air Force, Air Force Reserve or Auxiliary Air Force in the United Kingdom. It includes:

- any person who enlisted or entered into service in any troops raised within or without the United Kingdom whose terms of service included the pension provisions for British Air Forces, if such provisions were a charge on British revenues.

It does not include:

- any airman who was attested and passed to the Reserve or any other person unless or until they actually served as airman in circumstances to which pension rights would normally apply had they been in the Royal Navy or Regular Army
- Service before the Great War

7 Member of the Naval Forces – means a person defined at point **3** as officer and point **4** as rating.

8 Member of the Military Forces – means a person defined at point **3** as officer and point **5** as soldier.

9 Member of the Armed Forces – means a person defined at point **3** as officer and at point **5** as soldier.

10 Woman Member of the Armed Forces – means a member of the:

- Royal Naval Nursing Service
- Royal Naval Nursing Service Reserve
- Queen Alexandra's Imperial Military Nursing Service
- Territorial Force Nursing Service **or**
- Royal Air Force Nursing Service

Any other claims from women are considered by the MoD who may be able to grant compensation under the Workmen's Compensation Scheme.

Pensions Instruments relating to 1914 War Service

Instruments before 1944 relating to officers

Royal Warrant (Army)	Equivalent O in C (Navy)	Equivalent O by HM (Air Force)	Provisions of Royal Warrant
1.8.17	29.9.17*	-	General
10.11.17	-	-	Increased education allowances for deceased officers' children – <i>supplemented RW 1..8.17</i>
2.7.20	9.3.21*	25.9.21	General – superseded RW 1.8.17
26.7.23	24.7.25*	14.10.25	Related to widows, children and to definitions of 'aggravation' and 'removal from duty' – amended <i>RW 2.7.20</i>
9.11.23			Related to disabled officers, nurses and their families – amended <i>RW 2.7.20</i>
2.9.24			Related to widows and children – amended <i>RW 2.7.20</i>
27.10.25			Related to parents - amended <i>RW 2.7.20</i>
4.11.27	6.2.28*	28.1.28	Minor amendments to <i>RW 2.7.20</i>
29.3.17	30.3.17*	-	General

*Orders of the same date applied similar provisions to Naval Warrant Officers

Royal Warrant (Army)	Equivalent O in C (Navy)	Equivalent O by HM (Air Force)	Provisions of Royal Warrant
17.4.18	14.1.19	-	General – <i>superseded RW 29.3.17</i>
6.12.19	11.6.20	11.5.20	General – <i>superseded RW 17.4.18</i>
26.8.22	8.12.24	-	Applied to service – disability pensions - <i>supplement RW 6.12.19</i>
21.6.22	12.10.25*	26.6.25	Related to widows and to definitions of ‘aggravation’ and ‘removal from duty’ – amended <i>RW 6.12.19</i>
2.9.24			Related to widows and children – amended <i>RW 6.12.19</i> Related to widows and children – amended <i>RW 2.7.20</i> Related to parents and dependants - <i>amended RW 6.12.19</i>
26.3.23	16.4.24	19.6.25	Related to widows and children – <i>amended RW 6.12.19</i>
9.4.23	16.4.24	22.6.25	Related to parents and dependants – <i>amended RW 6.12.19</i>
4.11.27	6.2.28	28.1.28	Minor amendments to <i>RWs 6.12.19, 14.1.24 and 2.9.24</i>
5.3.26	-	-	Provided for continuance of pension after age 21 to infirm motherless children
17.5.44	15.6.45	13.6.45	Amended officers’ <i>RW 2.7.20</i> and 8.6.45 ORs’ <i>RW 6.12.19 etc</i>

Royal Warrant (Army)	Equivalent O in C (Navy)	Equivalent O by HM (Air Force)	Provisions of Royal Warrant
29.10.46	29.11.46	21.11.46	General – <i>superseded RWs 17.5.44 and 8.6.45</i>
14.4.47	3.7.47	13.6.47	Abolished 10 years marriage time limit, increased clothing allowance, etc - <i>amended 1946 RW</i>
30.5.49	29.9.49	22.8.49	General – <i>superseded RWs 29.10.46 and 14.4.47</i>
28.10.49	(28.10.49 (31.3.50	28.10.49	Increased allowances for part-time treatment and rates of certain officers' widows pensions - <i>amended 1949 RW</i>
23.5.51	31.5.51	23.5.51	Introduced comfort allowance, increased unemployability and rent allowances – <i>amended 1949 RW</i>
26.4.52	29.4.52	26.4.52	Increased rates of pensions and allowances generally - <i>amended 1919, 1920 and 1949 RWs</i>
18.7.52	18.7.52	18.7.52	Increased CAA, certain unemployability and treatment allowances, and motherless children's pensions – <i>amended 1919 and 1949 RWs</i>
28.5.53	28.5.53	28.5.53	Increased allowances for part-time treatment – <i>amended 1949 RW</i>

Royal Warrant (Army)	Equivalent O in C (Navy)	Equivalent O by HM (Air Force)	Provisions of Royal Warrant
8.1.55	5.1.55	8.1.55	Increased rates of pension and allowances generally - <i>amended 1919, 1920 and 1949 RWs</i>
6.7.56	29.6.56	6.7.56	Increased widows' and children's pensions and rent allowances – <i>amended 1919, 1920 and 1949 RWs</i>
9.1.57	24.1.57	9.1.57	Introduced age allowance and increased comforts allowance - <i>amended 1949 RWs</i>
6.11.57	27.11.57	6.11.57	Increased rates of pension and allowances generally - <i>amended 1919, 1920 and 1949 RWs</i>
8.5.59	13.5.59	8.5.59	Introduced allowance to elderly widows aged 70 years or over - <i>amended 1949 RW</i>
31.3.60	8.4.60	6.4.60	Increased the maximum amount which a pensioner might earn and nevertheless be deemed unemployable.
19.12.60	21.12.60	21.12.60	Extended rent allowance to widows of officers, introduced SDOA amended the definition of an apprentice, extended eligibility for CAA to pensioners whose war disablement was assessed at 80% or more, and increased rates of pensions and allowance generally.

Royal Warrant (Army)	Equivalent O in C (Navy)	Equivalent O by HM (Air Force)	Provisions of Royal Warrant
18.9.61	25.9.61	18.9.61	Revoked provisions for forfeiture of widow's or other dependant's pension on grounds of unworthiness and for the automatic termination of pension on remarriage of a parent. Introduced forfeiture of widow's pension on grounds of cohabitation (previously dealt with under unworthiness provisions) and the restoration of pension at the Minister's discretion on cessation of cohabitation.
28.6.62	27.6.62	28.6.62	Increased rates of part-time treatment allowance.
18.12.62	19.12.62	19.12.62	Revision of adjustment of allowance payable to an unemployable pensioner entitled to benefits under overseas legislation.
20.2.63	20.2.63	22.2.63	Increased rates of pensions and allowances generally.
21.11.63	27.11.63	26.11.63	Introduced the award of a temporary personal allowance and temporary allowances in respect of children to the widow, or unmarried dependant who lived as the wife, of a pensioner to whom CAA or unemployability allowance was payable before he died.

Royal Warrant (Army)	Equivalent O in C (Navy)	Equivalent O by HM (Air Force)	Provisions of Royal Warrant
24.2.64	26.2.64	25.2.64	Increased rates of pensions and allowances payable for children of deceased members of the military forces.
19.9.64	25.9.64	24.9.64	General – included 1914 War provisions with consolidating RW relating to 1939 War and later service.

Chemical irritants used during 1914 War and their effects

Group	Compound	First Used	Common Name	Principal Effects
LUNG IRRITANTS	Chlorine	22/4/15	Cloud gas or Green Cross	Affect the pulmonary alveoli with suffocative effects
	Phosgene Diosphosgene Chlorpicrin	19/12/15		
LACHRY – MATORS*	Xylyl Bromide		T.Shell	Cause profuse lachrymation (watering) and smarting of the eyes
	Brom-acetone			
NASAL IRRITANTS*	Diphenyl-chlorarsine		Blue Shell	Affect mainly the upper respiratory passages and cause severe trigeminal neuralgia (severe nerve pains in the face) with deep mental depression.
	Diphenyl-cyanarine			
VESICANT**	Dichlor-ethyl-sulphide	12/7/17	Yellow Cross or Mustard Gas	Produces its chief effect on the skin, eyes and bronchi and to a lesser effect than the suffocating gasses, on the alveoli

Most gas attacks occurred in France but gas was also used in Salonica (11/M/305977 Knowles)

*The lachrymators and nasal irritants left no permanent effects. Usually, if the gassed person did not die of the immediate suffocating effects of the lung irritants, they made a complete recovery, but the lung irritants may have seriously and permanently aggravated a pre-existing bronchitis and, in a few cases, the direct

toxic action on the heart of phosgene appears to be permanent giving rise to persistent exertional dyspnoea.

**In general it is held that mustard gas was the only chemical agent to cause permanent structural damage to the eyes and lungs. So far as the eyes are concerned, gas keratitis can usually be identified by an experienced ophthalmologist.

If damage to the lungs results, the exposure to gassing produced, within a week, respiratory symptoms which may not have persisted for more than a few days. In order to advise the acceptance of bronchitis and emphysema as due to mustard gassing, SPVAMS usually look for a history of such early symptoms together with evidence of the presence of the disease within five or six years of the gassing, and continuing signs and symptoms thereafter,

1914 War

Chronology of events with which some members of the British Armed Forces were concerned

1914

August

- 4 Great Britain declared war on Germany.
- 9 British Expeditionary Force landed first contingent in France.
- 16 Disembarkation of British Expeditionary Force in France completed.
- 25 Retreat from Mons.
- 27 British Marines and Royal Naval Reserve men landed at Ostend.

September

- 6-10 First battle of the Marne.
- 13-27 Battle of the Aisne.
- 19 Bombardment of Reims.
- 27 Malines occupied.

October

- 4 British Naval Division reached Antwerp.
- 10 Fall of Antwerp.
- 12 Fall of Lille.
- 15 First battle of Ypres began.
- 16 Battle of the Yser began.
- 30 Yser floods.

November

- 22 First battle of Ypres ended.

1915

February

- 9 Dardanelles bombarded by the Allies.

March

- 10-12 Battle of Neuve Chapelle.
- 26 Germans introduced liquid fire on Western Front.

April

- 17 British captured Hill 60.
22 Second battle of Ypres began.
Germans introduced gas.
25 Allied forces landed at Dardanelles.

May

- 9-25 Battle of Festubert.
25 End of second battle of Ypres.

September

- 25 Battle of Loos began. British first used gas.

October

- 8 Battle of Loos ended.

November

- 22-24 Battle of Ctesiphon.

December

- 10-20 Evacuation of Sulva and Anzac (Gallipoli).

1916

February

- 21 Battle of Verdun began.

April

- 29 Fall of Kut.

May

- 13 Successful British attack at Ploegsteert Wood (Ypres).
21 British trench (1,500 yards) captured at Vimy Ridge.
31 Battle of Jutland.

June

- 7 Germans took Fort Vaux (Verdun).

July

- 1 First battle of the Somme.
14 British attacked on Somme second defence line (Bazentin Ridge and Delville Wood).

20-25 Attacks made on Pozieres Ridge and High Wood (Somme).

August

6 Battle on the Isonzo

September

3 Attack made on Guillemont (Somme).

9 Attack made on Ginchy (Somme).

15-21 Battle on the Somme (Flers-Courcelette).

26-28 Attacks made on Morval and Thiepval Ridge (Somme).

October

1-11 Battle of Ancre Heights

November

1 Fort Vaux (Verdun) captured from the Germans.

13 Battle of the Ancre opened and Beaumont-Hamel captured

18 Battle of the Ancre and whole battle of the Somme ended.

December

16 Battle of Verdun ended.

1917

January

9 Battle of Kut.

February

1 Germany began unrestricted submarine warfare.

24 Allies recaptured Kut.

March

11 British occupied Baghdad.

26 First battle of Gaza.

April

9-14 Battle of Arras (Vimy Ridge)

16 Second battle of the Aisne commenced.

17 Second battle of Gaza.

May

7 Battle of the Vardar (Salonika).

20 Second battle of the Aisne ended.

June

- 7 Messines Ridge (Ypres) captured.
- 14 End of battle of Messines.

August

- 1 Third battle of Ypres began.
- 20 Second Verdun offensive ended.

September

- 9 Second Verdun offensive ended.
- 26 British advanced towards Passchendaele (Ypres)

October

- 4 British attacked on Passchendaele (Ypres).
- 28 Germans attacked at Verdun.

November

- 5 British Forces arrived in Italy.
- 7 Third battle of Gaza won by British.
- 10 Battles of Passchendaele and (the third) Ypres ended.
- 20 Battle of Cambrai.
- 28 Bourton Wood (Cambrai) captured.

December

- 3 Battle of Cambrai ended.
- 9 Jerusalem captured.

1918

February

- 21 British captured Jericho.

March

- 21 On the Somme the Germans penetrated British defences.
- 23 Ham (Somme) fell.

April

- 9 Battle of Lys began.
- 16 Germans retook Passchendaele.
- 23 Naval action at Zeebrugge. Storming parties landed on the mole.
- 24-25 In Amiens sector, British forces involved at Villers Bretonneux.

May

- 18 Cologne bombarded by the British.
- 27 Third battle of the Aisne.
- 28 German offensive in Champagne.

June

- 6 End of German offensives on the Aisne and the Champagne.
- 14 German offensive on Western Front stemmed north of Bethune.

July

- 15 Second battle of the Marne began.

August

- 3 British interventionist troops landed at Archangel and Vladivostock.
- 8 Battle of Amiens.
- 15 British troops crossed the Ancre.
- 18 Advance in Flanders began.
- 21 Second battle of the Somme began.
- 26 Second battle of Arras.
- 27 British aircraft bombed Constantinople.
- 31 Allied offensive on Salonika front began.

September

- 3 British broke through on Drocourt-Queant south line.
- 19 Final British offensive in Palestine began.
- 26 Battle of Champagne and Argonne.
- 27 Canal du Nord crossed.
- 29 Battle of St Quentin. Messines recaptured by British forces.
- 30 Damascus captured by British and Arab forces.

October

- 8 Battle of Cambrai.
- 9 Cambrai recaptured by British.
- 10 British too Le Cateau.
- 17 Allies recaptured Ostend, Lille and Douai.
- 24 Battle of Vittorio Veneto (Italian Front).
- 26 Aleppo (Syria) recaptured by British.

November

- 1 Battle of the Sambre
- 8 British captured Maubeuge.
- 11 General armistice concluded.

Summary of the battles and campaigns in which British troops were engaged 1914-1919

Background

- 1 This appendix sets out, in tabular form, the main operations, the groups of battles (ie those in which Armies were engaged), battles (in which forces not smaller than corps were involved), actions (those in which a division was involved) and lesser engagements which have been termed 'affairs'. 'Capture' is used to denote seizure after much fighting and 'occupation' has been used to denote seizures without much fighting. 'Attack' is limited to unsuccessful attack and 'defence' to successful defence. The names used are official names but alternative names are also given in brackets. It should be noted that in some engagements allied troops also took part but the official names given by other Governments have been ignored. The groups of Battles are shown in block letters.
- 2 The table is by theatres and then in rough chronological order, ie the operations are in chronological order but battles and subsidiary incidents may not be.
- 3 Remember that the table is only a general guide and that from 23 August 1914 until approximately 25 September 1914 and from 21 March 1918 until 11 November 1918 there was much confused fighting in France and Flanders and that during the intervening period men were being wounded even in relatively 'quiet' sectors. The location of the advanced medical units is only approximate and should be used for tracing only as a last resort. The list of locations is not exhaustive but is simply an indication of towns and villages comparatively near the location of various battles which, at the relevant time, had medical units stationed in the vicinity. In most of the great battles in France and Flanders the casualties spread beyond the sector periphery.

Operations etc	Battles, Actions etc	Tactical Incidents	Dates	Advanced Medical Unit
I France and Flanders			9-16.8.14	Amiens
Arrival of BEF in France				
Retreat from Mons 23.8.14 to 5.9.14	Battle of Mons with subsidiaries: Action at Elouques Rearguard Action at Solesmes Affair at Landrecies Battle of Le Cateau Rearguard Affair at Le Grand Fayt Rearguard Affair at Etreux Affair at Carizy Affair at Nery Rearguard Action at Crepv en Valois Rearguard actions near Villers Cotterets		23-24.8.14 24.8.14 25.8.14 25.8.14 26.8.14 26.8.14 27.8.14 28.8.14 1.9.14 1.9.14 1.9.14	Amiens Boulogne Boulogne Havre
Advance to the Aisne 6.9.14 to 1.10.14	First battle of Mame 1914 Battle of the Aisne 1914 with subsequent:	Passage of Petit Mosin Passage of the Mame Passage of the Aisne and capture of Aisne Heights and Chemin des Dames	6-10.9.14 12-15.9.14 20.9.14	Boulogne And Havre

	(1) Action on Aisne Heights (2) Action at Chivy		26.9.14	
British troops moved from France to Flanders	La Bassee - Ypres		3-10.10.14	
Antwerp (R Naval Marines) fell on 10.10.14			26.9.14 10.10.14	
Arrival of Indian Expeditionary Force			26.9.14	Marseilles
Flanders 10.10.14 to 22.11.14	Battle of La Bassee First Battle of Messines 1914 Battle of Armentieres First Battle of Ypres 1914 (1) Langemark 1914 (2) Gheluvelt (3) Nonne Bosschen	Capture of Meteren	10.10.14 – 2.11.14 12.10.14 – 2.11.14 13.10.14 – 2.11.14 19.10.14 – 22.11.14 21-14.10.14 29-31.10.14 11.11.14	Bethune Vielle Chappelle Bailleul Neuve Eglise Armentieres Merville Bailleul Hazelbronck Poperhinghe
Winter Operations	Defence of Festubert Attack on Wytschaete		23-24.11.14 14.12.14	Bethune Chocques Lillers Merville Poperhinghe Bailleul

Winter Operations	Defence of Givenchy		20-21.12.14	Bethune Chocques
	First action of Givenchy		25.1.15	Bethune
	Affairs at Cuinchy		29.1.15	Bethune
			1.2.15	Sailly
			6.2.15	
Summer Operations	Battle of Neuve Chapelle		10-13.3.15	Bethune Estaires
	Action at St. Eloi		14-15.3.15	Neuve Chapelle Poperhinghe
	Capture of Hill 60		17-22.4.15	Poperhinghe Elverdinghe
		Germans first use Liquid Fire	26.3.1915	
	Second Battle of Ypres 1915		22.4-25.5.15	Elverdinghe Poperhinghe
	(1) Gravenstafed Ridge	Chlorine Gas first used by Germans	22.-23.4.15	Vlamertinghe
	(2) St Julien		24.4-4.5.15	Ypres
	(3) Frezenberg Ridge		8-13.5.15	Steenvoorde
	(4) Bellewaerde Ridge		24-25.5.15	
	Battle of Aubers Ridge	Attack on Fromelles	9.5.15	Estaires
		Attack on Rue du Bois		Bethune Merville
	Battle of Festubert		15-25.5.15	Bethune
	Second Action of Givenchy		15-16.6.15	Vendin Merville
First attack on Bellewaerde		16.6.15	Poperhinghe	

	<p>Actions at Hooge</p> <p>Battle of Loos with subsidiaries</p> <p>(1) Action of Pietre</p> <p>(2) Action of Bois Grenier</p> <p>(3) Second attack on Bellewaerde and subsequent attacks on the Hahenzollen Redoubt</p>	<p>British first use Chlorine Gas</p> <p>Phosphene gas first used</p>	<p>19.7.15</p> <p>30.7.15</p> <p>9.8.15</p> <p>25.9 – 8.10.15</p> <p>25.9.15</p> <p>25.9.15</p> <p>25 – 26.9.15</p> <p>13 – 19.10.15</p> <p>19.12.15</p>	<p>Bailleul</p> <p>Bazebrouck</p> <p>Westoutre</p> <p>Ypres</p> <p>Nayelles</p> <p>Aubigny</p> <p>Bethune</p> <p>Merville, Aise</p> <p>Poperhing</p> <p>Bethune</p> <p>Lozengham</p>
<p>Local Operations in 1916 before the Allied Offensive</p> <p>Extension of British Line</p>	<p>Actions on the Bluff</p> <p>Actions at St Eloi Craters</p> <p>Ploegsteert Wood (Ypres)</p> <p>German attack on Vimy Ridge</p> <p>Battle of Mount Sorrel</p>	<p>Take over of Arras Sector</p>	<p>14-15.2.16 and 2.3.16</p> <p>27.3-16.4.16</p> <p>13.5.16</p> <p>21.5.16</p> <p>2-13.6.1916</p> <p>March 1916</p>	<p>Po;perhing</p> <p>Bailleul</p> <p>Bruay</p> <p>St Catherine</p> <p>Bailleul</p>

<p>Allied Offensive on the Somme 1.7.16-18.11.16</p>	<p>Battle of the Somme</p>		
	<p>1916</p>		<p>Amiens</p>
	<p>(1) Albert Capture of Mountauban Mametz, Fricourt, Contalmaison, Boiselle</p>		<p>Corbie Gezaincourt Pouchevillers Querrieu</p>
	<p>with subsidiary attack on Gommecourt salient</p>	<p>1.7.16</p>	
	<p>(2) Bazentin Ridge Capture of Lonueval, with subsidiary attack Trones Wood, at Fromelles and Ovillers</p>	<p>14-17.7.16</p>	<p>Bethune</p>
	<p>subsequent attacks on High Wood</p>	<p>19.7.16</p>	<p>Corbie</p>
		<p>20-25.7.16</p>	<p>Gazaincourt Bazentin</p>
<p>Allied Offensive on the Somme 1.7.16-18.11.16</p>	<p>(3) Delville Wood</p>	<p>15.7-3.9.16</p>	<p>Allonville Contay</p>
		<p>8.8.16</p>	
		<p>Last Gas Cloud (ie from Cylinders) against British</p>	
	<p>(4) Pozieres Ridge Moquet Farm</p>	<p>23.7-3.9.16</p>	<p>Allonville Contay</p>
	<p>(5) Guillemont</p>	<p>3-6.9.16</p>	
	<p>(6) Ginchy</p>	<p>9.9.16</p>	
	<p>(7) Flers-Coucelette Capture of Martinpuich</p>	<p>15-22.9.16</p>	<p>Albert</p>
		<p>First use of tanks</p>	
	<p>(8) Morval Capture of Combles, Lesboeufs, Gueudecourt</p>	<p>25-28.9.16</p>	<p>Corbie Doullens</p>

	(9) Thiepval Ridge			Varenes
	(10) Transloy Ridge	Capture of Eaucourt L'Abbaye, le Sars Attack on Butte de Warlencourt	1-18.10.16	
	(11) The Ancre Heights	Capture of Schwaben, Stuff Redoubts and Regina Trench	1.10- 11.11.16	Gezaincourt
	(12) The Ancre 1916	Capture of Beaumont Hamel	13- 18.11.16	Albert Varenes
Operations on the Ancre 11.1.17-13.3.17	Action at Miraumont Capture of Thilloys Capture of Iries		17-18.2.17 25.2.- 2.3.17	Wariencourt Varenes
German Retreat to the Hidenburg Line (Siegfried Line) 14.3.17-5.4.17	Capture of Bapaume Occupation of Peronne		17.3.17	Aveluy Bray sur Somme
Allied Offensive At Arras 9.4.17-15.5.17	Battle of Arras 1917 (1) Vimy Ridge First Battle of Scarpe 1917 (2) Second Battle of Scarpe 1917 with subsidiary attack on	Capture of Monchy Capture of Wancourt First use of gas thrown by Livens projector by British Capture of Guemappe	9.4-4.5.17 9-14.4.17 23-24.4.17	Aubigny Avesnes Doullens

	La Coniotte	Gavrelle		
	(3) Arleux		28-29.4.17	Avesnes
	(4) Third battle of Scarpe 1917	Capture of Fresney with subsequent capture of Rouex and Oppy Wood	3-4.5.17 13-14.5.17	Doullens Doullens
- with flanking operations: (a) round Bullecourt 11.4.17 – 16.6.17	First attack of Bullecourt		11.4.17 3-17.5.17	Doullens
	Battle of Bullecourt		20.5 – 16.6.17	Aubigny
	Hindenburg Line			
(b) towards Lens 3.6.17-26.8.17	South of Souchez River			
	Capture of Avion		26-29.6.17	Bruay
	Battle of Hill 70		15-25.8.17	Avesnes
		Mustard gas used by Germans at Cambrai	12-13.7.17	
Allied Flanders Offensive	Second Battle of Messines	Capture of Wytschaete	7-14.6.17	Mont des Oats Remy Siding (at Abeele) Dunkirk
7.6.17 – 10.11.17	German attack on Nieuport		10-11.7.17	
	Third Battle of Ypres 1917		31.7 – 10.11.17	
	(1) Pilckem Ridge with subsequent capture of Westhoek		31.7 – 2.8.17	Bailleul
			15.8.17	Hazelbrouck
	(2) Langemarck 1917		16-18.8.17	Proven
	(3) Menin Road		20-25.9.17	Popperhinghe
	(4) Polygon Wood		26.9 – 3.10.17	Ypres
	(5) Broodseide		4.10.17	
	(6) Poelcappelle		9.10.17	
	(7) First of Passchendaele		12.10.17	
	(8) Second of Passchendaele		26.10-10.11.17	

The Cambrai Operations 20.11.17 – 7.12.17	Battle of Cambrai 1917		20.11-3.12.17	Achiet-le-Grand
		Tank attack	20-21.11.17	Arras
		Capture of Bourion	23-28.11.17	Grevillers
		Wood German Counter attack	30.11-3.12.17	St Aubin
German Offensive in Picardy 21.3.18-5.4.18	With subsequent action on Welch Ridge		30.12.17	
	First Battle of the Somme 1918		21.3-5.4.18	Rosieres
	(1) St Quentin action at Somme crossings		21-12.3.18 24-25.3.18	Varenes Amiens
	(2) First of Bapaume		24-25.3.18	Varenes
	(3) Rosieres		26-27.3.18	Amiens
	(4) First of Arras 1918		28.3.18	Doullens
	(5) The Avre		4.4.18	Amiens
	(6) The Ancre 1918 with subsequent			
	(a) action at Villers Bretonneux			Varenes
(b) capture of Hamel		4.7.18		
German Offensive in Flanders 9.4.18-29.4.18	Battle of the Lys		9-29.4.18	
	(1) Estaires	First defence of Givenchy 1918	9-11.4.18	Merville
	(2) Third of Messines 1918	Loss of Hill 63 Defence of Hinges Ridge and Nieppe Forest	10-11.4.18	
	(3) Hazelbrouck	Defence of Neuve Eglise	12-15.4.18	
	(4) Bailleul		13-15.4.18	
	(5) First of Kemmel Ridge		17-19.4.18	
	(6) Bethune	Second defence of Givenchy 1918	18.4.18	St Omer

	(7) Second of Kemmel Ridge		25-26.4.18	
	(8) Scherpenberg with subsequent:		29.4.18	
	(a) action at Le Bacque		28.6.18	
	(b) capture of Meteren		19.7.18	
German Offensive in Champagne 27.5.18-6.6.18	Third Battle of the Aisne 1918		27.5-6.6.18	
Counter attack in Champagne 20.7.18-2.8.18	Second Battle of Marne 1918		20.7-2.8.18	
	(1) Soissonnais and Ourcq	Attack on Buzany (28.7.18) and capture of Beugneux Ridge fighting for the Ardre Valley	23.7-2.8.18	Soissons
	(2) Tardenois		20-31.7.18	
Advance in Picardy 18.8.18-3.9.18	Battle of Amiens with subsequent action round Damery		8-11.8.18	Amiens
			15-17.8.18	Boves
	Second Battle of the Somme 1918		21.8-3.9.18	
	(1) Albert 1918	Capture of Chuignes	21-23.8.18	Varenes
	(2) Second of Bapaume	Capture of Mons St Quentin	31.8-3.9.18	Boves
	Occupation of Peronne		1.9.18	
Advance in Flanders 18.8.18-6.9.18	Action at Outtersteene Ridge		18.8.18	
Breaking of the Hindenburg Line 26.8.18-12.10.18 including the pursuit to the Selle	Second Battle of Arras 1918		26.8-3.9.18	Aubigny
	(1) The Scarpe 1918	Capture of Moncy-le-Preux	26-30.8.18	Arras
	(2) Drocourt Queant Line		2-3.9.18	Beaurains
	Battle of the Hindenburg Line		12.9-9.10.18	Wancourt
	(1) Havrincourt		12.9.18	Queant
	(2) Epehy		18.9.18	Combles

	(3) Canal du Nord	Capture of Bourlon	27.9-2.10.18	Queant
	(4) St Quentin Canal	Passage at Bellenglise and capture of Bellicourt Tunnel Defences	29.9-2.10.18	
	(5) Beaufort Line		3-5.10.18	Tincourt
	(6) Cambrai 1918	Capture of Villers-Outreaux and Cambrai	8-9.10.18 9-12.10.18	
The Final Advance Flanders 28.9.18 – 11.11.18	Battle of Ypres 1918		28.9-2.10.18	Ypres Hazelbrouck
	Battle of Courtrai with subsequent		14-19.10.18	
	(1) action at Ootegham		25.10.18	Brielen
	(2) action at Tiegham		31.10.18	Ypres
Artois 2.10.18 – 11.11.18	Capture of Douai		17.10.18	Auby
			17-25.10.18	St Amand
	Battle of Selle	Capture of Mount Houy	1-2.11.18	Douai
Picardy 17.10.18 – 11.11.18	Battle of Valenciennes	Passage of Sambre-Oise Canal	4.11.18	Valenciennes
	Battle of Sambre	Capture of Le Quesnoy		
	With subsequent		5-7.11.18	
	(1) Passage of Grande Honnelle		11.11.18	
	(2) Capture of Mons			
II Dardanelles (Gallipoli) Helles Operation 25.4.15 – 8.1.16	Helles		25.4-6.6.15	
	(1) The landing with subsidiary landing at Kum Kale	Capture of Sedd el Bahr	25-26.4.15	Cape Helles
	(2) First of Krithia		28.4.15	

	<p>Actions at Eski Hissarlik</p> <p>(3) Second of Krithia with first action at Kereves Dere</p> <p>Affair at Gurkha Bluff</p>	<p>1-2.5.15</p> <p>12.5.15</p>	
<p>Helles Operation 25.4.15 – 8.1.16</p>	<p>(4) Third of Krithia with second action at Keveres Dere</p> <p>Third action at Keveres Dere</p> <p>Action at Gully Ravine</p> <p>Fourth action at Keveres Dere</p> <p>Action at Achi Baba Nullah</p> <p>Action at Krithia Vineyard</p> <p>Affair at Krithia Nullahs</p>	<p>4.6.15</p> <p>21.6.15</p> <p>28.6-2.7.15</p> <p>30.6.15</p> <p>12-13.7.15</p> <p>13.9.15</p> <p>29.12.15</p>	Cape Helles
<p>Including the evacuation of Helles 7-8.1.16</p>	<p>The last Turkish attacks</p>	<p>7.1.16</p>	
<p>Anzac and Suvia Operations 25.4.15 – 20.12.15</p>	<p>Anzac</p> <p>(1) The landing</p> <p>Attack on the Chessboard</p> <p>Affair at Quinns Post</p> <p>(2) Defence of Anzac</p> <p>Affair at Holly Ridge</p> <p>Defence of Walker's Ridge</p> <p>Sulva</p> <p>(1) Sari Bair</p> <p>(2) The landing at Suvia</p>	<p>25.4-30.6.15</p> <p>24-25.4.15</p> <p>2.5.15</p> <p>10.5.15</p> <p>19-21.5.15</p> <p>28.6.15</p> <p>30.6.15</p> <p>6-10.8.15</p> <p>6-15.8.15</p>	<p>Anzac Cave</p> <p>Suvia Bay</p>

<p>Including the evacuation at Suva and Anzac</p>	<p>(3) Scimitar Hill with subsidiary action at Hill 60 (Anzac)</p>	<p>Attack on "W" Hill</p>	<p>21.8.15 21-27.8.15</p>	
<p>III Italy Italian Offensive 1917 The Austrian Offensive 1917 including the retreat to the Piave</p>	<p>10th Battle of the Isonzo 11th Battle of the Isonzo 12th Battle of the Isonzo Only British heavy artillery took place in the above battle</p>	<p>The Stand on the Carso</p>	<p>12.5-8.6.17 17.8-12.9.17 24.10-18.11.17</p>	<p>Canneto Mantua Montagnana</p>
<p>Austrian Offensive 1918 Italian Offensive 1918</p>	<p>Battle of the Piave Battle of Vittorio Veneto</p>	<p>Fighting on the Asiago Plateau Passage of the Piave fighting in the Val d'Assa</p>	<p>15-24.6.18 15-16.6.18 24.10-4.11.18 23.10-4.11.18 1-4.11.18</p>	<p>Dueville Dueville Mirano</p>
<p>IV Macedonia (Salonica) Retreat from Serbia on Salonica (Dec 1915) Doiran Operation 1916 Operations in the Struma Valley (1916 – 1918) 1917 Offensive 1918 Offensive</p>	<p>Actions at Kosturino Affairs at Horseshoe Hill Action at Machukovo Action at Karajakoi's including the capture of Yenкои Affair at Barakli Juma'a Doiran 1917 (Vardar) Capture of Roche Noir Salient</p>		<p>7-8.12.15 10-18.8.16 13-14.9.16 30.9-4.10.16 13.10.16 24-25.4.17 8-9.5.17 1-2.9.18</p>	<p>Salonica Doiran Salonica Salonica Salonica</p>

Including the pursuit to the Strumitsa Valley	Doiran 1918 (Monastir)	18-19.9.18	Doiran
		22-30.9.18	Strumica
V Egypt and Palestine			
Defence of the Suez Canal	Actions on the Suez Canal	3-4.2.15	
	Affair at Qatia	23.4.16	Suez
26.1.15 – 12.8.16	Battle of Rumani	4-5.8.16	Ismailia
Operations in Sinia Peninsula	Affair at Magdhaba	23.12.16	Ismailia
15.11.16-16.9.17	Action at Rafah	9.1.17	Port Said Suez
Offensive in Palestine	First battle of Gaza	26-27.3.17	Rafah
	Second Battle of Gaza	17-19.4.17	El Arish
	Third Battle of Gaza Capture of Beersheba and Sheira Position	27.10-7.11.17	
	Affair at Huj	8.11.17	
	Action at El Murghar with subsequent occupation of Junction Station and Jaffa	13.11.17 14.11.17	Deir el Balah
Jerusalem Operations 17.11.17 – 30.12.17	Battle of Nebi Samwil	17-24.11.17	Gaza
	Capture of Jerusalem	7-9.12.17	Junction Stn
	Defence of Jerusalem with subsidiary Battle of Jaffa	21-22.12.17	Jaffa
Jordan Valley Operations 19.2.18 – 4.5.18	Capture of Jericho	19-21.2.18	Jerusalem
	Passage of the Jordan	21-22.3.18	Lydda (Ludd)
	First action at Es Salt	24-25.3.18	
	First attack on Anman	27-30.3.18	Jerusalem

Local Operations	Turkish attacks on Jordan Bridgeheads	11.4.18	Ram Allah
	Second attack at Es Salt	30.4-4.5.18	
	Action at Tel Asur	8-12.3.18	
	Affair at Abu Telul	14.7.18	
The Final Offensive Including pursuit through Syria	Megiddo	19-25.9.18	Jaffa
	(1) Sharon		Ram Allah
	(2) Nablus	23-30.9.18	Ram Allah
	Actions beyond the Jordan		
	Capture of Anman		
	Capture of Dera'a	27.9.18	Jerusalem
	Capture of Damascus	1.10.18	
Affair at Haritan with occupation of Aleppo	26.10.18	Damascus	
VI Mesopotamia Basra Operations 6.11.14 – 14.4.15	Landing at Fao	6.11.14	Basra
	Affair at Salihan	15.11.14	
	Affair at Sahil	17.11.14	
	Occupation of Basra	22.11.14	
	First action at Qurna	4-8.12.14	
	Affair at Ahwaz	3.3.15	
	Affair at Shaiba	3.3.15	
	Battle of Shaiba	12-14.4.15	
Advance up the Tigris 31.5.15 – 5.10.15 with subsidiary operations on the Karkha River 7.5 – 3.6.15	Second action at Quma	31.5.15	Amara
	Occupation of Amara	3.6.15	
	Battle of Kut 1915	28.9.15	
	Affair at Khafajiya	13-16.5.15	

Advance up the Euphrates 27.6 – 25.7.15	Actions at Nasiriya	5.7.15 13-14.7.15 24.7.15	
Advance on Baghdad 11.11 – 6.12.15	Battle of Cresiphone Affair of Umm at Tubul	22-24.11.15 1.12.15	Kut
Defence of Kut	The Christmas Eve attack	7.12.15 – 28.1.16	Kut
Attempts to relieve Kut First attempt 4-23.1.16 Second attempt 7-10.3.16 Third attempt 1-24.4.16	Action at Shaikh Sa'ad Action at the Wadi First attack on Hanna Attack on Dujaila Redoubt Action at Falahiya and capture of Hanna First attack on Sanna-i-Yat Second attack on Sanna-i-Yat Action at Bait Aissa Third attack on Sanna-i-Yat Capitulation of Kut	4.1-24.4.16 6-8.1.16 13-14.1.16 21.1.16 8.3.16 5.4.16 6.4.16 22.4.16 17-18.4.16 22.4.16 29.4.16	 Amara Basra Amara Basra
Euphrates Operation	Affair at Butaniya Action at As Sahilan	14.1.16 11.9.16	Basra Nasiriya
Operations for the Capture of Baghdad and subsequent consolidation	Battle of Kut 1917 Capture of Kadari Capture of Hai Salient Capture of Dahra Bend	9.1-24.2.17 9-19.1.17 25.1-5.2.17 9-16.2.17	Basra

	Capture of Sanna-i-Yat	17-24.2.17	
	Passage at Shumran bend	23-24.2.17	
	Passage of the Diyala	7-10.3.17	
	Occupation of Baghdad	11.3.17	
	Action at Nushaidiya	14.3.17	
	First Action at Jabal Hamrin	25.3.17	
	Affair at Dali Abbas	27-28.3.17	Baghdad
	Affair at Dogame	29.3.17	
	Affair at Nahr Khalis	9-15.4.17	
	Passage of the Adhaim	18.4.17	
	Action at Istabulat	21-22.4.17	Baghdad
	Occupation of Samarra	23-24.4.17	
	Affairs on the Shatt-al-Adhaim	30.4.17	
Euphrates Operations 1917 - 1918	Attack on Ramed	11-14.7.17	
	Capture of Ramed	28-29.9.17	Baghdad
	Action at Khan Baghdadi	26-27.3.18	Basra
	Occupation of Ana	28.3.18	Nasiriya
	Blockade of Najaf	1-13.4.18	
Tigris Operations 1917	Second action at Jabal Hamrin	18-20.10.17	
	Action at Tikrit	24.10, 2.11 & 5.11.17	Baghdad Basra
	Third action at Jabal Hamrin	3-6.12.17	Nasiriya
Kirkuk Operations	Action at Tuz Khumatil	29.4.18	Kirkuk

Advance on Mosul	Action at Fatha Gorge	23-24.10.18	Samarra
	Action on the Lesser Zab	25.10.18	Tikrit Baghdad
	Battle of Sharqat	28-30.10.18	
	Affair at Qaiyara	30.10.18	Baiyai
	Occupation of Mosul	3.11.18	Mosul
VII North Russia Murmansk Operations Seizure of the railways	Disarmament of the Bolshevicks as far as Soroki	29.6.18 12.10.18 29-30.6.18	
Operations in Karelia	Capture of Ukhtinskaya	11.9.18	Murmansk
	Capture of Voknavolotskaya	21.9.18	
	Action near Pyavozero Lake	3.10.18	
Winter Operations	Occupation of Rugozerski	16.1.19	
	Capture of Segeja	18.2.19	
	Transfer of Troops to Archangel Front	Feb – April 1919	
Advance to Lake Onega	Capture of Urosozero	11.4.19	
	Capture of Maselskaya	3.5.19	
	Occupation of Povyenets	18.5.19	
	Capture of Medvyejya Gora	21.5.19	
Lake Onega	Capture of Kyapeselga	5.7.19	
	Flotilla Actions	5.6.19	
		3.7.19	
		2.8.19 28.8.19	
Withdrawal Operations	Action at Svyatnavolotski	27.8.19	
	Capture of Lijma	14-16.9.19	

	The Evacuation	1-12.10.19	
Archangel Operations		1.8.18 – 27.9.19	
Seizure of Ports and initial advance	Capture of Archangel	1-2.8.18	
	Affair at Chunovskaya	3.8.18	
	Affair at Puchuga	24.8.18	
	Affairs at Obozetskaya	31.8 – 4.9.18	
	Actions at Chamova	12-14.9.18	
	Affairs on the Yemtsa River	16-29.9.18	
	Affair at Seletski	11.10.18	
	Affair near Chekuevo	12- 17.10.18	
Defensive Operations	Affairs at Klashevo	27.12.18	
(a) on the Onego River and the Vologda Railway	Affair near Bolshi Ozerki	17.3- 18.4.18	
	Defence of Bolshi Ozerki	22-23.7.18	
(b) between the Vologda Railway and the Dvina River	Affairs at Tarasova	25-29.1.19	Archangel
	Attack on Kadish	7.2.19	
	Defence of Stredmekhrena	8-11.2.19	
(c) on the Dvina and Vaga Rivers	Affair at Tulga	11- 13.11.18	
	Defence of Shenkursk	16-25.1.19	
	Affairs round Vistavka	1-10.3.19	
	Affair at Ignatyevskoe	26.6.19	
(d) on the Pinega River	First affair at Ust- Pocha	1-2.6.19	
Withdrawal operations	Battle of Troitsa	10.8.19	
	Affair at Yemtsa	29-31.8.19	
	Second affair at Ust- Pocha	4.9.19	
	The Evacuation	27.9.19	

1914 War – hospitals which treated gas cases

Hospitals	Periods
10 th Field Ambulance	May 1915
11 th Field Ambulance	May 1915
12 th Field Ambulance	May 1915
15 th Field Ambulance	May 1915
81 st Field Ambulance	May 1915
84 th Field Ambulance	May 1915
3 rd Cavalry Field Ambulance	May 1915
18 th Field Ambulance	December 1915
1/3 rd West Riding Field Ambulance	December 1915
10 th Casualty Clearing Station	December 1915
112 th Field Ambulance	April 1916
108 th Field Ambulance	September 1916
1/2 nd West Riding Field Ambulance	September 1916
49 th Casualty Clearing Station	September 1916
5 th Convalescent Depot	September 1916
3 rd Canadian Stationary Hospital	January and February 1917
2/1 st Wessex Field Ambulance	June 1917
3 rd Field Ambulance	July 1917
91 st Field Ambulance	July 1917
2/1 st Wessex Field Ambulance	July 1917
2/3 rd Wessex Field Ambulance	July 1917
3/2 nd West Lancs Field Ambulance	July 1917
39 th Casualty Clearing Station	July 1917
46 th Casualty Clearing Station	July 1917
51 st Casualty Clearing Station	July 1917
54 th Casualty Clearing Station	July 1917
1 st Canadian Casualty Clearing Station	July 1917
3 rd General Hospital	July 1917
7 th General Hospital	July 1917
26 th General Hospital	July 1917
47 th General Hospital	July 1917
7 th General Hospital	September 1917
57 th Field Ambulance	October and November 1917
2 nd Casualty Clearing Station	October and November 1917
24 th General Hospital	October and November 1917
4 th General Hospital	December 1917

29 th Casualty Clearing Station	January 1918
100 th Field Ambulance	February 1918
148 th Field Ambulance	February 1918
100 th Field Ambulance	March 1918
149 th Field Ambulance	March 1918
29 th Casualty Clearing Station	March 1918
30 th Casualty Clearing Station	March 1918
7 th General Hospital	March 1918
16 th General Hospital	March 1918
13 th Field Ambulance	April 1918
14 th Field Ambulance	April 1918
15 th Field Ambulance	April 1918
18 th Field Ambulance	April 1918
89 th Field Ambulance	April 1918
91 st Field Ambulance	April 1918
148 th Field Ambulance	April 1918
51 st Casualty Clearing Station	April 1918
64 th Casualty Clearing Station	April 1918
3 rd Canadian Casualty Clearing Station	April 1918
55 th General Hospital	April 1918
2 nd Canadian General Hospital	April 1918
48 th Field Ambulance	May 1918
6 th Casualty Clearing Station	June 1918
130 th Field Ambulance	July 1918
29 th Casualty Clearing Station	July 1918
9 th General Hospital	July 1918
10 th General Hospital	July 1918
55 th Field Ambulance	August 1918
63 rd Field Ambulance	August 1918
130 th Field Ambulance	August 1918
36 th Casualty Clearing Station	August 1918
2 nd Canadian General Hospital	August 1918
53 rd Field Ambulance	September 1918
72 nd Field Ambulance	September 1918
73 rd Field Ambulance	September 1918
74 th Field Ambulance	September 1918
130 th Field Ambulance	September 1918
139 th Field Ambulance	September 1918
56 th Casualty Clearing Station	September 1918
83 rd General Hospital	September 1918

Assessment of earnings

Definition of gross earnings

Gross earnings are the full amount of salary or wages and include the following:

- deductions of income tax
- contributions to statutory superannuation schemes
- any direct deductions for maintenance by court order
- commission or any other payments received from an employer.

Making the assessment

Disregard the following items when assessing gross earnings:

- meals provided at the work place
- meal vouchers (**up to 15p**) used only for meals. Regard any excess as earnings
- the rentable value of the accommodation provided by the employer where the person lives, as a condition of employment
- food and produce received from the employer for personal needs
- Christmas Bonus (**up to £10**)

Deductions from the gross earnings may be made for the following:

- any contribution paid under the Social Security Provisions
- reasonable travelling expenses
- the cost of tools and equipment necessary for work
- the cost of protective or special clothing plus laundry costs and the cost of excessive wear and tear of normal clothing due to the employment
- subscriptions paid to a trade union or other association or professional body in connection with employment
- the cost of providing for care of a member of the household, not necessarily a member of the family, while the pensioner is out at work

- the cost (**up to 15p**) of any meal taken during the hours of employment where meal vouchers are not provided by the employer. This does not apply to snacks at tea-breaks etc
- the cost of premises other than those in which the person normally resides
- any other expenses which are reasonable incurred in connection with the employment.

Note

Self-employed persons who submit tax returns and people who take in boarders and lodgers and submit accounts to the Inland Revenue are not entitled to the deductions shown above.

Payment for adaptations

Automatic gearbox

The difference in the rental hiring cost, over the three years leasing period, between the automatic and the manual versions of the same car, obtained from Motability up to a maximum of £400. The amounts allowed are determined by Motability.

Hand control adaptations

- | | | |
|---|------------------------------|--|
| 1 | Accelerator | the full cost of up to a maximum of £175 |
| 2 | Brake | the full cost up to a maximum of £175 |
| 3 | Accelerator and brake | the full cost of up to a maximum of £215 |
| 4 | Clutch | the full cost up to a maximum of the amount that would be paid for an automatic version of the car obtained. |

Other approved adaptations

For other approved adaptations, the full cost can be met.

Adaptations by approved service agent

If the pensioner has had adaptations by Alfred Becker or Feeney and Johnson on a Departmental car, the full cost of the same adaptations on the Motability car must be met.

Minor adaptations

Minor adaptations up to a cost of £70 each or £140 altogether do not need SPVAMS approval. The pensioner must notify SPVA if the cost is to be higher than specified. The extra cost may still be met, providing that it is considered medically necessary. SPVAMS will advise in these circumstances.

First claims to WDP for service in HM Forces after 30 September 1921

Definitions – Armed Forces

The terms used in the War Pensions Instruments are defined in the Glossary of Expressions in Schedule 4 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983. They are explained as follows:

Term	Meaning
Service	Service as a member of Armed Forces for any period after 30 September 1921
Member of the Armed Forces	A member of the Naval Forces, Military Forces or Air Forces
Officer	<ul style="list-style-type: none"> • a commissioned officer • a subordinate officer • a warrant officer (other than sergeant major) in the Royal Marines
Officer on Active List	An officer who is on full pay, half pay or otherwise, before his retirement
Rating	A member of the Naval Forces who is not an officer
Soldier	A member of the Military Forces who is not an officer
Airman	A member of the Air Forces who is not an officer
Member of the Naval Forces	<p>An officer or rating at the Royal Navy or Royal Marines serving under the principal Naval Regulations and Admiralty Instructions for the Government of Her Majesty's Naval Service. It excludes:</p> <ul style="list-style-type: none"> • Officers or ratings serving under conditions other than those prescribed by the principal Naval Regulations • a person entered abroad on a non-continuous service engagement for local service only • a non European Native rating (whether a British subject or not)

- as person excluded by the terms of his service from the benefits of the Consolidation Order, or whose conditions of service include provisions of a like nature
- a person serving in one of Her Majesty's ships, in a Fleet Auxiliary or in any other vessel in the service of the Admiralty under an agreement known as Agreement T.124, or a variant of that agreement or under any other mercantile or special agreement
- a member of a category or class specifically excluded from the benefits of the Consolidation Order

Member of the Military Forces

An officer holding commission, or a soldier of the Army whose unit is based in the United Kingdom or the Isle of Man. It does not include:

- a member of the Army Audit Staff holding a commission in connection with the performance of his duties
- a person to whom Article 499 or Article 1127 of the Royal Warrant of 29 February 1940 is applicable
- a person excluded by the terms of his service from the benefits of the Consolidation Order, or whose conditions of service include other provisions of a like nature
- a member of a category or class specifically excluded from the benefits of the Consolidation Order
- a member of the Polish Resettlement Corps

Member of the Air Forces

An officer holding commission or an airman of the Royal Air Force, excluding:

- a member of a local force raised abroad for service with the Royal Air Force
- a person excluded by the terms of his service from the benefits of the Consolidation Order, or whose conditions of service include other provisions of a like nature
- a member of a category or class specifically excluded from the benefits of the Consolidation Order
- a member of the Polish Resettlement Corps (Royal Air Force)

Member of the Reserve or Auxiliary Forces

A member of the Armed Forces during any period other than when they are embodied or mobilised. It also applies to those serving under the provisions of the Reserve and Auxiliary Forces (Training) Act 1951 who was called up for flying instructor duties and is a member of the:

- Royal Fleet Reserve
- Royal Naval Reserve
- Royal Marine Forces Volunteer Reserve
- Royal Naval Special Reserve
- Royal Naval Volunteer Reserve including the RN Volunteer supplementary Reserve, the RN Volunteer (wireless) Reserve or the RN Volunteer (Postal) Reserve
- Women's Royal Naval Reserve, including the Women's Royal Naval Supplementary Reserve
- Women's Royal Naval Volunteer Reserve
- Regular Army Reserve of Officers, the Supplementary Reserve of Officers or the Army Emergency Reserve of Officers
- Territorial Army (including the Territorial Army Reserve of Officers) or the Territorial and Army Volunteer Reserve
- Auxiliary Territorial Service (Territorial Army) Women's Royal Army Corps (Territorial Army) or the Women's Royal Army Corps (Territorial and Army Volunteer Reserve)
- Royal Air Force Reserve (including the Reserve of Air Force Officers) the Women's Royal Air Force Reserve (including the Women's Royal Air Force Reserve of Officers) the Royal Air Force Volunteer Reserve and the Women's Royal Air Force Volunteer Reserve
- Royal Auxiliary Air Force, the Women's Royal Auxiliary Air Force, the Royal Auxiliary Air Force Reserve (including the Royal Auxiliary Air Force Reserve of Officers) the Women's Royal Auxiliary Air Force Reserve and the Women's Auxiliary Air Force Reserve
- Queen Alexandra's Royal Naval nursing Service Reserve

- Territorial Army Nursing Service or Reserve, the Queen Alexandra's Royal Army Nursing Corps (Army Emergency Reserve) the Queen Alexandra's Royal Army Nursing Corps (Territorial Army) or the Queen Alexandra's Royal Army Nursing Corps (Territorial and Army Volunteer Reserve)
- Princess Mary's Royal Air Force Nursing Service Reserve
- Reserve and Auxiliary Forces (Training) Act 1951 who is called up for training duties

**Woman
member of the
Armed Forces**

Is a woman who is:

- commissioned, enlisted or enrolled as a member of the Armed Forces
- enrolled in the Women's Royal Naval Service or Reserve
- a member of the Army Emergency Reserve, the Territorial Army or the Territorial and Army Volunteer Reserve
- a member of the Women's Auxiliary Air Force or Reserve (other than a member of the Polish Resettlement Section of the Women's Auxiliary Air Force)
- a medical or dental practitioner employed with the Royal Army Medical Corps, the Royal Army Dental Corps or the Medical or Dental Branches of the Royal Navy or Royal Air Force with relative rank as an officer or with Naval status for general service
- enrolled in Queen Alexandra's Royal Naval Nursing Service, Queen Alexandra's Imperial Military Nursing, The Territorial Army Nursing Service, the Princess Mary's Royal Air Force Nursing Service or the respective Reserve or Auxiliary Sections
- enrolled in the Auxiliary Territorial Service (other than a member of the Polish Resettlement Section – Auxiliary Territorial Service)
- a member of the Voluntary Aid Detached enrolled for employment under the Defence Council.

The Mental Health Act 1983

Section 2	Admission for assessment
Section 3	Admission for treatment
Section 4	Emergency application for admission for assessment
Section 5	Application for the admission of a patient who is already in hospital

Patient concerned in criminal proceedings or under sentence

Section 35	Remand to hospital for a report on the accused's mental condition
Section 36	Remand of accused to hospital for treatment
Section 37	Where a person convicted of a criminal offence is detained in a hospital for treatment
Section 41	Power of higher courts to restrict discharge from hospital
Section 42	Powers of Secretary of State in respect of patients subject to a restriction order
Section 46	Persons ordered to be kept in custody during Her Majesty's pleasure
Section 47	Removal to hospital of persons serving sentences of imprisonment
Section 49	Restriction on discharge of prisoners removed to hospital.

Capitation hospitals used for Skilled Nursing Care and convalescence

Hospital/ Home	Tel No	Accommodation
Blesma Home Lytham Road Blackpool	01253 43313	O, OR
Blesma Home (2) Gaftnappock Crieff, Perthshire Scotland	01764 2480	O, OR
Chasney Hospital Eastbourne, Sussex	01323 20974	O, OR
Cheadle Royal Hospital (1) Cheshire	0161 428 2231	O
East Lancs Home Broughton House Kersal, Salford, Lancs	0161 740 2737	OR
Kingswood Grange Babylon Lane Lower Kingswood Surrey	01737 244949	OR
Lyme Green Settlement Macclesfield Cheshire	01625 2007	OR
Princess Louise Hospital Erskine Scotland	0150 586 2255	OR

Hospital/ Home	Tel No	Accommodation
Queen Alexandra Hospital Home Gifford House Worthing Sussex	01930 213548	OR
St Andrew's Hospital (1) Northampton	01604 34354	O
St David's Home Ealing London W5	0181 997 5121	O, OR
The Royal Star and Garter Home Richmond, Surrey	0181 940 3314	OR

- Notes
- (1) Not used for new cases
 - (2) Payments made by Tayside Health Board, Box No 75, Vernonholme, Riverside Drive, Dundee, DD1 9NL
 - (3) Payments made by Argyll and Clyde Health Board, Gilmour House, Paisley, PA1 1DU
 - O Officers or equivalents
 - OR Other Ranks

Appliances

Type

Aid

Surgical appliances

- Surgical footwear
- Adaptations to footwear
- Limb appliances including callipers and splints
- Swivel walkers and standing frames
- Trusses
- Abdominal and spinal fabric supports
- Upper limb appliances including splints and supports
- Spinal braces and jackets
- Head and neck appliances including helmets, collars and braces
- Elastic hosiery
- Surgical brassieres and artificial breasts

The book Provision of Medical and Surgical Appliances gives full details and descriptions of all these appliances. It is held in the Treatment Group Library

Walking aids

- Adjustable axilla crutches
- Tetrapod walking stick
- Tripod walking sticks
- Forearm crutches
- Walking sticks
- Fixed height walking frames
- Arthritic crutches

If the requested aid is not listed here see Request for special walking aid

Home Nursing Equipment

The following list of items can be supplied as home nursing equipment. The list is not exhaustive, so any request for an item which does not appear on the list should be discussed with your Band D.

Fact sheets on home nursing equipment are also included in this Appendix.

Type	Aid
Bathing accessories	Bath boards <ul style="list-style-type: none"> ▪ Rails ▪ Seats ▪ Mats ▪ Lifts Inflatable toilet seats Clos - O - Mat toilet appliances
Beds, bedding and accessories	Hospital type beds Egerton beds Mattresses Mattress covers Ripple mattresses and motors Fracture boards Pillows Pillow cases Sheets – nylon, cotton and flannelette Blankets Paper sheets Drawer sheets Bed cradles Bed rests Bedside tables Overbed tables
Chairs, sheets and cushions	Reclining chairs Easy - to - ride chairs Ejector seats Commode chairs Air rings and covers Cushions and covers
Incontinence equipment	Catheters Urinals and straps Drainage bags and hangers Condoms

Aid	Recommendation
	Sheaths Adhesive Rubber tubing Connectors Basins Cotton wool balls Finger cots Rubber and disposable gloves Incontinence pads and pants Underpads Interliners Waterproof and plastic sheeting Winchester bottles and bungs Bed pans Penile clamps Plastic jugs Spigots Black polythene bags Syringes for inflating catheters
Hoists and self-lift poles	Various types
Portable oxygen	230 litre cylinder with face mask and carrying case 100 litre cylinder with face mask (2301 most commonly supplied)
Miscellaneous	Bandage Opsite dressings Swabs Sputum cups Paper face masks Forceps Hot water bottles and covers Earthenware feeders Drinking tubes or straws Electric showers Sterilisers Liquidisers Transcutaneous nerve stimulators Nebulisers Infraphil lamps Humidifiers Communicators Haemoductors

Home Nursing Equipment fact sheets

The following fact sheets are intended to help you decide whether or not to supply of a particular piece of equipment should be agreed.

Some fact sheets contain examples of specific cases and the decisions given in those cases. However, the decisions reached are not mandatory; each case must be looked at on its own merits and discretion exercised in the final judgement.

Aid	Recommendation
Aids to disabled living	<p>As a general rule, aids to daily living are not supplied as home nursing equipment. They are welfare items and should be supplied by the Social Services Department (SSD). Some common examples are:</p> <ul style="list-style-type: none"> ▪ Page turning device ▪ Sock pull - up appliance ▪ Aid to hold books ▪ Grabstick ▪ Lazy tongs ▪ Long handed shoe horn ▪ Helping hand ▪ Potato peeler ▪ Telephone ▪ Alarm bell ▪ Flashing light ▪ Special alarm clock ▪ Alarm system ▪ Electric tin opener
Note	An after - bath dryer is regarded as an aid to disabled living but may be considered in certain circumstances
Mattresses	Pensioners who are eligible for a mattress can be supplied with a single or double sized according to personal choice
Bedding - linen	Bedding is supplied to incontinent Pensioners and paraplegics only.

Vibrating Pillows

Pensioner -----
 Reference -----
 Date June 1973
 Decision

We have considered the supply of this item carefully and it has and it has been agreed that it does not come under the heading of home nursing equipment but is considered to be a welfare item.

Beds - Including Egerton General

Treatment Group do not supply beds except in exceptional circumstances where a pensioner cannot use an ordinary divan type bed. If the Welfare Officer confirms that there are special reasons for a bed to be considered, SPVAMS should be asked if a hospital type bed, mattress and bed boards would be suitable, if pensioner is found to be eligible. Generally all that is required is an orthopaedic mattress.

Egerton beds

The Egerton electrically operated adjustable bed offers an infinite variety of positions between supine and full sitting. Egerton beds have been supplied to a small number of pensioners who require frequent postural changes, and a service contract operates for each. Every year Egerton Hospital Equipment Ltd send a quotation for servicing each of the Egerton beds on issue to our pensioners and we agree to two services per year. The charge covers travelling and labour costs but does not include the supply of new components or labour relating to them. Egerton beds should not be ordered without the approval of Treatment Group Band D and Band C2. This should be obtained before reference to SPVAMS.

Before Treatment Group can consider supplying an Egerton bed the Social Services Department (SSD) and Health Authority (HA) must confirm that they are Not able to provide either the Egerton bed or another type of bed suitable for the pensioner's needs. They must also confirm that there is no suitable alternative to the Egerton bed because this is a very expensive form of equipment.

Water Beds

Pensioner -----
 Reference -----
 Date July 1978
 Decision
 Mr/ Mrs -----, it must be said, is to be commended for his/ her considerable initiative and efforts in obtaining for himself/ herself the water bed which is considered best for the alleviation of the effects of his disability. However, had he made an approach to the Agency (via the Veterans Welfare Service or through any other channel) about his/ her difficulties in using a normal bed, we would have arranged for professional medical and perhaps also technical advisors to look into his/ her problems to determine the best way of resolving his/ her difficulties. It is by no means certain that the type of water bed Mr / Mrs ----- purchased for himself/ herself was, or is, the only, or even the most satisfactory way of resolving his/ her difficulties. Had the Agency been given the opportunity to assess Mr/ Mrs -----'s requirement for a special bed and concluded that the type most suitable, even then it is likely that the bed could have been provided by his/ her Area Health Authority under the National Health Service arrangements (therefore precluding provision by the Agency). It is for these reasons that we are unable to accept responsibility for the original cost of the water bed. However, we have agreed to help Mr/ Mrs ----- with the cost of maintaining the bed he has purchased privately.

Boots – Flowtron/ pneumatic

PMO advice
 Such equipment can be useful to treat a Transient circulatory (arterial, venous or lymphatic) stasis of deficit. It is not sensible to consider it for established oedema of a permanent nature. For the temporary situation, therefore, it can be considered home nursing, but should really be an issue on a temporary loan basis by the treating hospital authority. At this stage I cannot recommend purchase.

Chest Expanders	Medical advice Chest expanders come under treatment not home nursing equipment				
Communicator	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Pensioner</td> <td style="width: 40%;">Mr/ Mrs -----</td> </tr> <tr> <td>Reference</td> <td>-----</td> </tr> </table> <p>Medical advice A necessary item alleviate the effects of the Pensioner's accepted disablement – Parkinsonism.</p>	Pensioner	Mr/ Mrs -----	Reference	-----
Pensioner	Mr/ Mrs -----				
Reference	-----				
Cushions General	Treatment Group do not supply cushions for use in a wheelchair. Disablement Services Procurement (DSP) supply wheelchair accessories.				
Roho Cushions	Roho cushions are supplied by Disabled Services Procurement (DSP), wheelchair Section. They are very expensive cushions and DSP impose strict criteria for supply. All requests for these cushions should be referred to DSP who will decide whether there is a definite need for a Roho as opposed to any other type of cushion.				
Heat cushions	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Pensioner</td> <td style="width: 40%;">-----</td> </tr> <tr> <td>Reference</td> <td>-----</td> </tr> </table> <p>Decision</p> <p>Rejected by MED MPO. Heat lamp Suggested. Our policy is not to supply heat cushions of any type.</p>	Pensioner	-----	Reference	-----
Pensioner	-----				
Reference	-----				
Luxaire after – bath dryers	Policy Branch, A1D, have directed that an After - bath dryer should be regarded as an aid to disabled living and the procedure is dependent on whether or not the pensioner is a BLESMA member.				
BLESMA Members	Any BLESMA member who requests an after - bath dryer should be advised to send the request to BLESMA Headquarters who will consider meeting the cost out of their Welfare Fund.				

Non - Blesma Member

An after - bath dryer can be considered for a pensioner who is not a BLESMA member and whose accepted disablement is, or equates to, double arm amputation.

If, however, CAA is in payment, the costs of Supply and installation should only be met where it may be met where it is established that:

- The carer is prevented by their own physical disablement from helping the pensioner with after - bath drying
- There is no other source of help, e.g. district nurse

Electric razors

Pensioner	-----
Reference	-----
Date	March 1981

Advice from Principal

In the last 10 years only one application for an electric razor has been accepted – for a severe arthritic.

- 1 Electric razors are now a normal method of shaving and should not be treated as a special appliance needed for a war disability
- 2 Electric razors tend to be rejected rather than preferred by those with sensitive skins. Whether this goes so far as to apply to facial dermatitis I do not know and will be guided by you
- 3 For those who prefer or need to adopt wet shaving, the trend is definitely towards disposable twin blade razors with which it is virtually impossible to cut oneself even with an unsteady hand
- 4 A man over 60 even without a war disablement would be ill advised to cling to cut - throat or safety razors against the more modern alternatives.

Could we ask for a local medical (rather than lay) opinion that an electric razor is needed solely because of his war pension disability?

Electricity charges for running a respirator

Pensioner -----
 Reference -----
 Date 1957

Medical advice
 We should accept financial responsibility for the cost of electricity which is used for the running of a respirator, because this is a direct consequence of their accepted disability, and in fact can be looked upon as part of the treatment of that disability, and in fact can be looked upon as part of the treatment of that disability, for which we are responsible.

Exercise Cycle

Medical advice
 Exercise cycled come under treatment not home nursing equipment.

Expensive Items

Band C2 advice
 Payment for items of home nursing equipment is made from the Health vote as opposed to the war pension vote. The Health vote is very strictly controlled and overspending is to be avoided. Therefore all requests for expensive items must be agreed by Band D and Band C2 before supply is arranged.

Food Mincer

Medical advice
 Pensioner -----
 Reference -----
 Date 1959

I think we must regard the mincing of the patient's food as a necessary part of their treatment. We are dealing here with a person unable to chew and all their food should be minced or pureed. I think we must accept that digestive disturbances are the direct result of the loss of their jaw and inability to masticate food in the normal

way. The mincing machine is a medical necessity.

Glucometer

Pensioner -----
 Reference -----
 Date September 1982

Decision
 Glucometer recommended by Consultant
 Supply agreed exceptionally by MO and
 Principal

Pensioner -----
 Reference -----
 Date September 1982

Decision
 Glucometer requested but not
 recommended by the Consultant. Health
 Authority state that testing should only be
 done by Consultant. Rejected.

Hoists

Lifting hoists may be supplied to eligible severely disabled pensioners who are living at home where the effort of transferring them from bed to chair, bathroom, lavatory, etc. is beyond the strength and capacity of their attendants.

Following notification from Treatment Group that eligibility exists, the Disablement Service Centre (DSC) will arrange for a Medical Officer (MO) to visit the pensioner and give a full clinical report supporting the need for a hoist.

Generally a standard type of hoist will be supplied. If for any reason the Medical Officer considers the standard type to be unsuitable, full details of the type required will be sent to Treatment Group.

The name and address of the Approved Repairer nearest to the pensioner's home will also be notified to treatment Group, who, if supply is approved, will arrange for the hoist to be sent to the repairer. The Approved Repairer will assemble, check and subsequently deliver the hoist to the pensioner by arrangement with the DSO.

Lifting hoists should be inspected annually and Disablement Services Centres are responsible for arranging inspection at the appropriate time each year of all types of patient hoists on issue to war pensions in their area.

Insulin Pump

Pensioner -----
Reference -----
Date September 1983

Decision
Rejected by Band C2 - not an item on home nursing equipment. Should be referred to General Practitioner and Consultant for supply on National Health Service.

Date August 1984

Decision
Pensioner appealed as insulin pump is not available on the National Health Service. Consultant's recommendation obtained and supply agreed by Principal.

**Massage equipment -
Niagara vibrating pads**

Medical advice
This is a very exotic name for what is basically a simple heat pad and vibrator. The vibrator element in our view is of little or new therapeutic value; it merely gives the gullible user the impression that something active is being done to the body. With regard to the heat element, a simple electric pad would be equally effective. A basic lamp of the Infraphil type would be much better. It is our considered opinion that this person has been the victim of a not very ethical piece of high pressure salesmanship. We advise, therefore, that this equipment should not be supplied.

Nail scissors/ cutters

Nail scissors and cutters can be provided if they are necessitated by the accepted disablement, as they are a cheaper alternative to chiropody treatment.

Nebulisers

Nebulisers can be supplied by Treatment Group if the pensioner cannot obtain one through National Health Service channels.

GP's recommendation
 Some firms will not supply Nebulisers without a recommendation from the pensioner's General Practitioner. Therefore a written General Practitioner's recommendation must be sent with all orders for a nebuliser

E & L Sorsky Ltd

If a nebuliser or accessories are ordered from E & L Sorsky Ltd the order value must total £10 or more. This will mean ordering two or more packs of accessories in some cases.

Ointment

Medical advice
 Ointment should not be supplied as home nursing equipment. It should be provided on prescription from a pensioner's General Practitioner (GP)

Oxygen Concentrators

Pensioner	-----
Reference	-----
Date	February 1982

Private Office – Case from HS2B
 I can well understand Dr----- wish to have oxygen concentrators instead of Reply cylinders of oxygen made available to patients who are, as Mr/ Mrs-----
 Was, oxygen dependant to the extent of requiring almost a continuous supply of the gas in their home.
 A concentrator has no therapeutic advantage over cylinders in the administration of oxygen treatment, but it provides a more convenient form of therapy in that its use dispenses with frequent deliveries of cylinders to, and the changing of cylinders by, patients. Furthermore we have been aware for sometime of the concentrator's potential economic advantage over cylinders for certain patients, depending on the level of oxygen consumption. This is something we now have under active consideration. The fact is however, that the domiciliary oxygen service (under which only cylinders of oxygen can be supplied) was never designed to meet the needs of patients using large quantities of the gas in their

homes: it was originally set up to ensure that general medical practitioners could obtain prompt and efficient supplies of oxygen for their patients in emergency situations. The problem in changing its format and procedures has been, therefore, mainly one of logistics.

The family practitioner services, which are responsible for the day - to - day running of the service, do not have the facilities to supply such highly priced machines as concentrators, which need to be installed and maintained in patient's homes and moved around from patient to patient as the opportunity arises.

Oxygen concentrators

In an effort to determine whether it would be feasible to use concentrators on a national scale to provide oxygen therapy in the home for long – term, high usage patients and, if so, at what level of usage a concentrator becomes more economical, and to establish whether their supply should be handled by the hospital or family practitioner services, we have recently set up a pilot study in the North Western Regional Health Authority.

When the study has been completed we should be in a better position to give a more positive lead on the supply arrangements for, and use of, concentrators in the Health Service.

In the meantime, there is no reason why a consultant should not supply their patient with a concentrator if their Area Health Authority is in a position to finance the purchase, installation cost and maintenance, as some have, to a limited extent, found themselves able to do.

Peak flow meter

Pensioner	-----
Date	June 1982

Medical Advice Rejected.

This is a diagnostic instrument not home nursing equipment. It should only be used by a doctor.

Portable oxygen equipment

Portable oxygen equipment can be supplied to eligible pensioners, providing the Welfare Officer confirms that the pensioner has a supply of oxygen at home. Although the pensioner's General Practitioner (GP) can prescribe oxygen they can only issue a prescription for the standard equipment complete with a 1360 litre cylinder. The prescription will be dispensed by a chemist and replacement cylinders will be supplied as and when required.

Portable sets are provided by Treatment Group to enable the pensioner to use oxygen upstairs if their static equipment is downstairs or if needed, when the pensioner leaves the house. Non - portable sets for use with 1360 litre cylinders are available through the National Health Service (NHS) and the portable sets are intended to supplement not replace standard equipment.

Shampoo

Band C2 advice
Hair shampoo is not home nursing equipment as everybody uses it. If a special type of shampoo is needed it should be available on prescription through a general Practitioner (GP) and pensioner should obtain these free of charge using their exemption certificate.

**Socks
Heated socks**

Pensioner	-----
Reference	-----
Date	March 1983

Medical advice
Wool lined surgical footwear will suffice. The pensioner is not to be supplied with electrically heated socks.

Thermal Socks

Pensioner	-----
Reference	-----
Date	October 1984

Rejected. The provision of normal items of clothing is not the Agency's responsibility.

Syringes

Pensioner -----
Date June 1972

Decision

As I understood the situation from Dr -----, Captain ----- was referred through on form (MPM) 428 (Ministry of pensions) as eligible for and entitled to disposable syringes agreed to by one of their examining doctors.

There is a danger in this approach as can be seen from the correspondence (a) because of the material being injected by the syringe and (b) the lack of control which should exercised by the consultant in charge of the case. Approval appears to have been given by both Blackpool and Supply Division to the purchase of disposable syringes but there is no indication as to the source of supply or whether the products issued are approved items.

There is the further dilemma that disposable syringes are not prescribable outside the hospital service in the NHS and other pensioners enquiring about this facility are told by their General Practitioner, Chemist and Executive Council that these are not available.

There has been a great deal of agitation by the Diabetic Association over the supply of disposable syringes to patients but we have held the line to the provision of personal glass syringes. Captain ----- has a different form of diabetes than the usual insulin deficiency type, his lesion being situated in the pituitary and ascribed partly to war service. It is unlikely that many pensioners with the usual form of diabetes can be so ascribed. There is, as you may be aware, a strong genetic background to

many patients suffering from ordinary diabetes.

I would suggest that we re - look at this issue of supply of disposable syringes to war pensioners from departmental sources and recommend that these be issued from the hospital under the auspices of the Consultant in charge of the patent.

Pensioner -----
Date September 1972

Private Office Case Reply from -----
----- MP to ----- MP

The general position under the National Health Service is that general practitioners may prescribe appliances from a prescribed list which includes glass syringes but not disposable syringes. The list is distributed to all National Health Service general practitioners in the National Health Service Drug Tariff, Part One of which states that other dressings and appliances which may be necessary will normally be provided through the hospital service. If a general practitioner considers disposable syringes and needles are medically necessary in the case of a particular patient, their appropriate course of action is, therefore, to refer them to a hospital consultant who, if they agree, will authorise supply of the items through the hospital.

On looking into the matter more deeply, as a result of your latest letter, we have come to the conclusion that there is no really good reason why these arrangements should not equally apply to war pensioners. If the syringes (and needles) are supplied through hospital services on the recommendation of a Consultant, they will be supplied free to anyone. Our investigations show that in your case, and in one or two other war pension cases, we by - passed the normal National Health Service arrangements in an attempt to be helpful, but on reflection – and now that you have drawn attention to the

logical corollary that we ought to publicise the facility – we have come to the conclusion that it is wrong of us to do so, in as much as we hereby removed the items from the hospital consultant control which is considered appropriate in other cases.

In the very few cases – including of course your own – in which we have supplied these items outside the normal National Health Service procedure, we propose to continue doing so, as the need for further supply arises, so as to avoid inconveniencing the people concerned; but we do not intend to supply any further cases other than through normal National Health Service channels (assuming of course that they are cases to which the National Health Service is applicable. That being so, you will of course appreciate that the question of advising doctors of the facility, no longer arises. No doubt you will wish to inform your doctor that he/ she had interpreted the position under the National Health Service terms of service correctly. I am assuming that he/ she saw no medical need for disposable syringes which warranted his/ her referring your particular case to a hospital consultant. It is desirable that you should inform him/ her that you will be continuing obtain a supply of disposable syringes exceptionally direct from the Agency and I have no doubt that if he/ she considered it necessary he/ she would advise you on the appropriate precautions in their use.

As I have said, we are most grateful to you for having drawn attention to the illogicality of what we have been doing, and I sincerely hope that you feel that your efforts have been rather different from what you expected.

Clos - O - Mat toilet appliances The Clos - O - Mat toilet appliance consists of a water closet coupled with an electrically operated bidet and warm air dryer operated by foot pedal at the base of the pedestal. This appliance may be supplied to eligible pensioners who have had both arms amputated or who, because

of severely disabled upper limbs, are unable to use their hands. Requests should be submitted to SPVAMS, via Treatment Group Band D.

When SPVAMS give eligibility for a Clos - O - Mat the Disablement Services Centre (DSC) should arrange for a Technical Officer to visit and report on the suitability of the pensioners home. It is also necessary to obtain permission to obtain permission for the installation from the appropriate Water Authority but Clos - O - Mat Ltd usually take care of this. When all the information is to hand an order should be placed by Treatment Group on Form ----- . When the appliance has been installed a service and maintenance contract is agreed each year.

House Adaptation Grants

Examples of house adaptations that qualify for grants

- Handrails to staircases (indoors)
- Handrails to outdoor steps providing they are attached to the fabric of the house
- Widening of doorways or other internal alteration to facilitate access by wheelchair
- Strengthening ceilings for attaching lifting equipment
- Stair lift provision
- Bathroom alterations to facilitate access
- Downstairs bathroom facilities
- Shower provision
- Ramps to the entrance of the house

Examples of house adaptations that do not qualify for grants

- Central heating or any other type of heating
- Double glazing
- Venetian blinds
- Remote control garage doors (these are not attached to the fabric of the house)
- Maintenance/ repairs of shower units (this is the pensioner's own responsibility)

Vehicle Scheme Offices

Area	Office address
England and Isle of Man	Department of Social Security Invalid Vehicle Service Government Buildings Warbreck Hill Road Blackpool FY2 0UZ Tel: Blackpool 856123
Scotland	Scottish Home and Health Department St Andrews House Edinburgh EH1 3DE Tel: Edinburgh 5568501
Wales	The Manager, Welsh Office Disablement Services Centre Rookwood Hospital Fairwater Road Llandaff Cardiff Tel: Cardiff 555677
Northern Ireland	The Wheelchair Centre Prosthetic, Orthotic and Aids service Musgrave Park Hospital Stockman's Lane Balmoral Belfast BT9 Tel: Belfast 669501
Irish Republic	British Department of Social Security Disablement Services Centre 3 rd Floor Hume House Pembroke Road Ballsbridge Dublin 4 Tel: Dublin 0001 601122

Overseas

Department of Social Security
Service Personnel and Veterans Agency
North Fylde Central Office
Norcross
Blackpool
FY5 3TA
Tel: Blackpool 856123

Royal Charter Bodies

The following bodies may run residential care and nursing homes which are exempt from the provisions of the Registered Homes Act 1984.

Benevolent Institution for the Relief of Aged and Infirm Journeyman Tailors

British and Foreign School Society

British Home and Hospital for Incurables

British Red Cross Society

Church of England Pensions Board

Crossley and Porter Orphan Home and School

Grand Priory of the Order of the Hospital of St John of Jerusalem in England

Hospital for Women

King Edward VII Hospital, Midhurst

King Edward VII's Hospital for Officers, Sister Agnes Founder

King George's Fund for Sailors

National Benevolent Institution founded by the late Peter Herve

National Society for the Prevention of Cruelty to Children

Newspaper Press Fund

Railway Benevolent Institution

Royal Alfred Seafarer's Society

Royal British Legion

Royal Earlswood Institution for Mental Defectives

Royal Hospital and Home for Incurables, Putney

Royal Liverpool Seamen's Association

Royal Masonic Institution for Girls

Royal Masonic Institution for Boys

Royal National Institute for the Blind

Royal Naval Benevolent Trust (Grand Fleet and Kindred Funds)

Royal Star and Garter Home

Royal United Kingdom Beneficent Association

Salvation Army

Society for Relief of Widows and Orphans Medical Men

Soldiers Sailors and Airmen's Association

St Paul's Hostel Cambridge

West London Hospital

Note

Homes run by these bodies may be **Residential Care Homes** or **Nursing Homes**.

Countries affected by NI age 80 Addition

European countries

Austria

Belgium

Denmark

Finland

France

Germany

Greece

Holland

Iceland

Italy

Ireland

Liechtenstein

Luxembourg

Norway

Portugal

Spain

Sweden

Countries which have a reciprocal agreement with Britain

Australia

Barbados

Bermuda

Bosnia – Hercegovina

Canada

Channel Islands

Croatia

Cyprus

Israel

Jamaica

Macedonia

Malta

Mauritius

Montenegro

New Zealand

Philippines

Serbia

Slovenia

Switzerland

Turkey

USA

Yugoslavia

Note

In cases where the pensioner leaves Britain to live in Australia, New Zealand or Canada only their pension will be “frozen” at the UK rate on their departure. No account is taken of currency fluctuations. This is called the “frozen rate”.