



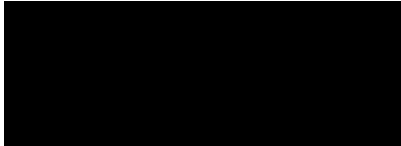
Ministry
of Defence

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Defence Business Services Secretariat
Room 6303
Tomlinson House
Norcross
Thornton-Cleveleys
FY5 3WP

Ref: FOI2021/06122

Email: DBSRES-Secretariat@mod.gov.uk



17 June 2021

Dear 

Thank you for your email of 10 May 2021 to the Ministry of Defence (MOD) requesting the following information:

"I would like a full copy of Article 55 in relation to third party compensation and war pensions"

On 8 June 2021 you provided the following clarification:

"Many thanks for your e-mail. I am actually looking for the original copy of Article 55 which was made top secret some years ago when I asked for the original copy then. It is prior to 2006 and discusses War pensions and those names who are having their pension deducted for third party compensation"

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 some of the information in scope of your request is held. However, some of the information you have requested falls entirely within the scope of an absolute exemption under Section 21 (Information reasonably accessible by other means) of the FOIA. Section 21(1) has been applied, as the information is already in the public domain and therefore, reasonably accessible to you at the link below. Section 21 is an absolute exemption and as such, there is no requirement to consider the public interest in making a decision to withhold the information.

Under Section 16 (Advice and Guidance), you may be interested to know that Article 55 of The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 can be found on the Gov.uk website at the following link:

<https://www.legislation.gov.uk/uksi/1983/883/contents/made>

I should also explain that Government legislation relating to the War Pension Scheme has always been published into the public domain and therefore no information has previously

been classified as top secret. Additionally, names of those individuals whose awards have been reduced to take account of other compensation would never have been published due to Data Protection Legislation.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Defence Business Services (Secretariat)