



Defence Business Services

Secretariat
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Ref: FOI2022/04064

14 April 2022

Dear [REDACTED]

Thank you for your letter of 24 March 2022 to the Ministry of Defence (MOD) requesting the following information:

- "1. The number of veterans who receive a War Disablement Pension (WDP) and have had their WDP abated following their receiving a financial settlement in a civil litigation case?"*
- 2. The number of veterans who receive a Service Attributable Pension (SAP) and have had their SAP abated following their receiving a financial settlement in a civil litigation case?"*
- 3. The number of veterans who receive a Service Invaliding Pension (SIP) and have had their SIP abated following their receiving a financial settlement in a civil litigation case?"*
- 4. The number of veterans who receive a Guaranteed Income Payment (GIP) and have had their GIP abated following their receiving a financial settlement in a civil litigation case?"*

I am treating your request as a request under the Freedom of Information Act (FOIA) 2000. I can confirm that all information in scope of your request is held. However, I must advise you that we will not be able to answer your request without exceeding the appropriate cost limit.

It may help if I explain that to answer your second question alone would be above the cost limit as whilst attributable benefits for the armed forces were introduced for medical discharges after 31 March 1973 third party compensation became available under the Crown proceedings (Armed Forces) Act 1987 for injury death after 15 May 1987, therefore we would need to look at tax exempt cases with a pension start date after this date. There are approximately 1400 medical discharge cases each year, assuming that number was consistent in the past and assuming all medical discharges post 6 April 2005 were for post 2005 injury that would mean a potential review over an 18 year period X 1400 a year = 25,200 cases x 10 mins a case to review = 4,200 hours.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving, and extracting it.

Under Section 16 of the FOIA, it may be helpful for you to know that I may be able to offer something in response to Q3 alone. However, if you have a suggestion for a refinement which you would like considered, please contact this office and we will be happy to consider it.

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

A black rectangular redaction box covering the signature of the sender.

DBS (Secretariat)