**Defence Business Services**
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Ref: FOI2022/05383                    DBSRES-Secretariat@mod.gov.uk

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Email: ████████████████████

25 May 2022

Dear ████████

Thank you for your email of 2 May 2022 to the Ministry of Defence, enclosing a letter also dated 2 May 2022, requesting the following information:

*If a married British army officer, who had been serving for ten years, was killed whilst participating in a training exercise in Germany in 1964:*

1. *Would his wife receive any compensation or gratuity from the Army as a result of his death?*
2. *If the officer was part of an army pension scheme and he'd paid in to it for ten years, would his wife be entitled to an army pension?*
3. *Would the officer's wife be entitled to a widow's pension from the state?*

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 MOD and I can confirm that no information in scope of your request is held.

Section 1 of the Freedom of Information Act gives an applicant the right to access recorded information held by public authorities at the time the request is made and does not require public authorities to answer questions, provide explanations or give opinions, unless this is recorded information held. I can confirm that the Ministry of Defence holds no recorded information that would specifically answer your hypothetical question. There is no requirement under FOI to create information to respond to hypothetical questions posed and submitted under the Act. FOI only covers information that is 'held' and interpretation of legislation in respect of scenarios posed would not represent a valid request for information under FOI.

Under Section 16 of the FOIA (Advice and Assistance) it may be helpful to advise that:

- Prior to 1975 widows' benefits were payable if the Service person was granted or was eligible for half-pay or service retired pay or if their death occurred during service he would have been eligible had he been invalided on the day he died.
- A Service person who was invalided must have had at least 10 years qualifying service for an award of retired pay.
- A widow was only entitled to receive a Gratuity if the Service person was eligible for it when invalided - he would be required to have completed 10 years qualifying service to receive a Service Invaliding Pension and Lump Sum.
- The widow of a person who died in service would have been able to apply for a War Widows Pension.
- The Armed Forces Pension Scheme is a non-contributory scheme.
- The question about State Pension should be addressed to the Department for Work and Pensions.
- Armed forces pensions enquiries can be addressed to:
  Joint Personnel Administration Centre (JPAC)
  Mail Point 480
  Kentigern House
  65 Brown Street
  Glasgow
  G2 8EX

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

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Defence Business Services Secretariat