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Pensions Factsheet

All the MOD Pension schemes differentiate cause of death between attributable and non-attributable.

Attributable is where someone's death has been caused by or substantially hastened as a direct result of service in the armed forces. The evidence required to prove attributability differs for each scheme. If death occurs after leaving service it can also be affected by the length of time between cessation of service and when death occurred.

The reverse of attributable is non-attributable.

The type of events and illnesses accepted as attributable also varies from scheme to scheme.

Here, there is no accepted link between the cause of death and service in the armed forces.

In essence the concept of attributability is the same as you would find in a civilian industrial compensation scheme. Negligence is not required - only that the death is the result in some way due to service.

In this event payments will be linked to any retirement-pension entitlements earned in service.

In all the schemes an attributable death due to service is recognised by higher payments, as an element of compensation.

Where death is not attributable to service a widow may also have a right to claim civilian bereavement benefits through DWP. (NB Recipients of compensation under the AFCS may also be entitled to the DWP bereavement benefits).

Where a widow believes there is an issue of negligence in the cause of her husband's death, she may seek to pursue a case for compensation through the civil courts. The success of such an action will rely upon the question of negligence - of an individual or an organisation. Simple attributability will not be enough to win. In the event that a case is successful and substantial damages are awarded, the level of the damages will most likely be abated (reduced) to take account of the compensatory element of the pension benefits already being paid.

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There are currently three schemes in operation - each has been subject to amendments and alteration, but broadly speaking they are:

War Widows Pension

Applies where death, or the injuries or illness that caused the death predated 6 April 2005. It is paid tax-free. Where death is due to conditions arising before 5 April 1973 it is paid with an "MOD Supplement"; where death is due to conditions arising after this, but before 6 April 2005 it is paid alongside the AFFP.

If death occurs during service or within 7 years of service - the burden of disproving a link to service lies with MOD. After more than 7 years the burden of proof shifts to the claimant.

It is not paid to non-married partners.

Children from a relationship may receive a Child's War Pension.

It is surrendered on remarriage or cohabitation for post cases after 1973. There is automatic reinstatement of the pension if subsequent relationship ends.

It is not paid where death is due to circumstances arising after 5 April 2005.

Armed Forces Pension Scheme(AFFP)

This scheme covers the payment of pensions of all types (retirement, disability, widow(er)s) for the period April 1973 to 5 April 2005. It is not normally paid to non-married partners.

There are two types of "survivor" pensions:

Attributable Forces Family Pension(AFFP)

Where death is due to service - it is paid after the award of a War Widows' Pension and in concert with it. It is paid at 90% of full career pension for rank held at time of death.

It used to be surrendered on remarriage or cohabitation. But if a widow was not remarried/cohabiting at October 2000 then the pension became payable for life. Pensions already surrendered are not reinstated unless the subsequent relationship ends.

It can be paid where death is due to operations and a significant relationship existed.

Forces Pension Family(FFP)

This is paid where death is not related to service and is paid at 50% of the pension entitlement earned up to point of death.

It is lost on remarriage or cohabitation. Reinstatement on the ending of a subsequent relationship is at the MOD's discretion and is subject to means testing.

Armed Forces Compensation Scheme

This came into force for deaths resulting from events and conditions arising after 5 April 2005. This scheme has a higher level of proof - "basis of probability" - of a link between service and death. Payments are made as a guaranteed income stream which is paid alongside that of the AFFP which will be based on the deceased's earned entitlements. Payments can be made to a person with whom a "substantial" relationship existed.

This Association has no responsibility for the payment of pensions. All queries concerning the payment of individual pensions should be referred to the Service Personnel and Veterans Agency:

- Telephone: 0800 169 22 77
- Post: Service Personnel and Veterans Agency, Norcross, Thornton Cleveleys, Lancashire, FY5 3WP.
- email: veterans.help@spva.gsi.gov.uk

Information and assistance for appeals against decisions against claimants can be obtained via the Pensions Appeals Office, The Royal British Legion, c/o 199 Borough High Street London SE1 1AA or 020 3207 2164.