

ARMED FORCES PENSIONS ACT

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**An Act to consolidate all enactments dealing with pensions, war pensions and disability benefits and gratuities for members of the armed forces of the Federation, (taking into account the new pensions and gratuities devised for the armed forces).**

[Commencement.]

[1st April, 1974]

**1. Computation of pension or gratuity**

(1) Subject to the provisions of this Act, any pension or gratuity payable to any serviceman under this Act shall be computed in accordance with the provisions of the First Schedule to this Act.

[First Schedule.]

(2) In the computation of pensionable service and qualifying service for the purposes of this Act-

(a) where an officer served in any of the Armed Forces of the Federation during the period between 27 May, 1967 and 15 January, 1970 -

(i) each completed year of war service shall count as two years;

(ii) a period of war service exceeding four months and not included in a completed year shall count as one year; and

(iii) a period of war service not exceeding four months and not included in a completed year or in a period of the kind mentioned in sub-paragraph (ii) of this subsection shall count as six months;

(b) any period of service (other than war service) over six months and not included in a completed year shall for the purposes of the First Schedule to this Act as relates to officers entitled to a pension, count as one year.

[First Schedule.]

(3) Pensions and gratuity already awarded under the provisions of any other enactment may be recalculated in order to take account of subsection (2) of this section.

## **2. Pension, etc., to be charged on revenue of Nigeria**

There shall be charged on and paid out of the Consolidated Revenue Fund of the Federation all such sums of money as may from time to time be granted by the Federal Government by way of pension or gratuity in accordance with this Act.

## **3. Circumstances in which pension may be granted**

(1) No pension or gratuity shall be granted under this Act to an officer holding a regular commission except on his retirement from service in the Armed Forces in one of the following cases-

(a) at any time after serving for not less than fifteen years;

(b) on compulsory retirement under the provisions of section 5 (1) of this Act;

(c) on compulsory retirement for the purpose of facilitating improvements in the organisation of the armed forces by which greater efficiency or economy may be effected;

(d) at any time on medical evidence to the satisfaction of the Minister that he is incapable by reason of any infirmity of mind or body of discharging his military duties and that such infirmity is likely to be permanent;

(e) in the case of removal on the ground of inefficiency as provided in section 4 of this Act;

(f) on voluntary withdrawal after putting in not less than ten years but less than fifteen years continuous services as an officer:

Provided that-

(i) in respect of paragraphs (c) to (f) of this subsection, if the officer has served for not less than ten years but less than fifteen years before his retirement, he shall be entitled to only a gratuity as specified in the appropriate column of the Table in the First Schedule to this Act;

[First Schedule.]

(ii) if the officer has served for a minimum of three years but less than ten years before he is required to retire, he shall be entitled to an *ex-gratia* gratuity calculated on pro-rata basis at the rate often per cent for every completed year of service.

(2) No pension or gratuity shall be granted under this Act to an officer holding a short service commission except-

(a) to such an officer who has been injured without his own default in circumstances specifically attributable to the nature of his duty, the Minister being satisfied on medical evidence that as a result of such injury he is incapable of discharging his duties in the service and that injury is likely to be permanent; or

(b) to such an officer who was granted such commission without break of service after service in the ranks, on retirement from the service in one of the cases specified in subsection (1) of this section.

(3) No pension shall be granted under this Act to another rank except on his retirement from the service in one of the following cases-

(a) on or after the completion of fifteen years' qualifying service;

(b) on or after the completion of ten years' qualifying service and on medical evidence to the satisfaction of the Minister that he is incapable by reason of any infirmity of mind or body of discharging his duties and that such infirmity is likely to be permanent:

Provided that, the Minister may grant a pension to another rank who has not completed ten years' qualifying service, in a case where the other rank has been injured without his own default in circumstances specifically attributable to the nature of his duty, the Minister being satisfied on medical evidence that as a result of the injury he is incapable of discharging his duties and that the injury is likely to be permanent; but the pensions to be awarded in this case shall be two per cent of the annual pensionable salary subject to a maximum of thirty per cent of the terminal salary of the other rank concerned;

(c) on discharge in consequence of a reduction of the establishment of the armed forces in the case of another rank who has completed not less than fifteen years' service.

(4) No gratuity shall be granted under this Act to another rank except on his retirement from the service in one of the following cases-

(a) on or after the completion of ten years' qualifying service;

(b) at any time on medical evidence to the satisfaction of the Minister that he is incapable by reason of any infirmity of mind or body of discharging his duties and that such infirmity is likely to be permanent and is not self-inflicted.

(5) No other rank who has been granted a gratuity under the provisions of subsection (4) of this section or other retiring benefit in respect of his service shall be permitted to draw a pension in respect of the same period of service under subsection (3) of this section unless he shall first have refunded such gratuity or retiring benefit.

#### **4. Retirement for inefficiency**

Where an officer is removed from the service on the ground of his inability to discharge his duties efficiently, and a pension or gratuity cannot otherwise be granted to him under the provisions of this Act, the Minister may, if he considers it justifiable having regard to all the circumstances of the case, grant such proportionate pension or gratuity as he thinks just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the service in the circumstances described in paragraph (d) of subsection (1) or paragraph (a) of subsection (2) of section 3 of this Act.

#### **5. Compulsory retirement and retirement on compassionate grounds**

(1) It shall be lawful for the Minister to require an officer holding a regular commission to retire from the service at any time after he has attained the age of forty-five years subject to three months' notice in writing of such requirement being given.

(2) An officer holding a regular commission may, in extreme compassionate circumstances, be allowed to resign, to withdraw or, as the case may be, to retire from the service at any time on application in writing to the Minister.

#### **6. Maximum and minimum pension**

(1) A pension granted to an officer or other rank under this Act shall not exceed eighty per cent of the highest pensionable emoluments drawn by him at any time in the course of his military service.

(2) A pension granted to an officer or other rank under this Act shall not be less than ~~₦~~360 *per annum*.

(3) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where the officer or other rank is granted such an additional pension under this Act, the amount thereof together with the remainder of his pension under this Act shall not exceed one hundred per cent of his highest pensionable emoluments at any time in the course of his service.

#### **7. Pension and gratuity to be paid to dependants, etc., where a serviceman dies in service**

(1) Where a serviceman dies in the service after the completion of the minimum period of qualifying service, there shall be paid to his legal personal representatives, or to any person being a relation or dependant of such serviceman-

(a) a gratuity equal to one year's salary of such serviceman, up to 31 March, 1978 and the gratuity he would have been entitled to if he had retired on the date of his death after 31 March, 1978; and

(b) such pension as would have been payable to the serviceman if he had retired at the date of his death.

(2) Where a serviceman dies before completing the minimum period of qualifying service, his designated survivors shall be paid a death gratuity of only one year's salary.

(3) Any pension payable under subsection (1) of this section shall be paid to any person entitled thereto for a period expiring at the end of five years after the death of the serviceman, so however that a lump sum representing five years' pensions may be paid forthwith to the person entitled thereto.

**8. Pension and gratuity to be paid to personal representatives, etc., where a serviceman is killed in course of duty**

(1) Without prejudice to subsection (2) of this section where during his period of service, a serviceman dies as a result of injuries received in the course of his duties-

(a) without his own default; and

(b) on account of circumstances specifically attributable to the nature of his duty,

there shall be paid to his legal personal representative or, in any case where there is no legal personal representative, to any person being a trustee or heir of such serviceman a gratuity equal to one year's salary of such serviceman a gratuity which the officer would have been entitled to on the date of his death, whichever is higher.

(2) In addition to the gratuity payable under subsection (1) of this section, there shall be granted-

(a) if the deceased serviceman leaves a widow, a pension to her, for life while unmarried and of good character, at a rate not exceeding one third of his accrued pension at the date of his death;

(b) if the deceased serviceman leaves a widow to whom pension is granted under paragraph (a) of this subsection and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one third of the pension prescribed in that paragraph; but where the deceased leaves only one child that child shall be entitled to two thirds of the deceased officer's accrued pension until he attains the age of eighteen years, or if engaged in full-time course of studies at an institution of higher learning, until he attains the age of 25 years;

(c) if the deceased serviceman leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child until such child attains the age of eighteen years, of double the amount prescribed by paragraph (b) of this section;

(d) if the deceased serviceman leaves a child or children and a widow to whom a pension is granted under paragraph (a) of this subsection and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed by paragraph (b) of this subsection;

(e) if the deceased serviceman does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to the widow:

Provided that-

(i) a pension shall not be payable under this subsection at any time in respect of more than four children;

(ii) in the case of a pension granted under paragraph (e) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently re-marries, such pension shall cease as from the date of re-marriage; and if it appears to the Minister at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Minister may determine;

(iii) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years;

(iv) where a deceased serviceman leaves more than one widow, the Minister may grant a pension or pensions to one or more of such widows not exceeding in the aggregate the total value of the pension which might be granted to a sole widow under the preceding provisions of this subsection;

(v) where a deceased serviceman leaves a widow to whom one third of his annual pensionable emolument has been granted and an only child, the Minister may grant to that only child a pension representing the balance of the deceased serviceman's pensions, that is to say, two thirds thereof.

(3) For the purpose of this section, the word "**child**" includes-

(a) a posthumous child;

(b) a child born out of wedlock the onus of the proof of paternity of which shall be on such child; and

(c) a step-child or a child adopted in a manner recognised by law (including customary or Moslem law).

## **PART II**

### *Disablement Provisions relating to War Service*

#### **9. Award for disablement**

(1) Pension and gratuity to be awarded to a serviceman in respect of disablement of the serviceman due to war service in the armed forces shall be computed on the last pay of such serviceman in accordance with the provisions of the Second Schedule to this Act.

[Second Schedule.]

(2) A serviceman shall be regarded as disabled for the purposes of this section, if the termination of his service is necessitated or accelerated by an injury or condition due to war service.

#### **10. Retrospection**

Any awards under this Part to a disabled serviceman may be made retrospectively, so however that no such award shall be made to take effect before the termination of his services.

#### **11. Gratuity for war service where no eligibility otherwise**

Where a serviceman with war service is not, on the termination of his service, eligible for a pension or gratuity under this Act, the Minister may grant to the serviceman on the termination of his service either a gratuity calculated by multiplying one tenth of the serviceman's last pay by the number of completed months of his service or a gratuity equivalent to the serviceman's salary for one year, whichever is the greater.

### **PART III**

#### *Miscellaneous and Supplementary*

#### **12. Pension and gratuity not to be assignable etc.**

A pension or gratuity granted under this Act shall not be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever for the purpose of satisfying-

- (a) a debt due to the Federal Government; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the serviceman of whom the pension or gratuity has been granted.

#### **13. Payment of public claims out of pension and gratuity**

Where the Minister is satisfied that-

- (a) a sum is due to the Federal Government from a person to whom a pension or gratuity may have been awarded under this Act; or
- (b) an overpayment on account of any such pension or gratuity has been made to any person by the Federal Government,

the Minister may authorise the deduction from the pension or gratuity, in respect of that sum or overpayment, of such amounts at such times as he may think fit; and the amounts so deducted shall be applied in or towards paying that sum or overpayment.

#### **14. Delegation of powers**

The Minister may by order published in the Federal *Gazette* delegate to another person or authority all or any of his powers under this Act, so however that-

- (a) the delegation of a power under this section above shall not prevent the Minister from continuing to exercise the power if he thinks fit;



(b) the delegation of powers under this section shall not extend to the power to make regulations under this Act.

## **15. Regulations**

(1) The Minister, with the approval of the President, may by regulations make provisions generally for carrying into effect the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, may by regulations amend the provisions of the First and Second Schedules to this Act.

[First and Second Schedules.]

(2) Whenever the Minister is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose.

## **16. Interpretation**

In this Act, unless the context otherwise requires-

**"Armed Forces of the Federation"** means the Nigerian Army, the Nigerian Navy and the Nigerian Air Force;

**"basic pay"** means the daily rate of pay payable to an other rank, but does not include allowances;

**"disabled"** means physical or mental injury or damage, or loss of physical or mental capacity;

**"ex-serviceman"** means a past member of the Armed Forces;

**"free services element"** means such amount as is prescribed in the First Schedule, as being the estimated value of free facilities including lodging, rations, clothing and medical attention;

[First Schedule.]

**"last pay"**-

(a) in relation to a serviceman whose service has terminated, means the amount payable to him for a month (or if he was on a daily rate of pay, for thirty-one days) in respect of the substantive rank held by him immediately before the termination of his service together with, in the case of a serviceman who is not an officer, the free services element;

(b) in the case of a serviceman who is not an officer, service and rank increments and the free services element;

**"lodging"** means the provision of furnished accommodation, fuel and light and personal service;

**"medical board"** means any medical board appointed by the Minister, or by any other person pursuant to a delegation under section 14 of this Act, to assess the degree of disablement of a serviceman;

**"Minister"** means the Minister charged with responsibility for military pensions;

**"officer"** means a person holding a commission in the Armed Forces;

**"other rank"** means a person enlisted in the Armed Forces and who is not holding a commission;

**"pensionable emoluments"**-

(a) in respect of an officer, means the salary attached to the last substantive rank held by the officer but does not include any allowance whatsoever;

(b) in respect of an other rank includes-

(i) the last pay attached to the last substantive rank held by the other rank; and

(ii) the free services element but does not include any other emoluments whatsoever;

**"pensionable service"** means service in the Armed Forces (including service or employment under the Government of the Federation or of a State or any other service approved by the Minister and which has been transferred to the Armed Forces) which may be taken into account in computing a serviceman's pension under this Act;

**"qualifying service"** means service in the Armed Forces (including service or employment under the Government of the Federation or of a State or any other service approved by the Minister and which has been transferred to the Armed Forces) which may be taken into account in determining whether a serviceman is eligible by length of service for a pension or gratuity;

**"regular commission"** does not include a short service commission;

**"retirement"** includes discharge and also cessation of service with the Colours on transfer to the Reserve;

**"serviceman"** means a present member of the Armed Forces;

**"short service commission"** means a commission granted for a specific term of years whether with an option to extend the term or otherwise;

**"termination"**, in relation to a serviceman's service, means termination of full-pay service by retirement, release, discharge, demobilisation, transfer to the Reserve or otherwise howsoever;

**"war service"** means any or all of the following, that is-

(a) service in the Armed Forces after 27 May, 1967 and ending immediately before 17 January, 1970;

(b) service in connection with internal security operations, that is all operations in aid of civil authority in the maintenance of law and order;

(c) any other service as may be declared from time to time by order made by the President.

## 17. Short title, repeals and savings

(1) This Act may be cited as the Armed Forces Pensions Act.

(2) The enactments set out in the Third Schedule to this Act are hereby repealed, so however that pensions and gratuities already granted under the repealed enactments shall continue to be paid, or as the case may require, be paid as if granted under this Act and such pension and gratuity shall accordingly be recalculated in order to take account of the provisions of the Act where applicable or, as the case may require, of the Pensions Act.

[Third Schedule. Cap. P4.]

### SCHEDULES

#### FIRST SCHEDULE

[Section 1 (1).]

#### *Computation of Pensions and Gratuities to Servicemen*

#### *To whom, and at what rates Pension may be granted*

1. (1) Subject to the provisions of this Act, every officer holding a regular commission or an other rank may be granted on retirement a pension-

(a) in the case of an officer who has been in the service for fifteen years or more at the rate set out in the applicable column of the Table below;

(b) in the case of an other rank who has-

(i) completed fifteen years' qualifying service; or

(ii) completed ten years' qualifying service if his retirement is with the consent of the Minister on the ground that he is incapable by reason of any infirmity of mind or body of discharging his military duties and such infirmity is likely to be permanent; or

(iii) been re-engaged after completing ten years' service and who has been discharged in consequence of a reduction of the establishment of the Armed Forces of Nigeria, in the applicable column of the said Table.

(2) Subject to the provisions of this Act, an officer holding a short service commission whose total service including service in the ranks is fifteen years or more may be granted on retirement a pension calculated under sub-paragraph (1) above as in the case of an officer holding a regular commission, and

for the purpose of the calculation of such pension his period of service in the ranks shall count in full as pensionable service.

*Gratuity of Regular Officers whose length of Service does not qualify for the Pension*

2. (1) Every officer holding a regular commission, otherwise qualified for a pension, who has not completed the minimum period of service qualifying him for pension, may be granted on retirement a gratuity as specified in the applicable column of the Table attached to this Schedule.

(2) An officer holding a short service commission who is otherwise qualified for a pension but whose total service including service in the ranks does not qualify him for a pension may be granted on retirement a gratuity as specified in the applicable column of the Table attached to this Schedule, and for the purpose of such calculation his period of service in the ranks shall count in full.

*Gratuity to Officer holding Short Service Commission*

3. Any pension or gratuity granted pursuant to paragraph 1 (2) or 2 (2) of this Schedule shall be in lieu of any other gratuity payable in respect of service while holding a short service commission.

*Gratuity of other Rank whose length of Service does not qualify for Pension*

4. Every other rank who is not qualified for a pension but has completed not less than ten years' qualified service may be granted on retirement a gratuity as specified in the applicable column of the Table attached to this Schedule.

*Amount of Free Services Element*

5. In calculating the pensionable emoluments of an other rank the free service element shall be ₦200, or such other sum as the Minister may by order declare to be the free services element for other ranks or a particular class of other ranks.

*General Rules as to Qualifying Service*

6. (1) Subject to the provisions of this Act, qualifying service shall be the inclusive period between the date on which an officer or other rank begins to draw salary or basic pay in respect of service and the date of his leaving such service without deduction of any period during which he had been absent on leave.

(2) No period during which an officer or other rank was not in the service shall be taken into account as qualifying service.

(3) No period which is not qualifying service by virtue of the foregoing paragraphs shall be taken into account as pensionable service.

*Continuity of Service*

**7. (1)** Except as otherwise provided in the Schedule, only continuous service shall be taken into account as qualifying service or as pensionable service.

(2) An officer holding a regular commission or other rank who retires from the service and who is re-engaged in the service within a period of five years from the date of his retirement, may be granted the pension or gratuity for which he would have been eligible if any break in his service immediately prior to such re-engagement had not occurred, such pension or gratuity to be in lieu of any pension or gratuity granted to him from the Consolidated Revenue Fund of the Federation or of a State of any other approved service which is required to be refunded as a condition of the application to the officer or other rank of this paragraph:

Provided that, in calculating a pension or gratuity granted in accordance with the provisions of this paragraph, no account shall be taken for any purpose of the period during which the officer or other rank was not in the service.

*Service not reckonable as Pensionable Service*

**8.** The following periods of service shall not be taken into account as pensionable service-

(a) any period in respect of which an officer or other rank shall have forfeited the whole of his salary or his basic pay: Provided that, in the case of an other rank, periods of forfeiture of pay not exceeding five days for absence and not exceeding seven days in respect of detention or imprisonment shall not be excluded from the computation of pensionable service;

(b) any period of service forfeited by sentence of a court martial or on conviction for desertion.

*Military Service under a Short Service Commission*

**9. (1)** Where a period of military service under a short service commission is immediately followed by service under a regular commission such service shall count in full as pensionable service.

(2) An officer to whom the provisions of sub-paragraph (1) of this paragraph apply shall not be entitled to any gratuity which would otherwise be payable to him under the terms of his contract of service and if he has received any sum of money by way of gratuity, he shall refund such sum within a period of six months from date of his appointment to a regular commission:

Provided that, the Minister may, if he thinks fit, extend the period during which payment shall be made.

*Military Service not qualifying for Pension*

**10.** In this Schedule, except in paragraph 12, there shall not be taken into account as pensionable service any period of service while an officer or other rank was under the age of sixteen years.

*Officer or other Rank Retiring on Account of Injuries*

**11.** When an officer holding a regular commission or another rank is permanently injured while in the service-

(a) without his own default; and

(b) on account of circumstances specifically attributable to the nature of his duty, he may-

(i) if his retirement is hereby necessitated or materially accelerated and he has not completed the minimum period of military service qualifying him for a pension, be granted a pension under paragraph 1 of this Schedule as if the words "fifteen years or more" in sub-paragraph (a) thereof were omitted or if for all the words in sub-paragraph (i) of paragraph (b) thereof there were substituted the words "been in the service" as the case may be, and such pension shall be in lieu of any gratuity under paragraph 2 or 4 of this Schedule as the case may be;

(ii) be granted on retirement a pension appropriate to his case as shown in Table A of the Second Schedule to this Act.

[Second Schedule.]

*Officers holding Short Service Commission Retirement on account of injuries*

**12.** When an officer holding a short service commission is permanently injured while in the military service-

(a) without his own default; and

(b) under circumstances specifically attributable to the nature of his duty,

he may if his retirement is thereby necessitated or materially accelerated, be granted on retirement a pension appropriate to his case as shown in the applicable column of Table A of the Second Schedule to this Act.

[Second Schedule.]

*Pension on Compulsory Retirement for facilitating improvement in organisation or  
on a reduction of establishment*

**13. (1)** If an officer holding a regular commission is compulsorily retired from the military service for the purpose of facilitating improvements in the organisation of the Armed Forces by which greater efficiency or economy may be effected, he may, if he has been in the service for less than fifteen years, be granted in lieu of a gratuity under sub-paragraph (1) of paragraph 1 of this Schedule, a pension at the rate of *two per centum per annum* on pro-rata basis: Provided that he has completed a minimum of three years' service.

(2) If any other rank who has been re-engaged after completing fifteen years' service is discharged in consequence of a reduction in the establishment of the Armed Forces, he may be granted in lieu of any gratuity under paragraph 4 a pension under paragraph 1 of this Schedule as if for all the words in sub-paragraph (i) of sub-paragraph (b) thereof there were substituted the words "been in the service".

*Application of certain existing Regulations*

**14.** The following provisions of the War Pensions (African Military and Air Force Personnel) Regulations, that is to say, regulation 16 (Power of Review), regulation 17 (Administration of Pension and Gratuity), regulation 18 (Serious Neglect or Misconduct), regulation 19 (Refusal of Treatment), regulation 20 (Unclaimed Pension to Lapse), regulation 21 (Arrears) and regulation 22 (Award of Temporary Treatment Allowance), shall apply in relation to pension and gratuity awarded in accordance with this Schedule as they apply in relation to pension and gratuity awarded in accordance with the regulations, subject to the modifications that-

(a) reference to the Commissioner shall be construed as reference to the Minister or in the case of regulations 20 and 21, to the medical board;

(b) reference to the Board shall be construed as reference to the medical board established under this Act; and

(c) in regulation 17, references to section 11 of the War Pensions Act and to regulation 14 shall be disregarded.

TABLE

*Formula for calculation of Pension and Gratuity based on percentage of last Pay*

<i>Gratuity</i>			<i>Pension</i>	
<i>Years of Service</i>	<i>Officers</i>	<i>Other Ranks</i>	<i>Officer</i>	<i>Other Ranks</i>
10	(a) 100%*	100%	-	-
11	110%	110%	-	-
12	(b) 120%**	120%	-	-
13	130%	130%	-	-
14	140%	140%	-	-
15	100%	100%	40%	-
16	110%	110%	42%	42%
17	120%	120%	44%	44%
18	130%	130%	46%	46%

19	140%	140%	48%	48%
20	150%	150%	50%	50%
21	160%	160%	52%	52%
22	170%	170%	54%	54%
23	180%	180%	56%	57%
24	190%	190%	58%	58%
25	200%	200%	60%	60%
26	210%	210%	62%	62%
27	220%	220%	64%	64%
28	230%	230%	66%	66%
29	240%	240%	68%	68%
30	250%	250%	70%	70%
31	260%	260%	72%	72%
32	270%	270%	74%	74%
33	280%	280%	76%	76%
34	290%	290%	78%	78%
35	300%	300%	80%	80%

\* (a) For ex-servicemen affected by Act No. 13 of 1975 only;

\*\* (b) For Coloured Servicemen.

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SECOND SCHEDULE

[Section 9.]



## *Pensions and Gratuities for Disablement*

### *Award: General*

- 1.** (1) The authorities of the services concerned shall refer to the medical board all servicemen who in their opinion may be eligible for an award under this Act.  
  
(2) Each such reference shall be accompanied by all documents material to the consideration of the particular case, and the medical board may call for such further information as it requires.
- 2.** The disablement of a serviceman shall be accepted as being due to war service for the purpose of this Act if the relevant service authority is satisfied that the disablement is due to a wound, injury or disease which-
  - (a) is attributable to war service; or
  - (b) existed before or arose during war service and has been or remains aggravated thereby.
- 3.** Where an injury or disease which has led to the retirement or discharge of a serviceman during war service was not noted in the medical report made on the serviceman on the commencement of his service, the injury or disease shall be accepted as due to war service unless the evidence shows that the conditions set out in paragraph 2 of this Schedule are not fulfilled.
- 4.** Where there is no note in contemporary official records of a material fact on which a claim for an award under this Act is based, other reliable corroborative evidence of that fact may be accepted.
- 5.** Any person aggrieved by a decision of the medical board may appeal to the Minister, whose decision in the matter shall be final.

### *Disablement Awards*

- 6.** An award under this Act in respect of the disablement of a serviceman shall, unless his condition permits a final settlement of the degree of the disablement, be made on a temporary basis until a final settlement of the degree of his disablement can be made.
- 7.** The category of disablement and the corresponding disability pension shall be in accordance with Table A of this Schedule.
- 8.** The degree of disablement shall be assessed by making a comparison between the condition of the disabled serviceman and the conditions of a normal healthy person of the same age, without taking into account-
  - (a) the earning capacity of the serviceman in his disabled condition in his own or any other specific trade or occupation; or
  - (b) the effect of any individual factors or extraneous circumstances.

**9.** Notwithstanding paragraph 8 of this Schedule-

(a) where a disablement has reached a settled condition and either is due to an injury specified in Table B of this Schedule or is itself a disablement it shall, in the absence of any special features, be certified for the purposes of this Act by reference to the percentage specified in the said Table B as appropriate to that injury or that disablement;

(b) where a disablement is due to more than one wound, injury or disease, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all such causes of the disablement.

**10.** The medical board shall assess the degree of disablement having due regard to the provisions of paragraphs 8 and 9 of this Schedule, and for this purpose may cause the applicant to be further medically examined.

**11.** In cases where the nature of the disablement makes surgical or medical appliances necessary, such surgical or medical appliances shall be supplied free of cost to the serviceman concerned.

TABLE A

*Disability Pensions Payable*

<i>Category</i>	<i>Degree of disablement</i>	<i>Disability pension payable</i>
A	Not less than 66 2/3 per cent	100 per cent of last pay
B	Less than 66 2/3 per cent but not less than 20 per cent	60 per cent of last pay
C	Less than 20 per cent	20 per cent of last pay subject to a minimum of ₦30 per month

TABLE B

*Assessment of Disablement due to specified injuries and certain other disablements*

*Description of Injury*

<i>AMPUTATION CASES – UPPER LIMBS</i>	<i>Assessment per cent</i>
Loss of both hands or amputation at higher sites	100

	<i>Right arm per cent</i>	<i>Left arm per cent</i>
Amputation at shoulder or below shoulder with stump less than 8 inches from tip of acromion.....	80	70
Amputation from 8 inches from tip of acromion to less than 4 1/2 inches below tip of olecranon.....	70	60
From 4 1/2 inches below tip of olecranon .....	60	50
Loss of thumb .....	40	30
Loss of three fingers .....	30	20
Loss of two fingers .....	20	20
Loss of terminal phalange right thumb .....	20	-
<p>In the case of a left-handed person certified to be such, the degree of disablement appropriate to an injury specified above affecting the left arm, hand, etc., shall be that indicated above as appropriate to an injury affecting the right arm, etc., and <i>vice versa</i>.</p> <p>The loss of thumb and four fingers of a hand has the same assessment as the loss of that hand.</p>		
<b>AMPUTATION CASES – LOWER LIMBS</b>		<i>Assessment per cent</i>
Double amputation, through thigh or through thigh on one side and loss of other foot, or double amputation below thigh to 4 inches below knee.....		100
Double amputation through leg lower than 4 inches below knee.....		100
Amputation of one leg lower than 4 inches below knee and loss of other foot ..		100
Modified Syme amputation, both feet .....		100
Amputation at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter .....		80
Amputation of leg below hip with stump exceeding 5 inches in length,		

measured from tip of great trochanter but not beyond middle thigh .....	70
Below middle thigh 4 inches below knee.....	70
Below knee with stump exceeding 4 inches.....	40
Modified Syme amputation, one foot .....	30
Loss of toes of both feet proximal to the proximal interphalangeal joint.....	30
Loss of all toes of one foot proximal to the interphalangeal joint.....	20
Loss of all toes of both feet distal to the proximal interphalangeal joint.....	20
<b>OTHER SPECIFIC INJURIES</b>	<i>Assessment per cent</i>
Loss of one eye, the other being normal .....	40
Loss of vision of one eye, the other being normal .....	30
Loss of sight .....	100
Loss of hand and a foot .....	100
<b>OTHER DISABLEMENTS</b>	<i>Assessment per cent</i>
Very severe facial disfigurement .....	100
Absolute deafness .....	100

Third Schedule

[Section 17 (2).]

Enactments Repealed

<i>Enactment</i>	<i>Chapter or No.</i>
Military Pensions Act .....	Cap. 119
War Pensions Act .....	Cap 212
Military Pensions (Amendment) Act1958 .....	No. 47 of 1958
Military Pensions (Amendment) Act1960 .....	No. 38 of 1960
Pensions and Gratuities (War Service) Act 1969 .....	No. 49 of 1969
Military Pensions (Amendment) Act 1972 .....	No. 18 of 1972
Military Pensions (Amendment) Act 1975 .....	No.13 of 1975
Military Pensions (Disability Provisions) Act 1976 .....	No. 2 of 1976

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**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*