

# Veterans

Rights for former servicemen and women  
and their families



*Community  
Legal Service*



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0845 345 4 345 [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

Veterans are people who have served in the armed forces, and their dependants (usually their husband or wife, partner or children). This leaflet explains veterans' rights to financial and other types of support, and where to get advice and help with that support.

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The leaflets in this series give you an outline of your legal rights. They are not a complete guide to the law and are not intended to be a guide to how the law will apply to you or to any specific situation. The leaflets are regularly updated but the law may have changed since this was printed, so information in it may be incorrect or out of date.

If you have a problem, you will need to get more information or personal advice to work out the best way to solve it. See 'Further help' on page 14 for sources of information and advice.

### **What financial help can I get?**

As a veteran, there are different types of financial help you may be able to receive. You may receive a service pension, which is work-related, and depends on how much time you served in the armed forces, and at which rank.

If you were injured or disabled because of your service in the armed forces, you may receive:

- a war disablement pension, if you were invalided (medically discharged) from the armed forces, and possibly extra benefits under the Service Pension Scheme; or
- compensation under the Armed Forces Compensation Scheme.

You may also be entitled to other welfare benefits. For more about claiming welfare benefits, see the Community Legal Service Direct leaflet 'Welfare Benefits'.

### **Who can receive a war disablement pension?**

If you were injured or disabled when serving in the armed forces before 6 April 2005, you may be able to receive a war disablement pension, which is paid by the Veterans Agency. If you were injured or disabled after this date, you cannot get a war

disablement pension, but you may be entitled to compensation under the Armed Forces Compensation Scheme. See 'Who can claim through the Armed Forces Compensation Scheme?' on page 6 for more details.

For you to qualify for a war disablement pension, your illness, injury or disablement may be physical or psychological and does not need to have occurred in active service or during war.

You may be able to receive a war disablement pension if you were:

- disabled by illness or an injury while serving in the British armed forces, including the Ulster Defence Regiment (now known as the Royal Irish Regiment), the Home Guard, or nursing and auxiliary services;
- disabled while serving as a civil defence volunteer;
- a civilian disabled as a result of enemy action in the Second World War;
- a merchant seaman, a member of the naval auxiliary services or a coastguard, and you were disabled by an injury or a disease you suffered because of conditions during a war, or because you were a prisoner of war; or

- a member of the Polish forces under British command who served in the Second World War, or in the Polish Resettlement Forces, and you were injured or disabled during this service.

If you are unsure whether you can claim a war disablement pension, you can get advice from the Veterans Agency. See 'Further help' on page 14 for how to contact the Veterans Agency.

You cannot claim a war disablement pension if you are still serving in the armed forces. You may be able to claim if you live abroad, provided you meet the rules above.

#### **How much war disablement pension will I get?**

The amount of money you get depends on how disabled you are. You may need to have a medical examination to assess this. You will be assessed on a percentage scale; the greater your level of disablement, the higher the percentage.

If your disability is assessed at less than 20 per cent, you will usually be paid a lump sum. If you are assessed at 20 per cent disabled or more, you will usually receive a pension. As an example, a war pensioner could receive:

- £131.30 a week with 100 per cent disablement (from 11 April 2005); or
- £65.65 a week with 50 per cent disablement (from 11 April 2005).

#### **Can I get extra money if I have special needs?**

You may also be able to get other allowances, called supplementary allowances, on top of your pension. These include allowances for care and for mobility (getting around). There are four main supplementary allowances. They are:

- Unemployability Allowance;
- Constant Attendance Allowance;
- Allowance for Lowered Standard of Occupation; and
- War Pensioners' Mobility Supplement.

You do not pay income tax on a war disablement pension or on supplementary allowances.

#### **Is my war disablement pension affected by other income I have?**

The amount you receive from a basic war disablement pension does not normally depend on other types of income you may have. However, it may be reduced if you have received:

- compensation for your disablement from another organisation, such as the Ministry of Defence (see 'What if my injury in service was the fault of the Ministry of Defence?' on page 7); or
- Industrial Injuries Disablement Benefit.

### **Does my war disablement pension affect my welfare benefits?**

The first £10 a week of your basic war disablement pension is not counted as income when the Department for Work and Pensions is working out what level of means-tested benefits (such as Income Support, Income-based Jobseeker's Allowance or pension credit) to pay you. But the rest of your war disablement pension counts as income and will affect your benefit. Some supplementary allowances are not counted as income when working out how much benefit you would be paid.

Some of the supplementary allowances paid with your basic war disablement pension may overlap with your other social security benefits. If this happens, your benefits may be reduced by the amount of the overlap. If you need more help on your benefits and how they affect your war disablement pension, contact the Veterans Agency;

The Royal British Legion; the Soldiers, Sailors, Airmen and Families Association – Forces Help (SSAFA Forces Help); or Citizens Advice – see 'Further help' on page 14 for details.

### **What happens if I go into hospital or need extra care?**

If you have to go into hospital, your basic war disablement pension is not affected. However, some types of supplementary allowance may be reduced, depending on how long you have to stay in hospital.

The Veterans Agency can also help with the cost of travelling for hospital treatment connected with your war disablement pension. However, to get this money, you must tell the Veterans Agency as soon as you know when your appointment will be. See 'Further help' on page 14 for how to contact the Veterans Agency.

### **Priority hospital treatment**

NHS hospitals should normally give priority to:

- war disablement pensioners; and
- people who have been paid compensation under the Armed Forces Compensation Scheme (for treatment to do with the injury or disability they received the compensation for).

However, at times hospitals may treat other people first if they believe their need is more urgent. You should tell your GP and hospital that you are a war pensioner to ensure you receive priority treatment whenever possible.

### **Who can receive a service pension?**

A service pension is an occupational (work-related) pension paid by the Ministry of Defence. You normally have to have served in the armed forces for a certain number of years to get a service pension. The number varies depending on when you left the Services. It is up to the Ministry of Defence to decide whether you should get a service pension.

If you do not qualify for a service pension because you did not serve enough years, you may still be able to get a 'preserved pension'. This means you may still receive your service pension once you turn 60, provided you served in the armed forces for at least two years.

If you become permanently unable to work because of illness, you may start getting your preserved pension before you reach 60.

If you were medically discharged from the armed forces because of something that happened to you before 6 April 2005, you may be entitled to additional benefits under the Service Pension Scheme, which will be on top of any war disablement pension you receive. There is more information about these benefits in the booklet 'Invaliding', which you can get from the Armed Forces Personnel Administration Agency (AFPAA), or from the Ministry of Defence website. See 'Further help' on page 14 for details.

### **Who can claim through the Armed Forces Compensation Scheme?**

You can claim through the Armed Forces Compensation Scheme if you suffered an injury or disablement that was caused by an event on or after 6 April 2005 from your service in the armed forces. It is open to all Regulars, Reserves and Gurkhas. You can claim compensation only if the injury or disablement was caused solely or mainly because of your service in the armed forces. If a serviceman or woman has died because of an event that happened on or after 6 April 2005, the Armed Forces Compensation Scheme will pay bereavement benefits to their husband, wife or partner, or their dependent children.

If the cause of death, injury or disablement was before this date, you or your dependants may be able to receive a war disablement pension instead. See 'Who can receive a war disablement pension?' on page 3 for details.

If you receive a war disablement pension or compensation for an injury or illness before 6 April 2005, and you claim compensation through the Armed Forces Compensation Scheme for another injury or illness caused on or after 6 April 2005, then any new compensation you receive will not affect your pension or compensation claim.

The Veterans Agency can give you a leaflet which has more information about the Armed Forces Compensation Scheme (see 'Further help' on page 14).

### **What if my injury in service was the fault of the Ministry of Defence?**

If you believe that your injury was the fault (or partly the fault) of the Ministry of Defence, you can take legal action against the Ministry for negligence. This is separate from a war disablement pension or a claim under the Armed Forces Compensation Scheme, because these compensate for injury, illness or death but not for negligence.

You may also be able to take legal action for negligence if you are a dependant (a child, partner or husband or wife, for example) of a serviceman or woman who has died in such circumstances.

You can take legal action whether or not you have received a war disablement pension or compensation under the Armed Services Compensation Scheme. However, if you have received compensation under these schemes and you then receive money for negligence for the same injury or for a death, this compensation may be reduced.

If you want to make a claim for compensation, you need to give the Ministry of Defence certain information. Before making a claim, you should consider seeking legal advice from a solicitor who specialises in personal injury or medical negligence claims. First of all, you could contact the Royal British Legion, which can give you general advice about claiming compensation. See 'Further help' on page 14 for its contact details.

When you make your claim, you need to tell the Ministry of Defence:

- the arm of the forces you served in;
- your service number;

- when you enlisted in the forces and, if you were discharged, the date of your discharge;
- details of your injury or medical treatment;
- details, including the date, of the incident that led to your injury; and
- why you believe the Ministry of Defence was negligent (that is, why it was the Ministry of Defence's fault).

#### **Specialist help for disabled veterans and their families**

Several organisations help particular groups of veterans. These include:

- The British Limbless Ex-Service Men's Association (BLESMA), for veterans who have lost a limb;
- Ex-Services Mental Welfare Society (Combat Stress), for veterans whose mental health has been affected by service in the armed forces; and
- St Dunstan's, for blind veterans and their families.

See 'Further help' on page 14 for how to contact these organisations.

#### **Who can receive a war widow's or widower's pension?**

If your husband or wife's death was due to service in the armed forces, you may be able to claim a war widow's or widower's pension.

The Veterans Agency may also help with the cost of a funeral of an ex-service man or woman, where the death is due to service, up to a maximum of £1,400. You must claim within three months of the funeral.

If you are a war widow or widower and you remarry or start living with someone as a partner, you will normally lose your war widow's or widower's pension. However, you will keep your pension if:

- your late husband or wife died or left service before 31 March 1973; and
- you got married or started living with someone as your partner after 6 April 2005.

If you lose the pension, you may be able to start receiving it again if your new marriage ends or if you stop living with a new partner. And if you lose the pension, allowances for your children may continue to be paid.

For more information, contact the Veterans Agency.



### **Inheritance tax for servicemen or women who die in active service**

When someone dies, inheritance tax must normally be paid on their estate (everything they owned), if their estate is worth more than a certain amount. The main exception is if they leave their estate to their husband or wife. However, if a member of the armed forces dies as a result of active service, their estate is exempt from inheritance tax. For more about inheritance tax, see the Community Legal Service Direct leaflet 'Wills and Probate', or contact the Inland Revenue. See 'Further help' on page 14 for its inheritance tax helpline number.

### **What if I need help finding somewhere to live?**

The Ministry of Defence and ex-service welfare organisations can help with your housing needs before, while and after you are discharged. If you are homeless or think you might become homeless, you should seek housing advice as early as possible. You can contact the Soldiers, Sailors, Airmen and Families Association – Forces Help (SSAFA Forces Help) Housing Advisory Service, the Royal British Legion, or Ex-Service Action Group on Homelessness (ESAG) for information and advice (see 'Further help' on page 14 for details).

If you need help to find housing, local housing authorities provide free housing and homelessness advice and other assistance, such as a rent deposit scheme. You can also apply to a local council or registered social landlord, such as a housing association, for rented housing. However, in some areas demand for rented housing is high, and it may take some time before something becomes available. As a last resort, your local council may by law have to find you somewhere to live in the short term, until you find a settled home. Whether it does this will depend on whether:

- the council assesses you as being someone in 'priority need'; and
- you have become homeless through no fault of your own.

You are someone in priority need if you, or people you live with:

- are responsible for dependent children who normally live with you;
- are pregnant;
- are vulnerable in some way (for example because of old age, or mental or physical disability);
- are vulnerable because of your service in the armed forces;
- had to leave your home because of violence or the threat of violence;

- are vulnerable because you have lived in local authority care;
- are vulnerable because you have been in prison;
- lost your home in a disaster such as a flood or fire; or
- are vulnerable for other reasons.

If you need help with finding a care home or independent living accommodation, contact the Ex-Services Homes Referral Agency (ESHRA). It has information on homes and accommodation run by ex-Service organisations throughout the UK. It also has details of private and voluntary care homes, and information on sheltered accommodation throughout the UK. See 'Further help' on page 14 for how to contact ESHRA.

There is a special home for veterans who served in Polish Forces under British Command in the Second World War, which is run by the Veterans Agency. For more information, contact the Veterans Agency.

### **What help can I get to find work when I leave the forces?**

You can get help with resettlement and finding work after you leave the forces through the Career Transition Partnership (CTP). You can get help from the CTP for up to two years before and two years after you leave the Services. The help you can receive depends on how long you have served, but can include:

- a career transition workshop to identify the skills and experience you have that you can use outside the Services;
- access to a personal career consultant;
- developing a personal resettlement plan;
- workshops and seminars on topics such as CV writing, interview skills and starting a new business;
- training to update existing skills or to learn new ones relevant to a job you are seeking;
- advice on buying a house and relocating your children to new schools;
- a personalised and local job-finding service.

Elements of the CTP resettlement service are provided by the charities the Regular Forces Employment Association (RFEA) and the Officers' Association (OA). The RFEA and OA also help ex-servicemen and women find jobs beyond the two years after they leave the armed forces. See 'Further help' on page 14 for how to contact CTP, RFEA and OA.

### **How can I claim medals from my time in service?**

In many cases, you will have received the campaign medals awarded to you while you were still in the armed forces, because you must wear them for ceremonial duties and other functions. However, you may have left the armed forces before your medal was given to you. If so, you must claim the medal from the Ministry of Defence Medal Office (MOD MO).

Also, most Second World War servicemen and women were not given medals before they were demobilised at the end of the war, so they had to claim them after they had left the Services.

### **If you want to claim the medals of a serviceman or woman who has died**

If you are a relative of a serviceman or woman who has died, you can claim their medals. However, you may need to prove your relationship to the person before you can be given the medals.

### **Do I have to pay for the medals?**

You do not need to pay for medals the first time they are provided. But if you are applying for replacement medals that have been lost, for example in a burglary or a fire, you will have to pay a fee for them. If you are claiming replacement medals, you will have to provide some proof that you lost the originals with, for example, a police or insurance report.

### **How do I claim a service medal?**

To claim a medal or to find out if you are able to receive one, you must write to the MOD MO. See 'Further help' on page 14 for how to contact it. When you write, you need to give as much of the following information as you can:

- your full name and date of birth;
- your service number;
- your regiment or corps (for the Army);

- your branch or trade (for the Royal Navy and RAF);
  - your rank and the date you were discharged; and
  - your name and address now.
- service number;
  - rank;
  - full name;
  - date of birth; and
  - the dates you served in the armed forces.

If you are claiming a First World War medal for a member of your family, you should collect as much of this information as you can before contacting the MOD MO.

If you were in the Army, you must also include details of your regiment or corps.

### **How can I get hold of my service record?**

You may need to get hold of personal information held by the forces for many reasons, including:

- to prove you were in the armed forces;
- for medical reasons; or
- because you are researching your family history.

If you are a former serviceman or woman wanting your own service records, you must make a 'subject access request' (SAR).

You must make a SAR in writing and you must include proof of your identity, such as a copy of your passport or a recent utilities bill. You must also include enough information to help locate the records you want, such as your:

Service records are stored in various places around the country. To find the address you should write to for your records, contact the Veterans Agency (see 'Further help' on page 14 for details).

You should receive a reply to your letter within 40 days.

### **How can I find information about a serviceman or woman who has died?**

If you want information about someone who has died, you need to send in a copy of their death certificate, unless they died in service. The Veterans Agency can tell you where to send the certificate. If you are not a close relative (next of kin), you will also need the permission of the closest relative or relatives. You may have to pay a fee for the information.

### Passports for veterans

Veterans and others who were involved in the Second World War can get free passports so they can travel overseas to commemorate activity that took place during the war. There are two different types of passport available for this:

- concessionary passports; and
- free 10-year passports.

Concessionary passports last for one year, and are available during 2005 to veterans of World War II and their:

- husbands, wives, partners, widows or widowers; and
- carers.

Contact the Veterans Agency for more about these.

Free 10-year passports are available to all UK citizens who were over 75 on 2 September 2004. This is to make sure that everyone who helped the UK through the war years can benefit from a free passport. Call the UK Passport Adviceline for more information about these (see 'Further help' on page 14).

## Further help

### Community Legal Service Direct

Provides free information, help and advice direct to the public on a range of common legal issues.

Call 0845 345 4 345

Speak to a qualified legal adviser about benefits and tax credits, debt, education, housing or employment or find local advice services for other problems.

Click [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

Find a quality local legal adviser or solicitor and links to other sources of online information and help.

### Veterans Agency

This is the main source of government-funded help and advice on veterans' issues.

phone: 0800 169 22 77

[www.veteransagency.mod.uk](http://www.veteransagency.mod.uk)

### War Pensioners' Welfare Service

This service runs a network of welfare offices. Each is responsible for a different area. Its phone number is in your local phone book under 'Veterans Agency'. Or you can call the Veterans Agency on the number above for details of your nearest office.

### Citizens Advice

Your local Citizens Advice Bureau is listed in the phone book.

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### Armed Forces Personnel Administration Agency (Pensions Division)

phone: 0141 224 3600

### Ministry of Defence

[www.mod.uk](http://www.mod.uk)

### Ministry of Defence Medal Office (MOD MO)

Armed Forces Personnel Administration Agency (AFPAA)

Building 250

RAF Innsworth

Gloucester

GL31 1HW

phone: 01452 712612 ext 8149

### Soldiers, Sailors, Airmen and Families Association – Forces Help (SSAFA Forces Help)

Welfare and advice for servicemen and women, ex-servicemen and women and their families

phone: 020 7403 8783

[www.ssafa.org.uk](http://www.ssafa.org.uk)

### SSAFA Forces Help Housing Advisory Service

phone: 01722 436 400

### Ex-Service Action Group on Homelessness

c/o Sir Oswald Stoll Foundation

446 Fulham Road, London SW6 1DT

[www.oswaldstoll.org.uk](http://www.oswaldstoll.org.uk)

phone: 020 7385 2110

### Ex-Services Homes Referral Agency (ESHRA)

phone: 020 7839 4466

[www.eshra.com](http://www.eshra.com)

### National Gulf Veterans and Families Benevolent Association

Support for people who have suffered medical or psychiatric illness following service in the Gulf.

phone: 01482 808 730

[www.ngvfa.com](http://www.ngvfa.com)

### Legionline

Legionline is run by the Royal British Legion for ex-servicemen and women and those about to leave the Services.

phone: 0845 772 5725

### British Limbless Ex-Service Men's Association (BLESMA)

Supports ex-servicemen and women and their families, if they have lost a limb while serving.

phone: 020 8590 1124

[www.blesma.org](http://www.blesma.org)

### Ex-Services Mental Welfare Society (Combat Stress)

Helps members of the Services who have suffered psychological disability as a result of service in the armed forces.

phone: 01372 841600

[www.combatstress.com](http://www.combatstress.com)

### St Dunstan's

Helps ex-servicemen and women who have significant loss of sight, whether as a result of service or otherwise.

phone: 020 7723 5021

[www.st-dunstans.org.uk](http://www.st-dunstans.org.uk)

### Forces Legal Network (The Forces Law Helpline)

A network of solicitors' firms that can provide advice and assistance on legal matters for servicemen and women and their families.

phone: 0845 601 1260

[www.forceslaw.co.uk](http://www.forceslaw.co.uk)

### Inland Revenue inheritance tax helpline

phone: 0845 302 0900

### Career Transition Partnership

[www.ctp.org.uk](http://www.ctp.org.uk)

### Regular Forces Employment Association

phone: 020 7321 2011

[www.rfea.org.uk](http://www.rfea.org.uk)

### Officers' Association

phone: 020 7930 0125

[www.officersassociation.org.uk](http://www.officersassociation.org.uk)

### UK Passport Adviceline

phone: 0870 521 0410

### **The Community Legal Service**

The Community Legal Service has been set up to help you find the right legal information and advice to solve your problems.

You can get help through a national network of organisations including Citizens Advice Bureaux, Law Centres, many independent advice centres and thousands of high street solicitors. All of these services meet quality standards set by the Legal Services Commission. Look for the Community Legal Service logo, shown below.

Many of the organisations offer some or all of their services for free. If you cannot afford to pay for advice you may be eligible for financial support through the Community Legal Service Fund (Legal Aid). You can order leaflets about funding from the LSC Leaflet line on 0845 3000 343. You can also use a Legal Aid eligibility calculator on the website: [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

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### **The Legal Services Commission (LSC)**

The Community Legal Service and the Community Legal Service Fund are managed by the Legal Services Commission. To find out more about us visit our website at [www.legalservices.gov.uk](http://www.legalservices.gov.uk) or find the details for your local Legal Services Commission office in the phone book.

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The leaflets are also available online at: [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

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The leaflets are also available in Welsh, Braille and Audio

To order any of these leaflets contact the LSC leaflet line on **0845 3000 343** or email [LSCLeaflets@ecgroup.uk.com](mailto:LSCLeaflets@ecgroup.uk.com) or Fax 020 8867 3225



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