
STATUTORY INSTRUMENTS

2006 No. 606

The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006

PART VI

PAYMENT

Interpretation of Part VI

45.—(1) In articles 48 and 49—

- (a) “pension” includes any retired pay, pension, allowance, [^{F1}grant, other continuing benefit or lump sum payment] payable under this Order or a 1919 to 1921 instrument; and
- (b) “gratuity” includes any gratuity payable under any of the instruments referred to in subparagraph (a).

(2) In articles 47 and 50—

- (a) “pension” includes any retired pay, pension, [^{F2}allowance, other continuing benefit or lump sum payment] payable under this Order; and
- (b) “gratuity” means any gratuity payable under this Order.

Textual Amendments

- F1** Words in art. 45(1)(a) substituted (11.4.2016) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2016 \(S.I. 2016/374\)](#), arts. 1(1), 7(a)
- F2** Words in art. 45(2)(a) substituted (11.4.2016) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2016 \(S.I. 2016/374\)](#), arts. 1(1), 7(b)

Commencing dates of awards

46. Schedule 3 has effect with respect to commencing dates of awards under this Order.

Payment of Pensions

47.—(1) The provisions of this article, other than paragraph (2), are subject to the provisions of article 48.

(2) Payment of a pension may be made provisionally or upon any other basis.

(3) Subject to paragraph (4), pension awarded in terms of a weekly amount may be paid weekly in advance and pension not awarded in such terms may be paid quarterly or monthly in arrears.

(4) The Secretary of State may in any particular case or class of case determine that pension shall be paid in advance or in arrears or partly in advance and partly in arrears, and for a period different from that specified in paragraph (3).

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(5) Pension shall be paid by such means as appears to the Secretary of State to be appropriate in the circumstances of the case or class of case.

(6) The Secretary of State may require such declaration from a person to whom payment of a pension or gratuity is to be made as he may from time to time consider necessary.

(7) Where, by reason of any provision in any instrument which amends a provision of this Order—

- (a) a change falls to be made in the rate of any pension which, by virtue of the preceding provisions of this article, is payable weekly; and
- (b) the date on which that change would, but for this paragraph, fall to be made (“the prescribed date”) is not the day of the week on which payment of pension is normally made (“the weekly pay day”)

that change shall have effect only as from the first weekly pay day immediately following the prescribed date.

Direct credit transfer

48.—(1) The Secretary of State may direct in relation to any particular case or class of case that a pension shall be paid by way of automated or other direct credit transfer into a bank or other account—

- (a) in the name of the person entitled to the pension or a person acting on his behalf; or
- (b) in the joint names of the person entitled to the pension and his spouse or civil partner or the person entitled to the pension and a person acting on his behalf.

(2) Pension paid in accordance with paragraph (1) shall be paid—

- (a) for periods of 4 weeks, or for such other periods as the Secretary of State may in any particular case or class of case determine;
- (b) within 7 days of the last day of each successive period determined in accordance with subparagraph(a); and
- (c) in advance, or in arrears, or partly in advance and partly in arrears, as the Secretary of State may in any particular case or class of case determine.

(3) Where pension is payable in accordance with this article, the Secretary of State may make a particular payment by credit transfer otherwise than as provided in paragraph (2) if it appears to him to be appropriate to do so for the purpose of—

- (a) paying any arrears of pension; or
- (b) making a payment of pension at the termination of an award.

(4) Payment of pension in accordance with this article may be terminated by the Secretary of State if the arrangement seems to him to be no longer appropriate to the particular case or class of case.

Administration of pensions etc.

49.—(1) A pension or gratuity awarded to or in respect of any person may be administered by the Secretary of State if that person—

- (a) has not attained the age of 18 years; or
- (b) is, in the opinion of the Secretary of State, incapable of managing his own affairs by reason of mental infirmity; or
- (c) is being maintained in an institution or hospital to which article 53 applies; or
- (d) is a person in whose case the award can be forfeited under article 57

or if, in any other case, the Secretary of State considers that it is in the interests of that person that it should be so administered.

(2) A pension or gratuity which is being administered under this article may, in whole or in part as the Secretary of State thinks fit and at such times as he thinks fit—

- (a) be applied for the benefit of the person to or in respect of whom it has been awarded (“the beneficiary”); or
- (b) be paid to any person whom the Secretary of State considers a fit and proper person to apply the pension or gratuity for the benefit of the beneficiary.

Payment of public claims out of pensions

50.—(1) Where the Secretary of State is satisfied that—

- (a) a sum is due to the Crown, a Secretary of State, Minister or Government Department from a person to or in respect of whom a pension or gratuity may be or has been awarded; or
- (b) that an overpayment has been made to or in respect of any such person by the Crown, a Secretary of State, Minister or Government Department

the Secretary of State may deduct from the pension or gratuity such amounts not exceeding the amount of the sum or overpayment as he thinks fit and at such times as he thinks fit.

(2) Where the Secretary of State deducts an amount from a pension or gratuity under paragraph (1), he shall apply the amount in or towards paying or repaying that sum or overpayment.

(3) Where payment in respect of a pension payable under this Order or the Service Pensions Order 1983 is in arrears for any period and any one or more of the following, that is to say—

- (a) income support under the Social Security Contributions and Benefits Act 1992 ^{M1} or under the Income Support (Transitional) Regulations 1987 ^{M2, F3} . . .
 - [^{F4}(aa) employment and support income-related allowance under Part 1 of the Welfare Reform Act 2007; ^{F5} . . .]
 - [^{F6}(ab) universal credit under Part 1 of the Welfare Reform Act 2012; [^{F7}or]]
 - [^{F8}(ac) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015; or]
- (b) any amount payable under any legislation having effect in Northern Ireland or the Isle of Man which corresponds to income support under the 1992 Act, ^{F9} . . . the Income Support (Transitional) Regulations 1987 [^{F10}, or the Welfare Reform Act 2007]

has been paid for that period to the person to whom the payment is due, the amount by which the amount of benefit or income support paid (including any corresponding amount mentioned in subparagraph (c)), or both if both have been paid, exceeds what would have been paid had the said payment not fallen into arrears shall be deemed to have been an overpayment for the purposes of paragraph (1), and in the case where benefit or income support or both has been paid under legislation in force in Northern Ireland or the Isle of Man it shall for the purpose of that paragraph be repayable to the authority administering the benefit or as the case may be income support.

Textual Amendments

- F3** Word in art. 50(3)(a) omitted (27.10.2008 with application in accordance with art. 2(5) of the amending S.I.) by virtue of [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2008 \(S.I. 2008/679\)](#), art. 2(1)(2)(b)(6), **Sch. 1 Pt. 2 para. 12(a)**
- F4** Art. 50(3)(aa) inserted (27.10.2008 with application in accordance with art. 2(5) of the amending S.I.) by [The Naval, Military and Air Forces Etc. \(Disablement and Death\) Service Pensions \(Amendment\) Order 2008 \(S.I. 2008/679\)](#), art. 2(1)(2)(b)(6), **Sch. 1 Pt. 2 para. 12(b)**

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- F5** Word in art. 50(3) omitted (29.4.2013) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **49(4)**
- F6** Art. 50(3)(ab) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **49(4)**
- F7** Word in art. 50(3)(ab) omitted (N.I.) (coming into force in accordance with reg. 1(1) of the amending Rule) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/236), regs. 1(1), **16(4)(a)**
- F8** Art. 50(3)(ac) inserted (N.I.) (coming into force in accordance with reg. 1(1) of the amending Rule) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/236), regs. 1(1), **16(4)(b)**
- F9** Word in art. 50(3)(b) omitted (6.4.2009) by virtue of The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2009 (S.I. 2009/706), **arts. 1(1), {11(a)}** (with art. 18)
- F10** Words in art. 50(3)(b) inserted (6.4.2009) by The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2009 (S.I. 2009/706), arts. 1(1), **11(b)** (with art. 18)

Marginal Citations

- M1** 1992 c. 4.
M2 S.I. 1987/1969.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [art. 56\(3\)\(k\)](#) inserted by [S.I. 2024/191 art. 3](#)