
 STATUTORY INSTRUMENTS

1978 No. 1902

PENSIONS

**The Naval, Military and Air Forces etc. (Disablement and
Death) Service Pensions Amendment Order 1978**

<i>Made - - - -</i>	<i>20th December 1978</i>
<i>Laid before Parliament</i>	<i>3rd January 1979</i>
<i>Coming into Operation</i>	<i>24th January 1979</i>

At the Court at Buckingham Palace, the 20th day of December 1978,

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty deems it expedient to amend the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978(a) and to do so by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(b):

NOW, THEREFORE, Her Majesty, in the exercise of the powers conferred by the said section 12(1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered, as follows:—

Citation, interpretation and commencement

1. This Order, which may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1978, shall, save in so far as the context otherwise requires, be read as one with the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 (hereinafter referred to as "the principal Order") and shall come into operation on 24th January 1979.

Amendment of article 2 of the principal Order

2. In article 2 of the principal Order (scheduled rates and amounts of pensions, grants and allowances etc. and construction of Schedules relevant thereto), for the words "in the case of a gratuity, at the rate prescribed" there shall be substituted the words "in the case of a gratuity, at the time or, as the case may be, date prescribed".

(a) S.I. 1978/1525.

(b) 1977 c. 5.

Amendment of article 12(4) of the principal Order

3. In paragraph (4) of article 12 of the principal Order (allowances for eligible members of the family)—

(a) for the words “in respect of a husband” there shall be substituted the words “in respect of the husband of a woman member or in respect of a child of whom her husband (whether married to her before or after the material date) is the father or adoptive father”;

(b) for the word “he” at the beginning of subparagraph (a) of the paragraph there shall be substituted the words “the husband”.

Amendment of article 29(1)(b) of the principal Order

4. In article 29(1)(b) of the principal Order (pensions to widows), for the words “in column (2) of Table 1A and column (3) of Table 2A or, as the case may be” there shall be substituted the words “in column (3) of Table 1A and 2A or”.

Substitution of Table 1A in Part II of Schedule 2 to the principal Order

5. For Table 1A in Part II of Schedule 2 to the principal Order (pension other than pensions awarded under article 11(1) or (2) of the 1921 (Officers) Order or article 11(1) of the 1921 (Warrant Officers) Order, of the 1921 Warrant or of the 1921 Order) there shall be substituted the following Table:—

Group (1)	Rate (2)	Rate (3)
1	1319	1319
2		
3		
4		
5		
6		
7		
8	468	468
9		
10		
11		

Amendment of item 12 of Part IV of Schedule 1 to the principal Order

6. In the second and third columns of item 12 of Part IV of Schedule 1 to the principal Order (part-time treatment allowance) for the amount of “£10.75” there shall be substituted “£12.40”.

N. E. Leigh,

Clerk of the Privy Council

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 (the principal Order) which makes provision for pensions and other grants in respect of disablement and death due to service in the armed forces of the Crown during the first World War and since the beginning of the second.

The Order restores the condition, formerly in article 12(6) of the 1964 war pensions instruments, that a woman member of the forces shall not be eligible for an increase of her basic disablement pension in respect of a child of whom her husband is the father or adoptive father unless he is dependent on her and is incapable of self support and in need.

The Order also substitutes a new Table 1A in Part II of Schedule 2 to the principal Order and makes the consequential amendment of article 29(1)(b) and it up-rates the rate of part-time treatment allowance.

The other provisions of the Order are formal or, in the case of article 2, by way of correction of a printer's error.

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