

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 4

### TRANSITORY PROVISIONS

#### PART I

#### CONTINUATION OF TRANSITORY PROVISIONS IN SCHEDULE 5 TO THE SERVICE PENSIONS ORDER 1983

##### Interpretation of Part I

1. In this Part of this Schedule unless the context otherwise requires—

“1946 instrument” means the Order in Council of 4th June 1946 <sup>M1</sup>, the Royal Warrant of 12th April 1946 <sup>M2</sup> or, as the case may be, the Order by His Majesty of 12th June 1946;

“1949 instrument” means the Order in Council of 29th September 1949, the Royal Warrant of 24th May 1949 <sup>M3</sup> or, as the case may be, the Order by His Majesty of 27th September 1949;

“1973 instrument” means the Order in Council of 27th July 1973, the Royal Warrant of 24th July 1973 <sup>M4</sup> or, as the case may be, the Order by Her Majesty of 25th July 1973 <sup>M5</sup>;

“1974 instrument” means the Order in Council of 28th June 1974, the Royal Warrant of 18th June 1974 <sup>M6</sup> or, as the case may be, the Order by Her Majesty of 21st June 1974 <sup>M7</sup>

“1977 instrument” means the Order in Council of 9th March 1977, the Royal Warrant of 11th March 1977 <sup>M8</sup> or, as the case may be, the Order by Her Majesty of 15th March 1977 <sup>M9</sup>;

“member” means a member of the armed forces;

“unmarried dependant” means an unmarried dependant who lived as a wife of the member;

and the other expressions have the meanings assigned to them in Schedule 6.

##### Marginal Citations

**M1** S.R. and O. 1946/812.

**M2** Cmnd 6799 of 1946.

**M3** Cmnd 7699 of 1949.

**M4** Cmnd 5395 of 1973.

**M5** Cmnd 5396 of 1973.

**M6** Cmnd 5670 of 1974.

**M7** Cmnd 5671 of 1974.

**M8** Cmnd 6763 of 1977.

**M9** Cmnd 6762 of 1977.

##### Pensions for unmarried dependants of deceased disablement pensioners under a 1946 instrument

2. Where immediately before the death of a member there was payable to him, by virtue of article 71(6)(a) of a 1964 instrument and article 71(1) of and Schedule 4 to the Service Pensions Order 1978, an allowance under article 12(1) of a 1946 instrument (family allowances) in respect of an unmarried dependant, that dependant may, upon the member's death, be awarded a pension for which she would have been eligible under article 28 of the 1946 instrument (pensions for unmarried dependants), if

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that instrument had not been revoked and for so long as the conditions for an award under that article are fulfilled.

### **Continuation of pensions for unmarried dependants of deceased pensioners under a 1946 instrument**

3. Where immediately before the date on which this Order comes into operation, an unmarried dependant was, by virtue of article 71(6)(b) of a 1964 instrument and article 71(1) of and Schedule 4 to the Service Pensions Order 1978, in receipt of a pension under article 28(3) of a 1946 instrument (pension while in charge of member's child and in receipt of allowance under following provisions of that Part of that instrument in respect of the child) the award of that pension may be continued when she ceases to have that child in her care and to receive an allowance under Part IV of this Order in respect of that child if she is in pecuniary need and incapable of self-support.

### **Withholding or reduction of disablement pension under a 1949 instrument**

4. The Secretary of State may withhold or reduce an award under a 1949 instrument in respect of the disablement of an officer whose service was terminated voluntarily or on account of misconduct.

### **Transitional provision on abolition of killed in action gratuities**

5. Article 28 and column 2 of Schedule 5 to the 1964 instrument shall continue to apply to any deaths occurring before 1st August 1973 as they would have applied but for their revocation by the 1973 instrument.

### **Assessment of specified disablement under the 1964 instruments**

6. Where, on or after 22nd July 1974, it is necessary in any case for an assessment of disablement to be made in accordance with the provisions of Schedule 1 to a 1964 instrument for any period commencing prior to the said 22nd July, the provisions of the said Schedule 1 in force immediately prior to the said 22nd July shall continue to apply as they would have applied had other provision not been substituted for them by the 1974 instrument.

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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](#)