STATUTORY INSTRUMENTS

1968 No. 1409

INSURANCE

The Insurance Companies Act 1958 (Section 4) (Appointed Day) Order 1968

Made - - - 29th August 1968

The Board of Trade, in pursuance of the powers conferred upon them by section 103(*a*) of the Companies Act 1967(**a**), hereby make the following Order:—

1. 1st January 1969 is hereby appointed as the day on which section 4 of the Insurance Companies Act 1958(**b**) shall apply to all insurance companies to which the said Act of 1958, as amended by section 70 of the Companies Act 1967, applies.

2. This Order may be cited as the Insurance Companies Act 1958 (Section 4) (Appointed Day) Order 1968.

Edmund Dell,
Minister of State.
Board of Trade.

29th August 1968.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order appoints 1st January 1969 as the day on which an insurance company made subject to the Insurance Companies Act 1958 as a consequence of the extension of that Act to all classes of insurance business by section 70 of the Companies Act 1967 shall, subject to any modifications made by the Board of Trade under section 92 of the Companies Act 1967 in favour of that company, become obliged to prepare annual accounts in accordance with Regulations made under section 4 of the Insurance Companies Act 1958.

(a) 1967 c. 81. (b) 1958 c. 72.

S.I. Nos. 1410 to 1412 are local: particulars of them will be found in Part III of the Volume.

APPENDIX
OF CERTAIN INSTRUMENTS NOT REGISTERED AS S.I.

Orders in Council,
Letters Patent
and Royal Instructions

relating to the Constitutions etc. of Overseas Territories or to appeals to the Judicial Committee,

Royal Proclamations, etc.

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The British Honduras Letters Patent 1968

LETTERS PATENT passed under the Great Seal of the Realm amending the British Honduras Letters Patent 1964.

Dated: 11th June, 1968.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and do hereby declare Our will and pleasure as follows:—

Citation, construction and commencement.

1.—(1) These Our Letters may be cited as the British Honduras Letters Patent 1968 and shall be construed as one with the British Honduras Letters Patent 1964(a) (hereinafter called "the principal Letters Patent").

(2) The principal Letters Patent and these Our Letters may be cited together as the British Honduras Letters Patent 1964 and 1968.

(3) These Our Letters shall be published in the Gazette and shall come into operation upon the date of such publication(b).

Amendment of Article 5(1) of principal Letters Patent.

2. Article 5 of the principal Letters Patent is amended by the deletion of paragraph (1) thereof and the substitution therefor of the following paragraph:—

"(1) During any period when the office of Governor is vacant or the Governor is absent from British Honduras or is for any other reason unable to perform the functions of his office, those functions shall, during Our pleasure, be assumed and performed by—

(*a*) such person as We may designate by instructions through a Secretary of State; or

(*b*) if there is no person in British Honduras so designated and able to perform those functions, the person who holds the substantive appointment of Financial Secretary; or

(*c*) if there is no person in British Honduras holding such appointment and able to perform those functions, the person who holds the substantive appointment of Attorney-General if the office of Attorney-General is a public office.".

Amendment of Article 21(1) of principal Letters Patent.

3. Paragraph (1) of Article 21 of the principal Letters Patent is amended by the substitution of the words "paragraph (2) of Article 11" for the words "paragraph (3) of Article 11".

Amendment of Article 36 of principal Letters Patent.

4. Article 36 of the principal Letters Patent is amended by the substitution of the words "under Article 11(2)" for the words "under Article 11(3)".

(a) S.I. 1964 I, p. 1136. (b) Day published 20.7.68.

5. We do hereby reserve to Ourself full power and authority to amend or revoke these Presents. Power reserved to Her Majesty.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster the eleventh day of June in the seventeenth year of Our Reign.

By Warrant under The Queen's Sign Manual.

Dobson.

ROYAL WARRANT

To amend the Royal Warrant of 19th September 1964, concerning pensions and other grants in respect of disablement or death due to service in the military forces during the 1914 World War and after 2nd September 1939.

ELIZABETH R.

Preamble

WHEREAS We deem it expedient to amend Our Warrant of 19th September 1964(a), as amended (b), concerning pensions and other grants in respect of disablement or death due to service in the military forces during the 1914 World War and after 2nd September 1939 (hereinafter referred to as "the 1964 Warrant"):

Our Will and Pleasure is that, notwithstanding anything in the 1964 Warrant, the following provisions of this Our Warrant shall take effect accordingly and, except in the cases stated in the Warrant of Her Majesty Queen Victoria of 27th October 1884, and except as otherwise provided by statute, shall be established and obeyed as the sole authority in the matters herein treated of.

Amendment of Schedule 6 to the 1964 Warrant, and transitional provisions

1.—(1) In Schedule 6 to the 1964 Warrant (rates of allowances payable in respect of disablement) there shall be made the amendments set out in Part I of the Appendix hereto.

(2) Where, by virtue of the provisions of paragraph (1) of this Article, the aggregate rate of additional unemployability or treatment allowances and allowances, if any, under the Family Allowances Act 1965 (c) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act, payable in respect of the children of a member of the military forces who qualify therefor at 7th October 1968 is, upon the coming into operation of the said paragraph, less than it was according to the rates in force on the said 7th October, then for the period for which the said aggregate rate in respect of those children or any remaining number of them continues to be less than it would have been had the said rates remained in force, the rate of additional unemployability or treatment allowances payable in respect of those children may be varied to the extent required to exclude the reduction in the said aggregate rate.

Amendment of Schedule 7 to the 1964 Warrant

2. In Schedule 7 to the 1964 Warrant (rates of pensions, other than widows' pensions, and allowances payable in respect of death) there shall be made the amendments set out at Part II of the Appendix hereto.

(a) S.I. 1964 III, p. 5257.
(b) The relevant amending Warrants are S.I. 1967 II, p. 3811; 1968 I, p. 1857.
(c) 1965 c. 53.

Amendment of Article 19 *of the* 1964 *Warrant, and consequential amendment*

3. In the 1964 Warrant, in Article 19 (allowance for lowered standard of occupation) there shall be made the amendment set out in paragraph 1 of Part III of the Appendix hereto, and in Article 33 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners) there shall be made the amendments set out in paragraph 2 of the said Part.

Article added to the 1964 *Warrant, and consequential amendment*

4. In the 1964 Warrant, after Article 59 there shall be added the Article set out in paragraph 3 of Part III of the Appendix hereto, and in Article 55 (interpretation of Part VI) there shall be made the amendment set out in paragraph 4 of the said Part.

Amendment of Article 60 *of the* 1964 *Warrant*

5. In Article 60 of the 1964 Warrant (payment of public claims out of pensions) there shall be made the amendment set out in paragraph 5 of the said Part.

Commencement

6.—(1) Subject to the following provisions of this Article, this Our Warrant shall come into operation on 5th August 1968.

(2) Article 1 shall come into operation in relation to an officer on 8th October 1968 and in relation to a soldier on 9th October 1968.

(3) Article 2 shall come into operation in relation to an officer on 8th October 1968 and in relation to a soldier on 14th October 1968.

Given at Our Court at St. James's, this twenty-fourth day of July 1968, in the 17th Year of Our Reign.

By Her Majesty's Command.

Judith Hart.

APPENDIX

PART I

Amendment of Schedule 6 *to the* 1964 *Warrant*

1. In Schedule 6 paragraph 5 (unemployability allowances) for head (iii) of sub-paragraph (*b*) there shall be substituted the following head:—

"(iii) increased allowance under Article 17(4)(*f*)—		
(*a*) in respect of the child, or the elder or eldest of the children, of a member ..	£72 16*s.* per annum	28*s.* per week

(*b*) in respect of the second child of a member ..	£30 per annum	10*s*. per week
(*c*) in respect of each other child of a member	£30 per annum	8s. per week"

2. In Schedule 6 paragraph 9 (treatment allowances) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph:—

"(*d*) increased additional allowance under Article 21(4) proviso (*b*)—		
(i) in respect of the child, or the elder or eldest of the children, of a member ..	£72 16*s*. per annum	28*s*. per week
(ii) in respect of the second child of a member ..	£30 per annum	10*s*. per week
(iii) in respect of each other child of a member ..	£30 per annum	8*s*. per week"

PART II

Amendment of Schedule 7 to the 1964 Warrant

In Schedule 7—

(*a*) for paragraph 5 (allowances in respect of children) there shall be substituted the following paragraph:—

"5. Allowances in respect of children—		
(*a*) under Article 35(1)—		
(i) in respect of the child, or the elder or eldest of the children, of a member ..	£136 16*s*. per annum	49*s*. 6*d*. per week
(ii) in respect of each other child of a member—		
(*a*) where the child qualifies for a family allowance under the Family Allowances Act 1965 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£110 16*s*. per annum	39*s*. 6*d*. per week
(*b*) where the child does not so qualify ..	£129 per annum	46*s*. 6*d*. per week
(*b*) under Article 35(3)	£197 16*s*. per annum (maximum)	where the child is 15 years of age or over—72*s*. 6*d*. per week (maximum)"

(*b*) for paragraph 6 (pension under Article 36 to a motherless or fatherless child) there shall be substituted the following paragraph:—

"6. Pension under Article 36 to a motherless or fatherless child—

(*a*) in respect of the child, or the elder or eldest of the children, of a member, and in respect of each other child of a member who does not qualify for a family allowance as aforesaid	£197 16*s.* per annum	(i) where the child is under 15 years of age— 49*s.* 6*d.* per week (ii) where the child is 15 years of age or over— 72*s.* 6*d.* per week
(*b*) in respect of each other child of a member who qualifies for a family allowance as aforesaid	£171 16*s.* per annum.	(i) where the child is under 15 years of age— 39*s.* 6*d.* per week (ii) where the child is 15 years of age or over— 62*s.* 6*d.* per week"

PART III

1. *Amendment of Article* 19 *of the* 1964 *Warrant*

In Article 19 (allowance for lowered standard of occupation) for paragraph (3) there shall be substituted the following paragraph:—

"(3) An allowance under this Article shall not be payable to a member for any period in respect of which an allowance under Article 17(1)(i) is payable to him."

2. *Amendment of Article* 33 *of the* 1964 *Warrant*

In Article 33 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners) in paragraph (1) after the words "an allowance under Article 14 or Article 17(1)(i)" there shall be inserted the words "or, in the case of a member who was concurrently eligible for an allowance under Article 17(1)(i), Article 19 ", and in paragraph (ii) of the proviso to paragraph (2) for the words "retired pay or pension" there shall be substituted the words "retired pay, pension or allowances" and after the words "before 3rd September 1939" there shall be added the words "and a member who, being concurrently eligible for an allowance under Article 17(1)(i), was in receipt of an allowance under Article 19 shall be deemed in lieu thereof to have been in receipt of an allowance under Article 17(1)(i)".

3. *Article to be added to the* 1964 *Warrant*

"*Abatement of awards in respect of National Insurance and Industrial Injuries Benefits*

59A. Where a pension is awarded to or in respect of a person for any past period for which benefit under the National Insurance Acts 1965 to 1968 or the National Insurance (Industrial Injuries) Acts 1965 to 1968 or any legislation in Northern Ireland corresponding to those Acts has been paid to or in respect of that person, the total amount of pension so awarded may be abated by the amount by which the amount of benefit so paid exceeds what would have been payable for that period had the pension been concurrently payable."

4. *Amendment of Article* 55 *of the* 1964 *Warrant*

In paragraph (1) of Article 55 (interpretation of Part VI) for the words " Articles 56, 57, 60, 61, 62 and 64" there shall be substituted the words "Articles 56, 57, 59A, 60, 61, 62 and 64".

5. *Amendment of Article* 60 *of the* 1964 *Warrant*

In Article 60 (payment of public claims out of pensions) for paragraph (2) there shall be substituted the following paragraph:—

"(2) Where payment in respect of a pension is in arrears for any period and benefit under the Ministry of Social Security Act 1966(a) or benefit similar to the aforesaid benefit under any legislation in Northern Ireland or the Isle of Man corresponding to that Act has been paid for that period by reference to the requirements of the person to whom the payment is due, the amount by which the amount of benefit 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) of this Article, and in the case of benefit paid under legislation in Northern Ireland or the Isle of Man as aforesaid shall for the purposes of that paragraph be repayable to the authority administering that benefit."

EXPLANATORY NOTE

(*This Note is not part of the Royal Warrant.*)

This Royal Warrant further amends the Royal Warrant of 19th September 1964.

Articles 1 and 2 make amendments which take account of the increases in family allowances made by the Family Allowances and National Insurance Act 1968 from 8th October 1968 and have the effect of adjusting the rates of children's pensions and allowances so that the pensions or allowances and (where payable) family allowances together will normally continue to provide the same total rate for each child as was payable immediately before the aforesaid increases came into force. Transitional provisions secure that the aggregate rate of existing awards will be maintained where this is more advantageous.

Article 3 makes amendments which enable an award of an allowance for lowered standard of occupation in payment to a pensioner who becomes unemployable to be continued if, exceptionally, it would be to his financial

(a) 1966 c.20.

disadvantage, having regard to any national insurance benefit concurrently payable, to transfer to unemployability supplement, and extend entitlement to an award of temporary allowances, at the rate which would have been payable had the pensioner been in receipt of unemployability supplement, to the widow, or unmarried dependant who lived as a wife, of such a pensioner.

Article 4 makes provision for the prevention of overlapping payments of war pension or allowances and national insurance benefit.

Article 5 extends the provisions for preventing overlapping payments of war pension or allowances and supplementary benefit, to Northern Ireland and the Isle of Man.

ORDER BY HER MAJESTY

To amend the Order of 24th September 1964, concerning pensions and other grants in respect of disablement or death due to service in the air forces during the 1914 World War and after 2nd September 1939.

ELIZABETH R.

Preamble

WHEREAS by Section 2 of the Air Force (Constitution) Act 1917(a) it is provided that it shall be lawful for Her Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to the government, discipline, pay, allowances and pensions of the Air Force, and with respect to all other matters and things relating to the Air Force, including any matter by that Act authorised to be prescribed or expressed to be subject to orders or regulations:

AND WHEREAS Her Majesty deems it expedient to amend the Order dated 24th September 1964(b), as amended(c), concerning pensions and other grants in respect of disablement or death due to service in the air forces during the 1914 World War and after 2nd September 1939 (hereinafter referred to as "the 1964 Order"):

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred upon Her as aforesaid and of all other powers whatsoever Her thereunto enabling, is pleased to order, and it is hereby ordered that, notwithstanding anything in the 1964 Order, the following provisions of this Order shall take effect accordingly and, except in the cases stated in the Order by His Majesty King George V of 13th January 1922, and except as otherwise provided by statute, shall be established and obeyed as the sole authority in the matters herein treated of.

Amendment of Schedule 6 to the 1964 Order, and transitional provisions

1.—(1) In Schedule 6 to the 1964 Order (rates of allowances payable in respect of disablement) there shall be made the amendments set out in Part I of the Appendix hereto.

(2) Where, by virtue of the provisions of paragraph (1) of this Article, the aggregate rate of additional unemployability or treatment allowances and allowances, if any, under the Family Allowances Act 1965(d) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act, payable in respect of the children of a member of the air forces who qualify therefor at 7th October 1968 is, upon the coming into operation of the said paragraph, less than it was according to the rates in force on the said 7th October, then for the period for which the said aggregate rate in respect of those children or any remaining number of them continues to be less than it would have been

(a) 7 & 8 Geo. 5.c. 51. (b) S.I. 1964 III, p. 5361.
(c) The relevant amending Orders are S.I. 1967 II, p. 3831; 1968 I, p. 1861.
(d) 1965 c. 53.

had the said rates remained in force, the rate of additional unemployability or treatment allowances payable in respect of those children may be varied to the extent required to exclude the reduction in the said aggregate rate.

Amendment of Schedule 7 to the 1964 Order

2. In Schedule 7 to the 1964 Order (rates of pensions, other than widows' pensions, and allowances payable in respect of death) there shall be made the amendments set out at Part II of the Appendix hereto.

Amendment of Article 19 of the 1964 Order, and consequential amendment

3. In the 1964 Order, in Article 19 (allowance for lowered standard of occupation) there shall be made the amendment set out in paragraph 1 of Part III of the Appendix hereto, and in Article 33 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners) there shall be made the amendments set out in paragraph 2 of the said Part.

Article added to the 1964 Order, and consequential amendment

4. In the 1964 Order, after Article 59 there shall be added the Article set out in paragraph 3 of Part III of the Appendix hereto, and in Article 55 (interpretation of Part VI) there shall be made the amendment set out in paragraph 4 of the said Part.

Amendment of Article 60 of the 1964 Order

5. In Article 60 of the 1964 Order (payment of public claims out of pensions) there shall be made the amendment set out in paragraph 5 of the said Part.

Commencement

6.—(1) Subject to the following provisions of this Article, this Order shall come into operation on 5th August 1968.

(2) Article 1 shall come into operation in relation to an officer on 8th October 1968 and in relation to an airman on 9th October 1968.

(3) Article 2 shall come into operation in relation to an officer on 8th October 1968 and in relation to an airman on 14th October 1968.

By Her Majesty's Command.

Denis Healey,
Secretary of State.

Judith Hart,
Minister of Social Security.

26th July 1968.

APPENDIX

PART I

Amendment of Schedule 6 to the 1964 Order

1. In Schedule 6 paragraph 5 (unemployability allowances) for head (iii) of sub-paragraph (*b*) there shall be substituted the following head:—

"(iii) increased allowance under Article 17(4)(*f*)—		
(*a*) in respect of the child, or the elder or eldest of the children, of a member ..	£72 16*s.* per annum	28*s.* per week
(*b*) in respect of the second child of a member ..	£30 per annum	10*s.* per week
(*c*) in respect of each other child of a member	£30 per annum	8s. per week"

2. In Schedule 6 paragraph 9 (treatment allowances) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph:—

"(*d*) increased additional allowance under Article 21(4) proviso (*b*)—		
(i) in respect of the child, or the elder or eldest of the children, of a member ..	£72 16*s.* per annum	28*s.* per week
(ii) in respect of the second child of a member ..	£30 per annum	10*s.* per week
(iii) in respect of each other child of a member ..	£30 per annum	8*s.* per week"

PART II

Amendment of Schedule 7 to the 1964 Order

In Schedule 7—

(*a*) for paragraph 5 (allowances in respect of children) there shall be substituted the following paragraph:—

"5. Allowances in respect of children—		
(*a*) under Article 35(1)—		
(i) in respect of the child, or the elder or eldest of the children, of a member ..	£136 16*s.* per annum	49*s.* 6*d.* per week
(ii) in respect of each other child of a member—		
(*a*) where the child qualifies for a family allowance under the Family Allowances Act 1965 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act	£110 16*s.* per annum	39*s.* 6*d.* per week

(*b*) where the child does not so qualify ..	£129 per annum	46*s.* 6*d.* per week
(*b*) under Article 35(3)	£197 16*s.* per annum (maximum)	where the child is 15 years of age or over—72*s.* 6*d.* per week (maximum)"

(*b*) for paragraph 6 (pension under Article 36 to a motherless or fatherless child) there shall be substituted the following paragraph:—

"6. Pension under Article 36 to a motherless or fatherless child—

(*a*) in respect of the child, or the elder or eldest of the children, of a member, and in respect of each other child of a member who does not qualify for a family allowance as aforesaid	£197 16*s.* per annum	(i) where the child is under 15 years of age— 49*s.* 6*d.* per week (ii) where the child is 15 years of age or over— 72*s.* 6*d.* per week
(*b*) in respect of each other child of a member who qualifies for a family allowance as aforesaid	£171 16*s.* per annum	(i) where the child is under 15 years of age— 39*s.* 6*d.* per week (ii) where the child is 15 years of age or over— 62*s.* 6*d.* per week"

PART III

1. *Amendment of Article* 19 *of the* 1964 *Order*

In Article 19 (allowance for lowered standard of occupation) for paragraph (3) there shall be substituted the following paragraph:—

"(3) An allowance under this Article shall not be payable to a member for any period in respect of which an allowance under Article 17(1)(i) is payable to him."

2. *Amendment of Article* 33 *of the* 1964 *Order*

In Article 33 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners) in paragraph (1) after the words "an allowance under Article 14 or Article 17(1)(i)" there shall be inserted the words "or, in the case of a member who was concurrently eligible for an allowance under Article 17(1)(i), Article 19", and in paragraph (ii) of the proviso to paragraph (2) for the words "retired pay or pension" there shall be substituted the words "retired pay, pension or allowances" and after the words "before 3rd September 1939" there

shall be added the words "and a member who, being concurrently eligible for an allowance under Article 17(1)(i), was in receipt of an allowance under Article 19 shall be deemed in lieu thereof to have been in receipt of an allowance under Article 17(1)(i)".

3. *Article to be added to the* 1964 *Order*

"*Abatement of awards in respect of National Insurance and Industrial Injuries Benefits*

59A. Where a pension is awarded to or in respect of a person for any past period for which benefit under the National Insurance Acts 1965 to 1968 or the National Insurance (Industrial Injuries) Acts 1965 to 1968 or any legislation in Northern Ireland corresponding to those Acts has been paid to or in respect of that person, the total amount of pension so awarded may be abated by the amount by which the amount of benefit so paid exceeds what would have been payable for that period had the pension been concurrently payable."

4. *Amendment of Article* 55 *of the* 1964 *Order*

In paragraph (1) of Article 55 (interpretation of Part VI) for the words " Articles 56, 57, 60, 61, 62 and 64" there shall be substituted the words "Articles 56, 57, 59A, 60, 61, 62 and 64".

5. *Amendment of Article* 60 *of the* 1964 *Order*

In Article 60 (payment of public claims out of pensions) for paragraph (2) there shall be substituted the following paragraph:—

"(2) Where payment in respect of a pension is in arrears for any period and benefit under the Ministry of Social Security Act 1966(a) or benefit similar to the aforesaid benefit under any legislation in Northern Ireland or the Isle of Man corresponding to that Act has been paid for that period by reference to the requirements of the person to whom the payment is due, the amount by which the amount of benefit 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) of this Article, and in the case of benefit paid under legislation in Northern Ireland or the Isle of Man as aforesaid shall for the purposes of that paragraph be repayable to the authority administering that benefit."

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order further amends the Order of 24th September 1964.

Articles 1 and 2 make amendments which take account of the increases in family allowances made by the Family Allowances and National Insurance Act 1968 from 8th October 1968 and have the effect of adjusting the rates of children's pensions and allowances so that the pensions or allowances and (where payable) family allowances together will normally continue to provide the same total rate for each child as was payable immediately before the aforesaid increases came into force. Transitional provisions secure that the aggregate rate of existing awards will be maintained where this is more advantageous.

Article 3 makes amendments which enable an award of an allowance for lowered standard of occupation in payment to a pensioner who becomes unemployable to be continued if, exceptionally, it would be to his financial disadvantage, having regard to any national insurance benefit concurrently

(a) 1966 c.20.

payable, to transfer to unemployability supplement, and extend entitlement to an award of temporary allowances, at the rate which would have been payable had the pensioner been in receipt of unemployability supplement, to the widow, or unmarried dependant who lived as a wife, of such a pensioner.

Article 4 makes provision for the prevention of overlapping payments of war pension or allowances and national insurance benefit.

Article 5 extends the provisions for preventing overlapping payments of war pension or allowances and supplementary benefit, to Northern Ireland and the Isle of Man.

At the Court at Buckingham Palace, the 26th day of July 1968

Present,

The Queen's Most Excellent Majesty in Council

WHEREAS by section 3 of the Naval and Marine Pay and Pensions Act 1865(a) it is enacted that all pay, wages, pensions, bounty money, grants or other allowances in the nature thereof, payable in respect of services in Her Majesty's naval or marine force to a person being or having been an officer, seaman or marine, or to the widow or any relative of a deceased officer, seaman or marine, shall be paid in such manner and subject to such restrictions, conditions and provisions, as are from time to time directed by Order in Council:

AND WHEREAS Her Majesty deems it expedient to amend the Order in Council dated 25th September 1964(b), as amended(c), concerning pensions and other grants in respect of disablement or death due to service in the naval forces during the 1914 World War and after 2nd September 1939 (hereinafter referred to as " the 1964 Order "):

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred upon Her as aforesaid and of all other powers whatsoever Her thereunto enabling, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that, notwithstanding anything in the 1964 Order, the following provisions of this Order shall take effect accordingly and, except in the cases stated in the Order in Council of 19th December 1881, and except as otherwise provided by statute, shall be established and obeyed as the sole authority in the matters herein treated of.

Amendment of Schedule 6 to the 1964 Order, and transitional provisions

1.—(1) In Schedule 6 to the 1964 Order (rates of allowances payable in respect of disablement) there shall be made the amendments set out in Part I of the Appendix hereto.

(2) Where, by virtue of the provisions of paragraph (1) of this Article, the aggregate rate of additional unemployability or treatment allowances and allowances, if any, under the Family Allowances Act 1965(d) or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act, payable in respect of the children of a member of the naval forces who qualify therefor at 7th October 1968 is, upon the coming into operation of the said paragraph, less than it was according to the rates in force on the said 7th October, then for the period for which the said aggregate rate in respect of those children or any remaining number of them continues to be less than it would have been had the said rates remained in force, the rate of additional unemployability or treatment allowances payable in respect of those children may be varied to the extent required to exclude the reduction in the said aggregate rate.

(a) 28 and 29 Vict. c. 73. (b) S.I. 1964 III, p. 5466.
(c) The relevant amending Orders are S.I. 1967 II, p. 3851; 1968 I, p. 1865.
(d) 1965 c. 53.

Amendment of Schedule 7 to the 1964 Order

2.—In Schedule 7 to the 1964 Order (rates of pensions, other than widows' pensions, and allowances payable in respect of death) there shall be made the amendments set out at Part II of the Appendix hereto.

Amendment of Article 19 of the 1964 Order, and consequential amendment

3.—In the 1964 Order, in Article 19 (allowance for lowered standard of occupation) there shall be made the amendment set out in paragraph 1 of Part III of the Appendix hereto, and in Article 33 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners) there shall be made the amendments set out in paragraph 2 of the said Part.

Article added to the 1964 Order, and consequential amendment

4.—In the 1964 Order, after Article 59 there shall be added the Article set out in paragraph 3 of Part III of the Appendix hereto, and in Article 55 (interpretation of Part VI) there shall be made the amendment set out in paragraph 4 of the said Part.

Amendment of Article 60 of the 1964 Order

5.—In Article 60 of the 1964 Order (payment of public claims out of pensions) there shall be made the amendment set out in paragraph 5 of the said Part.

Commencement

6.—(1) Subject to the following provisions of this Article, this Order shall come into operation on 5th August 1968.

(2) Article 1 shall come into operation in relation to an officer on 8th October 1968 and in relation to a rating on 9th October 1968.

(3) Article 2 shall come into operation in relation to an officer on 8th October 1968 and in relation to a rating on 14th October 1968.

W. G. Agnew.

APPENDIX

PART I

Amendment of Schedule 6 to the 1964 Order

1. In Schedule 6 paragraph 5 (unemployability allowances) for head (iii) of sub-paragraph (*b*) there shall be substituted the following head:—

"(iii) increased allowance under Article 17(4)(f)—		
(*a*) in respect of the child, or the elder or eldest of the children, of a member ...	£72 16s. per annum	28s. per week
(*b*) in respect of the second child of a member...	£30 per annum	10s. per week
(*c*) in respect of each other child of a member...	£30 per annum	8s. per week "

2. In Schedule 6 paragraph 9 (treatment allowances) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph:—

" (*d*) increased additional allowance under Article 21(4) proviso (*b*)—

(i) in respect of the child, or the elder or eldest of the children, of a member	£72 16s. per annum	28s. per week
(ii) in respect of the second child of a member	£30 per annum	10s. per week
(iii) in respect of each other child of a member	£30 per annum	8s. per week "

PART II

Amendment of Schedule 7 to the 1964 Order

In Schedule 7—

(*a*) for paragraph 5 (allowances in respect of children) there shall be substituted the following paragraph:—

" 5. Allowances in respect of children—

(*a*) under Article 35(1)—		
(i) in respect of the child, or the elder or eldest of the children, of a member	(i) Commissioned Officer* or Nurse— £136 16s. per annum (ii) Warrant Officer†— £130 16s. per annum	49s. 6d. per week
(ii) in respect of each other child of a member—		
(*a*) where the child qualifies for a family allowance under the Family Allowances Act 1965 or under any legislation in Northern Ireland or the Isle of Man corresponding to that Act ...	(i) Commissioned Officer* or Nurse— £110 16s. per annum (ii) Warrant Officer†— £104 16s. per annum	39s. 6d. per week
(*b*) where the child does not so qualify	(i) Commissioned Officer* or Nurse— £129 per annum (ii) Warrant Officer†— £123 per annum	46s. 6d. per week

(*b*) under Article 35(3)—	(i) Commissioned Officer*— £197 16s. per annum (maximum)	where the child is 15 years of age or over— 72s. 6d. per week (maximum) "
	(ii) Warrant Officer†—	
	(*a*) where the child is under 15 years of age— £136 16s. per annum (maximum)	
	(*b*) where the child is 15 years of age or over— £189 16s. per annum (maximum)	

(*b*) for paragraph 6 (pension under Article 36 to a motherless or fatherless child) there shall be substituted the following paragraph:—

" 6. Pension under Article 36 to a motherless or fatherless child—

(*a*) in respect of the child, or the elder or eldest of the children, of a member, and in respect of each other child of a member who does not qualify for a family allowance as aforesaid ...	(i) Commissioned Officer* or Nurse— £197 16s. per annum	(i) where the child is under 15 years of age— 49s. 6d. per week
	(ii) Warrant Officer†—	(ii) where the child is 15 years of age or over— 72s. 6d. per week
	(*a*) where the child is under 15 years of age— £136 16s. per annum	
	(*b*) where the child is 15 years of age or over— £189 16s. per annum	
(*b*) in respect of each other child of a member who qualifies for a family allowance as aforesaid	(i) Commissioned Officer* or Nurse— £171 16s. per annum	(i) where the child is under 15 years of age— 39s. 6d. per week
	(ii) Warrant Officer†—	(ii) where the child is 15 years of age or over— 62s. 6d. per week "
	(*a*) where the child is under 15 years of age— £110 16s. per annum	
	(*b*) where the child is 15 years of age or over— £163 16s. per annum	

PART III

1. *Amendment of Article 19 of the 1964 Order*

In Article 19 (allowance for lowered standard of occupation) for paragraph (3) there shall be substituted the following paragraph:—

"(3) An allowance under this Article shall not be payable to a member for any period in respect of which an allowance under Article 17(1) (i) is payable to him."

2. *Amendment of Article 33 of the 1964 Order*

In Article 33 (temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners) in paragraph (1) after the words "an allowance under Article 14 or Article 17(1)(i)" there shall be inserted the words "or, in the case of a member who was concurrently eligible for an allowance under Article 17(1)(i), Article 19" and in paragraph (ii) of the proviso to paragraph (2) for the words "retired pay or pension" there shall be substituted the words "retired pay, pension or allowances" and after the words "before 3rd September 1939" there shall be added the words "and a member who, being concurrently eligible for an allowance under Article 17(1)(i), was in receipt of an allowance under Article 19 shall be deemed in lieu thereof to have been in receipt of an allowance under Article 17(1)(i)."

3. *Article to be added to the 1964 Order*

"*Abatement of awards in respect of National Insurance and Industrial Injuries Benefits*

59A. Where a pension is awarded to or in respect of a person for any past period for which benefit under the National Insurance Acts 1965 to 1968 or the National Insurance (Industrial Injuries) Acts 1965 to 1968 or any legislation in Northern Ireland corresponding to those Acts has been paid to or in respect of that person, the total amount of pension so awarded may be abated by the amount by which the amount of benefit so paid exceeds what would have been payable for that period had the pension been concurrently payable."

4. *Amendment of Article 55 of the 1964 Order*

In paragraph (1) of Article 55 (interpretation of Part VI) for the words "Articles 56, 57, 60, 61, 62 and 64" there shall be substituted the words "Articles 56, 57, 59A, 60, 61, 62 and 64".

5. *Amendment of Article 60 of the 1964 Order*

In Article 60 (payment of public claims out of pensions) for paragraph (2) there shall be substituted the following paragraph:—

"(2) Where payment in respect of a pension is in arrears for any period and benefit under the Ministry of Social Security Act 1966 (a) or benefit similar to the aforesaid benefit under any legislation in Northern Ireland or the Isle of Man corresponding to that Act has been paid for that period by reference to the requirements of the person to whom the payment is due, the amount by which the amount of benefit paid exceeds what would have been paid had the said payment not fallen into arrears shall be deemed to have been an over-payment for the purposes of paragraph (1) of this Article, and in the case of

(a) 1966 c. 20.

benefit paid under legislation in Northern Ireland or the Isle of Man as aforesaid shall for the purposes of that paragraph be repayable to the authority administering that benefit."

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Order of 25th September 1964.

Articles 1 and 2 make amendments which take account of the increases in family allowances made by the Family Allowances and National Insurance Act 1968 from 8th October 1968 and have the effect of adjusting the rates of children's pensions and allowances so that the pensions or allowances and (where payable) family allowances together will normally continue to provide the same total rate for each child as was payable immediately before the aforesaid increases came into force. Transitional provisions secure that the aggregate rate of existing awards will be maintained where this is more advantageous.

Article 3 makes amendments which enable an award of an allowance for lowered standard of occupation in payment to a pensioner who becomes unemployable to be continued if, exceptionally, it would be to his financial disadvantage, having regard to any national insurance benefit concurrently payable, to transfer to unemployability supplement, and extend entitlement to an award of temporary allowances, at the rate which would have been payable had the pensioner been in receipt of unemployability supplement, to the widow, or unmarried dependant who lived as a wife, of such a pensioner.

Article 4 makes provision for the prevention of overlapping payments of war pension or allowances and national insurance benefit.

Article 5 extends the provisions for preventing overlapping payments of war pension or allowances and supplementary benefit, to Northern Ireland and the Isle of Man.