STATUTORY INSTRUMENTS

1980 No. 1955

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 3) Order 1980

Made - - - - *17th December* 1980

Laid before Parliament - *6th January* 1981

Coming into Operation - *27th January* 1981

At the Court at Buckingham Palace, the 17th day of December 1980
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 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, commencement and interpretation

1.—(1) This Order, which may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 3) Order 1980, shall come into operation on 27th January 1981.

(2) In this Order the expression " the principal Order " means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978.

Amendment of article 12 *of the principal Order*

2.—(1) There shall be inserted at the beginning of paragraph (6) of article 12 of the principal Order (allowances for eligible members of the family) the words "Subject to paragraph (6A) below".

(2) After the said paragraph (6) there shall be inserted the following paragraph:—

"(6A) Subject to the condition that no allowance under this article may be continued or may continue to have effect in respect of a child in respect of any period after that child has attained the age of 19, such allowance may be continued or may continue to have effect in respect of a period not exceeding 13 weeks after the child ceases to undergo full-time education as aforesaid as the Secretary of State may in any particular case determine."

(**a**) S.I. 1978/1525; the relevant amending instrument is S.I. 1978/1902. (**b**) 1977 c. 5.

(3) In paragraph (7) of the said article for the words "by virtue of the last preceding paragraph, no award of an allowance under this article" there shall be substituted the words "by virtue of paragraph (6) of this article, no award of an allowance under this article otherwise than by virtue of the last preceding paragraph".

Amendment of item 49 *of Schedule* 3 *to the principal Order*

3. In item 49 of Schedule 3 to the principal Order (definition of "student") there shall be inserted at the end of the third column after the words "educational establishment" the following words "and for the purposes of this Order a person may continue to be a student for such period (being a period not exceeding 13 weeks) after he ceases to receive full-time instruction as aforesaid and before he attains the age of 19 as the Secretary of State may in any particular case determine".

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").

The Order amends article 12 of the principal Order by extending the period in which an allowance may be continued in respect of a child who is over 16 but under 19 at the discretion of the Secretary of State as if the child were still receiving full-time education for a period not exceeding 13 weeks after he ceases to undergo such education and before the child reaches the age of 19.

The Order also amends the definition of "student" contained in Schedule 3 to the principal Order by making provision for a person to continue to be a student for the purposes of the principal Order for a period not exceeding 13 weeks after he ceases to receive full-time instruction and before he reaches the age of 19 as the Secretary of State may determine.

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