STATUTORY INSTRUMENTS

1980 No. 1080

PENSIONS

WAR PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1980

Made - - - -	*28th July* 1980
Laid before Parliament	*5th August* 1980
Coming into Operation	*1st September* 1980

At the Court at Buckingham Palace, the 28th day of July 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 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, 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 Order 1980, shall come into operation on 1st September 1980.

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

Insertion of new article in the principal Order

2. After article 67 of the principal Order there shall be inserted the following article:—

"*Posthumous Awards*

67A.—(1) In this article—

(*a*) "claimant" means a person who has made a claim for an award under this Order;

(*b*) "designated person" means the person who after due enquiry appears to the Secretary of State to be—

(a) S.I. 1978/1525, as amended by S.I. 1978/1902; 1979/113, 1312.
(b) 1977 c. 5.

(i) the claimant's widow or, as the case may be, widower; or if it appears to the Secretary of State that there is no such person,

(ii) the claimant's unmarried dependant who lived as a wife; or, if it so appears that there are no such persons as aforesaid,

(iii) the claimant's children; or, if it so appears that there are no such persons as aforesaid,

(iv) the claimant's parents; or, if it so appears that there are no such persons as aforesaid,

(v) the claimant's other dependants; or, if it so appears that there are no such persons as aforesaid,

(vi) the claimant's personal representatives.

(2) For the purposes of this article, where there is no grant of probate or letters of administration or other proof of title in respect of a deceased claimant's estate, the expression "personal representatives" means the person or persons appearing to the Secretary of State to be beneficially entitled to the estate of the deceased claimant.

(3) Subject to the following provisions of this article, where after making a claim for an award under this Order the claimant dies before an award has been made in the first instance or, as the case may be, consequent upon an appeal under the Pensions Appeal Tribunals Act 1943(a), the Secretary of State may, notwithstanding the claimant's death, make an award in accordance with the provisions of this Order.

(4) Any such award shall be made to the designated person whose receipt shall be a good discharge to the Secretary of State for any award so made in respect of that claim.

(5) No such award shall be made in respect of any period after the claimant's death."

Amendment of article 71 *of the principal Order*

3. In article 71(4) of the principal Order (transitional provisions) for "21(3)" there shall be substituted "21(2)".

N. E. Leigh,
Clerk of the Privy Council.

(a) 1943 c. 39.

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") by inserting into the principal Order a new article 67A making provisions for awards to be made under the principal Order after the death of the claimant in respect of any period before his death, whether the award is in the first instance or consequent upon an appeal from a rejection of a claim.

The Order also corrects an erroneous reference in article 71(4) of the principal Order which relates to transitional provisions.