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TUESDAY, 19 AUGUST, 1941

At the Court at *Buckingham Palace*, the 15th day of August, 1941.

PRESENT,

The KING's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 30th day of July, 1941 (P.M.2322/41), in the words following, viz.:—

“Whereas by section 3 of the Naval and Marine Pay and Pensions Act, 1865, it is enacted, *inter alia*, that all pay, pensions or other allowances in the nature thereof, payable in respect of services in Your Majesty's Naval or Marine Force to a person being or having been an Officer, Seaman, or Marine therein, 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 by Order in Council bearing date the 14th day of October, 1915, it is directed that the Retired Pay or Pension to which Commissioned and Warrant Officers in Your Majesty's Naval and Marine Forces who are called out from the Retired List for further service in war or emergency may be entitled at the date of being called out for further service shall be secured to them, under certain conditions, notwithstanding breaches of discipline or misconduct committed during the said further service:

“And Whereas we consider it desirable that the conditions under which the Retired Pay or Pension of such Officers is secured to them should be modified in certain respects:

“We beg leave humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to substitute the following directions for those contained in Order in Council bearing date the 14th day of October, 1915, namely:

“That the rates of Retired Pay or Pension to which Commissioned and Warrant Officers in Your Majesty's Naval and Marine Forces may be entitled at the date of being called out for further service shall not be affected by any misconduct during further service, provided that such misconduct be neither:—

(a) Mutiny, nor

(b) Conduct in respect of which a sentence of dismissal from Your Majesty's Service with or without disgrace shall be passed, nor

(c) Conduct of such a nature as to lead to the Officer's name being removed from the list of Officers, or to the Officer being allowed to resign his Commission or Warrant to avoid trial by Court Martial;

but nothing in this Order in Council shall affect the discretionary powers of the Admiralty of forfeiture, suspension and restoration conferred by Orders in Council dated the 20th November, 1905, and the 7th February, 1921, in so far as such powers relate to periods of imprisonment.

“The Lords Commissioners of Your Majesty's Treasury have signified their concurrence in this proposal.”

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed.

And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

Rupert B. Howorth.