

## PRIVY COUNCIL OFFICE

At the Court at Buckingham Palace, the 25th day of September 1961.

PRESENT,

The QUEEN'S Most Excellent Majesty in Council

Whereas by section 3 of the Naval and Marine Pay and Pensions Act, 1865, 28 & 29 Vict. c. 73, 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 certain Orders in Council concerning retired pay, pensions and other grants for officers, nurses and ratings disabled, and for the widows and children of officers and ratings deceased, in consequence of service during the 1914 World War:

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, as follows:

1. In this Order the following expressions have the meanings hereby respectively assigned to them:

- (1) "the 1920 Order" means the Order in Council of the 11th June 1920, S.R. & O. 1920/1021 (II, p. 295), relating to seamen and marines, as amended by any subsequent Order in Council;
- (2) "the 1921 (Officers) Order" means the Order in Council of the 9th March 1921, S.R. & O. 1921/360 (p. 770), relating to commissioned and subordinate officers and nurses, as amended by any subsequent Order in Council;
- (3) "the 1921 (Warrant Officers) Order" means the Order in Council of the 9th March 1921 S.R. & O. 1921/361 (p. 794), relating to Commissioned Officers from Warrant Rank and Warrant Officers, as amended by any subsequent Order in Council.

2.—(1) In paragraph (1) of Article 10 of the 1920 Order (which contains general conditions relating to pensions to widows and dependants of deceased ratings) the words from "and no pension" to the end of the paragraph shall be omitted, so however that the said words shall continue to apply in relation to any pension which has been terminated before, or is suspended or being withheld or administered on, the 30th September 1961.

(2) After paragraph (2) of the said Article 10 there shall be added the following paragraph:

"(3) Where a person to or in respect of whom a pension, allowance or gratuity may be or has been awarded under this Part of this Order—

- (a) is, in pursuance of a sentence or order of a Court upon his being found guilty of an offence, serving a term of imprisonment, detention, preventive detention or corrective training, or detained in a Borstal institution, approved school or remand home; or
- (b) is under any enactment deported from, required to leave, or prohibited from entering the United Kingdom or the Isle of Man, or is a person whose certificate of naturalisation has been revoked; or
- (c) being a female person, other than one to whom a parent's pension may be or has been so awarded, cohabits with a man as his wife:

the Minister may withhold the award of the pension, allowance or gratuity or, if it has been awarded, may direct that it shall be forfeited as from such date (including any past date) as he may think fit:

Provided that the Minister may, upon such terms and as from such date (including any past date but, in a case to which subparagraph (c) applies, not being a date before that on which the person ceases to cohabit with a man as his wife) as he thinks fit, restore, either in whole or in part, a pension, allowance or gratuity forfeited under this paragraph."

3. In Article 21A (which provides for parents' pensions) of the 1920 Order the words "shall in the case of a female parent cease on remarriage" and in Article 21B (which provides for parents' pensions)

of that Order the words "provided that any such pension shall, in the case of a female parent, cease on remarriage" shall be omitted.

4. After Article 23 of the 1920 Order there shall be inserted the following Article:

"23A. Where a person would have been in receipt of a pension under Article 11, 13, 17A, 17B, 19, 20, 21 or 22 of this Order immediately before her marriage after the 30th September 1961, had not that pension been terminated, suspended, withheld or forfeited in consequence of her cohabitation with another person as his wife, that pension shall for the purposes of paragraph (2) or (3) of Article 16 or of Article 23, as the case may be, be deemed to have ceased on her marriage."

5.—(1) Article 10 of the 1921 (Officers) Order and Article 10 of the 1921 (Warrant Officers) Order (which contain general conditions relating to pensions to widows and dependants of deceased officers) shall be re-numbered 10 (1) and from each of the said Articles the words from "and no pension" to the end thereof shall be omitted, so however that the words shall continue to apply in relation to any pension which has been terminated before, or is suspended or being withheld or administered on, the 30th September 1961.

(2) The following paragraph shall be added to each of the said Articles:

"(2) Where a person to or in respect of whom a pension, allowance or gratuity may be or has been awarded under this Part of this Order—

- (a) is, in pursuance of a sentence or order of a Court upon his being found guilty of an offence, serving a term of imprisonment, detention, preventive detention or corrective training, or detained in a Borstal institution, approved school or remand home; or
- (b) is under any enactment deported from, required to leave, or prohibited from entering the United Kingdom or the Isle of Man, or is a person whose certificate of naturalisation has been revoked; or
- (c) being a female person, other than one to whom a parent's pension may be or has been so awarded, cohabits with a man as his wife:

the Minister may withhold the award of the pension, allowance or gratuity or, if it has been awarded, may direct that it shall be forfeited as from such date (including any past date) as he may think fit:

Provided that the Minister may, upon such terms and as from such date (including any past date but, in a case to which subparagraph (c) applies, not being a date before that on which the person ceases to cohabit with a man as his wife) as he thinks fit, restore, either in whole or in part, a pension, allowance or gratuity forfeited under this paragraph."

6. After paragraph (2) of Article 15 of the 1921 (Officers) Order and paragraph (2) of Article 15 of the 1921 (Warrant Officers) Order (which contain provisions relating to the pensions of officers' widows who marry), there shall be added the following paragraph:

"(3) Where a person would have been in receipt of a pension under Article 11, 13, 16A, 16B or 17A of this Order immediately before her remarriage after the 30th September 1961, had not that pension been terminated, suspended, withheld or forfeited in consequence of her cohabitation with another person as his wife that pension shall, for the purposes of this Article, be deemed to have ceased on her remarriage."

7. In paragraph (5) of Article 18 of the 1921 (Officers) Order and paragraph (5) of Article 18 of the 1921 (Warrant Officers) Order (which contain general conditions for the award of pensions to officers' relatives) after the word "remarriage" there shall be added the words "not being the marriage or remarriage of a parent of an officer" and in paragraph (1) of Article 22C of the 1921 (Officers) Order and paragraph (1) of Article 22C of the 1921 (Warrant Officers) Order (which contain conditions for the award of parents' pensions) the words "and shall cease on marriage or remarriage" shall be omitted.

8. The Minister may restore in whole or in part and in respect of any period after the 30th September 1961, any pension awarded to a female parent under Article 21A or 21B of the 1920 Order or under Article 19, 22A or 22B of the 1921 (Officers) Order