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State Intelligence

PRIVY COUNCIL OFFICE

At the Court at Buckingham Palace the 21st day of March 1978

PRESENT,

The QUEEN'S Most Excellent Majesty in Council

Whereas it is expedient to provide for revised rates and conditions of award of pensions to the widows and children of deceased Officers, Petty Officers, Non-Commissioned Officers and Men of the Royal Navy and Royal Marines:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 3 of the Naval and Marine Pay and Pensions Act 1865 (1865 c. 73), 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

1. This Order may be cited as the Naval and Marine Pay and Pensions (Family Pensions) Order 1978.

Interpretation

2. The Interpretation Act 1889 (1889 c. 63) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

General

3. The revised rates and conditions of award of widows' and children's pensions in respect of the service of deceased Officers, Petty Officers, Non-Commissioned Officers and Men of the Royal Navy and Royal Marines shall be as specified in the Schedule annexed hereto.

4. Except as otherwise indicated, the provisions of the said Schedule shall have effect from 1st April 1977.

N. E. Leigh

SCHEDULE

SECTION I

1. The family pension and other awards provided for in this Schedule are those payable in respect of the service of deceased Officers, Fleet Chief Petty Officers, Chief Petty Officers, Petty Officers, Non-Commissioned Officers and Men of the Royal Navy and Royal Marines and awards which are payable in respect of deaths which are attributable to service.

2. Except where otherwise stated the term "officers" in this Schedule should be read as including Commissioned Officers of the Royal Navy and of the Royal Marines and "RN rating and RM other rank" should be read as including Fleet Chief Petty Officers, Chief Petty Officers, Petty Officers and other ratings of the Royal Navy and Non-Commissioned Officers and other ranks of the Royal Marines.

SECTION II

General Conditions Governing the Award of Family Pensions

3. If the death of an officer, RN rating or RM other rank was due wholly or in part to his own negligence or misconduct or to any cause within his own control the award and amount of any family pension payable shall be at the discretion of the Secretary of State for Defence.

4. If the applicant is granted any other pension or allowance from public funds payable by virtue of the deceased's service then the Secretary of State for Defence may at his discretion withhold or reduce any award otherwise admissible.

5. (a) Where an officer, RN rating or RM other rank has suffered an abatement of his retired pay or pension (whether preserved or immediate) on account of his misconduct or inefficiency, such abatement may be ignored when assessing any benefits payable to his wife and children under the terms of this Schedule, except as provided in sub-clause (b) below.