
STATUTORY INSTRUMENTS

1978 No. 1526

PENSIONS

WAR PENSIONS

**The Naval, Military and Air Forces Etc. (Modification
of Enactments and Other Instruments) Order 1978**

<i>Made</i>	- - - -	<i>24th October 1978</i>
<i>Laid before Parliament</i>		<i>1st November 1978</i>
<i>Coming into Operation</i>		<i>1st January 1979</i>

At the Court at Buckingham Palace, the 24th day of October 1978

Present,

The Queen's Most Excellent Majesty in Council

WHEREAS, in consequence of the making, in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977, of the War Pensions (Pre-Consolidation Amendment) Order 1978 and of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978, Her Majesty deems it expedient to modify enactments and instruments which refer to instruments revoked by the aforesaid Orders or to pensions and other benefits for which provision was made under the said revoked instruments and to do so by Order in Council under powers conferred by section 12(2) of the said Act:

NOW, THEREFORE, Her Majesty, in exercise of those powers 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 may be cited as the Naval, Military and Air Forces etc. (Modification of Enactments and other Instruments) Order 1978 and shall come into operation on 1st January 1979, immediately after the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 has come into operation.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Social Security (Miscellaneous Provisions) Act 1977;

“the Consolidation” means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978;

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“the Pre-Consolidation Order” means the War Pensions (Pre-Consolidation Amendment) Order 1978;

“pension or other benefit” means such pension or other benefit as is mentioned in section 12(1) of the Act;

and other expressions shall have the same meanings as in the Act.

(3) Any reference in this Order to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it with or without modification.

(4) This Order shall be construed and shall operate as it would fall to be construed and to operate by virtue of section 23(1) of the Interpretation Act 1978 if it were made after the commencement of that Act.

Modifications in enactments and instruments

2.—(1) Wherever in any enactment or instrument specified in the Schedule hereto there is a reference—

- (a) to an instrument revoked by the Pre-Consolidation Order or by the Consolidation; or
- (b) to a pension or other benefit for which, immediately before the date on which the Consolidation came into operation, provision was made by such revoked instrument; or
- (c) to a “war pensions instrument”;

such reference shall, save in so far as may not be appropriate in any particular case, be modified in accordance with the provisions of the next succeeding paragraph and any such reference in any other enactment or instrument shall likewise be so modified.

(2) Any such reference shall be construed as if it included—

- (a) in the case of a reference specified in subparagraph (a) or (c) of paragraph (1) of this article, a reference to the Consolidation (or, as the case may be, to the corresponding provision thereof);
- (b) in the case of a reference specified in subparagraph (b) of that paragraph, a reference to a pension or other benefit under the Consolidation.

N. E. Leigh
Clerk of the Privy Council

SCHEDULE

Article 2(1)

ENACTMENTS AND INSTRUMENTS MODIFIED BY ARTICLE 2 OF THIS ORDER

PART I
ENACTMENTS

<i>Col 1</i> Item	<i>Column 2</i> Enactment	<i>Column 3</i> Reference	<i>Column 4</i> Provisions Modified
1	Polish Resettlement Act 1947	1947 c.19	Section 1
2	Housing (Financial Provisions) (Scotland) Act 1972	1972 c.46	Schedule 2, paragraph 9 as amended(1)
3	Housing Finance Act 1972	1972 c.47	Schedule 3, paragraph 9 as amended(2)
4	Supplementary Benefits Act 1976	1976 c.71	Schedule 1, paragraph 23

PART II

INSTRUMENTS APPLYING TO GREAT BRITAIN OR COUNTRIES IN THE UNITED KINGDOM (OTHER THAN NORTHERN IRELAND ONLY)

<i>Col 1</i> Item	<i>Column 2</i> Enactment	<i>Column 3</i> Reference	<i>Column 4</i> Provisions Modified
5	The Order in Council of 11th June 1920	S.R. and O. 1920/1307	Articles 3, 4 and 5
6	The Commutation (Ministry of Pensions) Regulations 1924	S.R. and O. 1924/802	Regulation 7
7	The War Pensions and Detention Allowances (Naval Auxiliary Personnel) Scheme 1940	S.R. and O. 1940/174	Article 2
8	The War Pensions (Coastguards) Scheme 1944	S.R. and O. 1944/500	Article 1
9	The Legal Aid (Scotland) (Assessment of Resources) Regulations 1960	S.I. 1960/1395 (S.71)	Schedule 1, rule 5, as amended(3)
10	The Legal Aid (Assessment of Resources) Regulations 1960	S.I. 1960/1471	Schedule 1, rule 5, as amended(4)

(1) The relevant amending instrument is S.I. 1973/546.
 (2) The relevant amending instrument is S.I. 1975/1441.
 (3) The relevant amending instrument is S.I. 1975/1372.
 (4) The relevant amending instrument is S.I. 1975/1358.

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<i>Col 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
Item	Enactment	Reference	Provisions Modified
11	The War Pensions (Naval Auxiliary Personnel) Scheme 1964	S.I. 1964/1985	Article 2
12	The Pensions (Polish Forces) Scheme 1964	S.I. 1964/2007	Article 2
13	The War Pensions (Mercantile Marine) Scheme 1964	S.I.1964/2058	Article 2
14	The Royal Warrant of 21st December 1964	Cmnd. 2563 of 1964	Article 1
15	The Order by Her Majesty of 22nd December 1964	Cmnd. 2564 of 1964	Article 1
16	The Order by Her Majesty of 4th January 1971	Cmnd.4567 of 1971	Article 1
17	The Family Income Supplements (General) Regulations 1971	S.I. 1971/226	Regulation 1, as amended(5)
18	The Rate Rebate Regulations 1974	S.I. 1974/411	Regulations 8 and 20, as amended(6)
19	The Social Security (Benefit (Married Women and Widows Special Provisions) Regulations 1974	S.I. 1974/2010	Regulation 1
20	The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1974	S.I. 1974/2059	Regulation 4
21	The Social Security (Contributions) Regulations 1975	S.I. 1975/492	Regulation 90
22	The Social Security (Overlapping Benefits) Regulations 1975	S.I. 1975/554	Regulation 2
23	The Social Security Benefit (Married Women and Widows) (Amendments and Transitional Provisions) Regulations 1975	S.I. 1975/562	Regulation 2
24	The Social Security (Invalid Care Allowance) Regulations 1976	S.I. 1976/409	Regulation 3
25	The Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976	S.I. 1976/1267	Regulation 2

(5) The relevant amending instrument is S.I. 1972/1282.

(6) The relevant amending instrument is S.I. 1974/1086.

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PART III

INSTRUMENTS APPLYING TO NORTHERN IRELAND ONLY

<i>Col 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
Item	Enactment	Reference	Provisions Modified
26	The Family Income Supplements (General) Regulations (Northern Ireland) 1971	S.R. and O. (N.I.) 1971 No. 122	Regulation 1, as amended(7)
27	The Rate Rebate Order (Northern Ireland) 1974	S.R. 1974 No. 65	Schedule, paragraphs 6 and 18, as amended(8)
28	The Social Security (Widow's Benefit and Retirement Pensions) (Northern Ireland) Regulations 1975	S.R. 1975 No. 12	Regulation 4
29	The Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975	S.R. 1975 No. 19	Regulation 1
30	The Social Security Benefit (Married Women and Widows) (Amendments and Transitional Provisions) Regulations (Northern Ireland) 1975	S.R. 1975 No. 93	Regulation 2
31	The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975	S.R. 1975 No. 94	Regulation 2
32	The Social Security (Contributions) Regulations (Northern Ireland) 1975	S.R. 1975 No. 319	Regulation 88
33	The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976	S.R. 1976 No. 99	Regulation 3
34	The Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976	S.R. 1976 No. 223	Regulation 2
35	The Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1976	S.R. 1976 No. 125	Regulation 2
36	The Supplementary Benefits (Northern Ireland) Order 1977	S.I. 1977/2156 (N.I.27)	Schedule 1, paragraph 23

(7) The relevant amending instrument is S.R. and O. (N.I.) 1972 No. 223.

(8) The relevant amending instrument is S.R. 1974 No. 200.

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EXPLANATORY NOTE

This Order is made in consequence of the coming into operation of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 (“the Consolidation”) (which consolidated the various war pensions instruments relating to disablement and death due to service in the Armed Forces during the first World War and after 2nd September 1939) and the War Pensions (Pre-Consolidation Amendment) Order 1978. It makes provision for references in Acts and instruments to those war pensions instruments and to pensions and other benefits provided by them to be construed, in so far as not inappropriate, as including references to the Consolidation or, as the case may be, pensions and other benefits under the Consolidation.