

1959 No. 735

**Military Pensions (Commonwealth Relations Office)
Regulations, 1959**

Made - - - - 19th March, 1959

Coming into Operation 19th March, 1959

I, Alexander Frederick, Earl of Home, one of Her Majesty's Principal Secretaries of State, in exercise of the power conferred on me by section 4 of the Pensions and Yeomanry Pay Act, 1884(a), hereby make the following regulations:—

1. These regulations may be cited as the Military Pensions (Commonwealth Relations Office) Regulations, 1959.

2. Where any part of the personal estate of a person referred to in section 4 of the aforesaid Act is held by or under the control of the Secretary of State for Commonwealth Relations, and the amount thereof does not exceed £100, any applicant for payment may make a declaration in the form set out in the schedule to these regulations.

3. Subject to the provisions of the following regulation, after receipt by the Secretary of State of any such declaration—

(a) if the declaration indicates that there is an unrevoked will which it is not proposed to prove, payment may be made to the person or persons who appear to the Secretary of State to be beneficially entitled under the terms of the will ;

(b) if no person appears to be entitled to payment under the terms of the will, or if it is declared that there is no will and that Letters of Administration are not being taken out, payment may be made to the widow absolutely if the deceased left a widow or a widow and children, but if he left children only the amount may be paid to such of them as they may jointly agree upon and in the absence of any such agreement it may be distributed among them in such manner as appears to the Secretary of State to be proper having regard to the laws applicable on an intestacy or to the payment of the funeral expenses of the deceased by any of them ;

(c) in any other case payment is to be made to such persons as the Secretary of State may direct.

4. Notwithstanding the provisions of regulation 3 of these regulations, the production of Probate or Letters of Administration may be required if such a course seems desirable.

Home,

One of Her Majesty's Principal
Secretaries of State.

Commonwealth Relations Office,
Downing Street, S.W.1.
19th March, 1959.

SCHEDULE

FORM OF DECLARATION

I,.....do solemnly and sincerely declare that.....of.....who was in receipt of.....died on the.....day of.....19 :

State nature of pension.

Paragraph A or B will apply in cases where the deceased died domiciled in England or Wales, and paragraph C or D in cases where the deceased died domiciled in Scotland. Strike out the three paragraphs which do not apply.

- A { That he left a Will, which is attached to this Declaration, and is believed she to be unrevoked, but which it is not intended to prove.
- B { That he left no Will, that Letters of Administration to his estate her have not been nor are intended to be taken out.
- C { That he left a Will, which is attached to this Declaration, and is believed she to be unrevoked, that confirmation as executor has not been applied for, and that, to the best of my knowledge and belief, it is not intended to make such application.
- D { That he left no Will, that no application for appointment and con- she firmation as executor has been made and that, to the best of my know- ledge and belief, no such application is intended to be made.

That the whole value of the personal estate of the deceased held by a Public Department does not exceed £100.

The relations left by the said..... are as follows:—

Name	Age	Relationship	Address

Here state the names and ages of survivors and their relationship to the deceased.

The expenses of the funeral have been defrayed by..... of.....

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared and subscribed before me this day of....., 19.....

Signature of Claimant }
 Address }
 of.....

State whether Justice of the Peace or Commissioner for Oaths.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

These regulations enable balances of pension, not exceeding in value £100, held by the Secretary of State for Commonwealth Relations in respect of deceased members of military forces of the Crown, who will in most cases have been members of the former Indian forces, to be paid, in certain cases, to persons appearing to be entitled to the deceased's personal estate, without it being necessary to obtain a grant of probate or letters of administration.