

1988 No. 2248

PENSIONS

The Naval, Military and Air Forces etc.
(Disablement and Death) Service Pensions Amendment
(No. 2) Order 1988

Made - - - - - 21st December 1988

Laid before Parliament 6th January 1989

Coming into force 1st February 1989

At the Court at Buckingham Palace, the 21st day of December 1988

Present,

The Queen's Most Excellent Majesty in Council

WHEREAS Her Majesty deems it expedient to amend the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(a) and to do so by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(b):

NOW, THEREFORE, Her Majesty, in exercise of the powers conferred by the said section 12(1) 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, which may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1988, shall come into force on 1st February 1989.

(2) In this Order, the expression "the principal Order" means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983.

Payment by direct credit transfer

2. After article 65 of the principal Order there shall be inserted the following article—

"Direct Credit Transfer

65A.—(1) The Secretary of State may direct in relation to any particular case or class of case that a pension shall be paid by way of automated or other direct credit transfer into a bank or other account—

- (a) in the name of the person entitled to the pension or a person acting on his behalf, or
- (b) in the joint names of the person entitled to the pension and his spouse, or the person entitled to the pension and a person acting on his behalf.

(2) Pension paid in accordance with paragraph (1) shall be paid—

(a) S.I. 1983/883; the relevant amending instrument is S.I. 1984/1154.

(b) 1977 c.5.

- (a) for periods of 4 weeks, or for such other periods as the Secretary of State may in any particular case or class of case determine;
- (b) within 7 days of the last day of each successive period determined in accordance with (a) above; and
- (c) in advance, or in arrears, or partly in advance and partly in arrears, as the Secretary of State may in any particular case or class of case determine.

(3) Where pension is payable in accordance with this article the Secretary of State may make a particular payment by credit transfer otherwise than as provided in paragraph (2) if it appears to him to be appropriate to do so for the purpose of—

- (a) paying any arrears of pension, or
- (b) making a payment of pension at the termination of an award.

(4) Payment of pension in accordance with this article may be terminated by the Secretary of State if the arrangement seems to him to be no longer appropriate to the particular case or class of case.”.

Payment of pension

3.—(1) In article 66 of the principal Order^(a) (payment of pensions) for paragraph (1) there shall be substituted the following paragraphs:—

“(1) The provisions of this article, other than paragraph (1A), are subject to the provisions of article 65A.

(1A) Payment of a pension may be made provisionally or upon any other basis.

(1B) Subject to paragraph (1C) pension awarded in terms of a weekly amount may be paid weekly in advance and pension not awarded in such terms may be paid quarterly or monthly in arrears.

(1C) The Secretary of State may in any particular case or class of case determine that pension shall be paid in advance or in arrears or partly in advance and partly in arrears, and for a period different from that specified in paragraph (1B).

(1D) Pension shall be paid by such means as appears to the Secretary of State to be appropriate in the circumstances of the case or class of case.”.

(2) In article 66(2)(a) of the principal Order, for the words “paragraph (1)” there shall be substituted the words “the preceding provisions of this article”.

G. I. de Doney
Clerk of the Privy Council

^(a) Article 66 was amended by S.I. 1984/1154, article 9.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which takes effect on 1st February 1989, further amends the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 ("the principal Order").

Article 2 inserts article 65A into the principal Order to provide for the payment of pensions by direct credit transfer.

Article 3 amends article 66 of the principal Order, which relates to the payment of pensions, to take account of the new article 65A. Paragraphs (1A), (1B) and (1C) re-enact provisions in article 66(1) and paragraph (1D) provides for the means by which pension is to be paid where article 65A of the principal Order does not apply.