

56. *Payment of public claims out of pensions.*—Where the Minister is satisfied that a sum is due to the Crown, a Secretary of State, a Minister or a Government Department from a person to or in respect of whom a pension or gratuity may be or has been awarded, or that an overpayment has been made to or in respect of any such person by the Crown, a Secretary of State, a Minister or a Government Department, the Minister may deduct from the pension or gratuity in respect of that sum or over payment such amounts and at such times as he may think fit and may apply the amounts so deducted in or towards paying or repaying that sum or over payment.

57. *Administration of pensions, etc.*—(1) A pension or gratuity awarded to or in respect of any person may be administered by the Minister if that person—

(a) has not attained the age of 21 years; or

(b) is, in the opinion of the Minister, incapable of managing his own affairs by reason of mental infirmity; or

(c) is being maintained in an institution to which Article 53 applies; or

(d) is a person in whose case the award can be forfeited or has been restored under Article 58;

or if, in any other case, the Minister considers that it is in the interests of that person that it should be so administered.

(2) A pension or gratuity which is being administered under this Article may, as to the whole or such part thereof as the Minister thinks fit and at such times as he thinks fit, be applied for the benefit of the person to or in respect of whom it has been awarded or be paid to any person whom the Minister considers a fit and proper person so to apply the same.

58. *Forfeiture of pensions, etc.*—(1) Where a person to or in respect of whom a pension or gratuity may be or has been awarded—

(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prohibited from entering the United Kingdom or the Isle of Man, or is a person whose certificate of naturalisation has been revoked; or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 person to or in respect of whom an award of a pension or gratuity may be or has been made under Part V of this Order, is, in the opinion of the Minister, unworthy of a grant from public funds;

the Minister may withhold the award of the pension 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.

(2) The Minister may, upon such terms and as from such date (including any past date) as he thinks fit, restore, either in whole or in part, a pension or gratuity forfeited under this Article.

59. *Refusal of treatment.*—(1) Where it is certified that a member of the naval forces should in his own interests receive medical, surgical or rehabilitative treatment for a disablement in respect of which a pension may be or has been awarded to him, and the member refuses or neglects to receive the treatment, the Minister may, if he considers that such refusal or neglect is unreasonable, reduce any pension in respect of the member's disablement by such an amount, not exceeding one-half of any such pension, as he may think fit.

(2) For the purpose of this Article, any misconduct on the part of the member which, in the opinion of the Minister, renders it necessary for any treatment that he is receiving to be discontinued, may be treated as a refusal of the member to receive the treatment.

60. *Failure to draw pension.*—Where a person fails for a continuous period of not less than twelve months to draw his pension, the award may be cancelled and payment of any arrears may be withheld:

Provided that the Minister may, in any particular case, restore the award and pay the arrears either in whole or in part.

61. *Arrears.*—Except in so far as the Minister may otherwise direct with respect to any particular case or class of case, payment of a pension shall not be

made in respect of any period preceding the date of the application or appeal as a result of which the claim to the award of the pension, or as the case may be, to the continuance or resumption of the payment of the pension, is accepted.

62. *Payment of pensions.*—Payment of a pension under this Order may be made provisionally or upon any other basis and for such period as the Minister may think fit and, except as the Minister may direct either generally or in any particular case or class of case, a pension awarded in terms of a weekly amount may be paid weekly in advance and a pension not awarded in such terms may be paid quarterly or monthly in arrear.

63. *Review of awards, etc.*—(1) Where the Minister makes a final assessment of the degree or nature of the disablement of a member of the naval forces, or a final decision that there is no disablement or that the disablement has come to an end, any award under Article 11 or 12 made on the basis of that assessment, or any such final decision, shall not, subject to any decision given by a Tribunal under the Pensions Appeal Tribunals Acts, 1943 and 1949, (6 & 7 Geo. 6, c. 39 and 12 & 13 Geo. 6, c. 12), and to the provisions of this Part, be reviewed unless—

(a) in the case of a final assessment, there is a substantial increase in the degree of disablement which is due to service; or

(b) in the case of a final decision, there is a substantial degree of disablement which is due to service; or

(c) the rate of the pension or other grant has by error been fixed at a figure which is not appropriate under this Order to the assessment of the degree or nature of the disablement; or

(d) the award of the pension or other grant has been made by error; or

(e) the Minister has reason to believe that the award has been obtained by improper means.

(2) Any award under this Order (other than an award made on the basis of such a final assessment as aforesaid) may, subject to any decision given by a Tribunal under the Pensions Appeal Tribunals Acts, 1943 and 1949 (6 & 7 Geo. 6, c. 39 and 12 & 13 Geo. 6, c. 12), be reviewed at any time on any of the grounds specified in paragraph (1) of this Article, or on any other ground which, in the opinion of the Minister, having regard to the provisions of this Order, necessitates its review.

(3) On any review under this Article the Minister may continue or vary the award, or make a fresh award in place of it, or cancel it, or in the case of such a final decision as is mentioned in paragraph (1) of this Article may make an award as may be appropriate having regard to the provisions of this Order.

64. *Power to dispense with probate.*—(1) Where a person to whom any payment could have been made under this Order before his death dies before the payment is made, and the amount unpaid does not exceed £100, the amount so unpaid may be paid to the personal representative of the deceased person without probate or other proof of title, or may be paid or distributed to or among the persons appearing to the Minister to be the persons beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, and, in determining the persons to whom and the proportions in which the amount so unpaid shall be paid or distributed, the Minister may have regard to any payments made or expenses incurred by any such persons for or on account of the funeral of the deceased person.

(2) Where a deceased person has died intestate and he was, or any child of his was or is, illegitimate, the deceased person and any such child shall, for the purposes of this Article, be treated as legitimate.

65. *Administration of this Order.*—This Order shall be administered by the Minister or, as to any particular provision thereof which he may select, by such other person or body acting under his directions as he may direct, and except as otherwise provided by statute, the Minister shall be the sole interpreter of this Order and shall be empowered to issue such instructions with reference thereto as he may from time to time deem necessary.

66. *Transferred powers.*—Nothing contained in this Order shall prejudice or affect any power transferred to the Minister under Section 1 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939 (2 & 3 Geo. 6, c. 83).