

**ORDERS APPROVED AT THE PRIVY COUNCIL HELD BY THE
QUEEN AT BUCKINGHAM PALACE ON 7TH NOVEMBER 2018**

COUNSELLORS PRESENT

The Rt Hon Andrea Leadsom (Lord President)

The Rt Hon Philip Hammond

The Rt Hon David Lidington

The Rt Hon Esther McVey

Privy
Counsellors

Sir Jonathan Baker, Dame Nicola Davies DBE, Sir Nicholas Green and Sir Charles Haddon-Cave were sworn as Members of Her Majesty's Most Honourable Privy Council.

Proclamations

Three Proclamations:—

1. determining the specifications and design for a new series of two hundred pound gold coins;
2. determining the specifications and designs for a new series of fifty pence coins in gold, silver and cupro-nickel;
3. determining the specifications and design for a new series of fifty pence coins in silver and cupro-nickel;

and three Orders directing the Lord Chancellor to affix the Great Seal to the Proclamations.

Charters

Order granting a Charter of Incorporation to the Worshipful Company of Arts Scholars.

Charter
Amendments

Two Orders allowing amendments to the Charters of:—

1. The University of the West Indies;
2. The Jockey Club (incorporating the National Hunt Committee).

Naval and
Marine Pay and
Pensions Act
1865

The Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018.

Merchant
Shipping Act
1894

The Merchant Shipping (Confirmation of Legislation) (Falkland Islands) Order 2018 (SI).

Civil Aviation
Act 1982

The Air Navigation (Amendment) (No. 2) Order 2018 (SI).

Trade Marks
Act 1994

The Trade Marks (Isle of Man) (Amendment) Order 2018 (SI).

Education and
Inspections Act
2006

The Inspectors of Education, Children's Services and Skills (No. 4) Order 2018 (SI).

Sark

Order approving the Retrait Lignager (Abolition) (Sark) Law, 2018.

Burial Act 1853
(Notice)

Order giving notice of the discontinuance of burials in:—

1. Cottesmore Churchyard Extension, Rogues Lane, Cottesmore, Oakham, Rutland;
2. St Luke's Cemetery, Bembridge, Isle of Wight.

Petitions

Order referring a Petition of the Society of Antiquaries of Scotland, praying for the grant of a Supplementary Charter to a Committee of the Privy Council.

Order referring a Petition of The Worshipful Company of Chartered Architects, praying for the grant of a Charter of Incorporation to a Committee of the Privy Council.



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

This day Sir Jonathan Baker was, by Her Majesty's command, sworn of Her Majesty's Most Honourable Privy Council and took his place at the Board accordingly.

Richard Tilbrook



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

This day Dame Nicola Davies DBE was, by Her Majesty's command, sworn of Her Majesty's Most Honourable Privy Council and took her place at the Board accordingly.

Richard Tilbrook



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

This day Sir Nicholas Green was, by Her Majesty's command, sworn of Her Majesty's Most Honourable Privy Council and took his place at the Board accordingly.

Richard Tilbrook



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

This day Sir Charles Haddon-Cave was, by Her Majesty's command, sworn of Her Majesty's Most Honourable Privy Council and took his place at the Board accordingly.

Richard Tilbrook



BY THE QUEEN

A PROCLAMATION

**DETERMINING THE SPECIFICATIONS AND DESIGN FOR A
NEW SERIES OF TWO HUNDRED POUND GOLD COINS**

ELIZABETH R.

Whereas under section 3(1)(a), (b), (c), (cd) and (d) of the Coinage Act 1971 We have power, with the advice of Our Privy Council, by Proclamation to determine the denomination, the design and dimensions of coins to be made at Our Mint, to determine the weight and fineness of certain gold coins, the remedy to be allowed in the making of such coins and their least current weight, and to provide for the manner of measurement of the variation from the standard weight of coins:

And Whereas it appears to Us desirable to order that there should be made at Our Mint a new series of coins of the denomination of two hundred pounds in gold:

We, therefore, in pursuance of the said section 3(1)(a), (b), (c), (cd) and (d), and of all other powers enabling Us in that behalf, do hereby, by and with the advice of Our Privy Council, proclaim, direct and ordain as follows:

TWO HUNDRED POUND GOLD COIN

1. (1) A new coin of gold of the denomination of two hundred pounds shall be made, being a coin of a standard weight of 62.42 grammes, a standard diameter of 40 millimetres, a millesimal fineness of not less than 999.9, and being circular in shape.

(2) In the making of the said gold coin a remedy (that is, a variation from the standard weight, diameter or fineness specified above) shall be allowed of an amount not exceeding the following, that is to say:

(a) a variation from the said standard weight of an amount per coin of 0.5 grammes;

(b) a variation from the said standard diameter of 0.125 millimetres per coin; and

(c) a variation from the said millesimal fineness of two per mille.

(3) The variation from the standard weight will be measured as the average of a sample of not more than one kilogram of the coin.

(4) The least current weight of the said gold coin shall be 62.42 grammes.

(5) The design of the said gold coin shall be as follows:

‘For the obverse impression Our effigy with the inscription “· ELIZABETH II · G · REG · F · D · 200 POUNDS” and for the reverse the figure of Britannia holding a trident and shield and accompanied by a lion, and the inscription “BRITANNIA 20Z FINE GOLD 999.9 2019”.

2. This Proclamation shall come into force on the eighth day of November Two thousand and eighteen.

Given at Our Court at Buckingham Palace, this seventh day of November in the year of Our Lord Two thousand and eighteen and in the sixty-seventh year of Our Reign.

GOD SAVE THE QUEEN



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

It is this day ordered by Her Majesty in Council that the Right Honourable the Lord High Chancellor of Great Britain do cause the Great Seal of the Realm to be affixed to the Proclamation of this day's date, determining the specifications and design for a new series of two hundred pound gold coins.

Richard Tilbrook



BY THE QUEEN

A PROCLAMATION

**DETERMINING THE SPECIFICATIONS AND DESIGNS FOR A
NEW SERIES OF FIFTY PENCE COINS IN GOLD, SILVER
AND CUPRO-NICKEL**

ELIZABETH R.

Whereas under section 3(1)(a), (b), (c), (cc), (cd), (d) and (dd) of the Coinage Act 1971 We have power, with the advice of Our Privy Council, by Proclamation to determine the denomination, the design and dimensions of coins to be made at Our Mint, to determine the weight and fineness of certain gold coins, the remedy to be allowed in the making of such coins and their least current weight, and to determine the weight and composition of coins other than gold coins or coins of silver of Our Maundy money, and the remedy to be allowed in the making of such coins, to provide for the manner of measurement of the variation from the standard weight of coins, and to determine the percentage of impurities which such coins may contain:

And Whereas under section 3(1)(ff) of the Coinage Act 1971 We have power, with the advice of Our Privy Council, by Proclamation to direct that any coin shall be legal tender for the payment of any amount:

And Whereas it appears to Us desirable to order that there should be made at Our Mint a new series of coins of the denomination of fifty pence in gold, in silver and in cupro-nickel:

We, therefore, in pursuance of the said section 3(1)(a), (b), (c), (cc), (cd), (d), (dd) and (ff), and of all other powers enabling Us in that behalf, do hereby, by and with the advice of Our Privy Council, proclaim, direct and ordain as follows:

FIFTY PENCE GOLD COIN

1. (1) A new coin of gold of the denomination of fifty pence shall be made, being a coin of a standard weight of 15.5 grammes, a standard diameter of 27.3 millimetres, a millesimal fineness of 916.7, and being in the shape of an equilateral curve heptagon.

(2) In the making of the said gold coin a remedy (that is, a variation from the standard weight, diameter or fineness specified above) shall be allowed of an amount not exceeding the following, that is to say:

(a) a variation from the said standard weight of an amount per coin of 0.07 grammes;

(b) a variation from the said standard diameter of 0.125 millimetres per coin;
and

(c) a variation from the said millesimal fineness of two per mille.

(3) The least current weight of the said gold coin shall be 15.4 grammes.

(4) The variation from the standard weight will be measured as the average of a sample of not more than one kilogram of the coin.

FIFTY PENCE SILVER COIN

2. (1) A new coin of silver of the denomination of fifty pence shall be made, being a coin of a standard weight of 8 grammes, a standard diameter of 27.3 millimetres, a standard composition of 925 parts per thousand fine silver, and being in the shape of an equilateral curve heptagon.

(2) In the making of the said silver coin a remedy (that is, a variation from the standard weight, diameter or composition specified above) shall be allowed of an amount not exceeding the following, that is to say:

(a) a variation from the said standard weight of an amount per coin of 0.17 grammes;

(b) a variation from the said standard diameter of 0.125 millimetres per coin;
and

(c) a variation from the said standard composition of five parts per thousand fine silver.

(3) The variation from the standard weight will be measured as the average of a sample of not more than one kilogram of the coin.

(4) The said silver coin shall be legal tender for the payment of any amount in any part of Our United Kingdom.

FIFTY PENCE CUPRO-NICKEL COIN

3. (1) A new coin of cupro-nickel of the denomination of fifty pence shall be made, being a coin of a standard weight of 8 grammes, a standard diameter of 27.3 millimetres, a standard composition of seventy-five per centum copper and twenty-five per centum nickel, and being in the shape of an equilateral curve heptagon.

(2) In the making of the said cupro-nickel coin a remedy (that is, a variation from the standard weight, diameter or composition specified above) shall be allowed of an amount not exceeding the following, that is to say:

(a) a variation from the said standard weight of an amount per coin of 0.35 grammes;

(b) a variation from the said standard diameter of 0.125 millimetres per coin;
and

(c) a variation from the said standard composition of two per centum copper and two per centum nickel.

(3) The said cupro-nickel coin may contain impurities of three-quarters of one per centum.

(4) The variation from the standard weight will be measured as the average of a sample of not more than one kilogram of the coin.

(5) The said cupro-nickel coin shall be legal tender for the payment of any amount not exceeding ten pounds in any part of Our United Kingdom.

DESIGNS OF THE COINS

4. The design of the said fifty pence gold, silver and cupro-nickel coins shall be either:

‘For the obverse impression either:

(a) Our effigy with the inscription “· ELIZABETH II · DEI · GRA · REG · FID · DEF · 2019”; or

(b) Our effigy with the inscription “· ELIZABETH II · D · G · REG · F · D · 50 PENCE · 2019”,

and for the reverse either:

(a) the figure of Britannia, seated beside a lion, with a shield resting against her right side, holding a trident in her right hand and an olive branch in her left hand; and the figure “50” together with the words “NEW PENCE”; or

(b) a design representing the D-Day landings of the Allied invasion force heading for Normandy and filling the sea and sky, with the inscription “50 PENCE”; or

(c) the legs of a running athlete with a stylized stopwatch in the background and, with the inscription “50 PENCE”; or

(d) a depiction of the obverse and reverse of a Victoria Cross with the date “29. JAN 1856” in the centre of the reverse of the Cross, with the inscription “VC” “FIFTY PENCE”; or

(e) a depiction of a soldier carrying a wounded comrade with an outline of the Victoria Cross surrounded by a sunburst effect in the background with the inscription “FIFTY PENCE”; or

(f) a fleur-de-lis superimposed over a globe and accompanied by the inscription “BE PREPARED” and the dates “· 1907 ·” and “· 2007 ·”, and the denomination “FIFTY PENCE”; or

(g) a design showing the pagoda, a building strongly associated with the Royal Botanic Gardens at Kew, encircled by a vine and accompanied by the dates “1759” and “2009”, with the word “KEW” at the base of the pagoda; or

(h) a design showing the scene from the Bayeux tapestry depicting King Harold with an arrow in his eye accompanied by the inscription “BATTLE OF HASTINGS 1066” and the date “2016”; or

(i) a design showing airmen running to their planes with enemy aircraft overhead accompanied by the inscription “THE BATTLE OF BRITAIN 1940”; or

(j) a design which depicts a repeating pattern of the current identity of Girlguiding UK, accompanied by the inscription “CELEBRATING ONE HUNDRED YEARS OF GIRLGUIDING UK” and the denomination “50 PENCE”.

The coins shall have a plain edge.’

5. This Proclamation shall come into force on the eighth day of November Two thousand and eighteen.

Given at Our Court at Buckingham Palace this seventh day of November in the year of Our Lord Two thousand and eighteen and in the sixty-seventh year of Our Reign.

GOD SAVE THE QUEEN



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

It is this day ordered by Her Majesty in Council that the Right Honourable the Lord High Chancellor of Great Britain do cause the Great Seal of the Realm to be affixed to the Proclamation of this day's date, determining the specifications and designs for a new series of fifty pence coins in gold, silver and cupro-nickel.

Richard Tilbrook



BY THE QUEEN

A PROCLAMATION

**DETERMINING THE SPECIFICATIONS AND DESIGN FOR A
NEW SERIES OF FIFTY PENCE COINS IN SILVER
AND CUPRO-NICKEL**

ELIZABETH R.

Whereas under section 3(1)(a), (b), (cc), (cd), (d) and (dd) of the Coinage Act 1971 We have power, with the advice of Our Privy Council, by Proclamation to determine the denomination, the design and dimensions of coins to be made at Our Mint, and to determine the weight and composition of coins other than gold coins or coins of silver of Our Maundy money, and the remedy to be allowed in the making of such coins, to provide for the manner of measurement of the variation from the standard weight of coins, and to determine the percentage of impurities which such coins may contain:

And Whereas under section 3(1)(ff) of the Coinage Act 1971 We have power, with the advice of Our Privy Council, by Proclamation to direct that any coin shall be legal tender for the payment of any amount:

And Whereas it appears to Us desirable to order that there should be made at Our Mint a new series of coins of the denomination of fifty pence in silver and in cupro-nickel:

We, therefore, in pursuance of the said section 3(1)(a), (b), (cc), (cd), (d), (dd) and (ff), and of all other powers enabling Us in that behalf, do hereby, by and with the advice of Our Privy Council, proclaim, direct and ordain as follows:

FIFTY PENCE SILVER COIN

1. (1) A new coin of silver of the denomination of fifty pence shall be made, being a coin of a standard weight of 8 grammes, a standard diameter of 27.3 millimetres, a standard composition of 925 parts per thousand fine silver, and being in the shape of an equilateral curve heptagon.

(2) In the making of the said silver coin a remedy (that is, a variation from the standard weight, diameter or composition specified above) shall be allowed of an amount not exceeding the following, that is to say:

(a) a variation from the said standard weight of an amount per coin of 0.17 grammes;

(b) a variation from the said standard diameter of 0.125 millimetres per coin; and

(c) a variation from the said standard composition of five parts per thousand fine silver.

(3) The variation from the standard weight will be measured as the average of a sample of not more than one kilogram of the coin.

(4) The said silver coin shall be legal tender for the payment of any amount in any part of Our United Kingdom.

FIFTY PENCE CUPRO-NICKEL COIN

2. (1) A new coin of cupro-nickel of the denomination of fifty pence shall be made, being a coin of a standard weight of 8 grammes, a standard diameter of 27.3 millimetres, a standard composition of seventy-five per centum copper and twenty-five per centum nickel, and being in the shape of an equilateral curve heptagon.

(2) In the making of the said cupro-nickel coin a remedy (that is, a variation from the standard weight, diameter or composition specified above) shall be allowed of an amount not exceeding the following, that is to say:

(a) a variation from the said standard weight of an amount per coin of 0.35 grammes;

(b) a variation from the said standard diameter of 0.125 millimetres per coin; and

(c) a variation from the said standard composition of two per centum copper and two per centum nickel.

(3) The said cupro-nickel coin may contain impurities of three-quarters of one per centum.

(4) The variation from the standard weight will be measured as the average of a sample of not more than one kilogram of the coin.

(5) The said cupro-nickel coin shall be legal tender for the payment of any amount not exceeding ten pounds in any part of Our United Kingdom.

DESIGN OF THE COINS

3. The design of the said fifty pence silver and cupro-nickel coins shall be as follows:

‘For the obverse impression either Our effigy with the inscription “ELIZABETH II · D · G · REG · F · D · 50 PENCE” and the date of the year and for the reverse a depiction of the Gruffalo accompanied by the inscription “THE GRUFFALO”.

The coins shall have a plain edge.’

4. This Proclamation shall come into force on the eighth day of November Two thousand and eighteen.

Given at Our Court at Buckingham Palace this seventh day of November in the year of Our Lord Two thousand and eighteen and in the sixty-seventh year of Our Reign.

GOD SAVE THE QUEEN



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

It is this day ordered by Her Majesty in Council that the Right Honourable the Lord High Chancellor of Great Britain do cause the Great Seal of the Realm to be affixed to the Proclamation of this day's date, determining the specifications and design for a new series of fifty pence coins in silver and cupro-nickel.

Richard Tilbrook



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following Report of a Committee of the Privy Council dated 2nd November 2018 was today considered:—

“YOUR MAJESTY was pleased, by Your Order of 11th July 2018, to refer to this Committee a Petition on behalf of the Worshipful Company of Arts Scholars, praying for the grant of a Charter of Incorporation:

“THE COMMITTEE have accordingly considered the Petition and have agreed to report it as their opinion that a Charter may be granted in terms of the annexed Draft.”

HER MAJESTY, having taken the Report and the Draft Charter accompanying it into consideration, was pleased, by and with the advice of Her Privy Council, to approve them. It is accordingly ordered that the Right Honourable the Lord High Chancellor of Great Britain should cause a Warrant to be prepared for Her Majesty's Royal Signature for passing under the Great Seal a Charter in conformity with the annexed Draft.

Richard Tilbrook



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

Her Majesty has allowed the amendments to the Charter of The University of the West Indies as set out in the Schedule to this Order.

Richard Tilbrook

SCHEDULE

AMENDMENTS TO THE CHARTER OF THE UNIVERSITY OF THE WEST INDIES

1. **Renumber** Article 1 as 1(a).
2. **Insert** new Article 1(b):

“1(b) We do hereby give and grant unto The University of the West Indies Our Royal License and Authority that it may from the date of this Our Charter and according to the Laws of Arms bear and use the Arms and Crest granted and assigned unto the former Chartered body The University College of the West Indies by Letters Patent under the hands and seals of Garter, Clarenceux, and Norroy and Ulster Kings of Arms bearing the date 18th day of July 1949, such transfers being first duly recorded in Our College of Arms, otherwise this Our License and Permission to be void and of no effect.”.

3. **Delete** Article 6 and **substitute**:

“6. The Council reserves unto itself the right to appoint a regional figure of high judicial office as Visitor of the University, upon the recommendation of the President of the Caribbean Court of Justice, made in pursuance of a Special Resolution passed by a simple majority of members of the Council present and voting, for such a period and with such duties and powers as the Council shall see fit, and his or her decisions on matters within his or her jurisdiction shall be final. For the avoidance of doubt, such Visitor will be responsible for considering and resolving petitions, including those lodged prior to the date of his or her appointment that remain unresolved; save only that petitions lodged prior to the date of the first Visitor appointment under this provision and remaining unresolved shall be so resolved by the previous Visitor (or delegate thereof, as the case may be) whose decision shall be final.”.



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

Her Majesty in Council has allowed amendments to the Charter of The Jockey Club (incorporating the National Hunt Committee) as set out in the Schedule to this Order.

Richard Tilbrook

SCHEDULE

AMENDMENTS TO THE CHARTER OF THE JOCKEY CLUB
(INCORPORATING THE NATIONAL HUNT COMMITTEE)

1. In Article 1 after "one Body Corporate and Politic by the name of" *delete* "The Jockey Club (incorporating the National Hunt Committee)" and *substitute* "The Jockey Club" (previously "The Jockey Club (incorporating the National Hunt Committee)" until 7th November 2018).
2. *Delete* Articles 2 and 3 and *substitute*:
 - "2. In this Our Charter unless the context otherwise requires the following words shall have the following meanings:-
 - "the Club" shall mean the Body Corporate hereby constituted;
 - "horseracing" shall mean both the sport of horseracing (as the same is carried on in Great Britain and elsewhere) and all activities properly ancillary thereto;
 - "members" shall mean members of the Club;
 - "racehorse" shall mean a horse which is bred or trained for horseracing;
 - "the Rules and Orders" shall mean the Rules and Orders of the Club for the time being in force; and
 - "the Stewards" shall mean the members of the Council of the Club.

3. The objects for which the Club is incorporated shall be generally to act so as to secure the interests of horseracing. The phrase "the interests of horseracing" shall mean those public and private interests which encourage all concerned in horseracing in seeking to ensure that:-

- (i) its conduct is regulated and administered with due efficiency and integrity;
- (ii) its reputation is enhanced and its health and wellbeing sustained in the long term;
- (iii) its profile is raised in the public consciousness as a competitive and compelling spectacle and generally;
- (iv) the facilities available to it are such that its popularity will grow and investment is encouraged;
- (v) bloodstock is bred of an appropriate standard;
- (vi) the horse population in training is maintained at a level and standard adequate to fulfil the reasonable demands of the racing programme;
- (vii) the welfare of the racehorse population is adequately safeguarded; and
- (viii) education and training are offered to people in a manner which will sustain its future."

3. **Delete** Article 12 and **re-number** Articles 4 to 11 as Articles 5 to 12.

4. **Insert** new Article 4:

"4. In furtherance of the said objects, the Club shall have the following powers (without limitation or prejudice to its aforesaid powers as a Body Corporate):-

- (i) to do all such things and to conduct all such activities as the Club shall consider conducive to the furtherance of the interests of horseracing in and throughout Great Britain, and if so thought fit then anywhere else in the world, in such manner as the Club shall think fit;
- (ii) to purchase, take on lease or in exchange, hire, borrow or otherwise acquire and to hold such assets, and to assume such liabilities as may properly have come or may at any time hereafter come to be held or assumed by the Club and to sell, let, mortgage, dispose of or turn to account any of the property or assets or liabilities of the Club subject to such consents as may be required by law;

- (iii) to take such steps as it may think fit to ensure that the functions of control regulation and administration of horseracing and all such functions as may be ancillary thereto are duly discharged as the interests of horseracing may require, and to secure the existence of and to facilitate the work of and in any way to support or assist the activities of any organisation or organisations which it shall consider fitted to:
 - (a) discharge the functions of a horseracing regulatory authority including (without prejudice to the generality of the foregoing) the functions of licensing registration regulation and disciplinary supervision of horseracing; and
 - (b) discharge responsibility for other matters as may be necessary or expedient for the organisation of horseracing;
- (iv) to exercise discharge and fulfil such further or other supervisory advisory or consultative powers duties and functions as it may from time to time think expedient to assume with a view to putting at the service of horseracing the standing experience resources and authority of the Club;
- (v) to take such steps as it may think fit whereby it may secure or assist in the provision maintenance or improvement of racecourses training-grounds or other facilities serving the interests of horseracing;
- (vi) to take such steps as it may think fit to encourage or facilitate investment and participation in horseracing, including (but without prejudice to the generality of the foregoing) by means of:-
 - (a) the generation of revenue by the licensing or other use of broadcasting and other media rights;
 - (b) the cultivation and maintenance of a beneficial relationship with other organisations operating in or connected with horseracing;
 - (c) increasing the options available for corporate sponsorship, hospitality and fundraising; and
 - (d) increasing the prize-money available in horseracing;
- (vii) to take such steps as it may think fit whereby it may secure or assist in the education and training of persons engaged or seeking to be engaged in any activity the better performance of which shall in its opinion be necessary or conducive to the interests of horseracing;

(viii) to encourage and foster the breeding of bloodstock whether through the ownership of stud farms or otherwise;

(ix) to organise and to participate in schemes or arrangements for:-

(a) the assistance and relief of persons employed in any capacity connected with horseracing and being in need of assistance or relief whether by virtue of poverty, sickness, injury or otherwise and of the dependants howsoever related of such persons as aforesaid whether currently or formerly employed as aforesaid and if formerly so employed whether living or deceased;

(b) the prevention of such need arising in the first place;

(c) safeguarding the welfare of racehorses;

and to act as trustee whether alone or jointly with other persons of any charitable body administering or providing any such schemes or arrangements;

(x) to incorporate invest in or otherwise finance and exercise control over, or otherwise to secure the operation of other entities of whatsoever nature for the purpose of pursuing the objects of the Club or taking advantage of such opportunities for profit as it shall think appropriate;

(xi) to invite and collect subscriptions and donations of all kinds whether absolute or conditional for the objects of the Club and to invest all such subscriptions and donations and all other property of the Club in such manner as shall be in the best interests of the Club and conducive to the attainment of the said objects.”.

5. In Article 5 as re-numbered after “or the payment of interest at a” *delete* “rate not exceeding two pounds per annum above the base lending rate of the Club's bankers on money lent by any such person for the purposes”, and *substitute* “reasonable and proper rate having regard to the interests of the Club.”.

6. In Article 10 as re-numbered *delete* the text appearing after “as the Stewards may think fit”.

7. *Delete* Article 12 as re-numbered, beginning “True accounts” and *substitute*:

“12. Proper books of account and records shall be kept of the income, expenditure, assets and liabilities of the Club, giving a true and fair view of the state of the Club's affairs and explaining its transactions. There shall be an audit of the accounts of the Club made every year by one or more Auditors who shall be

appointed by the members of the Club in General Meeting in accordance with the Rules and Orders and the Auditors shall make a report to the Club on the accounts examined by them.”.

8. In Article 13 after “Our said Privy Council shall be conclusive evidence.” *insert:*

“The Rules and Orders set forth in the Schedule hereto shall be the Rules and Orders of the Club until the same shall have been amended in the manner herein provided.”.

9. *Delete* Article 16 and *substitute:*

“16. It shall be lawful for the Club in pursuance of a Special Resolution passed by a majority of not less than two-thirds of the members present, either in person or by proxy, and voting at a General Meeting or Special General Meeting of the Club convened by not less than twenty-one days' notice specifying clearly the Resolution that is to be proposed, to surrender this Our Charter and any Supplemental Charter subject to the sanction of Us, Our Heirs or Successors in Council and upon such terms as We or They may consider fit and to wind up or otherwise deal with the affairs of the Club in such manner as shall be directed by such General Meeting or in default of such directions as the Stewards shall think expedient having due regard to the liabilities of the Club for the time being. If upon the winding up or dissolution of the Club there remains, after the satisfaction of all its debts or liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the Club but shall be given to or transferred to such organisation or organisations established for objects similar to those of the Club or to such charitable institution or institutions as in each case the members may determine provided such organisation or organisations or institution or institutions shall prohibit the distribution of its or their income and property amongst its or their members to an extent at least as great as is imposed by Article 5 hereof and if and so far as effect cannot be given to this provision then to some other charitable object or purpose.”.



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY

IN COUNCIL

Her Majesty, in exercise of the powers conferred on Her by section 3 of the Naval and Marine Pay and Pensions Act 1865^(a), 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:

PART I

PRELIMINARY

Citation and commencement

1.— This Order may be cited as the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018 and shall come into force in accordance with paragraphs (2) and (3).

(2) The following provisions of this Order come into force on 1st January 2019—

- (a) this Part;
- (b) articles 2, 23, 27, 28 and 29.

(3) The remainder of this Order comes into force on 1st April 2019.

^(a) 1865 c.73; section 3 was amended by the Armed Forces (Pensions and Compensation) Act 2004 (c.32), section 4, and the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 2.

PART 2

AMENDMENT OF SCHEDULE 1 TO THE NAVAL AND MARINE PENSIONS (ARMED FORCES PENSION SCHEME 1975 AND ATTRIBUTABLE BENEFITS SCHEME) ORDER 2010

Amendment of Schedule 1 (the Armed Forces Pension Scheme 1975)

2. Schedule 1 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(a) is amended as set out in this Part.

Amendment of Rule A.1 (general)

3. In rule A.1(3) (general)(b), insert in the appropriate places in the alphabetical order the following definitions —

“flexible service” means one or both of the following types of service—

- (a) part-time service;
- (b) restricted separation service,

and references to a member serving on flexible terms must be construed accordingly;

“part-time service” means—

- (a) for enlisted members, a period of service where the member is serving in accordance with an arrangement provided for in regulations made under section 329(2)(ha) of the Armed Forces Act 2006(c);
- (b) for members who are officers, a period of service on equivalent terms of service;

(a) The rules of the Armed Forces Pension Scheme 1975 (“the Scheme”) in relation to members and former members of the Royal Navy and Royal Marines were restated in Schedule 1 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 made on 10th February 2010, which came into force on 6th April 2010. Schedule 1 was then revoked and replaced by a revised restatement set out in Schedule 1 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 made on 15th December 2010, which came into force on 3rd January 2011. Schedule 1 was amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 made on 15th February 2012, which came into force on 28th February 2012. Amendments were made to Part E of the Scheme by the Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), and the Marriage (Same Sex Couples) Act 2013 and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3061). The Scheme was amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015 made on 11th February 2015, which came into force on 1st April 2015. The Scheme was amended and a new Schedule 3 inserted by the Armed Forces (Transitional Provisions) Pensions Regulations 2015 (S.I. 2015/568). The Scheme was amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2017 made on 8th March 2017, which came into force on 1st April 2017.

(b) Rule A.1(3) was inserted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010.

(c) 2006 c.52. Section 329(2)(ha) was inserted by the Armed Forces (Flexible Working) Act 2018 (c.2), section 1.

“restricted separation service” means—

- (a) for enlisted members, a period of service where the member is serving in accordance with an arrangement which does not restrict the member’s service in a particular area but does make it subject to other geographic restrictions provided for in regulations made under section 329(2)(i) of the Armed Forces Act 2006(a);
- (b) for members who are officers, a period of service on equivalent terms of service;

“service reduction percentage” has the meaning given in rule A.4A;

Insertion of rule A.4A (service reduction percentage)

4. After rule A.4 (basic pay), insert—

A.4A. Meaning of “service reduction percentage”

- (1) In this Scheme, the “service reduction percentage” in respect of a period of flexible service is given by the formula, expressed as a percentage—

$$\frac{(A - B)}{A}$$

Where—

A is the basic pay which the member would have received in respect of that period of flexible service had the member not been serving on flexible terms;

B is the basic pay received by the member in respect of the period of flexible service.

- (2) For the purposes of the Scheme, a period of flexible service ends and another begins when any change in the service reduction percentage occurs.

Amendment of rule A.7 (final pensionable earnings)

5. In rule A.7 (final pensionable earnings), after paragraph (3) insert—

- (4) Where the member served on flexible terms during any part of the period of three years referred to in paragraph (1), the member’s final pensionable earnings are calculated as though they had not served on flexible terms for that period.

Amendment of rule A.11 (reckonable service)

6. In rule A.11 (reckonable service), after paragraph (3) insert—

- (4) For the purposes of this Scheme—
- (a) a period of “flexible reckonable service” is a period of reckonable service on flexible terms which is reduced by the service reduction percentage in respect of that period;
 - (b) a period of “non-flexible reckonable service” is a period of reckonable service during which the member did not serve on flexible terms;

(a) 2006 c.52. Section 329(2)(i) was substituted by the Armed Forces (Flexible Working) Act 2018 (c.2), section 1.

- (c) each period of flexible reckonable service is calculated separately;
 - (d) "total flexible reckonable service" is the aggregate of all periods of flexible reckonable service;
 - (e) "total non-flexible reckonable service" is the aggregate of all periods of non-flexible reckonable service;
 - (f) "reckonable service" is all reckonable service under these rules, calculated as if the member had never served on flexible terms.
- (5) For the purposes of paragraph (2), where a member has served on flexible terms, reckonable service is the aggregate of all periods of flexible reckonable service and non-flexible reckonable service.

Amendment of rule B.1 (eligibility: general)

7. In rule B.1 (eligibility: general) for paragraph (7), substitute—

- (7) Condition E is that the person is not a member of any other occupational pension scheme in respect of service in the armed forces, where the employer in relation to that scheme is making contributions to it in respect of that service.

Amendment of rule B.2 (eligibility: pensioner members recalled under the Reserve Forces Acts)

8. In rule B.2 (eligibility: pensioner members recalled under the Reserve Forces Acts), in paragraph (2) after "pension scheme", insert "in respect of service in the armed forces, where the employer in relation to that scheme is making contributions to it in respect of that service".

Amendment of rule C.1 (purchase of additional reckonable service by periodic contributions)

9. In rule C.1 (purchase of additional reckonable service by periodic contributions), after paragraph (4) insert—

- (4A) Where a member who has exercised the option under paragraph (1) is serving on flexible terms, the member may, for the period of that flexible service—
 - (a) pay the same amount of contributions as would be payable if the member were not serving on flexible terms; or
 - (b) pay contributions based on the member's actual pensionable earnings during the period of flexible service.

Amendment of rule C.2 (effect of purchase under rule C.1)

10. In rule C.2 (effect of purchase under rule C.1)—

- (a) in paragraph (2), for "neither of conditions A and B", substitute "none of conditions A, B or C";

(b) after paragraph (4) insert—

(4A) Condition C is that the member opted to pay contributions based on the member's actual pensionable earnings during a period of flexible service.;

(c) after paragraph (5) insert—

(5A) If Condition C is met, the additional period is such period as the Defence Council may determine in consultation with the Scheme actuary.

Amendment of rule C.4 (purchase of right to have benefits calculated on enhanced basis)

11. In rule C.4 (purchase of right to have benefits calculated on enhanced basis), after paragraph (4) insert—

(5) For the purposes of paragraph (2)(a), where the member is serving on flexible terms the member's current pensionable earnings are calculated as though the member was not serving on flexible terms.

Amendment of rule C.5 (calculation of benefits on enhanced basis)

12. In rule C.5 (calculation of benefits on enhanced basis), after paragraph (1) insert—

(1A) For the purposes of paragraph (1)(b), where a member is serving on flexible terms on the last day of pensionable service the member's pensionable earnings are calculated as though the member was not serving on flexible terms on that day.

Amendment of rule C.6 (purchase of increased pension for surviving spouse or civil partner)

13. In rule C.6 (purchase of increased pension for surviving spouse or civil partner), after paragraph (3) insert—

(3A) For the purposes of paragraph (3), where a member is serving on flexible terms the member's pensionable earnings are calculated as though the member was not serving on flexible terms.

Amendment of rule C.8 (purchase of enhanced death in service lump sum)

14. In rule C.8 (purchase of enhanced death in service lump sum), after paragraph (3) insert—

(3A) For the purposes of paragraph (3), where a member is serving on flexible terms the member's pensionable earnings are calculated as though the member was not serving on flexible terms.

Amendment of rule C.9 (effect of purchase under rule C.8)

15. In rule C.9 (effect of purchase under rule C.8), after paragraph (2) insert—

- (3) For the purposes of paragraph (2)(b), where a member is serving on flexible terms at the date of death the member's annual pensionable earnings are calculated as though the member was not serving on flexible terms.

Amendment of rule D.4 (amount of immediate pension: officers of or above OF-7 rank)

16. In rule D.4 (amount of immediate pension: officers of or above OF-7 rank), after paragraph (3) insert—

- (4) Where a member has served on flexible terms for any period, the member's annual pension is calculated in accordance with the formula—

$$P = Ax \left(\frac{B}{C} \right)$$

Where—

P is the annual pension;

A is the annual amount of the pension calculated under paragraph (2) as if the member had not served on flexible terms;

B is the sum of the member's total flexible reckonable service and total non-flexible reckonable service; and

C is the member's reckonable service, calculated under rule A.11(4)(f).

Amendment of rule D.5 (amount of immediate pension: other officers)

17. In rule D.5 (amount of immediate pension: other officers)—

- (a) in paragraph (2)(a) omit "and";
- (b) for paragraph (2)(b) substitute—
- (b) if rule D.8 (addition for reckonable service in excess of whole years) applies, an additional amount calculated in accordance with that rule; and
- (c) if rule D.13 (rank addition: officers) or D.15 (professional supplement) applies, an additional amount calculated in accordance with that rule;
- (c) after paragraph (6) insert—

- (7) Where a member has served on flexible terms for any period, the member's annual pension is calculated in accordance with the formula—

$$P = \left[Ax \left(\frac{B}{C} \right) \right] + D$$

Where—

P is the annual pension;

A is the annual amount of the pension calculated under paragraphs (2)(a) and (b) as if the member had not served on flexible terms;

B is the sum of the member's total flexible reckonable service and total non-flexible reckonable service;

C is the member's reckonable service, calculated under rule A.11(4)(f); and
D is the aggregate of any additional amounts under paragraph (2)(c).

Amendment of rule D.6 (amount of immediate pensions: other ranks)

18. In rule D.6 (amount of immediate pensions: other ranks)—

- (a) in paragraph (2)—
 - (i) for sub-paragraph (b) substitute—
 - (b) if rule D.8 (addition for reckonable service in excess of whole years) applies, an additional amount calculated in accordance with that rule;
 - (ii) in sub-paragraph (c), for “paragraph (8)” substitute “paragraph (8); and”;
 - (iii) after sub-paragraph (c) insert—
 - (d) if rule D.14 (rank addition: other ranks) or D.15 (professional supplement) applies, an additional amount calculated in accordance with that rule;
- (b) after paragraph (10), insert—

(11) Where a member has served for any period on flexible terms, the member's annual pension is calculated in accordance with the formula—

$$P = \left[Ax \left(\frac{B}{C} \right) \right] + D$$

Where—

P is the annual pension;

A is the annual amount of the pension calculated under paragraphs (2)(a), (b) and (c) as if the member had not served on flexible terms;

B is the sum of the member's total flexible reckonable service and total non-flexible reckonable service;

C is the member's reckonable service, calculated under rule A.11(4)(f); and

D is the aggregate of any additional amounts under paragraph 2(d).

Amendment of rule D.7 (Amount of immediate pension: ill-health)

19. In rule D.7 (amount of immediate pension: ill health)—

- (a) in paragraph (2)—
 - (i) in sub-paragraph (a)(i) omit “and”;
 - (ii) for sub-paragraph (a)(ii) substitute—
 - (ii) if rule D.8 (addition for reckonable service in excess of whole years) applies, an additional amount calculated in accordance with that rule; and
 - (iii) if rule D.13 (rank addition: officers) or D.14 (rank addition: other ranks) applies, an additional amount calculated in accordance with that rule;

(b) after paragraph (5) insert—

(6) Where a member has served for any period on flexible terms, the member's annual pension is calculated in accordance with the formula—

$$P = \left[Ax \left(\frac{B}{C} \right) \right] + D$$

Where—

P is the annual pension;

A is the annual amount of the pension calculated under paragraphs (2)(a)(i) and (ii) as if the member had not served on flexible terms;

B is the sum of the member's total flexible reckonable service and total non-flexible reckonable service;

C is the member's reckonable service, calculated under rule A.11(4)(f); and

D is the aggregate of any additional amounts under paragraph 2(a)(iii).

Amendment of rule D.11 (preserved pensions and lump sum)

20. In rule D.11 (preserved pensions and lump sum), after paragraph (7) insert—

(8) In paragraph (3), where the member has served on flexible terms for any period reckonable service for the purposes of calculating *C* is the aggregate of the member's total flexible reckonable service and total non-flexible reckonable service.

Amendment of rule D.12 (overall pension amount)

21. In rule D.12 (overall pension amount), after paragraph (8) insert—

(9) Where a member has served on flexible terms for any period, the member's overall pension amount is calculated in accordance with the formula—

$$O = \left[Gx \left(\frac{B}{C} \right) \right] + D$$

Where—

O is the overall pension amount;

G is the overall pension amount calculated under paragraphs (1)(a) or (b)(i) as if the member had not served on flexible terms;

B is the sum of the member's total flexible reckonable service and total non-flexible reckonable service;

C is the member's reckonable service, calculated under rule A.11(4)(f); and

D is the aggregate of any additional amounts under paragraph 1(b)(ii).

Amendment of rule D.15 (professional supplement)

22. In rule D.15(6) (professional supplement)—

(a) for “rule D.5(2)(b), D.6(2)(b)” substitute “rule D.5(2)(c), D.6(2)(d)”; and

- (b) in sub-paragraph (b) for “reckonable service” substitute “reckonable service, being the aggregate of all periods of flexible reckonable service and non-flexible reckonable service,”.

Amendment of rule E.1 (surviving spouse or civil partner’s pensions)

23. In rule E.1 (surviving spouse and civil partner’s pensions)(a)—

- (a) for paragraph (3)(c), substitute—
 - (c) the member—
 - (i) was a man and leaves a surviving spouse;
 - (ii) leaves a surviving civil partner; or
 - (iii) was a woman who falls within rule E.1(15) and was married to a woman whom she leaves a widow;
- (b) in paragraph (4) after “solemnized” insert “, or civil partnership was formed,”;
- (c) for paragraph (5)(c), substitute—
 - (c) the member was a woman and married to a man who she leaves a widower.

Amendment of rule H.3 (service on lower pay)

24. For rule H.3 (service on lower pay), substitute—

- (1) This rule applies, and rule H.1 does not apply, where a pensioner member is in further pensionable service and one or more of the following conditions apply—
 - (a) condition A is that the member’s annual rate of basic pay on the first day of the further pensionable service is lower than that applicable on the last day of the service in respect of which the pension is payable;
 - (b) condition B is that the member’s annual rate of basic pay during the period of further pensionable service has reduced to a rate which is lower than that applicable on the last day of the service in respect of which the pension is payable, because the member is—
 - (i) serving on flexible terms;
 - (ii) on ordinary maternity leave, ordinary paternity leave, ordinary adoption leave or additional maternity leave.
- (2) The annual amount of the pension shall be abated by the relevant amount, for as long as this rule applies.
- (3) The relevant amount is the amount given by the formula—

$$(E + F) - G$$

(a) Rule E.1 was amended by SI 2014/107, 2014/560 and 2014/3061.

Where—

E is the annual amount of the pension; which includes, in the case of an AFPS 2015 pensioner, their AFPS 2015 pension;

F is the member's annual rate of basic pay on the first day of the further service; and

G is the member's annual rate of basic pay on the last day of the service in respect of which the pension is payable;

but this is subject to paragraphs (4) to (10).

(4) Where Condition B applies and the pensioner member is serving on flexible terms—

- (a) *F* is the member's annual rate of basic pay on the day the period of flexible service begins;
- (b) where the period of flexible service is suspended for more than 30 consecutive days, varied or terminated, the relevant amount is re-calculated and *F* is the member's annual rate of basic pay immediately after the suspension, variation or termination takes effect.

(5) Where Condition B applies and the pensioner member is on ordinary maternity leave, ordinary paternity leave, ordinary adoption leave or additional maternity leave—

- (a) *F* is the member's annual rate of basic pay on the day the period of ordinary maternity leave, ordinary paternity leave, ordinary adoption leave or additional maternity leave begins; and
- (b) where the member's annual rate of basic pay changes during a period of leave in sub-paragraph (a) or when a period of such leave ends, the relevant amount is re-calculated and *F* is the member's annual rate of basic pay immediately after the change in the annual rate of basic pay or after the period of leave ends.

(6) Where the member's rank changes after the first day of the further pensionable service—

- (a) *F* is the member's annual rate of basic pay immediately after the change; and
- (b) the relevant amount is re-calculated after every change in rank.

(7) If the pension has been commuted, *E* is what would otherwise have been its annual amount.

(8) If a pension sharing order or provision or a pension attachment order or provision has been made in respect of the member's pension, *E* is the annual amount of the pension immediately after that order or provision takes effect.

(9) If rule D.23(1) (pension increases) applies in relation to the pension, *G* is increased in proportion to the increase in the amount of the pension.

(10) In this rule—

- (a) “further pensionable service” includes—
 - (i) service by virtue of which the person is eligible for membership of the AFPS 2015, other than service in respect of which the member is eligible to be an active member by virtue of rule B.2 (eligibility: pensioner members recalled under the Reserve Forces Acts); or
 - (ii) permanent service of a member of a reserve force who is called out under Part 6 of the Reserve Forces Act 1996;
- (b) where the pensioner member was serving on flexible terms on the last day of the service in respect of which the pension is payable, the annual rate of basic pay for that service is calculated as though the member had not been serving on flexible terms.

Amendment of rule H.4 (reserve service)

25. In rule H.4 (reserve service)—

- (a) in paragraph (3), for “paragraphs (4) to (6)” substitute “paragraphs (4) to (6A)”;
- (b) in paragraph (5)—
 - (i) in sub-paragraph (b), omit “or”;
 - (ii) in sub-paragraph (c), after “Reserve Forces Act 1996,” insert “or”;
 - and
 - (iii) after sub-paragraph (c), insert—
- (d) the member takes ordinary maternity leave, ordinary paternity leave, ordinary adoption leave or additional maternity leave,
- (e) the member’s annual rate of basic pay changes during a period of ordinary maternity leave, ordinary paternity leave, ordinary adoption leave or additional maternity leave, or
- (f) a period of ordinary maternity leave, ordinary paternity leave, ordinary adoption leave or additional maternity leave ceases;
- (c) after paragraph (6), insert—

(6A) Where the member was serving on flexible terms on the last day of the service in respect of which the pension is payable, C is calculated as though the member had not served on flexible terms.

Amendment of rule H.5 (employment in reserved civil service post)

26. In rule H.5 (employment in reserved civil service post)—

- (a) in paragraph (3), for “paragraphs (4) to (6)” substitute “paragraphs (4) to (7)”;
- (b) after paragraph (5), insert—

(5A) Where the pensioner member is on ordinary maternity leave, ordinary paternity leave, ordinary adoption leave or additional maternity leave during the period of the employment—

- (a) B is the member's annual salary on the day the period of ordinary maternity leave, ordinary paternity leave, ordinary adoption leave or additional maternity leave begins; and
- (b) where the member's annual salary changes during a period of leave in sub-paragraph (a) or when a period of such leave ends, the relevant amount is re-calculated and B is the member's annual salary immediately after the change in the annual salary or after the period of leave;
- (c) after paragraph (6), insert—
 - (7) Where the member was serving on flexible terms on the last day of the service in respect of which the pension is payable, C is calculated as though the member had not served on flexible terms.

PART 3

AMENDMENT OF SCHEDULE 2 TO THE NAVAL AND MARINE PENSIONS (ARMED FORCES PENSION SCHEME 1975 AND ATTRIBUTABLE BENEFITS SCHEME) ORDER 2010

Amendment of Schedule 2 (the Naval and Marines Attributable Benefits Scheme)

27. Schedule 2 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(a) is amended as set out in this part.

Amendment of Rule C.2 (conditions relating to the deceased)

28. For rule C.2 (conditions relating to the deceased)(b), substitute—

This Part will only apply where—

- (a) the deceased person was in service on or after 31st March 1973 and at the time of death—
 - (i) was a man who leaves a surviving spouse;
 - (ii) leaves a surviving civil partner; or
 - (iii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;
- (b) the deceased person was in service on or after 6th April 1978 and at the time of death—
 - (i) was a man who leaves a surviving spouse, where the marriage was solemnised after discharge;

(a) The rules of the Naval and Marines Attributable Benefits Scheme ("the Benefits Scheme") in relation to members and former members of the Royal Navy and Royal Marines were restated in Schedule 2 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 made on 10th February 2010, which came into force on 6th April 2010. The Benefits Scheme was amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 made on 15th December 2010, which came into force on 3rd January 2011. The Benefits Scheme was amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 made on 15th February 2012, which came into force on 28th February 2012. Amendments were made to the Benefits Scheme by the Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), and the Marriage (Same Sex Couples) Act 2013 and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3061).

(b) Rule C.2 was amended by S.I.2014/107, 2014/560 and 2014/3061.

- (ii) leaves a surviving civil partner, where the civil partnership was formed after discharge; or
- (iii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;
- (c) the deceased person was in service on or after 1st October 1987 and was a woman married to a man whom she leaves a widower; or
- (d) the deceased person died leaving a surviving eligible partner.

Amendment of Rule D.1 (entitlement to a child's compensation)

29. In rule D.1 (entitlement to a child's compensation)(a), for paragraph (3) substitute—

(3) This Part will only apply where—

- (a) the deceased person was in service on or after 31st March 1973 and at the time of death—
 - (i) was a man who leaves a surviving spouse;
 - (ii) leaves a surviving civil partner; or
 - (iii) was a woman married to a woman in a relevant gender change case whom she leaves a widow;
- (b) the deceased person was in service on or after 1st October 1987 and was a woman married to a man whom she leaves a widower; or
- (c) the deceased person died leaving a surviving eligible partner.

PART 4

AMENDMENT OF SCHEDULE 3 TO THE NAVAL AND MARINE PENSIONS
(ARMED FORCES PENSION SCHEME 1975 AND ATTRIBUTABLE
BENEFITS SCHEME) ORDER 2010

Amendment of Schedule 3 (transitional provisions for the Armed Forces Pension Scheme 1975)

30. Schedule 3 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(b) is amended as set out in this Part.

Amendment of paragraph 1 (interpretation)

31. In paragraph 1 (interpretation), insert in the appropriate places in the alphabetical order the following definitions—

- “flexible service” has the meaning given in rule A.1(3) of Schedule 1;
- “part-time service” has the meaning given in rule A.1(3) of Schedule 1;
- “restricted separation service” has the meaning given in rule A.1(3) of Schedule 1;
- “service reduction percentage” has the meaning given in rule A.4A of Schedule 1;

(a) Rule D.1 was amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 made on 15th December 2010, which came into force on 3rd January 2011, and by S.I. 2014/560 and 2014/3061.

(b) Schedule 3 was inserted into the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 by S.I.2015/568.

Amendment of paragraph 9 (active transition member with permanent serious ill-health who has not reached their immediate pension point)

32. In paragraph 9(5) (active transition member with permanent serious ill-health who has not reached their immediate pension point), after sub-paragraph (d) of the substituted regulation 54(2)(b) insert—

- (e) In this paragraph, for the purposes of sub-paragraphs (b)(i), (c) and (d)(ii)(aa), any period of pensionable service which is also a period where the member has served on flexible terms is reduced by the service reduction percentage applicable to that period of flexible service.

Amendment of paragraph 12 (active transition member with significant impairment of capacity for gainful employment who has not reached their immediate pension point)

33. In paragraph 12(5) (active transition member with significant impairment of capacity for gainful employment who has not reached their immediate pension point), after sub-paragraph (d) of the substituted regulation (55)(2)(b) insert—

- (e) In this paragraph, for the purposes of sub-paragraphs (b)(i), and (c), any period of pensionable service which is also a period where the member has served on flexible terms is reduced by the service reduction percentage applicable to that period of flexible service.

Amendment of paragraph 15 (active transition member who leaves service with incapacity for service before reaching their immediate pension point)

34. In paragraph 15(6) (active transition member who leaves service with incapacity for service before reaching their immediate pension point), after paragraph (1) of the substituted regulation 20 insert—

- (1A) For members who have served on flexible terms, when calculating length of service for the purpose of paragraph (1), all years and parts of a year during a period of flexible service are reduced by the service reduction percentage.

Amendment of paragraph 17 (active transition member who leaves service with incapacity for service after reaching their immediate pension point)

35. In paragraph 17(4) (active transition member who leaves service with incapacity for service after reaching their immediate pension point), after paragraph (1) of the substituted regulation 20 insert—

- (1A) For members who have served on flexible terms, when calculating length of service for the purpose of paragraph (1), all years and parts of a year during a period of flexible service are reduced by the service reduction percentage.

Amendment of paragraph 34 (death of a deferred transition member: lump sum benefit)

36. In paragraph 34 (death of a deferred transition member: lump sum benefit), after paragraph (3) insert—

(4) In this paragraph, for the purposes of step 4 in sub-paragraphs (2)(c) and (3)(c), any period of pensionable service in the AFPS 2015 which is also a period where the member has served on flexible terms is reduced by the service reduction percentage applicable to that period of flexible service.

Amendment of paragraph 35 (death of a pensioner member before age 55: lump sum benefit)

37. In paragraph 35 (death of a pensioner member before age 55: lump sum benefit), after sub-paragraph (b) insert—

(c) In this paragraph, for the purposes of step 4 in sub-paragraph (b), any period of pensionable service in the AFPS 2015 which is also a period where the member has served on flexible terms is reduced by the service reduction percentage applicable to that period of flexible service.

Amendment of paragraph 36 (death of a pensioner member on or after reaching age 55: lump sum benefit)

38. In paragraph 36 (death of a pensioner member on or after reaching age 55: lump sum benefit), after sub-paragraph (c) insert—

(d) In this paragraph, for the purposes of step 4 in sub-paragraph (c), any period of pensionable service in the AFPS 2015 which is also a period where the member has served on flexible terms is reduced by the service reduction percentage applicable to that period of flexible service.

Amendment of paragraph 41 (amount of immediate pension: other officers (including medical and dental officers of any rank))

39. In paragraph 41 (amount of immediate pension: other officers, including medical and dental officers of any rank), after paragraph (2D) of the substituted rule D.5(2) insert—

(2E) In this rule, for the purposes of step 4 in paragraphs (2C) and (2D), any period of pensionable service in the AFPS 2015 which is also a period where the member has served on flexible terms is reduced by the service reduction percentage applicable to that period of flexible service.

Amendment of paragraph 42 (amount of immediate pension: other ranks)

40. In paragraph 42 (amount of immediate pension: other ranks), after paragraph (2B) of the substituted rule D.6(2) insert—

(2C) In this rule, for the purposes of step 2 in paragraph (2B), any period of pensionable service in the AFPS 2015 which is also a period where the member has served on flexible terms is reduced by the service reduction percentage applicable to that period of flexible service.

Richard Tilbrook

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 made on 10th February 2010 (“the 2010 Order”).

The rules of the Armed Forces Pension Scheme 1975 (“the Scheme”) in relation to members and former members of the Royal Navy and Royal Marines set out in Schedule 1 to the 2010 Order were revoked and substituted by Schedule 1 to the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 made on 15th December 2010. That Order also amended the rules of the Naval and Marines Attributable Benefits Scheme set out in Schedule 2 to the 2010 Order.

The 2010 Order has been further amended by:

- the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2012 made on 15th February 2012;
- the Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107);
- the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560);
- the Marriage (Same Sex Couples) Act 2013 and Civil Partnership (Scotland) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/3061);
- the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015 made on 11th February 2015;
- the Armed Forces (Transitional Provisions) Pensions Regulations 2015 (S.I. 2015/568); and
- the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015 made on 8th March 2017.

This Order amends Schedules 1 (the Scheme), 2 (the Naval and Marines Attributable Benefits Scheme) and 3 (transitional provision for the Scheme) to the 2010 Order.

The terms of service for enlisted members of the regular armed forces (the Royal Navy, the Royal Marines, the Army and the Royal Air Force) are set out in regulations made under section 329 of the Armed Forces Act 2006 (“the AFA 2006”). The Armed Forces (Flexible Working) Act 2018 amended section 329 of the AFA 2006 to: (a) include a new power to make regulations enabling part-time service; and (b) expand the existing power to restrict service to a particular area to

enable service to be restricted geographically in other ways. There is a separate affirmative statutory instrument under this amended power, which amends the four existing sets of terms of service regulations. This introduces a new procedure to enable service personnel to apply (i) to serve part-time and (ii) for their service to be restricted on a geographical basis, for defined periods of time. This type of service is called flexible service.

Part 2 of this Order amends the Scheme.

Paragraph 3 amends rule A.1 to define new terms used in amendments made by Parts 2 and 4 of this Order as a result of the introduction of flexible service in the armed forces from 1st April 2019.

Paragraph 4 inserts a new rule, rule A.4A, which sets out how to calculate the percentage by which reckonable service is reduced as a result of flexible service.

Paragraph 5 amends rule A.7 to provide that where final pensionable earnings are relevant in a case where a member has served on flexible terms, they are to be calculated as though the member had not served on flexible terms.

Paragraph 6 amends rule A.11 to provide that the reckonable service a member is entitled to count for a period of flexible service is reduced, and to define various terms used in the calculation of pension amounts.

Paragraphs 7 and 8 amend rules on eligibility so that an active member of the Scheme may also belong to another occupational pension scheme.

Paragraphs 9 and 10 amend rules on the purchase of additional reckonable service by providing that a member serving on flexible terms may choose to pay contributions based on their earnings calculated as if they were not serving on flexible terms, and providing for the calculation of additional reckonable service purchased where contributions are reduced because of flexible service.

Paragraphs 11 and 12 provide that, for the purposes of a contract to purchase enhanced benefits, the member's pensionable earnings on the date of the exercise of the option and their last day of pensionable service are calculated as though they had not served on flexible terms.

Paragraphs 13 to 15 provide that where a member serving on flexible terms has entered into other types of additional voluntary contribution contracts, their contributions are calculated on the basis that they were not serving on flexible terms.

Paragraphs 16 to 22 amend Part D of the Scheme to ensure that the pension for a member who has served on flexible terms is calculated proportionately.

Paragraph 23 amends rule E.1 to ensure that, in the case of deferred or pensioner members, survivors of same sex marriages or civil partnerships will receive the same benefits as widows.

Paragraph 24 replaces the existing rule H.3 to update and make further provision for abatement where a pensioner member enters further pensionable service and is

earning a lower salary than on the last day of the service for which the pension is payable.

Paragraphs 25 and 26 update the abatement rules in cases where the pensioner member is serving in the reserve forces or in a reserved civil service post, and takes certain forms of parental leave.

Part 3 of this Order amends the Naval and Marines Attributable Benefits Scheme.

Paragraph 28 amends rule C.2 of Schedule 2 to ensure that survivors of same sex marriages or civil partnerships will receive the same benefits as widows, and to align the rules with those in Schedule 1.

Paragraph 29 amends rule D.1 of Schedule 2 to update the conditions relating to the deceased to align with rule C.2 of Schedule 2 and similar provisions in Schedule 1.

Part 3 of this Order amends the transitional provision for the Scheme.

Paragraph 31 amends paragraph 1 to introduce new terms and cross-reference to the definitions used in Schedule 1, as a result of the introduction of flexible service in the armed forces from 1st April 2019.

Paragraphs 32 to 40 modify transitional provisions to ensure that where a transition member has served on flexible terms, the pensionable service in AFPS 2015 used to calculate their benefits is adjusted accordingly.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the Chief Pleas of the Island of Sark:

“That, in pursuance of their Resolution of 18th April 2012, the Chief Pleas of the Island of Sark at a meeting on 4th July 2018 approved a *Projet de Loi* entitled the *Retrait Lignager (Abolition) (Sark) Law, 2018*. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the *Retrait Lignager (Abolition) (Sark) Law, 2018*, and to order that it shall have force of law in the Island of Sark.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Sark and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Richard Tilbrook



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The Secretary of State for Justice, after giving ten days' notice of his intention to do so, has, under the Burial Act 1853 as amended, made representations to Her Majesty in Council that, subject to the exceptions below, burials should be discontinued in:-

- 1) Cottesmore Churchyard Extension, Rogues Lane, Cottesmore, Oakham, Rutland (as shown hatched on the plan annexed hereto);
- 2) St Luke's Cemetery, Bembridge, Isle of Wight (as shown hatched on the plan annexed hereto).

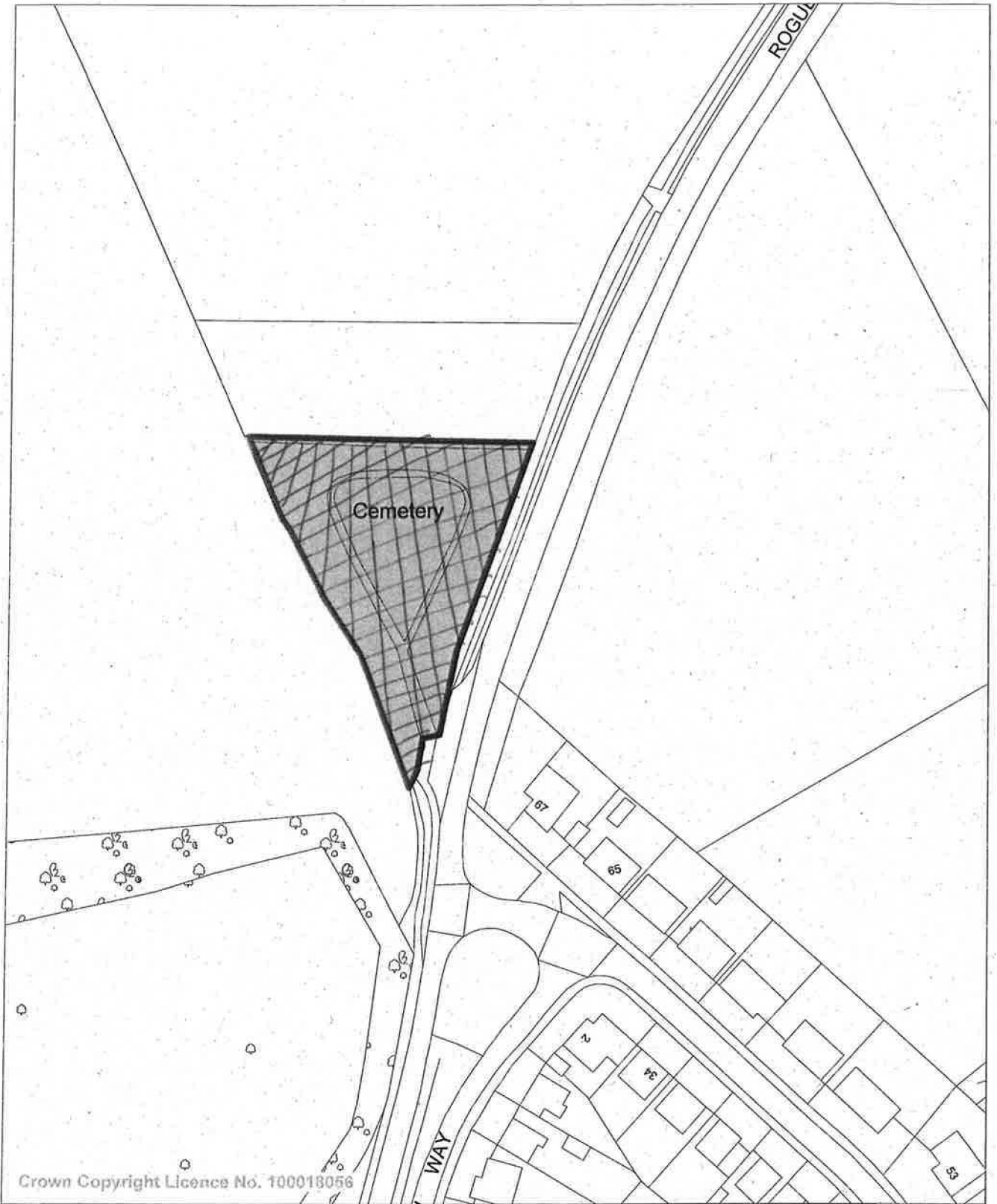
The exceptions are that:-

- (a) in the places numbered above, in any vault or walled grave in the churchyard, burial may be allowed but every coffin in such vault or grave must be separately enclosed by stonework or brick work properly cemented;
- (b) in the places numbered above, in any existing earthen grave in the churchyard, the burial may be allowed of the body of any member of the family of the person or persons previously buried in that grave, but no part of the coffin containing the body shall be less than one metre below the level of the surface of the ground adjoining the grave; and
- (c) in the places numbered above, in any grave space in which no interment has previously taken place, the burial may be allowed of any person for whom, or any member of the family for which that grave space has been reserved and appropriated, with the exclusive right of burial there, but no part of the coffin containing the body shall be less than one metre below the level of the surface of the ground adjoining the grave.

Her Majesty in Council is pleased to give Notice of these representations and to order that they be taken into consideration by a Committee of the Privy Council on 19th December 2018.

And Her Majesty is further pleased to direct that this Order should be published in the London Gazette, and that copies of it should be fixed on the doors of the Churches or Chapels of the above mentioned places, or displayed conspicuously inside them, for one month before 19th December 2018.

Land at Rogues Lane



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Date: 24/1/2018

Note: Printing may affect the scale of this plan

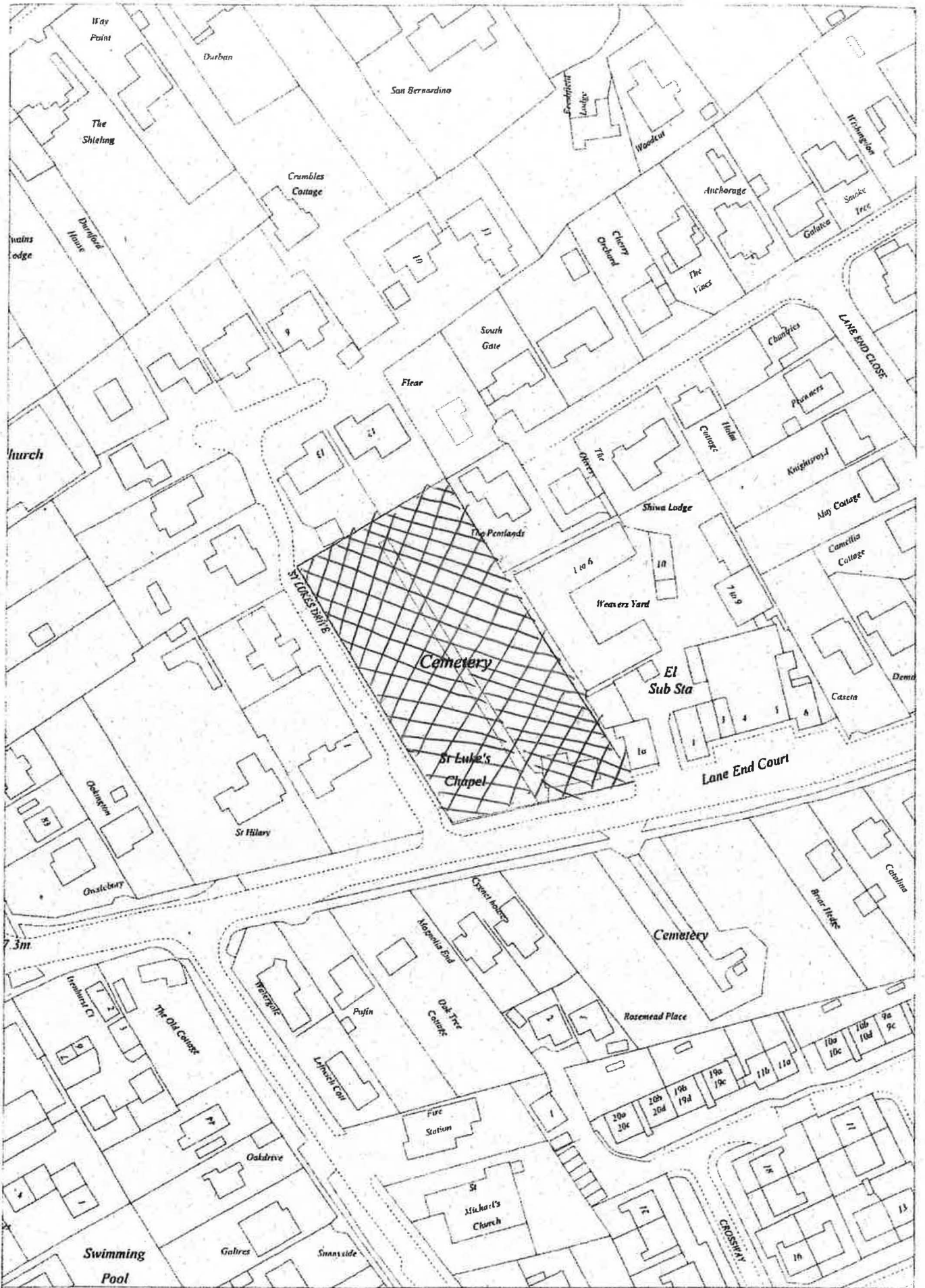


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At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

A Petition of the Society of Antiquaries of Scotland praying for the grant of a Supplementary Charter was today referred by Her Majesty in Council, together with any other Petitions on the subject, to a Committee of the Privy Council for consideration and report.

Richard Tilbrook



At the Court at Buckingham Palace

THE 7th DAY OF NOVEMBER 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

A Petition of The Worshipful Company of Chartered Architects praying for the grant of a Charter of Incorporation was today referred by Her Majesty in Council, together with any other Petitions on the subject, to a Committee of the Privy Council for consideration and report.

Richard Tilbrook