

service and partly in respect of previous disablement, he may be granted, in lieu of the existing award, either—

(a) a pension consisting of the service element of his existing retired pay or pension (or both) and of a disablement addition on a pension basis, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service; or,

(b) if and for so long as it is to his advantage, the appropriate award under Article 11, the degree of disablement being assessed as in subparagraph (a) of this paragraph.

(5) Subject to the provisions of this Article, where a re-employed officer is in receipt of an award in respect of previous disablement and the award contains no element in respect of his previous service, he may be granted, in lieu of the existing award, an award under Article 11, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service:

Provided that where the existing award is in respect of disablement due to service in the 1914 World War, or is in respect of disablement due to service before the 1914 World War but is at a rate laid down for disablement due to service in the 1914 World War, he may be granted, in addition to the existing award, an award under Article 11 in respect of the additional disablement which is represented by the difference between the degree of disablement assessed by reference to the combined effect of all the injuries which are due to service and to his previous service, and the degree of disablement on which the existing award is based.

(6) Where, in the case of an officer to whom paragraph (4) or (5) of this Article applies, the disablement due to service is a minor injury specified in Table 1 in the Third Schedule, and the existing award is not increased by the re-assessment of the degree of the disablement by reference to the combined effect of all the injuries which are due to service and to his previous service, the officer may be granted, in addition to the existing award, the appropriate gratuity under Article 12.

44. *Officers with previous commissioned service in Commonwealth forces, etc.*—An officer to whom Article 43 would apply if his previous commissioned service in the forces of any part of the Commonwealth (other than the United Kingdom or the Isle of Man), or in the forces of Burma before the 4th January, 1948, were previous commissioned service for the purposes of that Article may, if and for so long as it is to his advantage, be granted—

(a) a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(b) an award equal to the difference between his existing award in respect of his previous service in those forces and the award for which he would have been eligible under Article 43 if that Article had applied to him.

45. *Officers promoted from rating.*—(1) In this Article "officer promoted from rating" means an officer who was, on the 3rd September, 1939, a rating serving on a continuous service engagement or on an engagement to complete time for pension, and who was so serving immediately before being promoted to temporary rank as an officer.

(2) An officer promoted from rating may be granted—

(a) the award for which he is eligible under the principal Regulations in respect of service, together with a disablement addition on a pension basis; or

(b) the appropriate award under Article 11 or 12, if and for so long as it is to his advantage.

(3) An officer to whom the provisions of paragraph (1) of this Article apply, being an officer who, if he had not been disabled on the termination of his service, would have been eligible under the principal Regulations for a gratuity in respect of service, shall, if he ceases to be eligible for a disablement addition on a pension basis, have an option—

(a) to continue to receive retired pay in respect of service; or

(b) to receive, in lieu of such further retired pay and in final settlement, the service gratuity which might otherwise have been granted on the termination of his service, less the difference between the amount of such retired pay which has been issued

and the amount of the payment which would, over the period of such issue, have been made if a life annuity had been purchased, corresponding in value to the service gratuity and determined actuarially according to the officer's age on the date his service terminated:

Provided that—

(i) if the officer is eligible for a gratuity under Article 12, he may receive that gratuity in addition to an award under this paragraph;

(ii) where an award was made under paragraph (2) (b) of this Article as an alternative to an award under paragraph (2) (a) of this Article the provisions of this paragraph shall apply, the amount of retired pay in respect of service which has been issued being treated as the amount which would have been issued under the said paragraph (2) (a).

(4) Where an officer promoted from rating has received a service gratuity and subsequently a claim in respect of his disablement due to service is accepted, he shall have an option—

(a) to refund the service gratuity in one sum and receive the appropriate award under paragraph (2) (a) or (b) of this Article; or

(b) to retain the service gratuity and receive either—

(i) a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(ii) the appropriate award under paragraph (2) (a) or (b) of this Article less the annual value of the service gratuity as a life annuity determined actuarially according to his age at the time when he exercises the option:

Provided that the option shall be exercised when acceptance of the claim in respect of disablement is notified and the exercise thereof shall be final

46. *Temporary officers with previous pension.*—(1) In this article "officer with a previous pension" means an officer who, during his service, was in receipt of a pension or similar grant in respect of service in the ranks of the Navy, Army or Air Force, and includes an officer who has, since the termination of his service, been awarded a pension or similar grant in respect of service before the 3rd September, 1939, in the Navy, Army or Air Force.

(2) Where the existing award of an officer with a previous pension contains no element in respect of disablement, he may be awarded—

(a) a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(b) if and for so long as it is to his advantage, and in lieu of any such previous pension and disablement addition, the appropriate award under Article 11.

(3) Subject to the provisions of this Article, where the existing award of an officer with a previous pension contains elements in respect both of service and of disablement, he may be granted, in lieu of the existing award, either—

(a) a pension consisting of the service element of the existing award and of a disablement addition on a pension basis, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service; or

(b) if and for so long as it is to his advantage, the appropriate award under Article 11, the degree of disablement being assessed as in sub-paragraph (a) of this paragraph.

(4) Subject to the provisions of this Article, where the existing award of an officer with a previous pension is in respect of disablement and contains no element in respect of service, he may be granted, in lieu of the existing award, the appropriate award under Article 11, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service.

(5) Where, in the case of an officer to whom paragraph (3) or (4) of this Article applies, the disablement due to service is a minor injury specified in Table 1 in the Third Schedule, and the existing award is not increased by the re-assessment of the degree of disablement by reference to the combined effect of all the injuries which are due to service and to his previous service, the officer may be granted in addition to the existing award the appropriate gratuity under Article 12.