

47. *Regular ratings.*—A regular rating (not being a rating to whom Article 48 applies) may be granted the appropriate award under Article 11 or 12, in addition to any award in respect of service or rank (or both) for which he is eligible under the principal Regulations:

48. *Ratings with previous pension.*—(1) In this Article "rating with a previous pension" means a rating who, during his service, was in receipt of a pension or similar grant in respect of service in the Navy, Army or Air Force, and includes a rating 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 a rating with a previous pension contains no element in respect of disablement, he may be granted, in addition to the existing award, the appropriate award under Article 11 or 12.

(3) Where the existing award of a rating with a previous pension is wholly or partly in respect of disablement, he may be granted, in addition to any service element (including any rank element) of the existing award, but in lieu of the element thereof in respect of disablement, 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.

(4) Where the disablement due to service of a rating with a previous pension 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 rating may be granted in addition to the existing award the appropriate gratuity under Article 12.

49. *Commuted awards.*—Where a member of the naval forces has commuted any part of his previous award or of any element thereof, the amount commuted shall be deducted from any award made under this Order in lieu of the previous award or element.

50. *General provision relating to awards under Part VI.*—Any retired pay, pension, gratuity, disablement addition on a pension basis or disablement addition on a gratuity basis awarded under this Part shall be treated as retired pay or pension awarded under Article 11 or, as the case may be, as a gratuity awarded under Article 12, for the purpose of any reference in any other provision of this Order to retired pay, pension or gratuity awarded under those Articles, and shall be treated as retired pay or pension for the purpose of Part IV:

Provided that—

(a) any award under Article 13 in respect of an eligible member of the family shall be based upon the degree of the disablement which is due to service, so, however, that, where an allowance in respect of that eligible member is being paid as part of the existing award, the aggregate rate of the allowances in respect of that member shall not exceed the rate at which an allowance in respect of that member would be paid if all the injuries had been due to service;

(b) except for the purposes of an award under Article 15, the reference in this Article to retired pay awarded under this Part shall be treated as excluding retired pay awarded under this Part at the half-pay rate.

PART VII.—GENERAL PROVISIONS.

51. *Interpretation of Part VII.*—In this Part of this Order, except where the context otherwise requires, the expression "pension" means any retired pay, pension, allowance or other continuing benefit under this Order, and the expression "gratuity" means any gratuity under this Order.

52. *Adjustment of awards in respect of other compensation.*—(1) Where the Minister is satisfied that compensation has been or will be paid to or in respect of a person to or in respect of whom a pension or gratuity is being or may be paid or that any compensation which has been or will be paid will benefit such a person, the Minister may take the compensation into account against the pension or gratuity in such manner and to such extent as

he may think fit and may withhold or reduce the pension or gratuity accordingly.

(2) Where the Minister in any case considers that it is by reason of some act or omission by or on behalf of a person to or in respect of whom a pension or gratuity is being or may be paid that—

(a) there is no compensation to be taken into account against that pension or gratuity under paragraph (1) of this Article; or

(b) the amount of compensation so to be taken into account against that pension or gratuity is less than it would otherwise have been;

and the Minister is of the opinion that such act or omission was unreasonable, the Minister may assess the amount of the compensation which, in his opinion, would have fallen to be taken into account as aforesaid but for such act or omission, and may, for the purpose of paragraph (1) of this Article, treat the amount so assessed as if it were compensation which could be taken into account under that paragraph against that pension or gratuity.

(3) In this Article "compensation" means—

(a) any periodical or lump sum payment in respect of the disablement or death of any person, or in respect of any injury, disease or incapacity sustained or suffered by any person, being a payment—

(i) for which provision is made by or under any enactment, Order in Council (including this Order), Warrant, Order, scheme, ordinance, regulation; or other instrument; or

(ii) which is recoverable as damages at common law; or

(b) any periodical or lump sum payment which, in the opinion of the Minister, is recoverable or payable—

(i) under any enactment, scheme, ordinance, regulation or other instrument whatsoever promulgated or made in any place outside the United Kingdom; or

(ii) under the law of any such place; and is analogous to any payment falling within subparagraph (a) of this paragraph; or

(c) any periodical or lump sum payment made in settlement or composition of, or to avoid the making of, any claim to any payment falling within subparagraph (a) or (b) of this paragraph, whether liability on any such claim is or is not admitted.

53. *Pensioners admitted to institutions.*—Where any person to or in respect of whom a pension or gratuity may be or has been awarded is being maintained in an institution which is supported wholly or partly out of public funds, otherwise than for the purpose of receiving medical, surgical or rehabilitative treatment for a disablement in respect of which a pension or gratuity may be or has been awarded, the Minister may deduct from the pension or gratuity such amount in respect of the maintenance of the person in the institution as he may think fit having regard to all the circumstances of the case, and may pay the amount so deducted to that authority.

54. *Chelsea pensioners.*—Where a member of the naval forces is, by virtue of previous service in the military forces, admitted to Chelsea Hospital as an in-pensioner, his pension shall cease but may be restored in the event of his leaving that Hospital.

55. *Children whose maintenance is otherwise provided for.*—(1) A pension which may be or has been awarded to or in respect of a child may be withheld, or reduced to such an extent as the Minister may think fit, where periodical payments out of public funds are being made to or in respect of the child or the child is being maintained in the Navy, Army or Air Force or in any institution wholly or mainly supported out of public funds.

(2) A pension which may be or has been awarded to or in respect of a child of a woman member of the naval forces, or to or in respect of an illegitimate child of the wife or widow of a male member, or to or in respect of a fosterchild who is illegitimate, may be reduced by the amount of any contributions to the support of the child which are being made by, or which it would be reasonably practicable to obtain from, the father of the child, or, as the case may be, the widower of a woman member.

(3) In this Article "child" includes any person who is for the purposes of any provision of this Order to be treated as a child to or in respect of whom a pension may be or has been awarded.