

where the aggregate amount of any such payments is less than the aggregate amount of any such pension, allowance or grant, the said pension, allowance or grant may be awarded for that period and the said payments shall be treated as paid on account thereof:

Provided that where a widow, who, but for the provisions of this paragraph, would have been eligible for a pension under the 1920 Order, the 1921 (Officers) Order, the 1921 (Warrant Officers) Order or this Order, re-marries, the provisions of Article 16 (3) of the 1920 Order, Article 15 (2) of the 1921 (Officers) Order or Article 15 (2) of the 1921 (Warrant Officers) Order shall apply in her case as if that pension had been awarded to her.

(5) Notwithstanding anything in the foregoing provisions of this Article, the Minister may, if in his opinion the exceptional circumstances of any particular case so require, at his discretion—

(a) vary the conditions for the award of a personal allowance in so far as they relate to a period in respect of which an allowance under Article 7 of the 1921 (Officers) Order, Article 7 of the 1921 (Warrant Officers) Order, Article 6a of the 1920 Order or Article 5 (2) of this Order is required to have been payable to an officer or a rating as the case may be:

(b) award a personal allowance or an additional allowance for any week at a weekly rate other than that prescribed in sub-paragraph (b) of paragraph (2) or sub-paragraph (b) of paragraph (3) of this Article, as the case may be, but not exceeding the maximum rate which would have been payable in accordance with that sub-paragraph had the officer or rating died at any time not earlier than 13 weeks before the date of his death."

2. This Order shall be construed as one with the Order in Council of the 29th September 1949, as amended by any subsequent Order, and shall come into operation on the 2nd December 1963.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

1. This Order amends the Order of the 29th September 1949, as amended by subsequent Orders.

2. Provision is made for the award of a temporary personal allowance and temporary allowances in respect of children to the widow of a pensioner to whom constant attendance allowance or unemployment supplement was payable before he died. The allowances are payable for 13 weeks following the pensioner's death at weekly rates related to the amount of disablement pension and allowances which were payable to him before death.

At the Court at Buckingham Palace, the 27th day of November 1963.

PRESENT,

The QUEEN'S Most Excellent Majesty in Council

Whereas by section 3 of the Naval and Marine Pay and Pensions Act 1865 (28 & 29 Vict. c. 73) it is enacted that all pay, wages, pensions, bounty money, grants or other allowances in the nature thereof payable in respect of services in Her Majesty's naval or marine force to a person being or having been an officer, seaman or marine, or to the widow or any relative of a deceased officer, seaman or marine, shall be paid in such manner and subject to such restrictions, conditions and provisions, as are from time to time directed by Order in Council:

And whereas Her Majesty deems it expedient further to amend the Order concerning retired pay, pensions and other grants in cases where the disablement or death of members of the naval forces is due to service after the 2nd September 1939:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her as aforesaid and of all other powers whatsoever Her thereunto enabling, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

The Order in Council dated the 29th September 1949, relating to members of the naval forces as therein defined, shall be further amended in the respects set out in the following Articles of this Order.

1. After Article 30A there shall be inserted the following Article:

"30B. *Temporary allowances for widows and unmarried dependants living as wives of severely disabled pensioners*—(1) Notwithstanding anything in the foregoing provisions of this Order, where a member of the naval forces dies on or after the 2nd December 1963 and an allowance under Article 15 or Article 17(2) was payable to him in respect of any period ending with his death, or an allowance under Article 15 ceased to be payable within 13 weeks of his death following his entry as an in-patient into a hospital or other institution, his widow or unmarried dependant living as his wife may be awarded a personal allowance and additional allowances in respect of children in accordance with the following provisions of this Article.

(2) A personal allowance awarded under this Article to a widow shall be payable—

(a) for the period of 13 weeks commencing, in the case of the widow of an officer with the day, and in the case of the widow of any other member with the Wednesday, next following the day of his death; and

(b) at a weekly rate equal to the total amount of the retired pay, pension or treatment allowances and any other allowances payable to the member under this Order in respect of the 7 days next preceding the day of his death, with the exception of allowances under Article 16, 17(3)(c), 20(3) or 20(4) proviso (a) or any allowance in respect of a child:

Provided that—

(i) a personal allowance shall be subject to the provisions of paragraphs (1), (2), (5) and (6) of Article 39 as if it were a pension under Article 26 and shall not be payable for any period after the death of the widow;

(ii) in calculating a weekly rate of retired pay or pension for the purposes of the foregoing provisions of this Article, a member who was in receipt of an award under Part VI of this Order shall be deemed in lieu thereof to have been in receipt of an award under Article 11, and no account shall be taken of any pension awarded in respect of service or rank (or both) for which a member was eligible under the principal Regulations, or under any Order relating to service before the 3rd September 1939.

(3) Where the widow of a member of the naval forces was separated from the member at the date of his death and the separation was not, in the opinion of the Minister, caused by the member's mental instability arising from disablement due to service, she may not be awarded a personal allowance under this Article unless the conditions set out in sub-paragraph (a) or (b) of Article 28(1) are satisfied in her case; and the rate of any allowance payable to her shall be at the discretion of the Minister but shall not exceed the rate prescribed in sub-paragraph (a) or (b) of Article 28(2), as the case may be, nor the rate appropriate in her case under paragraph (2) of this Article.

(4) Where the widow of a member of the naval forces, other than a widow to whom the last foregoing paragraph applies, is not in receipt of a personal allowance under this Article or a pension under Article 26, an unmarried dependant living as the wife of the member and having at the date of his death a child of his in her charge may be awarded a personal allowance under this Article as if she were the widow of the member:

Provided that the rate of the allowance payable to her shall be at the discretion of the Minister but shall not in any case exceed the rate which, if she were the member's widow, would be appropriate in her case under paragraph (2) of this Article, and the allowance shall not be payable for any period after she ceases to have that child in her charge.

(5) Where the widow of a member of the naval forces or an unmarried dependant living as the wife of a member is awarded a personal allowance under this Article, she may be awarded an additional allowance in respect of any child for whom an allowance was payable to the member immediately before his death, and any such additional allowance shall be payable—

(a) for so long as the personal allowance is payable and the child is alive and has not attained the child's age limit, or, if he has attained that limit, is a student or an apprentice or is incapable of self-support by reason of an infirmity which arose before he attained that limit and the circumstances are such, in the opinion of the