



SUPPLEMENT TO

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## PRIVY COUNCIL OFFICE

At the Court at *Buckingham Palace*, the 25th day of September 1964

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 to make further provision concerning retired pay, pensions and other grants for members of the naval forces and of the nursing and auxiliary services thereof disabled, and for the widows, children, parents and other dependants of such members deceased, in consequence of service during the 1914 World War and after 2nd September 1939, and to provide for the administration of this Order in Council by the Minister of Pensions and National Insurance:

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, that the following provisions of this Order in Council shall take effect accordingly and, except in the cases stated in the Order in Council of 19th December 1881, and, except as otherwise provided by statute, shall be established and obeyed as the sole authority in the matters herein treated of, so, however, that the terms of any other Order in Council may, if more favourable, be applied in the case of any person eligible thereunder, and that no award already made to or in respect of any person under any previous Order in Council shall be re-assessed to the disadvantage of that person.

## PART I

*Definitions and Interpretation**Definitions*

1. In this Order, unless the context otherwise requires—

(1) "the 1917 (Officers) Order" and "the 1917 (Warrant Officers) Order" mean respectively the Order in Council of 29th September 1917, S.R. & O. 1917/1022 (p. 870), relating to commissioned and subordinate officers and nurses, and the Order in Council of 29th September 1917, S.R. & O. 1917/1023 (p. 883), relating to commissioned warrant officers and warrant officers:

(2) "the 1920 Order" means the Order in Council of 11th June 1920, S.R. & O. 1920/1021 (II, p. 295), relating to seamen and marines, as amended by any subsequent Order in Council, including this Order in Council:

(3) "the 1921 (Officers) Order" and "the 1921 (Warrant Officers) Order" mean respectively the Order in Council of 9th March 1921, S.R. & O. 1921/360 (p. 770), relating to commissioned and subordinate officers and nurses, and the Order in Council of 9th March 1921, S.R. & O. 1921/361 (p. 794), relating to commissioned officers from warrant rank and warrant officers, as amended by any subsequent Order in Council, including this Order in Council:

(4) "adopted" means adopted in pursuance of an adoption order made under the Adoption Act 1958, 7 & 8 Eliz. 2. c. 5, or any enactment repealed by that Act or by the Adoption Act 1950, 14 Geo. 6. c. 26, or under any corresponding enactment of the Parliament of Northern Ireland, or under any law in force outside the United Kingdom which, in the opinion of the Minister, is analogous to any of those enactments, and "adoption" shall be construed accordingly:

(5) "adult dependant", for the purposes of Articles 17 and 21, means—

(a) a person residing in the home of a member of the naval forces who is his—

(i) grandfather or father (including stepfather) and is incapable of self-support;

(ii) grandmother or mother (including stepmother) and is a widow or has never been married or is married to a husband who is incapable of self-support;

(iii) son (including stepson, adopted son or illegitimate son) and has attained the child's age limit and is incapable of self-support;

(iv) daughter (including stepdaughter, adopted daughter or illegitimate daughter) and has attained the child's age limit or his sister (including half-sister or stepsister) and has attained the age of 16 years and has never been married or is a widow or is married to a husband who is incapable of self-support;

(v) brother (including half-brother or stepbrother) and has attained the age of 16 years and is incapable of self-support; or

(b) an adult female person who, in the home of a member, looks after any child of the member in respect of whom an allowance is being paid under Article 12, 17 or 21;

being in each case a person who is in receipt of regular or substantial support or benefit from the member:

(6) "apprentice" means a person undergoing full-time training for any trade, business, profession,

office, employment or vocation, and not in receipt of earnings which provide him, wholly or substantially, with a livelihood:

(7) "child", in relation to a member of the naval forces, means his—

- (a) legitimate child;
- (b) legitimated child;
- (c) illegitimate child, who did not become legitimated upon the marriage of the member to the child's mother or father;
- (d) stepchild who, where the member is disabled, is being regularly maintained in whole or in part by him, or who, where the member is dead, was regularly so maintained by the member up to the date of his death;
- (e) adopted child;
- (f) illegitimate child, whose mother is, or was at the date of her death, an unmarried dependant living as a wife of the member;
- (g) illegitimate child, to whom sub-paragraph (c), (f) or (h) of this paragraph does not apply, who was born not later than 9 months after the material date and who—

(i) where the member is disabled, has been regularly maintained in whole or in part by the member up to the date of any award under this Order in respect of his disablement and, where the award is reviewed, up to the date of the review;

(ii) where the member is dead and the child was born before his death, was regularly maintained in whole or in part by the member up to the date of his death or, where the deceased was a male member, was the subject of an affiliation order which was in force at the date of his death;

(h) foster-child, that is to say, a child who—

(i) was on the material date being brought up and wholly or mainly maintained by the member as his child; and

(ii) was so brought up and maintained for not less than 6 months (or such lesser period as the Minister may determine in the exceptional circumstances of any case) prior to the date on which the member's service terminated; and

(iii) has continued to be so maintained, where the member is disabled, up to the date of any award under this Order in respect of his disablement and, where the award is reviewed, up to the date of the review or, where the member is dead, up to the date of his death:

(8) "child's age limit", in relation to a child or juvenile dependant of a member of the naval forces, means—

(a) where the member was an officer, a sergeant-major of the Royal Marines or a nurse, the age of 18 years; or

(b) in any other case, the age of 16 years:

(9) "dependent", in relation to dependency upon a deceased member of the naval forces before his death, means dependent by reason of the receipt of regular and substantial support or benefit from the member—

(a) where his death occurred during his service, throughout the period of 6 months ending with his death; or

(b) in any other case, throughout the period beginning 6 months prior to the termination of his service and ending with his death;

or throughout such other period as the Minister may determine in the exceptional circumstances of any case;

(10) "disablement" means physical or mental injury or damage, or loss of physical or mental capacity, and "disabled" shall be construed accordingly:

(11) "eligible dependant", in relation to a course of treatment as defined in Article 21 (8), means a person who is an eligible member of the family or who would be an eligible member of the family if, for any date mentioned in paragraph (7) or (13) of this Article, and for the date specified in paragraph (33) (a) of this Article as the terminating date of the period therein mentioned, there were substituted the date of the commencement of that course of treatment:

(12) "eligible member of the family" means a wife, husband or child, or an unmarried dependant living as a wife of a member of the naval forces:

(13) "husband", in relation to a member of the naval forces, means a husband whose marriage to

the member took place not later than the material date:

(14) "incapable of self-support", in relation to any person, means incapable of supporting himself solely by reason of—

(a) physical or mental infirmity of a permanent or prolonged nature; or

(b) old age; or

(c) being a juvenile dependant:

(15) "injury" includes wound or disease:

(16) "juvenile dependant" means a brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild, who has not attained the child's age limit:

(17) "material date", in relation to any child of a member of the naval forces to whom sub-paragraph (g) or (h) of paragraph (7) of this Article applies, or in relation to a husband or widower of a member of the naval forces, means the date when the member sustained the wound or injury, or was first removed from duty on account of the disease, on which the claim under this Order in respect of his disablement or death is based, or, if there was no such occurrence, the date of the termination of his service:

Provided that, where the member suffered aggravation of the injury (being aggravation which, in the case of death, persisted until death) as a result of service—

(a) in the case of a child to whom sub-paragraph (g) of paragraph (7) of this Article applies, after or within 9 months before the birth of the child; or

(b) in the case of a foster-child, after the date on which the member began to bring up and maintain the child as his child; or

(c) in the case of a husband or widower, after the date of his marriage to the member;

the expression "material date" in relation to that child or husband or widower shall mean the date when the member's service terminated:

(18) "member of the naval forces", in relation to service after 2nd September 1939, means an officer or rating of the Royal Navy or the Royal Marines, within the meaning of the principal Regulations, but does not include—

(a) an officer or rating serving under conditions other than those prescribed by the principal Regulations;

(b) a person entered abroad on a non-continuous service engagement for local service only;

(c) a non-European Native rating (whether a British subject or not);

(d) a person excluded by the terms of his service from the benefits of this Order, or whose conditions of service include other provisions of a like nature;

(e) a person serving in one of Her Majesty's ships or in a Fleet Auxiliary or in any other vessel in the service of the Admiralty under Agreement T.124 or a variant of that Agreement or under any other mercantile or special agreement;

(f) a member of a category or class specifically excluded from the benefits of this Order;

and, in relation to service during the 1914 World War, means a person coming within the definition contained in Article 30(1) of the 1921 (Officers) Order or Article 23(1) of the 1921 (Warrant Officers) Order or Article 24(1) of the 1920 Order; and, except where the context otherwise requires, any provision of this Order relating to a member of the naval forces shall be construed as relating also to a woman member of the naval forces and as relating to a person whose service as such a member or woman member has terminated:

(19) "member of the Naval Reserve Forces" means a member of the naval forces who is—

(a) a member of the Royal Fleet Reserve;

(b) a member of the Royal Naval Reserve;

(c) a member of the Royal Marine Forces Volunteer Reserve;

(d) a member of the Royal Naval Special Reserve;

(e) a member of the Royal Naval Volunteer Reserve, including the Royal Naval Volunteer Supplementary Reserve, the Royal Naval Volunteer (Wireless) Reserve and the Royal Naval Volunteer (Postal) Reserve;

(f) a member of the Women's Royal Naval Reserve, including the Women's Royal Naval Supplementary Reserve;

- (g) a member of the Women's Royal Naval Volunteer Reserve ;  
 (h) a member of Queen Alexandra's Royal Naval Nursing Service Reserve ;  
 (i) a member of the Voluntary Aid Detachment Reserve ;

but does not include such a member of the Naval Reserve Forces during any period when he is mobilised :

(20) "the Minister" means the Minister of Pensions and National Insurance :

(21) "officer", in relation to service after 2nd September 1939, means a member of the naval forces who is a commissioned officer (which term shall, unless the context otherwise requires, include a woman member of the naval forces with commissioned officer status), a subordinate officer, or a warrant officer (which term shall not include a sergeant-major of the Royal Marines, but shall, unless the context otherwise requires, include a woman member of the naval forces with warrant officer status) ; and in relation to service during the 1914 World War, means a commissioned officer or a warrant officer, and

(a) "commissioned officer" means a person coming within the definition of "officer" in Article 30(1) of the 1921 (Officers) Order ; and

(b) "warrant officer" means a person coming within the definition of "officer" in Article 23(1) of the 1921 (Warrant Officers) Order :

(22) "other dependant" means a grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild :

(23) "parent", in relation to a deceased member of the naval forces, means—

(a) a person of whom the member was a legitimate, legitimated or illegitimate child ; or

(b) a person who had adopted the member ; or

(c) a person who, for a period of 5 years (or such lesser period as the Minister may determine in the exceptional circumstances of any case) during the minority of the member, acted in the place of a parent to, and wholly or mainly maintained, the member ; or

(d) a person who, for such period as is mentioned in sub-paragraph (c) of this paragraph, was the spouse (not being a separated spouse) of a person fulfilling the conditions set out in that sub-paragraph :

(24) "principal Regulations" means the Queen's Regulations and Admiralty Instructions for the government of Her Majesty's Naval Service, as amended from time, the Regulations governing the various Reserve Forces as so amended, the provisions summarised in the Appendix to the Navy List as so amended, and any other regulations, instructions or provisions issued or made from time to time in relation to Her Majesty's Naval Service :

(25) "pension", in relation to a rating, means a disablement pension under Article 10 of this Order or under Article 1 of the 1920 Order and, for the purposes of Article 5 of this Order includes an alternative pension under Article 3 of the 1920 Order ; and, in relation to a nurse, means a disablement pension or an addition to service pension under Article 23 of the 1921 (Officers) Order or an addition to service pension under column (6) in Schedule 3 to the 1917 (Officers) Order :

(26) "public funds" means moneys provided by Parliament or the Parliament of Northern Ireland, moneys the payment whereof is a charge on the Consolidated Fund of the United Kingdom or of Northern Ireland, moneys provided by any general or local rate or by a fund established under or by virtue of any public, general or local Act, and moneys payable under any enactment, ordinance, regulation or other instrument forming part of the law of any place outside the United Kingdom :

(27) "retired pay", in relation to a commissioned officer, means retired pay under Article 10 of this Order or retired pay or additional retired pay under Article 1 of the 1921 (Officers) Order or an addition to half-pay or retired pay under column (8) in Schedule 1 to the 1917 (Officers) Order ; and, in relation to a warrant officer, means retired pay under Article 10 of this Order or retired pay or an addition to service retired pay, pension or gratuity under Article 1 of the 1921 (Warrant Officers) Order or an addition to service pension under column (5) or (6) in Schedule 1 to the 1917 (Warrant Officers) Order ; and for the purposes of Article 5 of this

Order, includes wounds pension under the Regulations in force before 4th August 1914, retired pay at the half-pay rate under proviso 1(a)(iii) to Article 1 of the 1921 (Officers) Order and alternative retired pay under Article 3 of the 1921 (Officers) Order and Article 3 of the 1921 (Warrant Officers) Order :

(28) "service" means service as a member of the naval forces during the whole or any part of the period beginning on 4th August 1914 and ending on 30th September 1921, or for any period after 2nd September 1939, and "served" shall be construed accordingly :

(29) "service during the 1914 World War" means service as a member of the naval forces during the whole or any part of the period beginning on 4th August 1914 and ending on 30th September 1921 :

(30) "rating" means a member of the naval forces who is not an officer :

(31) "student" means a person who is receiving full time instruction at a university, college, secondary school or technical school, or at any other establishment which, in the opinion of the Minister, is a comparable educational establishment :

(32) "termination", in relation to service as a member of the naval forces, means termination of service as such a member by reason of retirement, discharge, demobilisation, transfer to the Emergency List or Reserve or in any other manner :

Provided that where the member renders service during more than one period, it means the date, having regard to the foregoing provisions of this paragraph, of the end of the period which is relevant in the circumstances of his case ;

and "terminated" shall be construed accordingly :

(33) "unmarried dependant living as a wife" means—

(a) in relation to a member of the naval forces whose disablement is due to service after 2nd September 1939, a person wholly or substantially maintained by the member on a permanent bona fide domestic basis throughout the period beginning 6 months prior to the commencement of his service and continuing, where the member is disabled, up to the date of any award under this Order in respect of his disablement and, where the award is reviewed, up to the date of review or, where the member is dead, up to the date of his death ;

(b) in relation to a member whose disablement is due to service during the 1914 World War, a woman living with a rating as a wife if she has drawn in respect of him separation allowance as for a wife ;

and "unmarried dependant who lived as a wife" shall be construed accordingly :

(34) "widower", in relation to a deceased woman member of the naval forces, means a person who was married to the member at the date of her death and whose marriage to the member took place not later than the material date :

(35) "woman member of the naval forces", in relation to service after 2nd September 1939, means a woman who is—

(a) a medical or dental practitioner employed with the Medical or Dental Branch of the Royal Navy with naval status for general service ;

(b) enrolled in Queen Alexandra's Royal Naval Nursing Service or in the Auxiliary Section thereof or in the Queen Alexandra's Royal Naval Nursing Service Reserve ;

(c) enrolled in the Women's Royal Naval Service or a reserve thereof ;

(d) a member of a Voluntary Aid Detachment enrolled for employment under the Defence Council ;

and, in relation to service during the 1914 World War, means a person referred to in Article 23 of the 1921 (Officers) Order as a nurse and references in this Order to a nurse shall be construed as references to such a person.

#### Interpretation

2.—(1) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 (52 & 53 Vict. c. 63), shall apply in relation to this Order and in relation to the revocations effected by it as if this Order and those Orders revoked by it were Acts of Parliament, and as if each revocation were a repeal.

(2) References in this Order to any enactment or Order shall, unless the context otherwise requires, be construed as references to that enactment or Order, as amended by or under any other enactment or Order, and to any other enactment or Order substituted therefor.

(3) The provisions of this Order, in so far as they relate to disablement or death due to service during the 1914 World War, or to retired pay, pension, allowances or other grants in respect of such disablement or death, shall be construed as one with the 1920 Order, the 1921 (Officers) Order or the 1921 (Warrant Officers) Order, as the context requires.

(4) Where any matter is required by this Order to be certified, that matter shall be determined—

(a) where a Tribunal constituted under the War Pensions (Administrative Provisions) Act 1919 (9 & 10 Geo. 5. c. 53) or the Pensions Appeal Tribunals Acts 1943 and 1949 (6 & 7 Geo. 6 c. 39 and 12, 13 & 14 Geo. 6. c. 12) has given a decision on that matter under those Acts, in accordance with that decision, or, if an appeal from that decision is brought under the said Acts, in accordance with the decision on that appeal;

(b) where no such decision has been given and the matter involves a medical question, in accordance with a certificate on that question of a medical officer or board of medical officers appointed or recognised by the Minister for the purpose:

Provided that, where that question appears to the Minister to raise a serious doubt or difficulty, he may obtain the opinion thereon of one or more of a panel of independent medical experts nominated by the President of the Royal College of Physicians, the Royal College of Surgeons or the Royal College of Obstetricians and Gynaecologists, and in that case the matter involving that question shall be determined in accordance with that opinion.

(5) For the purposes of this Order, a person shall be treated as having attained the age of 16 years at the commencement of the sixteenth anniversary of the day of his birth and similarly with respect to any other age.

(6) For the purposes of this Order—

(a) a person may be treated as being in receipt of any retired pay, pension, allowance or other continuing benefit awarded to him under this Order notwithstanding that the retired pay, pension, allowance or other benefit, or any part thereof, is, by virtue of any provision of this Order, being administered or otherwise applied for any purpose or paid to some other person;

(b) where an allowance awarded under this Order in respect of a child of a deceased member of the naval forces is withheld or reduced under Article 59, the member's widow or unmarried dependant who lived as a wife who has the child under the control or in her charge may be treated as being in receipt of the allowance notwithstanding that it is so withheld or reduced;

(c) a condition for the award of any pension, allowance or grant under this Order that a person is, or, as the case may be, was, in receipt of retired pay, pension, allowance or other award under this Order, the 1920 Order, the 1921 (Officers) Order or the 1921 (Warrant Officers) Order may be treated as satisfied if that person is, or, as the case may be, was, in receipt of any payment, made by the Minister with the consent of the Treasury, which is analogous to that retired pay, pension, allowance or other award.

(7) For the purposes of this Order, any question as to whether a person—

(a) is an adopted child, or is a parent by virtue of having adopted a child, shall be determined as if any adoption effected by a person who at the date of the adoption had a spouse and was not separated from that spouse, had been effected by those two spouses jointly;

(b) is a grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild, shall be determined as if—

(i) any child adopted jointly by two persons who at the date of the adoption were spouses, or by a person who at that date had a spouse and was not separated from that spouse, were the legitimate child of those spouses;

(ii) any child adopted by a person who at the date of the adoption had no spouse or was

separated from his spouse, were the legitimate child of that person;

(iii) any child born illegitimate had been born the legitimate child of his father and mother.

(8) Any condition or requirement laid down in this Order for an award, or the continuance of an award, or relating to the rate or amount of an award, shall, except where the context otherwise requires, be construed as a continuing condition or requirement, and accordingly the award, rate or amount shall cease to have effect if and when the condition or requirement ceases to be fulfilled and shall be subject to variation from time to time in accordance with the condition or requirement.

## PART II.

### *General Principles of Awards*

#### *Basic condition of awards*

3. Under this Order awards may be made where the disablement or death of a member of the naval forces is due to service.

*Entitlement where a claim is made in respect of a disablement, or death occurs, not later than 7 years after the termination of service.*

4.—(1) Where, not later than 7 years after the termination of the service of a member of the naval forces, a claim is made in respect of a disablement of that member, or the death occurs of that member and a claim is made (at any time) in respect of that death, such disablement or death, as the case may be, shall be accepted as due to service for the purposes of this Order provided it is certified that—

(a) the disablement is due to an injury which—

(i) is attributable to service; or

(ii) existed before or arose during service and has been and remains aggravated thereby; or

(b) the death was due to or hastened by—

(i) an injury which was attributable to service; or

(ii) the aggravation by service of an injury which existed before or arose during service.

(2) Subject to the following provisions of this Article, in no case shall there be an onus on any claimant under this Article to prove the fulfilment of the conditions set out in paragraph (1) of this Article and the benefit of any reasonable doubt shall be given to the claimant.

(3) Subject to the following provisions of this Article, where an injury which has led to a member's discharge or death during service was not noted in a medical report made on that member on the commencement of his service, a certificate under paragraph (1) of this Article shall be given unless the evidence shows that the conditions set out in that paragraph are not fulfilled.

(4) The provisions of paragraphs (2) and (3) of this Article shall not apply to a claim in respect of the disablement or death of a member of the Naval Reserve Forces where that disablement is due to, or that death is due to or hastened by, a disease other than a disease caused or aggravated by an accident but—

(a) such disablement or death shall be certified in accordance with paragraph (1) of this Article if it is shown that the conditions set out in this Article and applicable thereto are fulfilled;

(b) where, upon reliable evidence, a reasonable doubt exists whether the conditions set out in paragraph (1) of this Article are fulfilled, the benefit of that reasonable doubt shall be given to the claimant.

(5) Where there is no note in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of that fact may be accepted.

(6) For the purposes of this Article "service" means service as a member of the naval forces after 2nd September 1939.

*Entitlement where a claim is made in respect of a disablement, or death occurs, more than 7 years after the termination of service*

5.—(1) Subject to the provisions of Article 71(7), where, after the expiration of the period of 7 years beginning with the termination of the service of a member of the naval forces, a claim is made in respect of a disablement of that member, or in respect of the death of that member (being a death occurring after the expiration of the said period) and he was at the time of his death, or at any time previously

thereto had been, in receipt of a pension awarded by the Minister under this Order or any previous Order, such disablement or death, as the case may be, shall be accepted as due to service for the purposes of this Order provided it is certified that—

- (a) the disablement is due to an injury which—  
 (i) is attributable to service after 2nd September 1939; or  
 (ii) existed before or arose during such service and has been and remains aggravated thereby; or  
 (b) the death was due to or substantially hastened by—  
 (i) an injury which was attributable to service; or  
 (ii) the aggravation by service of an injury which existed before or arose during service.

(2) A disablement or death shall be certified in accordance with paragraph (1) of this Article if it is shown that the conditions set out in this Article and applicable thereto are fulfilled.

(3) The condition set out in paragraph (1)(a)(ii) of this Article, namely, that the injury on which the claim is based remains aggravated by service after 2nd September 1939, shall not be deemed to be fulfilled unless the injury remains so aggravated at the time when the claim is made, but this paragraph shall be without prejudice, in a case where an award is made, to the subsequent operation of Article 2(8) in relation to that condition.

(4) Where, upon reliable evidence, a reasonable doubt exists whether the conditions set out in paragraph (1) of this Article are fulfilled, the benefit of that reasonable doubt shall be given to the claimant.

(5) Where there is no note in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of that fact may be accepted.

(6) For the purposes of this Article the expression "pension" shall include retired pay, disablement addition, weekly allowance or gratuity, or an allowance in respect of a period of treatment as defined in Article 21(8).

#### *Serious negligence or misconduct*

6. The Minister may withhold, cancel or reduce any award which may be or has been made under this Order in respect of the disablement or death of a member of the naval forces in any case in which the injury or the death on which the claim to the award is based was caused or contributed to by the serious negligence or misconduct of the member.

#### *Rank or status*

7.—(1) Subject to the provisions of paragraph (9) of this Article, where, for the purposes of any award under Part III or IV of this Order (including any award under any Article in those Parts made by virtue of Part V) in respect of the disablement or death of a member of the naval forces, the member's rank has to be determined, it shall be determined by reference to the relevant rank of the member.

(2) Subject to the following provisions of this Article, the relevant rank of a member shall be whichever is the highest of the following ranks, namely—

- (a) the substantive rank held by him on the date on which he was last on full pay prior to the termination of his service;  
 (b) where on that date he held war substantive rank, or paid temporary or paid acting rank which would then have been allowed to reckon for the purpose of calculating service retired pay or the rank element of a service pension if he were eligible for such retired pay or pension, that war substantive rank, or paid temporary or paid acting rank, as the case may be;  
 (c) the substantive, war substantive, paid temporary or paid acting rank held by the member on any of the following dates, namely—

- (i) the date on which he sustained the wound or injury, or was first removed from duty on account of the disease, on which the claim to the award is based;  
 (ii) where the member suffered aggravation of the injury on which the claim to the award is based (being aggravation which, in the case of death, persisted until death) as a result of service after the date mentioned in sub-paragraph (c)(i) of this paragraph, the date of the removal

from duty on account of the aggravation, or, if there was no such removal from duty, the date of the termination of his service.

(3) In the case of a member of the Naval Reserve Forces, the relevant rank shall be—

- (a) the paid rank held by him, or, where pay was not in issue, the rank for which pay would have been in issue if he had been entitled to receive pay, on the date on which he sustained the wound or injury, or on which he was first removed from duty on account of the disease, on which the claim to the award is based; or  
 (b) if there was no such occurrence, the highest rank (ascertained in accordance with the provisions of sub-paragraph (a) of this paragraph) held by him during the relevant period of service; or  
 (c) where the member suffered aggravation of the injury on which the claim to the award is based (being aggravation which, in the case of death, persisted until death) as a result of service after the date or period mentioned in sub-paragraphs (a) and (b) of this paragraph, the date of the removal from duty on account of the aggravation, or, if there was no such removal from duty, the highest rank (ascertained in accordance with the provisions of sub-paragraph (a) of this paragraph) held by him during such service.

(4) Where a composite assessment of the degree of disablement has been made in accordance with sub-paragraph (b) of Article 9(2) or death is due to more than one injury, and different ranks are, under the foregoing provisions of this Article, relevant to the different injuries taken into account by the assessment or resulting in or hastening death—

- (a) an award under Part III of this Order in respect of the composite assessment shall be made at a composite rate calculated by reference to the degree of disablement resulting from each such injury and the relevant rank appropriate thereto, so, however, that where the sum of the separate assessments which would have been made in respect of those injuries but for the said sub-paragraph exceeds the amount of the composite assessment, the degree of disablement resulting from the injury to which the lower or lowest of those different relevant ranks is appropriate shall, for the purpose of calculating the said composite rate, be treated as reduced by the amount of the excess, and  
 (b) an award under Part IV shall be at a rate calculated by reference only to the higher or highest of those different relevant ranks.

(5) For the purposes of an award in respect of the death of a retired officer who has been recalled to service or otherwise taken into employment as a commissioned officer, the relevant rank shall be the rank in which he was employed, or the rank appropriate to the appointment in which he was employed, at the date on which he was last on full pay prior to the termination of his service, or at any of the dates mentioned in paragraph (2)(c) of this Article, whichever is most favourable.

(6) The provisions contained in the principal Regulations as to equivalent ranks of officers and ratings, for the purposes of retired pay, pension or like grant thereunder, and as to the classification of different categories of ratings, shall have effect for the purposes of this Order.

(7) For the purposes of any award under this Order, a Chaplain shall be treated as holding such rank as is, in the opinion of the Minister, appropriate in his case having regard to his denomination and the length of his service and the provisions made in the principal Regulations as to the grant of retired pay, pensions, allowances or gratuities to or in respect of Chaplains of that denomination with that length of service.

(8) The foregoing provisions of this Article shall, where appropriate, apply in relation to women members, any reference to a rank being treated where necessary as a reference to a status equivalent to that rank.

(9) For the purposes of an award under Part IV of this Order in respect of the death of a member due to service during the 1914 World War, the provisions relating to rank of Article 31 of the 1921 (Officers) Order or of Article 26 of the 1921 (Warrant Officers) Order or of Article 11 of the 1920 Order shall apply in lieu of the foregoing provisions of this Article.

## PART III

*Awards in respect of disablement**General conditions*

8.—(1) Under this Part of this Order awards may be made in respect of the disablement of a member of the naval forces which is due to service, and may be made provisionally or upon any other basis.

(2) An award in respect of the disablement of a member shall not be made to take effect before the termination of his service or, in the case of an officer on the active list, while he is in receipt of unemployed pay or half pay.

(3) This Part of this Order shall have effect subject, in the case of any award which may be made under Part V, to the provisions of that Part.

*Determination of degree of disablement*

9.—(1) The following provisions of this Article shall apply for the purposes of the assessment of the degree of the disablement of a member of the naval forces due to service after 2nd September 1939.

(2) Subject to the following provisions of this Article—

(a) the degree of the disablement due to service of a member of the naval forces shall be assessed by making a comparison between the condition of the member as so disabled and the condition of a normal healthy person of the same age and sex, without taking into account the earning capacity of the member in his disabled condition in his own or any other specific trade or occupation, and without taking into account the effect of any individual factors or extraneous circumstances:

Provided that for the purpose of assessing the degree of disablement due to an injury which existed before or arose during service and has been and remains aggravated thereby—

(i) in assessing the degree of disablement existing at the date of the termination of the service of the member, account shall be taken of the total disablement due to that injury and existing at that date; and

(ii) in assessing the degree of disablement existing at any date subsequent to the date of the termination of his service account shall only be taken of any increase in the degree of disablement which has occurred since the said date of termination in so far as that increase is due to the aggravation by service of that injury;

(b) where such disablement is due to more than one injury, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all such injuries;

(c) the degree of disablement shall be assessed on an interim basis unless the member's condition permits a final assessment of the extent, if any, of that disablement.

(3) The degree of disablement assessed as aforesaid shall be certified by way of a percentage, total disablement being represented by 100 per cent. (which shall be the maximum assessment) and a lesser degree being represented by such percentage as bears to 100 per cent. the same proportion as the lesser degree of disablement bears to total disablement, so, however, that a degree of disablement of 20 per cent. or more shall be certified at a percentage which is a multiple of 10, and a degree of disablement which is less than 20 per cent. shall, except in a case to which Schedule 3 Table 1 applies, be certified in the manner required by Table 2, 3 or 4 in that Schedule.

(4) Where a disablement is due to an injury specified in Schedule 1 or is a disablement so specified, and, in either case, has reached a settled condition, the degree of that disablement shall, in the absence of any special features, be certified for the purposes of this Article at the percentage specified in that Schedule as appropriate to that injury or to that disablement.

(5) Where a member has sustained a minor injury specified in Schedule 3 Table 1 as well as some other disablement due to service, the degree of which is less than 100 per cent., and a composite assessment of the degree of the disablement from both causes is no higher than the assessment for the other

disablement alone, this Article shall have effect so as to authorise an award under Article 11 in respect of the minor injury as well as an award under Article 10 or 11 in respect of the other disablement.

(6) The degree of disablement certified under this Article shall be the degree of disablement for the purpose of any award in respect thereof under this Order.

*Pension for disablement*

10. A member of the naval forces the degree of whose disablement due to service after 2nd September 1939 is not less than 20 per cent. may be awarded retired pay or a pension at whichever of the rates set out in the Tables in Schedule 2 is appropriate to his rank or status and the degree of his disablement.

*Gratuity and weekly allowance for minor disablement*

11. A member of the naval forces the degree of whose disablement due to service after 2nd September 1939 is less than 20 per cent. may be awarded a gratuity, or a weekly allowance with or without a terminal gratuity, in accordance with the appropriate Table in Schedule 3.

*Allowances for eligible members of the family*

12.—(1) Where a member of the naval forces is awarded retired pay or a pension, allowances in respect of the eligible members of the family may be awarded in accordance with the following provisions of this Article

(2) An allowance under this Article in respect of an eligible member of the family shall be at such proportion of the rates set out in the following Table as corresponds to the degree of the disablement giving title to that allowance:

TABLE

| Eligible member of the family                            | Rate for 100 per cent. disablement |   |
|--|------------------------------------|---|
|  | Officers (yearly rate)             | Other ranks (weekly rate)   |
| (a) wife or husband ...                                  | £ 36                               | s. d.<br>10 0   |
| (b) unmarried dependant living as a wife                 | 36                                 | 10 0  |
| (c) children:—   |                                    | or, where the disablement is due to service during the 1914 World War,<br>7 6 |
| (i) if an allowance under (a) is in issue—each child ... | 30                                 | 7 6   |
| (ii) if no allowance under (a) is in issue—              |                                    |   |
| first child ...  | 36                                 | 10 0  |
| each other child ...                                     | 30                                 | 7 6   |

(3) The award, continuance and amount of any allowance in respect of a wife, husband or child who is living apart from the member shall be at the discretion of the Minister.

(4) No allowance shall be awarded in respect of a husband unless—

(a) he has been in receipt of regular and substantial support or benefit from the member throughout the period beginning (unless the Minister otherwise determines in the exceptional circumstances of any case) not less than 6 months prior to the termination of her service, and continuing up to the date of any award under this Order in respect of her disablement and, where the award is reviewed, up to the date of the review; and

(b) he is incapable of self-support and in need.

(5) No allowance shall be awarded in respect of an unmarried dependant living as a wife of a member whose disablement is due to service after 2nd

September 1939 unless she has in her charge a child in respect of whom an allowance may be awarded under this Article.

(6) No allowance shall be awarded to a woman member in respect of any child of whom her husband (whether married to her before or after the material date) is the father, or who has been adopted by her husband, unless the conditions set out in paragraph (4) of this Article for the award of an allowance in respect of the husband are fulfilled.

(7) Subject to the provisions of paragraph (8) of this Article, an award of an allowance under this Article shall not be made or continued in respect of a child who has attained the child's age limit.

(8) An award of an allowance under this Article may be made or continued in respect of a child who has attained the child's age limit where the child—

- (a) is a student or an apprentice; or
- (b) is incapable of self-support by reason of an infirmity which arose before he attained the child's age limit;

and the circumstances of the case are, in the opinion of the Minister, such as to justify the award or its continuance.

#### *Education allowance*

13.—(1) A member of the naval forces who is in receipt of retired pay or a pension may be awarded an allowance in respect of a child for the purpose of his education if—

- (a) an award has been made in respect of the child under Article 12 or Article 17(4)(e)(ii); and
- (b) the child has attained the age of 5 years; and
- (c) the circumstances of the family are such as to require it; and
- (d) the Minister is satisfied that the type of education which the child is receiving, or is to receive, is suitable for the child.

(2) The amount of an allowance under this Article shall be determined by the Minister, but the total payments made in respect of any period of 12 months for any one child shall not exceed the appropriate amount specified in Schedule 6 paragraph 1.

#### *Constant attendance allowance*

14. A member of the naval forces who is in receipt of retired pay or a pension in respect of disablement the degree of which is not less than 80 per cent., may be awarded an allowance at a rate not exceeding the appropriate rate specified in Schedule 6 paragraph 2(b), if it is shown to the satisfaction of the Minister that constant attendance on him is necessary on account of the disablement:

Provided that in an exceptional case of very severe disablement the allowance may, subject to such conditions as the Minister may determine, be increased to a rate not exceeding the appropriate rate specified in paragraph 2(a) of the said Schedule.

#### *Severe disablement occupational allowance*

15. Where a member of the naval forces is in receipt of an allowance for constant attendance at a rate increased under the proviso to Article 14, or would be in receipt of such an allowance if he were not in a hospital or other institution, he may be awarded an allowance at the appropriate rate specified in Schedule 6 paragraph 3 for any period during which he is, in the opinion of the Minister, ordinarily employed in a gainful occupation, not being a period in respect of which he is eligible for an award under Article 17(1)(i) or is in receipt of a treatment allowance increased under Article 21(3) or of any such benefit as is mentioned in Article 21(6).

#### *Allowance for wear and tear of clothing*

16.—(1) Where a member of the naval forces who is in receipt of retired pay or a pension in respect of an amputation regularly wears an artificial limb, he may be awarded an allowance in respect of wear and tear of clothing—

- (a) where he wears a single artificial limb (other than a tilting-table limb), at the appropriate rate specified in Schedule 6 paragraph 4(a); or
- (b) where he wears a tilting-table limb or more than one artificial limb, at the appropriate rate specified in paragraph 4(b) of the said Schedule.

(2) In any other case in which the Minister is satisfied that as a result of the pensioned disablement there is exceptional wear and tear of the member's clothing an allowance at a rate not exceeding the appropriate rate specified in paragraph 4(b) of the said Schedule may be awarded.

(3) In this Article the expression "retired pay" includes wounds pension under the Regulations in force before 4th August 1914, retired pay at the half-pay rate under paragraph (1)(a)(iii) of the proviso to Article 1 of the 1921 (Officers) Order and alternative retired pay under Article 3 of the 1921 (Officers) Order and Article 3 of the 1921 (Warrant Officers) Order; and the expression "pension", in relation to a nurse, includes an alternative pension under Article 23C of the 1921 (Officers) Order, and, in relation to a rating, an alternative pension under Article 3 of the 1920 Order.

#### *Unemployability allowances*

17.—(1) Subject to the provisions of this Article, where a member of the naval forces is in receipt of retired pay or a pension in respect of disablement so serious as to make him unemployable, he may be awarded—

- (i) a personal allowance by way of supplement to his retired pay or pension at the appropriate rate specified in Schedule 6, paragraph 5(a); and
- (ii) additional allowances for dependants in accordance with such of the provisions of paragraph (4) of this Article as may be appropriate in his case.

(2) For the purposes of this Article a member may be deemed to be unemployable although in receipt of earnings which are, in the opinion of the Minister, unlikely to exceed £104 a year.

(3) A member shall not be eligible for any award under this Article if he is in receipt of a retirement pension (not being contributory old age pension) under the National Insurance Acts 1946 to 1964, or under any legislation in Northern Ireland corresponding to those Acts.

(4) Where a member is awarded an allowance under paragraph (1)(i) of this Article, he may also be awarded additional allowances for dependants in accordance with the following provisions of this paragraph—

- (a) where an allowance has been awarded under Article 12 in respect of a wife, husband or unmarried dependant living as a wife, and the degree of the disablement of the member is less than 100 per cent., that allowance may be increased to the rate which would be appropriate under that Article if the degree of the disablement of the member were 100 per cent.;
- (b) in the case of a woman member of the naval forces an allowance may be awarded in respect of a husband to whom she was married after the material date, at the rate and subject to the conditions which would be appropriate under Article 12 if the husband were an eligible member of the family and the degree of the disablement of the woman member were 100 per cent., and any such allowance shall be treated as an allowance under (a) of the Table in Article 12(2) for the purpose of determining the date of any allowance for a child under Article 12 or under sub-paragraph (e) of this paragraph;
- (c) where an allowance has been awarded under Article 12 in respect of a wife, husband or unmarried dependant living as a wife, and the degree of the disablement of the member is 100 per cent., or where an allowance for such a person has been increased or awarded under sub-paragraph (a) or (b) of this paragraph, the rate of the allowance may be increased, or further increased, as the case may be, by the appropriate amount specified in Schedule 6, paragraph 5(b)(i), if the Minister thinks fit having regard to the financial circumstances of the person in respect of whom the allowance has been granted;

- (d) where the member is not in receipt of an allowance under Article 12 or under sub-paragraph (b) of this paragraph in respect of a wife or husband (whether married to the member before or after the material date) or unmarried dependant living as a wife, an



allowance may be awarded in respect of an adult dependant at the appropriate rate specified in Schedule 6, paragraph 5(b)(ii) if the Minister thinks fit having regard to the financial circumstances of the person in respect of whom the allowance is claimed:

Provided that an allowance shall not be awarded in respect of more than one adult dependant;

- (e) (i) where an allowance has been awarded under Article 12 in respect of a child and the degree of the disablement of the member is less than 100 per cent., that allowance may be increased to the rate which would be appropriate under that Article if the degree of the disablement were 100 per cent.;
- (ii) an allowance may be awarded to a member in respect of any child, not being an eligible member of the family, who should, in the opinion of the Minister, be treated as such having regard to the child's relationship to or connection with the member and the other circumstances of the case:

Provided that any such allowance shall be at the rate and subject to the conditions which would be appropriate under Article 12 if the child were an eligible member of the family and the degree of the disablement of the member were 100 per cent.;

- (f) where an allowance has been awarded under Article 12 or sub-paragraph (e) of this paragraph in respect of the child or children of a member, the rate thereof in respect of that child or those children may be increased to the appropriate rate or rates specified in Schedule 6, paragraph 5(b)(iii).

(5) Where a person to whom a personal allowance may be or has been awarded under the foregoing provisions of this Article is eligible for a contributory old age pension or a widow's basic pension under the National Insurance Act 1946 or under any legislation in Northern Ireland corresponding to that Act, or where a person to or in respect of whom a personal allowance or an additional allowance may be or has been so awarded is eligible for benefit payable out of public funds under the law of any place outside the United Kingdom being benefit which, in the opinion of the Minister, is analogous to benefit under the National Insurance Acts 1946 to 1964, the Minister may take into account any such pension against the personal allowance and any such benefit against the personal allowance and the additional allowance in such manner and to such extent as he may think appropriate having regard, in the case of any such benefit, to any adjustment which would be made if the person were eligible for the analogous benefit under the said Acts.

#### *Comforts allowance*

18.—(1) A member of the naval forces in receipt of retired pay or a pension may be awarded an allowance for the provision of comforts—

- (a) at the appropriate rate specified in Schedule 6 paragraph 6(a) where he is in receipt of an allowance under Article 14 and is—

(i) in receipt of an allowance under Article 17; or

(ii) in receipt of retired pay or a pension in respect of disablement the degree of which is 100 per cent. resulting from multiple injuries which, in the opinion of the Minister, render his disablement so severe as to justify an award under this sub-paragraph;

- (b) at the appropriate rate specified in paragraph 6(b) of the said Schedule if he does not qualify for an award under sub-paragraph (a) of this paragraph but is in receipt of an allowance under Article 14 or under Article 17.

(2) For the purposes of this Article—

- (a) a member who would be in receipt of an allowance under Article 14 if he were not in a hospital or other institution shall be deemed to be in receipt of an allowance under that Article;

- (b) the expressions "retired pay" and "pension" have the same meaning as they have for the purposes of Article 16.

#### *Allowance for lowered standard of occupation*

19.—(1) Where a member of the naval forces is in receipt of retired pay or a pension in respect of disablement the degree of which is less than 100 per cent. or has been granted an award under Article 11 in respect of a minor disablement, and in either case the disablement is such as to render him incapable, and likely to remain permanently incapable, of following his regular occupation and incapable of following any other occupation which is of an equivalent standard and is suitable in his case, he may be awarded an allowance at a rate not exceeding the appropriate rate specified in Schedule 6 paragraph 7, so, however, that the aggregate rate of his retired pay or pension together with the allowance under this Article shall not exceed the rate of retired pay or pension which would have been appropriate in his case if the degree of his disablement had been 100 per cent.

(2) In this Article "regular occupation" means—

(a) where the member's disablement is due to service after 2nd September 1939, the occupation which was his regular occupation before his service;

(b) where the member's disablement is due to service during the 1914 World War, the occupation which was the most remunerative occupation which, in the opinion of the Minister, accounted for a substantial period of his employment during the period beginning with 1st July 1944, and ending with 1st July 1945.

(3) An award under this Article shall not be made to a member who is eligible for an allowance under Article 17(1)(i).

#### *Age allowance*

20.—(1) Where a member of the naval forces who is in receipt of retired pay or a pension in respect of disablement the degree of which is 40 per cent. or over has attained the age of 65 years, he may be awarded an allowance at the appropriate rate specified in Schedule 6 paragraph 8.

(2) Where a member who is in receipt of retired pay or a pension is also in receipt of retired pay or a pension payable out of moneys provided by Parliament under any Order in Council, other than this Order, or any Royal Warrant, Order by Her Majesty or Scheme administered by the Minister, or of any payment analogous thereto made by him with the consent of the Treasury, an allowance under this Article may, if it is to the member's advantage, be awarded at the rate appropriate to the degree of disablement which, in the opinion of the Minister, represents the combined effect of his pensioned disablements:

Provided that an allowance awarded by virtue of this paragraph and an age allowance awarded under any other Order in Council, Royal Warrant, Order by Her Majesty or Scheme shall not be payable for the same period.

(3) In this Article the expressions "retired pay" and "pension" have the same meaning as they have for the purposes of Article 16.

#### *Treatment allowances*

21.—(1) Subject to the provisions of this Article, a member of the naval forces may be awarded, in respect of any period during which he receives treatment, a treatment allowance consisting of—

- (i) a personal allowance at the rate of retired pay or pension which would be payable if the degree of his disablement were 100 per cent., increased, where appropriate, in accordance with paragraphs (2) and (3) of this Article;

(ii) additional allowances for dependants in accordance with paragraphs (4) and (5) of this Article:

Provided that—

(a) a treatment allowance shall be subject to such deductions or adjustments as the Minister may think appropriate having regard to all the circumstances of the case;

(b) where a member is in receipt of a treatment allowance under this Article in respect of any period, no payment shall be made in respect



of that period of any other award under the 1920 Order, the 1921 (Officers) Order, the 1921 (Warrant Officers) Order or this Part of this Order or, subject to paragraph (9) of this Article, any award under Part V, except an award under Article 13, 16, 17(1)(i) or 18 or, in the case of treatment other than treatment in a hospital or similar institution the whole or part of the cost of which is paid out of public funds, an award under Article 14 or, where the member is not in receipt of an increase of his personal allowance under paragraph (3) of this Article, an award under Article 15.

(2) Where a member has attained the age of 65 years, he may be awarded an increase of his personal allowance under paragraph (1)(i) of this Article—

(a) at a rate equal to that of the allowance which he would be receiving under Article 20 but for paragraph (b) of the proviso to paragraph (1) of this Article or at such higher rate as the Minister may determine having regard to the circumstances of the case ; or

(b) at such rate as the Minister may determine if in his opinion an award should be made to a person who is not eligible for an award under the preceding sub-paragraph :

Provided that the rate of any increase under this paragraph shall not exceed the appropriate rate specified in Schedule 6, paragraph 9(a).

(3) Except where a member is in receipt of an allowance under Article 17(1)(i) or is receiving treatment in a hospital or similar institution and is not entitled to an additional allowance in respect of a dependant under the following provisions of this Article, he may be awarded an increase of his personal allowance—

(a) if he is not eligible for any such benefit as is mentioned in paragraph (6) of this Article, at the appropriate rate specified in Schedule 6, paragraph 9(b) ;

(b) if he is eligible for such benefit at a rate lower than the appropriate rate specified in the said paragraph 9(b), at a rate equal to the difference between the lower rate and the rate so specified.

(4) An additional allowance may be awarded to a member in respect of an eligible dependant at the rate and subject to the conditions which would be appropriate under Article 12 if that dependant were an eligible member of the family and the degree of the member's disablement were 100 per cent. :

Provided that—

(a) where that eligible dependant is a wife or a husband (whether married to the member before or after the material date) or an unmarried dependant living as a wife, the rate of the allowance in respect of that dependant may be increased to the appropriate rate specified in Schedule 6, paragraph 9(c) if the Minister thinks fit having regard to the financial circumstances of that dependant ;

(b) the rate of an allowance awarded under the foregoing provisions of this paragraph in respect of the child or children of a member may be increased to the appropriate rate specified in Schedule 6, paragraph 9(d) ;

(c) an allowance may be awarded in respect of any child of a member whose disablement is due to service during the 1914 World War, not being an eligible dependant, who should, in the opinion of the Minister, be treated as such having regard to the child's relationship to or connection with the member and the other circumstances of the case.

(5) Where a member is not in receipt of an allowance under paragraph (4) of this Article in respect of a wife or a husband (whether married to the member before or after the material date) or an unmarried dependant living as a wife, an additional allowance may be awarded in respect of an adult dependant at the appropriate rate specified in Schedule 6, paragraph 9(e) if the Minister thinks fit having regard to the financial circumstances of that adult dependant :

Provided that an allowance shall not be awarded in respect of more than one adult dependant.

(6) The benefit referred to in paragraph (3) of this Article is personal benefit by way of injury benefit

under the National Insurance (Industrial Injuries) Acts 1946 to 1964, sickness benefit, retirement pension or contributory old age pension under the National Insurance Acts 1946 to 1964, or under any legislation in Northern Ireland corresponding to those Acts, or under the law of any place outside the United Kingdom which in the opinion of the Minister is analogous to those Acts.

(7) For the purposes of Article 13, 14, 16, 17(1)(i) or 18, personal allowance shall be deemed to be retired pay or pension.

(8) In this Article "treatment" means a course of medical, surgical or rehabilitative treatment which the Minister is satisfied that a member of the naval forces should receive in consequence of any disablement in respect of which an award under this Order or any previous Order may be or has been made but does not include any treatment which involves no or only occasional interruptions of the member's normal employment.

(9) Where, in the case of a rating whose disablement is due to service during the 1914 World War and who is entitled to a service pension, or to a service allowance under Article 52(2) or (4) of this Order, the conditions for the award of an allowance under paragraph (1)(i) of this Article are fulfilled, he may be awarded an allowance in accordance with that paragraph in addition to his service pension or service allowance.

*Allowance where abstention from work is necessary following treatment in a hospital or similar institution.*

22.—(1) Where the Minister is satisfied that a member of the naval forces should on completion of a course in a hospital or similar institution of treatment as defined in Article 21(8) abstain from work in consequence of the condition which necessitated that treatment, he may be treated as if he were eligible for such period as the Minister may think fit for a treatment allowance under Article 21.

(2) This Article shall not apply to a member who is in receipt of an allowance under Article 17(1)(i).

*Allowance for part-time treatment*

23. A member of the naval forces who receives treatment which would be treatment as defined in Article 21(8) but for the fact that it involves only occasional interruptions of the member's normal employment, may be awarded an allowance at such rate, not exceeding the appropriate rate specified in Schedule 6, paragraph 10, as the Minister may think fit having regard to any loss of remunerative time by the member as a result of those interruptions :

Provided that the amount of an allowance awarded to a member under this Article in respect of any period of a week or less shall not exceed the amount by which the weekly value of his existing award under this Part (excluding any award under Article 13, 14, 15, 16, 17(1)(i), 18 or 20) or Part V of this Order falls short of the weekly value of the award which would have been appropriate in his case under Article 21 (excluding any award under paragraph (2) of that Article) if he had been eligible for an award under that Article.

*Medical expenses*

24. Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a member of the naval forces not provided for by the Minister of Health or the Secretary of State or otherwise may be defrayed by the Minister under such conditions and up to such amount as he may determine.

#### PART IV

##### *Awards in Respect of Death*

*Application of Part IV*

25. Under this Part of this Order awards may be made in respect of the death of a member of the naval forces which is due to service, and for the purposes of the following provisions of this Part any death in respect of which a claim to an award has been accepted under or by virtue of Article 17A of the 1920 Order or Article 16A of the 1921 (Officers) Order or Article 16A of the 1921 (Warrant Officers) Order shall be deemed to be a death so due.

*General conditions*

26. Where, after the death of a member of the naval forces, any allowance, grant or other payment out of public funds is paid for any period to or

in respect of any person in continuation of any payment made during the member's lifetime in respect of his service as a member, no pension, allowance or other grant under this Part of this Order shall be paid for that period to or in respect of that person:

Provided that, where the aggregate amount of any pension, allowance or other grant which might, but for this Article, have been paid under this Part is in excess of the aggregate amount of the payments so made out of public funds, an amount equal to that excess may be paid.

#### *Pensions to widows*

27.—(1) The widow of a member of the naval forces may be awarded a pension—

(a) at whichever of the rates specified in Table 1A column (2) or Table 2 column (2) in Schedule 4 is appropriate in her case—

(i) where she has attained the age of 40 years ; or

(ii) where she is in receipt of an allowance awarded in respect of a child under Article 35, 37 or 39 ; or

(iii) where she was, or was being treated under Article 2(6)(b) as, in receipt of an allowance awarded under Article 35 in respect of a child of whom she is the mother until the date upon which the child attained the age of 16 years, or where, in the opinion of the Minister in any other case, she should be treated as having been in receipt of such an allowance until that date ; or

(iv) where a child in respect of whom she was awarded an allowance under Article 35 or 39 dies before attaining the age of 16 years, for a period of 13 weeks beginning with the date of the child's death ; or

(v) where she is incapable of self-support ;

(b) in any other case, at whichever of the rates specified in Table 1A column (3) or Table 2 column (3) in Schedule 4 is appropriate in her case.

(2) A widow shall only be eligible for a pension under the foregoing provisions of this Article if she was not separated from the member at the date of his death or, if she was separated from him at the date of his death, the separation was, in the opinion of the Minister, caused by his mental instability arising from disablement due to service.

(3) In this Article the expression "widow", in relation to a member whose death was due to service during the 1914 World War and occurred before 3rd September 1939, has the same meaning as in Article 24(2) of the 1920 Order or Article 30(2) of the 1921 (Officers) Order or Article 23(2) of the 1921 (Warrant Officers) Order, as the case may be.

(4) This Article shall not apply to a widow to whom a pension under Article 11 of the 1920 Order or Article 11 of the 1921 (Officers) Order or Article 11 of the 1921 (Warrant Officers) Order may be or has been awarded.

#### *Killed in action gratuities*

28. Where after 2nd September 1939 an officer has been killed in action or while on flying duty or while being carried on duty in aircraft under proper authority or has in such circumstances sustained wounds or injuries from which he died within 7 years of sustaining them, his widow, if eligible for a pension under Article 27, may be awarded a gratuity in accordance with the Table in Schedule 5.

#### *Pensions to widows who were separated*

29.—(1) The widow of a member of the naval forces whose death is due to service, being a widow who would be eligible for a pension under Article 27 but for the provisions of paragraph (2) thereof, may be awarded a pension if—

(a) she was entitled to periodical payments from her husband under a maintenance or separation order and was, throughout the period of 6 months expiring on the date of his death or such other period as the Minister may determine

in the exceptional circumstances of any case, either receiving those payments or taking reasonable steps to obtain them ; or

(b) her husband was, throughout any such period as is mentioned in sub-paragraph (a) of this paragraph, contributing to a reasonable extent to her support.

(2) The rate of a pension awarded to a widow under this Article shall be at the discretion of the Minister, but shall not exceed—

(a) where the conditions specified in paragraph (1)(a) of this Article are fulfilled, the rate of the payments which she was entitled to receive from her husband ; or

(b) where the conditions specified in paragraph (1)(b) of this Article are fulfilled, the average amount that her husband was contributing to her support throughout any such period as is mentioned in paragraph (1)(a) of this Article ; and shall not in either case exceed the rate of the pension under Article 27 of which she would be in receipt if she were a widow eligible for a pension under that Article.

#### *Pensions to unmarried dependants who lived as wives*

30.—(1) An unmarried dependant who lived as a wife of a member of the naval forces whose death is due to service after 2nd September 1939 may be awarded a pension in accordance with the following provisions of this Article, if the widow of the member is not in receipt of a pension under Article 27.

(2) Where such an unmarried dependant has in her charge a child of the member and is in receipt of an allowance awarded in respect of that child under the following provisions of this Part of this Order, a pension may be paid to her until she ceases to have that child in her charge or to be in receipt of such allowance:

Provided that, where the child dies before attaining the child's age limit, the unmarried dependant may be treated for the period of 13 weeks from the date of the child's death as if she still had that child in her charge and were still in receipt of an allowance in respect of him.

(3) The rate of a pension awarded to an unmarried dependant under this Article shall be at the discretion of the Minister, but shall not exceed the appropriate rate specified in Schedule 7 paragraph 1.

#### *Rent allowance to widows, and unmarried dependants who lived as wives, who have children*

31.—(1) Where a widow of a member of the naval forces is in receipt of a pension under Article 11 of the 1920 Order, or under Article 11 of the 1921 (Officers) Order or under Article 11 of the 1921 (Warrant Officers) Order, or under Article 27 or 29 of this Order, or an unmarried dependant of a member is in receipt of a pension under Article 30 and the household of the widow or unmarried dependant includes a child, the widow or unmarried dependant may be awarded a rent allowance at such weekly rate, not exceeding the appropriate rate specified in Schedule 7 paragraph 2, as the Minister may think fit having regard to the amount by which her weekly rent and rates exceed 6s.

(2) An allowance under this Article to a widow in receipt of a pension under Article 29 shall not exceed the amount by which the pension, together with any allowances awarded to her under the following provisions of this Part of this Order in respect of children, falls short of the amount which her husband was, throughout any such period as is mentioned in Article 29(1)(a), contributing, or required by a maintenance or separation order to contribute, to her support and that of her children.

(3) Where an allowance under this Article would cease by reason of the death of a child, the allowance may be continued for the period of 13 weeks from the date of the child's death.

(4) In this Article—

(a) "child" means a child who has not attained the child's age limit, or who, having attained the age limit, is a student or an apprentice or is incapable of self-support by reason of an infirmity which arose before he attained the age limit, and includes any person fulfilling those conditions who should, in the opinion of the

Minister, having regard to his relationship to or connection with the member and the other circumstances of the case, be treated as covered by the provisions of this Article ;

- (b) "weekly rent and rates" means such sum as the Minister may, after taking into account all relevant factors and making all necessary apportionments, consider to be the weekly amount in respect of rent, or the equivalent thereof, and rates, which the widow or unmarried dependant is paying or providing either directly or indirectly for accommodation for the benefit of herself and the child ;
- (c) "accommodation" means living accommodation without any service or benefit not ordinarily provided by the landlord to the tenant of an unfurnished dwelling house, but may include accommodation reasonably required for the storage of furniture.

*Allowance to elderly widows and unmarried dependants who lived as wives*

32. Where a widow in receipt of a pension awarded under Article 11 or 20 of the 1920 Order, or under Article 11 or 13 of the 1921 (Officers) Order, or under Article 11 or 13 of the 1921 (Warrant Officers) Order, or under Article 27 or 29 of this Order, or an unmarried dependant in receipt of a pension by virtue of the provisions of Article 71(6) of this Order, has attained the age of 70 years, she may be awarded a grant by way of an allowance at the appropriate rate specified in Schedule 7 paragraph 3.

*Temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners*

33.—(1) Notwithstanding anything in the foregoing provisions of this Order, where a member of the naval forces dies on or after 2nd December 1963 and an allowance under Article 14 or Article 17(1)(i) was payable to him in respect of any period ending with his death, or an allowance under Article 14 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, where such an allowance was so payable in respect of disablement due to service after 2nd September 1939, unmarried dependant who lived 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, alternative retired pay or pension or treatment allowances and any other allowances payable to the member under this Order or the 1921 (Officers) Order or the 1921 (Warrant Officers) Order or the 1920 Order in respect of the 7 days next preceding the day of his death, with the exception of allowances under Article 16, 17(4)(c), 21(3) or 21(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 42 as if it were a pension under Article 27 and shall not be payable for any period after the death of the widow ;
- (ii) in calculating the 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 V of this Order shall be deemed in lieu thereof to have been in receipt of an award under Article 10, and an officer who was in receipt of an award under any paragraph of the proviso to Article 1 of the 1921 (Officers) Order or Article 1 of the 1921 (Warrant Officers) Order shall be deemed in lieu thereof to have been in receipt of an award under the said Article 1 without reference to that proviso, 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 3rd September 1939.

(3) Where the widow of a member was separated from him 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 29(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 29(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 to whom either allowance mentioned in paragraph (1) of this Article was payable in respect of disablement due to service after 2nd September 1939, 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 27, an unmarried dependant who lived as the wife of the member and who had 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 or an unmarried dependant who lived 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 Minister, as to justify the continuance of the award ; and
- (b) at the weekly rate at which the allowance or allowances, other than an allowance under Article 13, for that child was or were payable to the member in respect of the 7 days next preceding the day of his death.

(6) Where the aggregate amount of any payments made to a person under this Article for any period is equal to or exceeds the aggregate amount of any pension, allowance (other than an allowance under this Article or Article 38) or grant which, apart from the provisions of this paragraph, might be awarded to that person for that period under this Part of this Order or under the 1920 Order or the 1921 (Officers) Order or the 1921 (Warrant Officers) Order, no award of such pension, allowance or grant shall be made for that period ; but 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 Article 27 or 29 of this Order, or under the 1920 Order or the 1921 (Officers) Order or the 1921 (Warrant Officers) Order, re-marries, the provisions of paragraph (2) or (3) of Article 42 shall apply in her case as if that pension had been awarded to her.

(7) 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 14 or Article 17(1)(i) is required to have been payable ;
- (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 (5) of his Article, as the case may be, but not exceeding the maximum rate which would have been payable in accordance with that sub-para-

graph had the member died at any time not earlier than 13 weeks before the date of his death.

#### *Pensions to widowers*

34.—(1) The widower of a woman member of the naval forces whose death is due to service after 2nd September 1939 may, unless he was separated from her at the date of her death, be awarded a pension if he was dependent on her and is in pecuniary need and incapable of self-support.

(2) The rate of a pension under this Article shall be at the discretion of the Minister but shall not exceed the appropriate rate specified in Schedule 7 paragraph 4.

#### *Allowances in respect of children under the age limit*

35.—(1) Where a child of a member of the naval forces has not attained the child's age limit and is not eligible for an award of pension under Article 36, an allowance may be awarded in respect of that child, subject to the provisions of this Article, at the appropriate rate specified in Schedule 7 paragraph 5(a):

Provided that where a child of a male member is a child to whom Article 1(7)(g) applies, an allowance under this Article in respect of that child shall be at such rate as the Minister may determine, but shall not exceed the rate specified in the said paragraph 5(a).

(2) Where the widower of a woman member, whether married to her before or after the material date, is alive, no allowance shall be awarded under this Article in respect of any child of whom the widower is the father or who has been adopted by the widower unless the conditions for the award under Article 34 or 39 of a pension to the widower in respect of the death of the member are fulfilled.

(3) Where—

(a) a child of a male member whose death is due to service after 2nd September 1939, including a child to whom Article 1(7)(g) applies, is not under the control of the child's mother or of a person who is or has been in receipt of a pension under Article 27, 29 or 30 in respect of the death of that member; or

(b) a child of a woman member is not under the control of the child's father or of a widower of the member, being a father or widower in receipt of a pension under Article 34 or 39 in respect of her death;

an allowance under this Article in respect of the child may be awarded at, or if already awarded increased to, a rate not exceeding the appropriate rate specified in Schedule 7 paragraph 5(b).

#### *Pensions to motherless or fatherless children under the age limit*

36. Where a child of a male member of the naval forces is or becomes motherless, or where a woman member who has a child dies without leaving a widower (whether married to her before or after the material date) or the pensioned widower of such a woman member dies, and in either case the child has not attained the child's age limit a pension may be awarded to the child at the appropriate rate specified in Schedule 7 paragraph 6:

Provided that in the case of a male member a pension under this Article to a child to whom Article 1(7)(g) applies shall be at such rate as the Minister may determine but shall not exceed the rate which would be appropriate under the foregoing provisions of this paragraph.

#### *Awards to or in respect of children over the age limit*

37.—(1) An allowance in respect of or a pension to a child of a member of the naval forces may be awarded or an award of such an allowance or pension may be continued subject to the following provisions of this Article after the child has attained the child's age limit where the child—

(a) is a student or an apprentice; or

(b) is incapable of self-support by reason of an infirmity which arose before he attained the child's age limit;

and the circumstances are such, in the opinion of the Minister, as to justify the award or its continuance.

(2) Subject to paragraph (3) of this Article, an allowance or pension so awarded or continued shall

be at the rate and subject to the conditions laid down in the foregoing provisions of this Part of this Order.

(3) Where a child in whose case the conditions of Article 35(3) or 36 are fulfilled has attained the age of 18 years and is incapable of self-support by reason of an infirmity which arose before he attained the child's age limit, the allowance or pension may be awarded at, or if already awarded increased to, a rate not exceeding the appropriate rate specified in Schedule 7 paragraph 7.

#### *Education allowance*

38.—(1) An allowance in respect of a child to or in respect of whom an award has been made under Article 35, 36, 37 or 39 may be awarded for the purpose of that child's education if—

(a) the child has attained the age of 5 years; and

(b) the circumstances of the family are such as to require it; and

(c) the Minister is satisfied that the type of education which the child is receiving or is to receive is suitable for the child.

(2) The amount of an allowance under this Article shall be determined by the Minister, but the total payments made in respect of any period of 12 months for any one child shall not exceed the appropriate amount specified in Schedule 7 paragraph 8.

#### *Awards to or in respect of ineligible members of the families of unemployable pensioners*

39. Where a member of the naval forces was at the date of his death in receipt of an allowance in respect of a child under Article 17(4)(e)(ii) or in respect of a husband under Article 17(4)(b), a pension to or an allowance in respect of the child and a pension to the husband may be awarded at the rate and subject to the conditions which would have been appropriate under the foregoing provisions of this Part of this Order if the child or husband had been an eligible member of the family.

#### *Pensions to parents*

40.—(1) Subject to the following provisions of this Article, the parent of a member of the naval forces may be awarded a pension if he is in pecuniary need by reason of having reached the age of not less than 65 years in the case of a man, or 60 years in the case of a woman, or infirmity or other adverse condition which is not merely of a temporary character.

(2) Where the widow, unmarried dependant who lived as a wife, or widower of such a member is in receipt of a pension under this Part of this Order, a pension shall not be awarded under this Article unless the parent was dependant on the member.

(3) In determining whether and to what extent a parent is in pecuniary need, the Minister shall take into account the extent to which the member before and during his service supported the parent, and the extent to which, if he had not died, he would have been likely, in the opinion of the Minister, to support the parent.

(4) Where the member's death is due to service after 2nd September 1939, the rate of a pension under this Article shall be not less than the appropriate rate specified in Schedule 7 paragraph 9(a), and shall not exceed—

(a) where the member was a commissioned officer, whichever is the greater of the following rates, namely—

(i) whichever of the rates specified in paragraph 9(b) of the said Schedule is appropriate; or

(ii) the appropriate ordinary rate of a widow's pension under the principal Regulations;

(b) in any other case, whichever of the rates specified in paragraph 9(b) of the said Schedule is appropriate:

Provided that, in exceptional cases, the rate of the pension may be increased in excess of the foregoing rates by a sum not exceeding whichever of the amounts specified in paragraph 9(c) of the said Schedule is appropriate.

(5) Where the member's death is due to service during the 1914 World War, the rate of pension under this Article shall not exceed—

(a) in the case of a commissioned officer, the appropriate rate specified in column (3) of Table 3 of Schedule 4 or, where the commissioned

officer died in the circumstances, other than that relating to date of death, set forth in paragraph (1) or (2) of Article 11 of the 1921 (Officers) Order, the appropriate rate specified in column (2) of the said Table ;

(b) in the case of a warrant officer, the appropriate rate specified in column (2) of the said Table ;

(c) in any case, the rate specified in Schedule 7 paragraph 9(d) ;

and, in the case of rating, shall be not less than the appropriate rate specified in Schedule 7 paragraph 9(a).

(6) Pensions may be awarded to the parents of deceased nurses in accordance with the terms of this Article so far as they may be applicable, and under such conditions as the Minister may determine.

(7) Where an award to a parent may be made under this Article in respect of the death of two or more members—

(a) one pension only may be awarded under this Article in respect of the death of those members ; and

(b) paragraph (3) of this Article shall have effect as if it referred to the support given to the parent by all those members.

(8) Where the conditions for the award of a pension under this Article are fulfilled in the case of more than one parent of a member, a pension may be awarded to whichever parent the Minister may select and, so long as the award to that parent is in force, a pension shall not be awarded to any other parent of the member :

Provided that, where the parents of the member are not living together, a pension may, if the Minister thinks fit, be awarded to each of them, so, however, that the aggregate rate of the pensions shall not exceed the maximum rate at which a pension under this Article may be awarded.

#### *Pensions to other dependants*

41.—(1) Subject to the following provisions of this Article, any other dependant of a member of the naval forces may be awarded a pension if he was dependant on the member and is in pecuniary need and incapable of self-support :

Provided that—

(a) not more than one dependant shall be awarded a pension under this Article in respect of the death of the member except in the case of juvenile dependants of a member whose death is due to service after 2nd September 1939, and where an award under this Article to any dependant ceases for any reason to have effect, no award shall be made under this Article to any other person unless that other person is the wife or husband of that dependant ; and

(b) the decision of the Minister shall be final on any question as to which of two or more dependants who may be eligible should receive a pension under this Article.

(2) A pension awarded under this Article to an other dependant, not being a juvenile dependant of a member whose death is due to service after 2nd September 1939, shall be at such rate as the Minister may determine, but shall not exceed—

(a) where the member's death is due to service after 2nd September 1939, the appropriate rate specified in Schedule 7 paragraph 10(a), nor, in a case where a pension under Article 40 is in payment to one eligible parent of the member, exceed the maximum which, by virtue of paragraph (4) of this Article, is appropriate in such a case ;

(b) where the member's death is due to service during the 1914 World War—

(i) in the case of a commissioned officer, the appropriate rate specified in column (3) of Table 3 of Schedule 4 or, where the commissioned officer died in the circumstances, other than that relating to date of death, set forth in paragraph (1) or (2) of Article 11 of the 1921 (Officers) Order, the appropriate rate specified in column (2) of the said Table ;

(ii) in the case of a warrant officer, the appropriate rate specified in column (2) of the said Table ;

(iii) in any other case, the appropriate rate specified in Schedule 7 paragraph 10(a).

(3) A pension awarded under this Article to a juvenile dependant of a member whose death is due to service after 2nd September 1939 shall be at such rate as the Minister may determine, but shall not exceed—

(a) where the member was a commissioned officer, the appropriate rate specified in Schedule 7 paragraph 10(b) for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed whichever is the greater of the following rates, namely—

(i) the appropriate rate specified in paragraph 10(c) of the said Schedule, or

(ii) the appropriate ordinary rate of a widow's pension under the principal Regulations ;

(b) in any other case, the appropriate rate specified in the said paragraph 10(b) for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed the appropriate rate specified in the said paragraph 10(c) ;

and shall not, in a case where a pension under Article 40 is in payment to one eligible parent, exceed the maximum which, by virtue of paragraph (4) of this Article, is appropriate in such a case.

(4) Where a pension under Article 40 is in payment to one eligible parent of a member whose death is due to service after 2nd September 1939, the rate of a pension under this Article to an other dependant of that member or, as the case may be, the aggregate rate of the pensions to the other dependants of that member, shall not exceed the difference between the rate of the pension of which the parent is in receipt and the maximum rate which would be appropriate in that case under Article 40(4) if there were two eligible parents and the case were treated as an exceptional case under the proviso to that paragraph.

(5) Pensions may be awarded to the other dependants of deceased nurses in accordance with the terms of this Article so far as they may be applicable, and under such conditions as the Minister may determine.

#### *Marriage of female persons*

42.—(1) Any pension to or allowance in respect of a female person other than a parent awarded under this Part of this Order or under Part II of the 1920 Order or Part II of the 1921 (Officers) Order or Part II of the 1921 (Warrant Officers) Order shall cease if that person marries or cohabits as a wife :

Provided that a pension or allowance awarded to or in respect of a person under Article 35, 36 or 37 shall not cease on the marriage of that person if, having regard to the special circumstances of the case, the Minister so directs.

(2) Where a pension awarded under Article 27 of this Order or under Article 11, 13 or 17A of the 1921 (Officers) Order or under Article 11, 13 or 17A of the 1921 (Warrant Officers) Order to the widow of an officer or, where his death is due to service after 2nd September 1939, of a sergeant-major of the Royal Marines, ceases under paragraph (1) of this Article on her marriage, the Minister may, on the death of the husband of that marriage, restore the pension in whole or in part if the circumstances of the widow are, in his opinion, such as to justify its restoration.

(3) Where a pension awarded under Article 27 or 29 to the widow of a rating (not being the widow of such a sergeant-major of the Royal Marines as is mentioned in the preceding paragraph) or a pension awarded to a separated widow under Article 19 of the 1920 Order ceases on her marriage, or where a pension awarded to a widow under Article 11 of the 1920 Order ceases on her marriage after 4th July 1948, a gratuity equal to one year's pension may be awarded to her, and where a pension awarded to a female dependant under Article 20, 21 or 22 of the 1920 Order ceases on her marriage, she may be awarded a gratuity not exceeding the amount of 26 weeks' pension based on the corresponding Article of the Regulations annexed to the Order in Council of 14th January 1919, subject to such conditions as the Minister may determine.

(4) An allowance awarded in respect of a child shall not be affected by the cessation under this Article of a pension awarded to any other person.

(5) Where a person would have been in receipt of a pension under Article 27 or 29 of this Order or under Part II of the 1920 Order or Article 11, 13 or 17A of the 1921 (Officers) Order or Article 11, 13 or 17A of the 1921 (Warrant Officers) Order immediately before her marriage after 30th September 1961, had not that pension ceased in consequence of her cohabiting as a wife, that pension shall, for the purpose of paragraphs (2) and (3) of this Article, be deemed to have ceased on her marriage.

(6) A pension to, or an allowance in respect of, a person which has ceased under paragraph (1) of this Article in consequence of her cohabiting as a wife may be restored by the Minister, either in whole or in part, upon such terms and from such date (not being a date before 1st October 1961, or that on which she ceases so to cohabit, whichever is the later) as he thinks fit.

(7) Any pension awarded to a female parent under Article 37 of the Order in Council of 29th September 1949, or under Article 21A or 21B of the 1920 Order, or under Article 19, 22A or 22B of the 1921 (Officers) Order, or under Article 19, 22A or 22B of the 1921 (Warrant Officers) Order which ceased on her marriage or in consequence of her cohabiting as a wife, may be restored by the Minister, either in whole or in part, if the circumstances of the parent are, in his opinion, such as to justify its restoration:

Provided that no such pension which ceased in consequence of the parent cohabiting as a wife or, where the pension was awarded under the 1920 Order or the 1921 (Officers) Order or the 1921 (Warrant Officers) Order, in consequence of the marriage of the parent, may be restored in respect of any period before 1st October 1961.

#### PART V

##### *Provisions for Special Classes of Disabled Members*

##### *Application and interpretation of Part V*

43.—(1) Under this Part of this Order awards may be made where a member of the naval forces suffers disablement which is due to service after 2nd September 1939, or, in a case to which Article 52 applies, during the 1914 World War.

(2) Any condition applicable to an award under Part III shall, where appropriate, be applicable to an award under this Part.

(3) In this Part—

(a) "disablement addition on a pension basis", in relation to disablement assessed at not less than 20 per cent., means an addition by way of disablement element at the maximum rate set out in Schedule 2 Table 1A column (10) for total disablement in the case of a male officer, or at the maximum rate set out in column (6) of Table 1B of the said Schedule for total disablement in the case of a woman officer or, in either case, at a proportionately lower rate for a lesser degree of disablement;

(b) "disablement addition on a gratuity basis", in relation to disablement assessed at less than 20 per cent., means the gratuity which would be appropriate under Article 11.

##### *Regular officers with permanent commissions*

44. A regular officer who held a permanent commission (not being an officer to whom Article 45, 46, 47 or 48 applies) may be granted—

(a) the award, other than an award at the half-pay rate, for which he is eligible under the principal Regulations in respect of service, together with a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(b) for so long as it is to his advantage and in lieu of an award under sub-paragraph (a) of this paragraph, the appropriate award under Article 10; or

(c) where he was invalidated before he had qualified for an award of retired pay under the principal Regulations, the appropriate award under Article 10 or 11 in addition to any service gratuity for which he is eligible; or

(d) the award for which he is eligible under the principal Regulations.

##### *Regular officers with short service commissions*

45. A regular officer who held a short service commission (not being an officer to whom Article 48 applies) may be granted the appropriate award under Article 10 or 11, in addition to any service gratuity for which he is eligible.

##### *Re-employed officers*

46.—(1) In this Article "re-employed officer" means an officer with previous commissioned service who was recalled to service or otherwise taken into employment as a commissioned officer.

(2) Where a re-employed officer is in receipt of retired pay which 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 retired pay and disablement addition, the appropriate award under Article 10.

(3) Where a re-employed officer was awarded a gratuity in respect of his previous service, or was not eligible for any award in respect of his previous service, he may be granted the appropriate award under Article 10 or 11.

(4) Subject to the provisions of this Article, where a re-employed officer is in receipt of retired pay or pension (or both) partly in respect of his previous 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 10, the degree of disablement being assessed as in sub-paragraph (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 10, 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 10 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 Schedule 3 Table 1, 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 11.

##### *Officers with previous commissioned service in Commonwealth forces, etc.*

47. An officer to whom Article 46 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 the forces of Burma before 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 46 if that Article had applied to him.

#### *Officers promoted from rating*

48.—(1) In this Article "officer promoted from rating" means an officer who was, on 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 10 or 11, 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 11, 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.

#### *Temporary officers with previous pension*

49.—(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 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 10.

(3) Subject to the provisions of this Article, where the existing award of an officer with a previous pension contains elements in respect of both 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 10, 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 10, 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 Schedule 3 Table 1, 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 11.

#### *Regular ratings*

50. A regular rating (not being a rating to whom Article 51 applies) may be granted the appropriate award under Article 10 or 11, in addition to any award in respect of service or rank (or both) for which he is eligible under the principal Regulations.

#### *Ratings with previous pension*

51.—(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 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 10 or 11.

(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 10, 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 Schedule 3 Table 1, 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 11.

#### *Ratings with a 1914 World War disablement who are entitled to awards in respect of service*

52.—(1) Where, in the case of a rating entitled to a service pension, the conditions for the award of a disablement pension under Article 1 of the 1920 Order are fulfilled, he may be awarded, in addition to his service pension, a disablement pension



under that Article at whichever of the rates set out in Schedule 2 Table 2A is appropriate to his rank and the degree of his disablement as assessed under that Order without any addition to his disablement pension under paragraph (4) of that Article.

(2) Where, in the case of a rating entitled to a service allowance under Article 1 of the Order in Council of 8th December 1924 (S.R. & O. 1924/1390 (p. 1397)) the conditions for the award of a disablement pension under Article 1 of the 1920 Order are fulfilled, he may be awarded a disablement pension under that Article (without any addition under paragraph (4) of that Article) at whichever of the rates set out in Schedule 2 Table 2A is appropriate to his rank and the degree of his disablement as assessed under the 1920 Order, and the service allowance (which shall be in lieu of any service pension which might have been granted to him under the Order in Council of 8th May 1919 (S.R. & O. 1919/677 (II, p. 95))) shall be at the rate set out in the following Table in relation to his service with appropriate additions (a) in respect of good conduct badges or medals, (b) in the case of Chief Petty Officers, Petty Officers and Leading Ratings of the Royal Navy in respect of petty time, and (c) in the case of Non-Commissioned Officers of the Royal Marines in respect of service above the rank of private, in accordance with the Regulations referred to in Article 1(4) of the 1920 Order, and an addition, in any case, subject to good character as a pensioner, of 5d. a day on attaining the age of 55 years.

| Service   | Daily rate of allowance |    |
|---|-------------------------|----|
|   | s.                      | d. |
| 10 years or over (continuous service men of the Royal Navy only) ... .. | 1                       | 0  |
| 14 years or over ... ..   | 1                       | 6  |
| 16 years or over ... ..   | 1                       | 9  |
| 18 years or over ... ..   | 2                       | 0  |
| 20 years or over ... ..   | 2                       | 6  |

(3) Where the conditions are fulfilled for the award to a rating of a disablement pension:—

(a) under Article 2(1) or 3 of the Order in Council of 12th October 1925 (S.R. & O. 1925/1021 (p. 1271)), the pension shall be at whichever of the rates set out in Schedule 2 Table 2A in relation to his pre-war rank as corresponds to the total degree of his disablement as assessed under the 1920 Order and if he attained higher substantive rank during the 1914 World War there may be added to such pension in respect of his 1914 World War disablement a proportionate addition for such higher rank;

(b) under Article 2(2) of the Order in Council of 12th October 1925, the pension shall be at whichever of rates set out in the said Table in relation to his 1914 World War rank as corresponds to the total degree of his disablement as assessed under the 1920 Order;

(c) under Article 6 of the Order in Council of 12th October 1925, the pension shall be at whichever of the rates set out in the said Table in relation to his 1914 World War rank as corresponds to the degree of his 1914 World War disablement as assessed under the 1920 Order.

(4) Where the conditions for the award of a service allowance under Article 2(1), 2(2) or 6 of the Order in Council of 12th October 1925 are fulfilled the allowance shall be at the rate set out in paragraph (2) of this Article in relation to the rating's service with appropriate additions (a) in respect of good conduct badges or medals, (b) in the case of Chief Petty Officers, Petty Officers and Leading Ratings of the Royal Navy in respect of petty time, and (c) in the case of Non-Commissioned Officers of the Royal Marines in respect of service above the rank of private, in accordance with the Regulations referred to in Article 1(4) of the 1920 Order, and an addition, in any case, subject to good character as a pensioner, of 5d. a day on attaining the age of 55 years.

(5) The Order in Council of 8th December 1924 shall have effect as if for Article 2 thereof there were substituted paragraph (2) of this Article and Article 6 thereof shall cease to have effect in relation to a case coming within paragraph (2) of this Article and paragraph (b) of Article 8 thereof shall be deleted.

(6) The Order in Council of 12th October 1925 shall have effect subject to the provisions of paragraphs (3) and (4) of this Article and paragraph (9)

of Article 21 of this Order; and Article 5 and paragraph (b) of Article 10 of the Order in Council of 12th October 1925 shall be deleted.

(7) For the purposes of this Article the Orders in Council of 8th May 1919, and 27th June 1927 (S.R. & O. 1927/627 (p. 892)) shall be construed as authorising the award of the service pensions therein referred to in addition to disablement pensions on any of the scales referred to in paragraph (1) of this Article.

(8) "Service" in paragraph (2) of this Article means service which is allowed to reckon for Long Service pension under the conditions set forth in the Queen's Regulations and Admiralty Instructions.

#### Commuted awards

53. Where a person has commuted any part of his previous award or any element thereof, the amount commuted shall be deducted from any award made under this Order in lieu of the previous award or element.

#### General provision relating to awards under Part V

54. Any retired pay, pension, gratuity, disablement addition on a pension basis or disablement addition on a gratuity basis awarded under this Part of this Order shall be treated as retired pay or pension awarded under Article 10 or, as the case may be, as a gratuity awarded under Article 11, 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 the provisions of Articles 21 to 24:

Provided that—

(a) any award under Article 12 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 14, 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 VI

#### General Provisions

##### Interpretation of Part VI

55.—(1) In Articles 56, 57, 60, 61, 62 and 64 the expression "pension" means any retired pay, pension, allowance, grant or other continuing benefit under this Order, the 1921 (Officers) Order, the 1921 (Warrant Officers) Order or the 1920 Order, and the expression "gratuity" means any gratuity under this Order, the 1921 (Officers) Order, the 1921 (Warrant Officers) Order or the 1920 Order.

(2) In Articles 58, 59, 65, 66 and 67 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.

##### Adjustment of awards in respect of other compensation

56.—(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 sub-paragraph (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 sub-paragraph (a) or (b) of this paragraph, whether liability on any such claim is or is not admitted.

#### *Pensioners admitted to institutions*

57. 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 the appropriate authority.

#### *Chelsea Pensioners*

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

#### *Children whose maintenance is otherwise provided for*

59.—(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 foster-child 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.

B

#### *Payment of public claims out of pensions*

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

(2) Where payment in respect of a pension is in arrears for any period and assistance grants under the National Assistance Act 1948, 11 & 12 Geo. 6. c. 29, have been made for that period by reference to the requirements of the person to whom the payment is due, the amount by which the sum of those assistance grants exceeds what would have been their sum if the said payment had not fallen into arrears shall be deemed to have been an over-payment for the purposes of paragraph (1) of this Article.

#### *Administration of pensions, etc.*

61.—(1) A pension or gratuity awarded to or in respect of any person may be administered by the Minister if that person—

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

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

(c) is being maintained in an institution to which Article 57 applies; or

(d) is a person in whose case the award can be forfeited or has been restored under Article 62;

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

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

#### *Forfeiture of pensions, etc.*

62.—(1) Where a person to or in respect of whom a pension or gratuity may be or has been awarded—

(a) is, in pursuance of a sentence or order of a Court upon his being found guilty of an offence, serving a term of imprisonment, detention, preventive detention or corrective training, or detained in a Borstal institution, approved school or remand home; or

(b) is under any enactment deported from, required to leave, or prohibited from entering the United Kingdom or the Isle of Man, or is a person whose certificate of naturalisation has been revoked;

the Minister may withhold the award of the pension or gratuity or, if it has been awarded, may direct that it shall be forfeited as from such date (including any past date) as he may think fit.

(2) The Minister may, upon such terms and as from such date (including any past date) as he thinks fit, restore, either in whole or in part, a pension or gratuity forfeited under this Article or under Article 58(1)(c) of the Order in Council of 29th September 1949, or a pension which has been terminated or is suspended or being withheld under Article 10 of the 1920 Order or Article 10 of the 1921 (Officers) Order or Article 10 of the 1921 (Warrant Officers) Order, as the case may be.

#### *Refusal of treatment*

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

exceeding one-half of any such pension, as he may think fit.

(2) For the purpose of this Article—

- (i) any misconduct on the part of the member which, in the opinion of the Minister, renders it necessary for any treatment that he is receiving to be discontinued, may be treated as a refusal of the member to receive the treatment;
- (ii) "pension" means retired pay or pension under Article 10 of this Order, under Article 1 or 3 of the 1920 Order, under Article 1, 3, 23 or 23C of the 1921 (Officers) Order or under Article 1 or 3 of the 1921 (Warrant Officers) Order.

#### *Failure to draw pension*

64.—(1) Where a person fails to draw his pension for a continuous period of not less than 12 months the award may be cancelled and payment of any arrears may be withheld.

(2) The Minister may, in any particular case, make such further award as may be appropriate, and may pay the arrears in whole or in part.

#### *Commencing date of awards*

65. Except in so far as the Minister may otherwise direct with respect to any particular case or class of case, payment of a pension shall not be made in respect of any period preceding the date of the application or appeal as a result of which the claim to the award of the pension, or as the case may be, to the continuance or resumption of the payment of the pension, is accepted.

#### *Payment of pensions*

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

#### *Review of decisions, assessments and awards*

67.—(1) Subject to the provisions of paragraph (4) of this Article, any decision accepting or rejecting a claim made under Article 4 or 5 or any assessment of the degree of disablement of a member of the naval forces or any final decision that there is no disablement or that the disablement has come to an end may be reviewed by the Minister at any time if he is satisfied that the decision or assessment was given or made in consequence of ignorance of, or a mistake as to, a material fact, or of a mistake as to the law, or—

- (a) in the case of a final assessment or such a final decision as aforesaid, that there is a substantial increase in the degree, or that there is a substantial degree, or disablement due to service;
- (b) in the case of an interim assessment, that there has been a change in the degree of disablement due to service since the assessment was made.

(2) Subject as aforesaid, any award under this Order may be reviewed by the Minister at any time if the Minister is satisfied that—

- (a) the award was made in consequence of ignorance of, or a mistake as to, a material fact, or of a mistake as to the law;
- (b) there has been any relevant change of circumstances since the award was made;
- (c) the award was based on a decision or assessment to which paragraph (1) of this Article applies, and that decision or assessment has been revised.

(3) On a review under this Article the Minister may maintain, continue, vary or cancel the decision, assessment or award and any revised decision, assessment or award shall be such as may be appropriate having regard to the provisions of this Order:

Provided that, where a decision accepting a claim under Article 4 or 5 is revised, the Minister may, if in any case he sees fit, continue any award based on that decision at a rate not exceeding that which may be from time to time appropriate to the assessment of the degree of disablement existing immediately before the date of the revision.

(4) Nothing in this Article shall be taken to authorise the review of any assessment or decision

made, given or upheld under the Pensions Appeal Tribunals Acts 1943 and 1949.

(5) This Article shall not apply to any decision, assessment or award made in respect of the disablement or death of a member which is due to service during the 1914 World War.

#### *Power to dispense with probate*

68.—(1) Where a person to whom any payment could have been made under this Order, the 1920 Order, the 1921 (Officers) Order or the 1921 (Warrant Officers) Order before his death dies before the payment is made, and the amount unpaid does not exceed £500, the amount so unpaid may be paid to the personal representative of the deceased person without probate or other proof of title, or may be paid or distributed to or among the persons appearing to the Minister to be the persons beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, and, in determining the persons to whom and the proportions in which the amount so unpaid shall be paid or distributed, the Minister may have regard to any payments made or expenses incurred by any such person for or on account of the funeral of the deceased person.

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

#### *Administration of this Order*

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

#### *Transferred powers*

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

#### *Commencement and application of this Order, amendment and revocation of previous Orders, and transitional provisions*

71.—(1) Subject to the provisions of this Article, this Order shall come into operation on 1st October 1964.

(2) Article 27 of this Order shall not apply to a widow to whom a pension under Article 11 of the 1920 Order or Article 11 of the 1921 (Officers) Order or Article 11 of the 1921 (Warrant Officers) Order may be or has been awarded, Article 40 shall not apply to a parent to whom a pension under Article 21 of the 1920 Order or Article 19 or 29A of the 1921 (Officers) Order or Article 19 of the 1921 (Warrant Officers) Order or a gratuity under Article 20 of the 1921 (Officers) Order or Article 20 of the 1921 (Warrant Officers) Order may be or has been awarded, and Article 41 shall not apply to an other dependant to whom an award may be or has been made under Article 22 of the 1920 Order or under Article 21, 22 or 29A of the 1921 (Officers) Order or under Article 21 or 22 of the 1921 (Warrant Officers) Order.

(3) Subject to the provisions of this Article, the 1920 Order, the 1921 (Officers) Order and the 1921 (Warrant Officers) Order shall be amended in the respects specified in Part I of Schedule 8 to this Order and are hereby revoked to the extent mentioned in Part II of that Schedule and accordingly shall have effect as set out in Part III of that Schedule.

(4) Subject to the provisions of this Article, the Orders specified in Schedule 9 hereto are hereby revoked.

(5) Subject to the provisions of this Order, any thing made or done under or in pursuance of any provision hereinbefore revoked shall be deemed to have been made or done under or in pursuance of the corresponding provision of this Order, and anything begun under any provision so revoked may be continued under this Order as if begun under this Order.

(6) Subject to the following provisions of this Article—

(a) where, immediately before the coming into operation of this Order, an allowance granted under Article 12(4) of the Order of 4th June 1946 (S.R. & O. 1946/812 (I, p. 1100)), in respect of an unmarried dependant living as a wife of a member of the naval forces is being paid, that allowance may be continued until the conditions for the grant of an allowance under the said Article cease to be fulfilled;

(b) where an allowance has been continued by virtue of sub-paragraph (a) of this paragraph until the death of the said member, an award may be made under Article 28 of the Order of 4th June 1946, if and for so long as the conditions for an award under that Article are fulfilled;

(c) an award may be continued under Article 28(4) of the Order of 4th June 1946, to an unmarried dependant who lived as a wife of a member if, immediately before the coming into operation of this Order, she was in receipt of a pension under Article 28(2) or 28(3) of the said Order and, on the expiration of the period of 12 months beginning with the date of the member's death, or at the date when she ceases to have in her charge a child of the member and to receive an allowance in respect of that child under the provisions of Part IV of this Order, as the case may be, she is in pecuniary need and incapable of self-support;

(d) Article 58(1)(c) of the Order of 29th September 1949 shall continue to apply to persons to whom it would have applied but for its revocation by the Order of 25th September 1961, being persons in respect of whom awards were withheld or pensions or gratuities forfeited before 1st October 1961; and Article 10(1) of the 1920 Order or Article 10(1) of the 1921 (Officers) Order or Article 10(1) of the 1921 (Warrant Officers) Order shall continue to apply to any pension to which it would have applied but for the revocation by this Order of the Order of 18th September 1961, being a pension which had been terminated before, or was suspended or being withheld or administered on, 30th September 1961;

(e) Schedule 3 Table 3 of the Order of 29th September 1949 shall continue to apply in relation to an award made before 1st April 1962 and based upon a final assessment as it would have applied but for its revocation by the Order of 25th September 1961:

Provided that so much of the total amount payable to a person under such an award as remains unpaid at any time on or after the said 1st April may, if the person so requests the Minister, be paid to him forthwith as a gratuity;

(f) the second proviso to paragraph (1) of Article 6 of the 1920 Order shall continue to apply to persons to whom it applied immediately before the coming into operation of this Order;

(g) Article 9(2) of the Order of 29th September 1949 shall continue to apply to persons to whom it would have applied but for its revocation by this Order, being persons in respect of whom awards were withheld or reduced thereunder.

(7) Article 5 of this Order, in so far as it relates to deaths claimed to be due to service during the 1914 World War, shall not have effect in relation to any deaths occurring before the date of the coming into operation of this Order, and Article 17A or 17B of the 1920 Order or Article 16A or 16B of the 1921 (Officers) Order or Article 16A or 16B of the 1921 (Warrant Officers) Order or Article 14 of the Order of 29th September 1949, as the case may be, shall, for the purpose of determining entitlement to pension and allowances, continue to apply in relation to any such death as it would have applied but for its revocation.

(8) Article 6(3) of the 1920 Order, Articles 6(c) and 26(c) of the 1921 (Officers) Order, Article 6(c) of the 1921 (Warrant Officers) Order and Article 23 of the Order of 29th September 1949 shall continue in force in so far as, by virtue of the Transfer of Functions (Ministry of Pensions) Order 1953 (S.I. 1953/1198 (1953 I, p. 1228)), they authorise the Minister of Health and the Secretary of State to defray expenses in respect of medical, surgical or rehabilitative treatment.

(9) Any relevant provision of this Order shall apply to any case where the disablement or death of a member was due to service before the commencing date specified in this Article in relation to that provision, whether an award has been made under any previous Order or not.

W. G. Agnew.

SCHEDULE 1

Assessment of Disablement Caused by Specified Injuries and of Certain Other Disablements

| Description of Injury  | Assessment per cent. |
|--|----------------------|
| <i>Amputation Cases—Upper Limbs</i>  |                      |
| Loss of both hands or amputation at higher sites ... ..  | 100                  |
| Amputation through shoulder joint ... ..   | 90                   |
| Amputation below shoulder with stump less than 8 inches from tip of acromion ... ..  | 80                   |
| Amputation from 8 inches from tip of acromion to less than 4½ inches below tip of olecranon ... ..   | 70                   |
| Amputation from 4½ inches below tip of olecranon ... ..  | 60                   |
| Loss of thumb ... ..   | 30                   |
| Loss of thumb and its metacarpal bone ... ..   | 40                   |
| Loss of 4 fingers ... ..   | 50                   |
| Loss of 3 fingers ... ..   | 30                   |
| Loss of 2 fingers ... ..   | 20                   |
| Loss of terminal phalanx of thumb ... ..   | 20                   |
| <i>Amputation Cases—Lower Limbs</i>  |                      |
| Double amputation through thigh, or through thigh on one side and loss of other foot, or double amputation below thigh to 5 inches below knee ... .. | 100                  |
| Double amputation through leg lower than 5 inches below knee ... ..  | 100                  |
| Amputation of one leg lower than 5 inches below knee and loss of other foot ... ..   | 100                  |
| Amputation of both feet resulting in end-bearing stumps ... ..   | 90                   |
| Amputation through both feet proximal to the metatarso-phalangeal joint ... ..   | 80                   |
| Loss of all toes of both feet through the metatarso-phalangeal joint ... ..  | 40                   |
| Loss of all toes of both feet proximal to the proximal interphalangeal joint ... ..  | 30                   |
| Loss of all toes of both feet distal to the proximal interphalangeal joint ... ..  | 20                   |
| Amputation through hip joint ... ..  | 90                   |
| Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter ... ..  | 80                   |
| Amputation below hip with stump exceeding 5 inches in length measured from tip of great trochanter, but not beyond middle thigh ... ..               | 70                   |
| Amputation below middle thigh to 3½ inches below knee ... ..   | 60                   |
| Amputation below knee with stump exceeding 3½ inches but not exceeding 5 inches ... ..   | 50                   |
| Amputation below knee with stump exceeding 5 inches ... ..   | 40                   |
| Amputation of one foot resulting in end-bearing stump ... ..   | 30                   |
| Amputation through one foot proximal to the metatarso-phalangeal joint ... ..  | 30                   |
| Loss of all toes of one foot proximal to the proximal interphalangeal joint, including amputations through the metatarso-phalangeal joint ... ..     | 20                   |
| <i>Other Specific Injuries</i>   |                      |
| Loss of a hand and a foot ... ..   | 100                  |
| Loss of one eye, without complications, the other being normal ... ..  | 40                   |
| Loss of vision of one eye, without complications or disfigurement of the eyeball, the other being normal ... ..                                      | 30                   |
| Loss of sight ... ..   | 100                  |
| <i>Other Disablements</i>  |                      |
| Very severe facial disfigurement ... ..  | 100                  |
| Absolute deafness ... ..   | 100                  |

NOTE.—Where the scheduled assessment for a specified injury involving multiple losses differs from the sum of the assessments for the separate injuries, the former is the appropriate assessment.

## SCHEDULE 2

TABLE 1

## YEARLY RATES OF RETIRED PAY AND PENSIONS FOR DISABLED OFFICERS AND NURSES

## A.—Male Officers and Women Officers under Article 1 (35) (b)

| Degree of disablement | Rank*                       |  |  |   |  |  |  |   |   |
|-----------------------|-----------------------------|--|--|---|--|--|--|---|---|
|                       | Rear-Admiral, Major General | Commodore, 1st or 2nd Class, Colonel, Commandant | Captain, Colonel, 2nd Commandant, Colonel, Lieutenant-Colonel† and corresponding Ranks | Commander, Major† and corresponding Ranks | Lieutenant-Commander, Captain† and corresponding Ranks | Lieutenant, Lieutenant with 4 years commissioned service or over | Sub-Lieutenant, Acting Sub-Lieutenant, Senior Commissioned Officer (Branch List), Midshipman (A) and, where service terminated on or after 1st January 1957, Midshipman or Cadet Commissioned Officer from Warrant Rank, Lieutenant with under 4 years commissioned service, 2nd Lieutenant, Senior Commissioned Officer (Branch List), Commissioned Officer from Warrant Rank and corresponding Ranks | Commissioned Officer (Branch List), Midshipman, Cadet after completion of shore training where, in the case of any of these ranks, service terminated before 1st January 1957, Naval Cadets (serving with the Fleet) Warrant Officers Commissioned Officer (Branch List), Warrant Officer and corresponding Ranks | Additional Retired Pay under paragraphs (1), (2) and (5) of the proviso to Article 1 of the 1921 (Officers) Order and paragraphs (1), (2), (3) and (6) of Article 1 of the 1921 (Warrant Officers) Order, All Ranks |
| (1)                   | (2)                         | (3)  | (4)  | (5)                                       | (6)  | (7)  | (8)  | (9)   | (10)  |
| <i>Per cent.</i>      | £ s.                        | £ s.   | £ s.   | £ s.                                      | £ s.   | £ s.   | £ s.   | £ s.  | £ s.  |
| 100                   | 606 0                       | 561 0  | 516 0  | 486 0                                     | 456 0  | 426 0  | 396 0  | 366 0   | 336 0   |
| 90                    | 545 8                       | 504 18   | 464 8  | 437 8                                     | 410 8  | 383 8  | 356 8  | 329 8   | 302 8   |
| 80                    | 484 16                      | 448 16   | 412 16   | 388 16                                    | 364 16   | 340 16   | 316 16   | 292 16  | 268 16  |
| 70                    | 424 4                       | 392 14   | 361 4  | 340 4                                     | 319 4  | 298 4  | 277 4  | 256 4   | 235 4   |
| 60                    | 363 12                      | 336 12   | 309 12   | 291 12                                    | 273 12   | 255 12   | 237 12   | 219 12  | 201 12  |
| 50                    | 303 0                       | 280 10   | 258 0  | 243 0                                     | 228 0  | 213 0  | 198 0  | 183 0   | 168 0   |
| 40                    | 242 8                       | 224 8  | 206 8  | 194 8                                     | 182 8  | 170 8  | 158 8  | 146 8   | 134 8   |
| 30                    | 181 16                      | 168 6  | 154 16   | 145 16                                    | 136 16   | 127 16   | 118 16   | 109 16  | 100 16  |
| 20                    | 121 4                       | 112 4  | 103 4  | 97 4                                      | 91 4   | 85 4   | 79 4   | 73 4  | 67 4  |

\* Ranks in the Royal Marines are given in italics † Temporary Marine Officer relinquishing commission etc., prior to 1st April 1919, to come under succeeding column.

## B.—Women Officers (other than those under Article 1 (35) (b), Women Members of Officer status and Nurses

| Degree of disablement | Rank   |  |  |   |  |
|-----------------------|--|--|--|---|--|
|                       | Superintendent, Member with status above that of Commander, R.N. | Chief Officer, Member with status of Commander, R.N. Head Sister | First Officer, Member with status equivalent to that of Lieutenant-Commander, R.N. Superintending Sister | Second Officer, Third Officer, Member with status below that of Lieutenant-Commander, R.N. Sister | Addition to Service Retired Pay under proviso to Article 23 of the 1921 (Officers) Order All Ranks |
| (1)                   | (2)  | (3)  | (4)  | (5)   | (6)  |
| <i>Per cent.</i>      | £ s.   | £ s.   | £ s.   | £ s.  | £ s.   |
| 100 ...               | 456 0  | 421 0  | 391 0  | 361 0   | 311 0  |
| 90 ...                | 410 8  | 378 18   | 351 18   | 324 18  | 279 18   |
| 80 ...                | 364 16   | 336 16   | 312 16   | 288 16  | 248 16   |
| 70 ...                | 319 4  | 294 14   | 273 14   | 252 14  | 217 14   |
| 60 ...                | 273 12   | 252 12   | 234 12   | 216 12  | 186 12   |
| 50 ...                | 228 0  | 210 10   | 195 10   | 180 10  | 155 10   |
| 40 ...                | 182 8  | 168 8  | 156 8  | 144 8   | 124 8  |
| 30 ...                | 136 16   | 126 6  | 117 6  | 108 6   | 93 6   |
| 20 ...                | 91 4   | 84 4   | 78 4   | 72 4  | 62 4   |

SCHEDULE 2

TABLE 2

WEEKLY RATES OF PENSIONS

A.—Disabled Ratings—Men\*

| Degree of disablement<br>(1) | Regimental Sergeant-Major<br>(2) | Quarter-master Sergeant<br>(3) | Chief Petty Officer, Colour Sergeant<br>(4) | Petty Officer, Sergeant<br>(5) | Leading Rating, Corporal<br>(6) | A.B. Rating, Ordinary Rating, Boy, Marine<br>(7) |
|------------------------------|----------------------------------|--------------------------------|---|--------------------------------|---------------------------------|--|
| <i>Per cent.</i>             | <i>s. d.</i>                     | <i>s. d.</i>                   | <i>s. d.</i>                                | <i>s. d.</i>                   | <i>s. d.</i>                    | <i>s. d.</i>                                     |
| 100 ...                      | 131 8                            | 128 4                          | 125 0                                       | 121 8                          | 118 4                           | 115 0  |
| 90 ...                       | 118 6                            | 115 6                          | 112 6                                       | 109 6                          | 106 6                           | 103 6  |
| 80 ...                       | 105 4                            | 102 8                          | 100 0                                       | 97 4                           | 94 8                            | 92 0   |
| 70 ...                       | 92 2                             | 89 10                          | 87 6  | 85 2                           | 82 10                           | 80 6   |
| 60 ...                       | 79 0                             | 77 0                           | 75 0  | 73 0                           | 71 0                            | 69 0   |
| 50 ...                       | 65 10                            | 64 2                           | 62 6  | 60 10                          | 59 2                            | 57 6   |
| 40 ...                       | 52 8                             | 51 4                           | 50 0  | 48 8                           | 47 4                            | 46 0   |
| 30 ...                       | 39 6                             | 38 6                           | 37 6  | 36 6                           | 35 6                            | 34 6   |
| 20 ...                       | 26 4                             | 25 8                           | 25 0  | 24 4                           | 23 8                            | 23 0   |

\* Ranks in the Royal Marines are given in italics.

B.—Disabled Ratings—Women

| Degree of disablement | Member of a Voluntary Aid Detachment serving as an uncertificated Nurse, Grade 1 | Chief Wren   | Petty Officer Wren | Leading Wren | Wren         |
|-----------------------|--|--------------|--------------------|--------------|--------------|
| <i>Per cent.</i>      | <i>s. d.</i>   | <i>s. d.</i> | <i>s. d.</i>       | <i>s. d.</i> | <i>s. d.</i> |
| 100 ...               | 126 8  | 120 0        | 118 4              | 116 8        | 115 0        |
| 90 ...                | 114 0  | 108 0        | 106 6              | 105 0        | 103 6        |
| 80 ...                | 101 4  | 96 0         | 94 8               | 93 4         | 92 0         |
| 70 ...                | 88 8   | 84 0         | 82 10              | 81 8         | 80 6         |
| 60 ...                | 76 0   | 72 0         | 71 0               | 70 0         | 69 0         |
| 50 ...                | 63 4   | 60 0         | 59 2               | 58 4         | 57 6         |
| 40 ...                | 50 8   | 48 0         | 47 4               | 46 8         | 46 0         |
| 30 ...                | 38 0   | 36 0         | 35 6               | 35 0         | 34 6         |
| 20 ...                | 35 4   | 24 0         | 23 8               | 23 4         | 23 0         |

SCHEDULE 3

TABLE 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

| Description of Injury                                    | Officers<br>£ | Other Members<br>£ |
|--|---------------|--------------------|
| For the loss of:—  |               |                    |
| A. FINGERS:—   |               |                    |
| Index finger—  |               |                    |
| Whole ... ..   | 335           | 305                |
| 2 phalanges ... ..                                       | 267           | 242                |
| 1 phalanx ... ..   | 223           | 203                |
| Guillotine amputation of tip without loss of bone ... .. | 138           | 128                |
| Middle finger—   |               |                    |
| Whole ... ..   | 292           | 267                |
| 2 phalanges ... ..                                       | 223           | 203                |
| 1 phalanx ... ..   | 180           | 165                |
| Guillotine amputation of tip without loss of bone ... .. | 112           | 102                |
| Ring or little finger—                                   |               |                    |
| Whole ... ..   | 180           | 165                |
| 2 phalanges ... ..                                       | 156           | 141                |
| 1 phalanx ... ..   | 138           | 128                |
| Guillotine amputation of tip without loss of bone ... .. | 69            | 64                 |
| B. TOES:—  |               |                    |
| Great toe—   |               |                    |
| through metatarso-phalangeal joint ... ..                | 335           | 305                |
| part, with some loss of bone ... ..                      | 95            | 90                 |
| 1 other toe—   |               |                    |
| through metatarso-phalangeal joint ... ..                | 95            | 90                 |
| part, with some loss of bone ... ..                      | 44            | 39                 |
| 2 toes, excluding great toe—                             |               |                    |
| through metatarso-phalangeal joint ... ..                | 138           | 128                |
| part, with some loss of bone ... ..                      | 69            | 64                 |
| 3 toes, excluding great toe—                             |               |                    |
| through metatarso-phalangeal joint ... ..                | 156           | 141                |
| part, with some loss of bone ... ..                      | 95            | 90                 |
| 4 toes, excluding great toe—                             |               |                    |
| through metatarso-phalangeal joint ... ..                | 223           | 203                |
| part, with some loss of bone ... ..                      | 95            | 90                 |

## SCHEDULE 3

## TABLE 2

GRATUITIES PAYABLE TO OFFICERS FOR DISABLEMENT ASSESSED AT LESS THAN 20 PER CENT., NOT BEING A MINOR INJURY SPECIFIED IN TABLE 1

A.—Male Officers, and Women Officers under Article 1 (35) (b)

| Rank*   | Estimated duration of the disablement within the degree referred to |       |       |                            |       |       |               |       |       |
|---|---|-------|-------|----------------------------|-------|-------|---------------|-------|-------|
|   | Temporary less than a year  |       |       | Temporary more than a year |       |       | Indeterminate |       |       |
|   | Per cent.   |       |       | Per cent.                  |       |       | Per cent.     |       |       |
|   | 1-5   | 6-14  | 15-19 | 1-5                        | 6-14  | 15-19 | 1-5           | 6-14  | 15-19 |
| £ s.  | £ s.  | £ s.  | £ s.  | £ s.                       | £ s.  | £ s.  | £ s.          | £ s.  | £ s.  |
| Rear-Admiral, <i>Major-General</i>  | 39 10   | 76 10 | 116 0 | 76 10                      | 152 0 | 231 0 | 196 10        | 392 0 | 628 0 |
| Commodore 1st and 2nd Class, <i>Colonel-Commandant</i> ... ..   | 37 10   | 72 10 | 108 0 | 72 10                      | 144 0 | 215 0 | 186 10        | 372 0 | 588 0 |
| Captain, <i>Colonel, 2nd Commandant, Colonel, Lieutenant-Colonel</i> ... ..   | 35 10   | 68 10 | 100 0 | 68 10                      | 136 0 | 199 0 | 176 10        | 352 0 | 548 0 |
| Commander, <i>Major</i> ... ..  | 32 10   | 62 10 | 92 0  | 62 10                      | 124 0 | 183 0 | 161 10        | 322 0 | 508 0 |
| Lieutenant-Commander, <i>Captain</i>  | 29 10   | 56 10 | 84 0  | 56 10                      | 122 0 | 167 0 | 146 10        | 292 0 | 468 0 |
| Lieutenant, Sub-Lieutenant, Acting Sub-Lieutenant, Senior Commissioned Officer (Branch List) Midshipman (A), and, where service terminated on or after 1st January 1957, Midshipman or Cadet, <i>Lieutenant, 2nd Lieutenant, Senior Commissioned Officer (Branch List)</i> ... .. | 28 10   | 50 10 | 76 0  | 50 10                      | 100 0 | 151 0 | 141 0         | 282 0 | 428 0 |
| Commissioned Officer (Branch List), Midshipman, Cadet after completion of shore training, where, in the case of any of these ranks, service terminated before 1st January 1957, <i>Commissioned Officer (Branch List)</i> ... ..  | 27 10   | 46 10 | 69 0  | 46 10                      | 92 0  | 137 0 | 121 10        | 242 0 | 393 0 |

\* Ranks in the Royal Marines are given in italics.

| Rank*  | Estimated duration of the disablement within the degree referred to |       |  |       |   |        |
|--|---|-------|--|-------|---|--------|
|  | 6-14 per cent.  |       | 15-19 per cent.  |       | 15-19 per cent.   |        |
|  | Temporary less than a year followed by 1-5 per cent. indeterminate  |       | Temporary more than a year followed by 1-5 per cent. indeterminate |       | Temporary less than a year followed by 6-14 per cent. indeterminate |        |
|  | £ s.  | £ s.  | £ s.   | £ s.  | £ s.  | £ s.   |
| Rear-Admiral, <i>Major-General</i> ... ..  | 234 10  | 274 0 | 272 0  | 352 0 | 432 0   | 471 10 |
| Commodore 1st or 2nd Class, <i>Colonel-Commandant</i> ... ..   | 222 0   | 258 0 | 258 10   | 333 0 | 408 0   | 443 10 |
| Captain, <i>Colonel, 2nd Commandant, Colonel, Lieutenant-Colonel</i> ... ..  | 210 10  | 242 2 | 244 10   | 308 0 | 384 0   | 415 10 |
| Commander, <i>Major</i> ... ..   | 192 10  | 222 0 | 223 10   | 283 0 | 352 0   | 381 10 |
| Lieutenant-Commander, <i>Captain</i> ... ..  | 174 10  | 202 0 | 202 10   | 258 0 | 320 0   | 347 10 |
| Lieutenant, Sub-Lieutenant, Acting Sub-Lieutenant, Senior Commissioned Officer (Branch List), Midshipman (A), and, where service terminated on or after 1st January 1957, Midshipman or Cadet, <i>Lieutenant, 2nd Lieutenant, Senior Commissioned Officer (Branch List)</i> ... .. | 164 10  | 190 0 | 191 10   | 243 0 | 308 0   | 333 10 |
| Commissioned Officer (Branch List), Midshipman, Cadet after completion of shore training, where, in the case of any of these ranks, service terminated before 1st January 1957, <i>Commissioned Officer (Branch List)</i> ... ..   | 141 10  | 164 0 | 167 10   | 213 0 | 265 0   | 287 10 |

\* Ranks in the Royal Marines are given in italics.



B.—Women Officers (other than those under Article 1(35)(b)) and Women Members of Officer status

| Rank   | Estimated duration of the disablement within the degree referred to |       |       |                            |       |       |               |       |       |
|--|---|-------|-------|----------------------------|-------|-------|---------------|-------|-------|
|  | Temporary less than a year  |       |       | Temporary more than a year |       |       | Indeterminate |       |       |
|  | Per cent.   |       |       | Per cent.                  |       |       | Per cent.     |       |       |
|  | 1-5   | 6-14  | 15-19 | 1-5                        | 6-14  | 15-19 | 1-5           | 6-14  | 15-19 |
|  | £ s.  | £ s.  | £ s.  | £ s.                       | £ s.  | £ s.  | £ s.          | £ s.  | £ s.  |
| Superintendent. Member with status above that of Commander, R.N. ...                           | 31 10   | 60 10 | 90 0  | 60 10                      | 120 0 | 179 0 | 151 10        | 302 0 | 478 0 |
| Chief Officer. Member with status of Commander, R.N. ...                                       | 29 10   | 54 10 | 81 0  | 54 10                      | 108 0 | 161 0 | 146 10        | 292 0 | 448 0 |
| First Officer. Member with status equivalent to that of Lieutenant-Commander, R.N.             | 26 10   | 48 10 | 72 0  | 48 10                      | 96 0  | 143 0 | 126 10        | 252 0 | 408 0 |
| Second Officer, Third Officer. Member with status below that of Lieutenant-Commander, R.N. ... | 25 10   | 46 10 | 69 0  | 46 10                      | 92 0  | 137 0 | 121 10        | 242 0 | 393 0 |

| Rank   | Estimated duration of the disablement within the degree referred to |                 |  |                 |   |   |
|--|---|-----------------|--|-----------------|---|---|
|  | 6-14 per cent.  | 15-19 per cent. | 6-14 per cent.   | 15-19 per cent. | 15-19 per cent.   | 15-19 per cent.   |
|  | Temporary less than a year followed by 1-5 per cent. indeterminate  |                 | Temporary more than a year followed by 1-5 per cent. indeterminate |                 | Temporary less than a year followed by 6-14 per cent. indeterminate | Temporary more than a year followed by 6-14 per cent. indeterminate |
|  | £ s.  | £ s.            | £ s.   | £ s.            | £ s.  | £ s.  |
| Superintendent. Member with status above that of Commander, R.N. ...                           | 181 10  | 211 0           | 211 10   | 271 0           | 332 0   | 361 10  |
| Chief Officer. Member with status of Commander, R.N. ...                                       | 172 10  | 199 0           | 200 10   | 254 0           | 319 0   | 345 10  |
| First Officer. Member with status equivalent to that of Lieutenant-Commander, R.N. ...         | 149 10  | 173 0           | 174 10   | 222 0           | 276 0   | 299 10  |
| Second Officer, Third Officer. Member with status below that of Lieutenant-Commander, R.N. ... | 143 10  | 166 0           | 167 10   | 213 0           | 265 0   | 287 10  |

SCHEDULE 3

TABLE 3

RATES AND PERIODS OF WEEKLY ALLOWANCES WITH TERMINAL GRATUITIES (WHERE APPROPRIATE) PAYABLE TO RATINGS FOR DISABILITY ASSESSED ON AN INTERIM BASIS AT LESS THAN 20 PER CENT., NOT BEING A MINOR INJURY SPECIFIED IN TABLE 1

A.—The weekly rates of allowances shall be as follows:—

| Ratings*                                      | s. d. | Women Ratings  | s. d. |
|---|-------|--|-------|
| Regimental Sergeant-Major ...                 | 24 6  | Member of a Voluntary Aid Detachment serving as an uncertificated Nurse, Grade I | 24 2  |
| Quartermaster Sergeant ...                    | 24 0  | Chief Wren ...   | 23 0  |
| Chief Petty Officer, Colour Sergeant ...      | 23 6  | Petty Officer Wren ...   | 22 8  |
| Petty Officer, Sergeant ...                   | 23 0  | Leading Wren ...   | 22 4  |
| Leading Rating, Corporal ...                  | 22 6  | Wren ...   | 22 0  |
| A.B. Rating, Ordinary Rating, Boy, Marine ... | 22 0  |  |       |

With an addition, subject to the same conditions as those laid down with respect to allowances granted under Article 12, as follows:—

|  | s. d. |
|--|-------|
| for a wife or unmarried dependant living as a wife ... | 1 0   |
| for a husband ...                                      | 1 0   |
| for each child ...                                     | 1 0   |

B.—The periods of weekly allowances and amounts of terminal gratuities (where appropriate) shall be as follows:—

| Degree of disablement                     | Estimated duration of the disablement within the degree referred to |                   |                            |                   |                            |                   |
|---|---|-------------------|----------------------------|-------------------|----------------------------|-------------------|
|   | Temporary less than a year  |                   | Temporary more than a year |                   | Indeterminate              |                   |
|   | Number of weeks' allowance  | Terminal gratuity | Number of weeks' allowance | Terminal gratuity | Number of weeks' allowance | Terminal gratuity |
| <i>Per cent.</i>                          |   | £ s.              |                            | £ s.              |                            | £ s.              |
| 1-5 ... ..                                | 18  | —                 | 35                         | —                 | 52                         | 50 10             |
| 6-14 ... ..                               | 35  | —                 | 70                         | —                 | 104                        | 101 0             |
| 15-19 ... ..                              | 52  | —                 | 104                        | —                 | 156                        | 202 0             |
| 6-14 (followed by 1-5 indeterminate) ...  | 69  | 50 10             | 87                         | 50 10             | —                          | —                 |
| 15-19 (followed by 1-5 indeterminate) ... | 86  | 50 10             | 121                        | 50 10             | —                          | —                 |
| 15-19 (followed by 6-14 indeterminate)... | 121   | 101 0             | 138                        | 101 0             | —                          | —                 |

\* Ranks in the Royal Marines are given in italics.

SCHEDULE 3

TABLE 4

PART I

GRATUITIES PAYABLE TO RATINGS FOR DISABILITY ASSESSED FINALLY AT LESS THAN 20 PER CENT., NOT BEING A MINOR INJURY SPECIFIED IN TABLE 1

A.—Men

| Ratings*   | Estimated duration of the disablement within the degree referred to |         |         |                            |         |          |               |          |          |
|--|---|---------|---------|----------------------------|---------|----------|---------------|----------|----------|
|  | Temporary less than a year  |         |         | Temporary more than a year |         |          | Indeterminate |          |          |
|  | Per cent.   |         |         | Per cent.                  |         |          | Per cent.     |          |          |
|  | 1-5   | 6-14    | 15-19   | 1-5                        | 6-14    | 15-19    | 1-5           | 6-14     | 15-19    |
|  | £ s. d.   | £ s. d. | £ s. d. | £ s. d.                    | £ s. d. | £ s. d.  | £ s. d.       | £ s. d.  | £ s. d.  |
| <i>Regimental Sergeant-Major</i>                     | 22 1 0  | 42 17 6 | 63 14 0 | 42 17 6                    | 85 15 0 | 127 8 0  | 114 4 0       | 228 8 0  | 393 2 0  |
| <i>Quartermaster Sergeant</i>                        | 21 12 0   | 42 0 0  | 62 8 0  | 42 0 0                     | 84 0 0  | 124 16 0 | 112 18 0      | 225 16 0 | 389 4 0  |
| <i>Chief Petty Officer, Colour Sergeant ...</i>      | 21 3 0  | 41 2 6  | 61 2 0  | 41 2 6                     | 82 5 0  | 122 4 0  | 111 12 0      | 223 4 0  | 385 6 0  |
| <i>Petty Officer, Sergeant ...</i>                   | 20 14 0   | 40 5 0  | 59 16 0 | 40 5 0                     | 80 10 0 | 119 12 0 | 110 6 0       | 220 12 0 | 381 8 0  |
| <i>Leading Rating, Corporal ...</i>                  | 20 5 0  | 39 7 6  | 58 10 0 | 39 7 6                     | 78 15 0 | 117 0 0  | 109 0 0       | 218 0 0  | 377 10 0 |
| <i>A.B. Rating, Ordinary Rating, Boy, Marine ...</i> | 19 16 0   | 38 10 0 | 57 4 0  | 38 10 0                    | 77 0 0  | 114 8 0  | 107 14 0      | 215 8 0  | 373 12 0 |

\* Ranks in the Royal Marines are given in italics.

| Ratings*  | Estimated duration of the disablement within the degree referred to |    |  |     |   |    |   |    |    |     |    |    |     |    |    |     |    |   |
|---|---|----|--|-----|---|----|---|----|----|-----|----|----|-----|----|----|-----|----|---|
|   | 6-14 per cent.  |    | 15-19 per cent.  |     | 15-19 per cent.   |    | 15-19 per cent.   |    |    |     |    |    |     |    |    |     |    |   |
|   | Temporary less than a year followed by 1-5 per cent. indeterminate  |    | Temporary more than a year followed by 1-5 per cent. indeterminate |     | Temporary less than a year followed by 6-14 per cent. indeterminate |    | Temporary more than a year followed by 6-14 per cent. indeterminate |    |    |     |    |    |     |    |    |     |    |   |
|   | £   | s. | d.   | £   | s.  | d. | £   | s. | d. | £   | s. | d. | £   | s. | d. |     |    |   |
| <i>Regimental Sergeant Major</i>                      | 135   | 0  | 6  | 155 | 17  | 0  | 157   | 1  | 6  | 198 | 14 | 6  | 249 | 4  | 6  | 270 | 1  | 0 |
| <i>Quartermaster Sergeant ...</i>                     | 133   | 6  | 0  | 153 | 14  | 0  | 154   | 18 | 0  | 195 | 14 | 0  | 246 | 4  | 0  | 266 | 12 | 0 |
| <i>Chief Petty Officer, Colour Sergeant ...</i>       | 131   | 11 | 6  | 151 | 11  | 0  | 152   | 14 | 6  | 192 | 13 | 6  | 243 | 3  | 6  | 263 | 3  | 0 |
| <i>Petty Officer, Sergeant ...</i>                    | 129   | 17 | 0  | 149 | 8   | 0  | 150   | 11 | 0  | 189 | 13 | 0  | 240 | 3  | 0  | 259 | 14 | 0 |
| <i>Leading Rating, Corporal...</i>                    | 128   | 2  | 6  | 147 | 5   | 0  | 148   | 7  | 6  | 186 | 12 | 6  | 237 | 2  | 6  | 256 | 5  | 0 |
| <i>A.B., Rating, Ordinary Rating, Boy, Marine ...</i> | 126   | 8  | 0  | 145 | 2   | 0  | 146   | 4  | 0  | 183 | 12 | 0  | 234 | 2  | 0  | 252 | 16 | 0 |

\* Ranks in the Royal Marines are given in italics.

B.—Women

| Ratings   | Estimated duration of the disablement within the degree referred to |      |       |                            |      |       |               |      |       |    |    |    |    |    |   |     |    |   |     |    |   |     |    |   |     |    |   |
|---|---|------|-------|----------------------------|------|-------|---------------|------|-------|----|----|----|----|----|---|-----|----|---|-----|----|---|-----|----|---|-----|----|---|
|   | Temporary less than a year  |      |       | Temporary more than a year |      |       | Indeterminate |      |       |    |    |    |    |    |   |     |    |   |     |    |   |     |    |   |     |    |   |
|   | Per cent.   |      |       | Per cent.                  |      |       | Per cent.     |      |       |    |    |    |    |    |   |     |    |   |     |    |   |     |    |   |     |    |   |
|   | 1-5   | 6-14 | 15-19 | 1-5                        | 6-14 | 15-19 | 1-5           | 6-14 | 15-19 |    |    |    |    |    |   |     |    |   |     |    |   |     |    |   |     |    |   |
| £   | s.  | d.   | £     | s.                         | d.   | £     | s.            | d.   | £     | s. | d. | £  | s. | d. | £ | s.  | d. | £ | s.  | d. |   |     |    |   |     |    |   |
| <i>Member of a Voluntary Aid Detachment serving as an uncertificated Nurse, Grade 1 ...</i> | 21  | 15   | 0     | 42                         | 5    | 10    | 62            | 16   | 8     | 42 | 5  | 10 | 84 | 11 | 8 | 125 | 13 | 4 | 113 | 6  | 8 | 226 | 13 | 4 | 390 | 10 | 0 |
| <i>Chief Wren ...</i>   | 20  | 14   | 0     | 40                         | 5    | 0     | 59            | 16   | 0     | 40 | 5  | 0  | 80 | 10 | 0 | 119 | 12 | 0 | 110 | 6  | 0 | 220 | 12 | 0 | 381 | 8  | 0 |
| <i>Petty Officer Wren</i>   | 20  | 8    | 0     | 39                         | 13   | 4     | 58            | 18   | 8     | 39 | 13 | 4  | 79 | 6  | 8 | 117 | 17 | 4 | 109 | 8  | 8 | 218 | 17 | 4 | 378 | 16 | 0 |
| <i>Leading Wren</i>   | 20  | 2    | 0     | 39                         | 1    | 8     | 58            | 1    | 4     | 39 | 1  | 8  | 78 | 3  | 4 | 116 | 2  | 8 | 108 | 11 | 4 | 217 | 2  | 8 | 376 | 4  | 0 |
| <i>Wren ...</i>   | 19  | 16   | 0     | 38                         | 10   | 0     | 57            | 4    | 0     | 38 | 10 | 0  | 77 | 0  | 0 | 114 | 8  | 0 | 107 | 14 | 0 | 215 | 8  | 0 | 373 | 12 | 0 |

| Ratings*   | Estimated duration of the disablement within the degree referred to |       |  |       |   |       |   |       |     |     |     |      |
|--|---|-------|--|-------|---|-------|---|-------|-----|-----|-----|------|
|  | 6-14 per cent.  |       | 15-19 per cent.  |       | 15-19 per cent.   |       | 15-19 per cent.   |       |     |     |     |      |
|  | Temporary less than a year followed by 1-5 per cent. indeterminate  |       | Temporary more than a year followed by 1-5 per cent. indeterminate |       | Temporary less than a year followed by 6-14 per cent. indeterminate |       | Temporary more than a year followed by 6-14 per cent. indeterminate |       |     |     |     |      |
|  | £   | s. d. | £  | s. d. | £   | s. d. | £   | s. d. |     |     |     |      |
| Member of a Voluntary Aid Detachment serving as an uncertificated Nurse, Grade 1 | 133   | 17 6  | 154  | 8 4   | 155   | 12 6  | 196   | 14 2  | 247 | 4 2 | 267 | 15 0 |
| Chief Wren ... ..  | 129   | 17 0  | 149  | 8 0   | 150   | 11 0  | 189   | 13 0  | 240 | 3 0 | 259 | 14 0 |
| Petty Officer Wren ... ..  | 128   | 14 0  | 147  | 19 4  | 149   | 2 0   | 187   | 12 8  | 238 | 2 8 | 257 | 8 0  |
| Leading Wren ... ..  | 127   | 11 0  | 146  | 10 8  | 147   | 13 0  | 185   | 12 4  | 236 | 2 4 | 255 | 2 0  |
| Wren ... ..  | 126   | 8 0   | 145  | 2 0   | 146   | 4 0   | 183   | 12 0  | 234 | 2 0 | 252 | 16 0 |

## PART II

## Provisions relating to additions for eligible members of the family

A gratuity payable to a member of the naval forces in accordance with Part I of this Table may be increased in respect of any eligible member of his family by an amount which, in the estimation of the Minister, equals the total amount which would have been payable in respect of that eligible member in accordance with Table 3 of this Schedule had the award been based on an interim assessment.

## SCHEDULE 4

## TABLE 1

## YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS

## A.—Pensions other than pensions awarded under Article 11 (1) or (2) of the 1921 (Officers) Order or Article 11(1) of the 1921 (Warrant Officers) Order

| Rank*<br>(1)   | (2)   | (3)   |
|--|-------|-------|
| Admiral of the Fleet ... ..  | £ 845 | £ 845 |
| Admiral, <i>General</i> ... ..   | 685   | 685   |
| Vice-Admiral, <i>Lieutenant-General</i> ... ..   | 585   | 585   |
| Rear-Admiral, <i>Major-General</i> ... ..  | 495   | 495   |
| Commodore, Commodore 1st or 2nd Class, <i>Brigadier-General, Colonel-Commandant</i> ... ..   | 435   | 435   |
| Captain, <i>Colonel 2nd Commandant, Colonel, Lieutenant-Colonel</i> ... ..   | 375   | 375   |
| Commander, <i>Major</i> ... ..   | 355   | 355   |
| Lieutenant-Commander, <i>Captain</i> ... ..  | 325   | 170   |
| Lieutenant, <i>Lieutenant with 4 years commissioned service or over</i> ... ..   | 310   | 150   |
| Sub-Lieutenant, Acting Sub-Lieutenant, Senior Commissioned Officer (Branch List), Commissioned Officer from Warrant rank, Midshipman (A) and, when service terminated on or after 1st January 1957, Midshipman or Cadet, <i>Lieutenant with less than 4 years' commissioned service, 2nd Lieutenant, Senior Commissioned Officer (Branch List), Commissioned Officer from Warrant rank, Quartermaster</i> ... .. | 295   | 130   |
| Commissioned Officer (Branch List), Midshipman, Cadet where in the case of any of these ranks, service terminated before 1st January 1957, Warrant Officer, <i>Commissioned Officer (Branch List), Warrant Officer</i> ... ..  | 270   | 105   |

## B.—Pensions awarded under Article 11(1) or (2) of the 1921 (Officers) Order or Article 11(1) of the 1921 (Warrant Officers) Order

| Rank*<br>(1)   | (2)   |
|--|-------|
| Admiral of the Fleet ... ..  | £ 945 |
| Admiral, <i>General</i> ... ..   | 745   |
| Vice-Admiral, <i>Lieutenant-General</i> ... ..   | 645   |
| Rear-Admiral, <i>Major-General</i> ... ..  | 545   |
| Commodore, <i>Brigadier-General</i> ... ..   | 465   |
| Captain, <i>Colonel, Lieutenant-Colonel</i> ... ..   | 385   |
| Commander, <i>Major</i> ... ..   | 361   |
| Lieutenant-Commander, <i>Captain</i> ... ..  | 325   |
| Lieutenant, <i>Lieutenant with over 4 years' commissioned service</i> ... ..   | 310   |
| Sub-Lieutenant, Commissioned Officer from Warrant rank, <i>Lieutenant with less than 4 years' commissioned service, 2nd Lieutenant, Quartermaster, Commissioned Officer from Warrant rank</i> ... .. | 295   |
| Warrant Officer, <i>Warrant Officer</i> ... ..   | 270   |

\* Ranks in the Royal Marines are given in italics.

TABLE 2  
WEEKLY RATES OF PENSIONS FOR WIDOWS OF RATINGS

| Rating (or equivalent rating)*<br>(1)  | (2)           | (3)  |
|--|---------------|--|
| <i>Regimental Sergeant-Major or Marine Warrant Officer, Class I</i> ... ..             | s. d.<br>95 0 | s. d.<br>28 4<br>or, where the death is due to service during the 1914 World War, 30s. |
| <i>Quartermaster Sergeant or Marine Warrant Officer, Class II</i> ... ..               | 94 0          | 26 8   |
| Chief Petty Officer, <i>Colour Sergeant or Staff Sergeant</i> ... ..                   | 93 0          | 25 0   |
| Petty Officer, First Class Petty Officer (O.S.), Petty Officer (N.S.), <i>Sergeant</i> | 92 0          | 23 4   |
| Second Class Petty Officer, Leading Rating, <i>Corporal</i> ... ..                     | 91 0          | 21 8   |
| A.B. Rating, Ordinary Rating, <i>Marine</i> ... ..                                     | 90 0          | 20 0   |

TABLE 3  
MAXIMUM YEARLY RATES OF PENSIONS FOR RELATIVES OF 1914 WORLD WAR OFFICERS

| Rank*<br>(1)  | (2) | (3) |
|---|-----|-----|
|   | £   | £   |
| Admiral of the Fleet ... ..   | 945 | 845 |
| Admiral, <i>General</i> ... ..  | 745 | 685 |
| Vice-Admiral, <i>Lieutenant-General</i> ... ..  | 645 | 585 |
| Rear-Admiral, <i>Major-General</i> ... ..   | 545 | 495 |
| Commodore, <i>Brigadier-General</i> ... ..  | 445 | 435 |
| Captain, <i>Colonel, Lieutenant-Colonel</i> ... ..  | 375 | 375 |
| Commander, <i>Major</i> ... ..  | 355 | 355 |
| Lieutenant-Commander, <i>Captain</i> ... ..   | 170 | 170 |
| Lieutenant, <i>Lieutenant with over 4 years' commissioned service</i> ... ..  | 150 | 150 |
| Sub-Lieutenant, Commissioned Officer from Warrant rank, <i>Lieutenant with less than 4 years' commissioned service, Second Lieutenant, Quartermaster, Commissioned Officer from Warrant rank</i> ... .. | 130 | 130 |
| Warrant Officer, <i>Warrant Officer</i> ... ..  | 105 | —   |

\* Ranks in the Royal Marines are given in italics.

SCHEDULE 5  
WIDOWS' GRATUITIES

| Rank*<br>(1)   | Amount of gratuity      |   |
|--|-------------------------|---|
|  | Under Article 28<br>(2) | Under Article 11(4) of the 1921 (Officers) Order or Article 11(2) of the 1921 (Warrant Officers) Order<br>(3) |
|  | £                       | £   |
| Admiral of the Fleet ... ..  | 2,000                   | 3,500   |
| Admiral, <i>General</i> ... ..   | 1,500                   | 3,000   |
| Vice-Admiral, <i>Lieutenant-General</i> ... ..   | 1,250                   | 2,000   |
| Rear-Admiral, <i>Major-General</i> ... ..  | 1,000                   | 1,100   |
| Commodore, Commodore 1st or 2nd Class, <i>Brigadier-General, Colonel-Commandant</i> ... ..   | 800                     | 900   |
| Captain, <i>Colonel 2nd Commandant, Colonel, Lieutenant-Colonel</i> ... ..   | 600                     | 600   |
| Commander, <i>Major</i> ... ..   | 450                     | 450   |
| Lieutenant-Commander, <i>Captain</i> ... ..  | 300                     | 300   |
| Lieutenant, <i>Lieutenant with 4 years' commissioned service or over</i> ... ..  | 200                     | 250   |
| Sub-Lieutenant, <i>Lieutenant with less than 4 years' commissioned service, 2nd Lieutenant promoted under the Order in Council of 21st December 1920</i> ... ..  | 150                     | 140   |
| Commissioned Officer from Warrant rank, <i>Commissioned Officer from Warrant rank</i> ... ..   | 100                     | 140   |
| Acting Sub-Lieutenant, Senior Commissioned Officer (Branch List), <i>2nd Lieutenant other than an officer promoted under the Order in Council of 21st December 1920, Senior Commissioned Officer (Branch List), Quartermaster</i> ... .. | 100                     | 100   |
| Warrant Officer, <i>Warrant Officer</i> ... ..   | 80                      | 100   |
| Commissioned Officer (Branch List), Midshipman, Cadet, <i>Commissioned Officer (Branch List)</i> ... ..  | 80                      | —   |

\* Ranks in the Royal Marines are given in italics.

## SCHEDULE 6

## RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

| Description of Allowance  | Rate                     |   |
|---|--------------------------|---|
|   | Officers and Nurses      | Ratings   |
| 1. Education allowance under Article 13 ... ..  | £120 per annum (maximum) | £120 per annum (maximum)  |
| 2. Constant attendance allowance—   |                          |   |
| (a) under the proviso to Article 14 ... ..  | £260 per annum (maximum) | 100s. per week (maximum)  |
| (b) in any other case under that Article ... ..   | £130 per annum (maximum) | 50s. per week (maximum)   |
| 3. Severe disablement occupational allowance under Article 15...  | £52 per annum            | 20s. per week   |
| 4. Allowance for wear and tear of clothing—   |                          |   |
| (a) under Article 16(1)(a) ... ..   | £7 10s. per annum        | £7 10s. per annum   |
| (b) under Article 16(1)(b) and 16(2) ... ..   | £12 10s. per annum       | £12 10s. per annum  |
| 5. Unemployability allowances—  |                          |   |
| (a) personal allowance under Article 17(1)(i) ... ..  | £193 per annum           | 74s. per week   |
| (b) additional allowances for dependants by way of—   |                          |   |
| (i) increase or further increase of allowance in respect of a wife, husband, or unmarried dependant living as a wife, under Article 17(4)(c) ... .. | £72 per annum            | 31s. 6d. per week   |
| (ii) allowance in respect of an adult dependant under Article 17(4)(d) ... ..   | £108 per annum           | 41s. 6d. per week   |
| (iii) increase of allowance under Article 17(4)(f)—   |                          |   |
| (a) in respect of the child, or the elder or eldest of the children, of a member ... ..   | £52 per annum ... ..     | 20s. per week   |
| (b) in respect of each other child of a member ... ..   | £31 6s. per annum        | 12s. per week   |
| 6. Comforts allowance—  |                          |   |
| (a) under Article 18(1)(a) ... ..   | £52 per annum            | 20s. per week   |
| (b) under Article 18(1)(b) ... ..   | £26 per annum            | 10s. per week   |
| 7. Allowance for lowered standard of occupation under Article 19  | 46s. per week (maximum)  | 46s. per week (maximum)   |
| 8. Age allowance, under Article 20 where the degree of pensioned disablement is—  |                          |   |
| (a) 40 to 50 per cent. ... ..   | £13 per annum            | 5s. per week  |
| (b) over 50 per cent. but not exceeding 70 per cent. ... ..   | £19 10s. per annum       | 7s. 6d. per week  |
| (c) over 70 per cent. but not exceeding 90 per cent. ... ..   | £26 per annum            | 10s. per week   |
| (d) over 90 per cent. ... ..  | £39 per annum            | 15s. per week   |
| 9. Treatment allowances—  |                          |   |
| (a) increase of personal allowance under Article 21(2) ... ..   | £39 per annum            | 15s. per week   |
| (b) increase of personal allowance under Article 21(3)(a) ... ..  | 67s. 6d. per annum       | 67s. 6d. per week   |
| (c) additional allowance under Article 21(4) proviso (a) ... ..   | £108 per annum           | (i) unmarried dependant living as wife of rating whose disablement is due to service during the 1914 World War—<br>39s. per week<br>(ii) any other case—<br>41s. 6d. per week |
| (d) increase of additional allowance under Article 21(4) proviso (b)—   |                          |   |
| (i) in respect of the child, or the elder or eldest of the children, of a member ... ..   | £52 per annum            | 20s. per week   |
| (ii) in respect of each other child of a member ... ..  | £31 6s. per annum        | 12s. per week   |
| (e) additional allowance under Article 21(5) ... ..   | £108 per annum           | 41s. 6d. per week   |
| 10. Part-time treatment allowance under Article 23 ... ..   | 50s. per day (maximum)   | 50s. per day (maximum)  |

## SCHEDULE 7

## RATES OF PENSIONS, OTHER THAN WIDOWS' PENSIONS, AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

| Description of Pension or Allowance  | Rate                     |                             |
|--|--------------------------|-----------------------------|
|  | Officers and Nurses      | Ratings                     |
| 1. Pension under Article 30 to unmarried dependant who lived as wife.                    | £240 per annum (maximum) | 82s. 6d. per week (maximum) |
| 2. Rent allowance under Article 31 ... ..  | 34s. per week (maximum)  | 34s. per week (maximum)     |
| 3. Allowance under Article 32 to elderly widow or unmarried dependant who lived as wife. | £26 per annum ... ..     | 10s. per week               |
| 4. Pension to widower under Article 34 ... ..  | £240 per annum (maximum) | 90s. per week (maximum)     |

| Description of Pension or Allowance  | Rate  |   |
|--|---|---|
|  | Officers and Nurses   | Ratings   |
| 5. Allowances in respect of children—<br>(a) under Article 35(1) ... ..  | (i) Commissioned Officer or Nurse—£116 per annum  | 41s. 6d. per week   |
| (b) under Article 35(3) ... ..   | (ii) Commissioned Officer (Branch List) or Warrant Officer—£110 per annum<br>(i) Commissioned Officer—£149 10s. per annum (maximum)<br>(ii) Commissioned Officer (Branch List) or Warrant Officer—<br>(a) where the child is under 15 years of age—£116 per annum (maximum)<br>(b) where the child is 15 years of age or over—£141 10s. per annum (maximum) | where the child is 15 years of age or over—54s. per week (maximum)  |
| 6. Pension under Article 36 to a motherless or fatherless child.   | (i) Commissioned Officer or Nurse—£149 10s. per annum<br>(ii) Commissioned Officer (Branch List) or Warrant Officer—<br>(a) where the child is under 15 years of age—£116 per annum<br>(b) where the child is 15 years of age or over—£141 10s. per annum   | (i) where the child is under 15 years of age—41s. 6d. per week<br>(ii) where the child is 15 years of age or over—54s. per week                         |
| 7. Pension or allowance under Article 37(3) to or in respect of a child over the age limit.  | £175 10s. per annum (maximum)   | 67s. 6d. per week (maximum)   |
| 8. Education allowance under Article 38 ... ..   | £120 per annum (maximum)  | £120 per annum (maximum)  |
| 9. Pensions to parents—<br>(a) minimum rate under Article 40(4) ... ..<br>(b) under paragraphs (a) and (b) of Article 40(4)—<br>(i) where there is only one eligible parent ... .. | £15 per annum ... ..<br>(i) Commissioned Officer—£75 per annum (maximum)<br>(ii) Commissioned Officer (Branch List) or Warrant Officer—£60 per annum (maximum)  | 5s. per week<br>20s. per week (maximum)   |
| (ii) where there is more than one eligible parent.   | (i) Commissioned Officer—£100 per annum<br>(ii) Commissioned Officer (Branch List) or Warrant Officer—£85 per annum (maximum)   | 27s. 6d. per week (maximum)   |
| (c) increase under the proviso to Article 40(4) ... ..   | £20 per annum (maximum)   | (i) where there is only one eligible parent—7s. 6d. per week (maximum)<br>(ii) where there is more than one eligible parent—12s. 6d. per week (maximum) |
| (d) under paragraph (c) of Article 40(5) ... ..  | —   | 20s. per week (maximum)   |
| 10. Pensions to other dependants—<br>(a) under Article 41(2) ... ..<br>(b) for each juvenile dependant under Article 41(3).  | £54 per annum (maximum)<br>(i) Commissioned Officer—£26 per annum (maximum)<br>(ii) Commissioned Officer (Branch List) or Warrant Officer—£20 per annum (maximum)   | 20s. per week (maximum)<br>6s. per week (maximum)   |
| (c) aggregate rate under Article 41(3) ... ..  | (i) Commissioned Officer—£75 per annum (maximum)<br>(ii) Commissioned Officer (Branch List) or Warrant Officer—£65 per annum (maximum)  | 20s. per week (maximum)   |



## SCHEDULE 8

THE 1920 ORDER, THE 1921 (OFFICERS) ORDER, AND THE 1921 (WARRANT OFFICERS) ORDER—  
AMENDMENTS AND REVOCATIONS

## PART I

*Amendments*

| Amended provision  | Amendment  |
|--|--|
| 1920 Order<br>Article 1   ...   ...   ...   ...            | In paragraph (1) for the words " the First Schedule to these Regulations " there shall be substituted the words and figures " Schedule 1 to the 1964 Order ", for the words " therein shown " there shall be substituted the words and figures " shown in column (7) of Table 2A of Schedule 2 to that Order ", and for the words " the Schedule " there shall be substituted the words and figure " the said Schedule 1 ".  |
| Article 3   ...   ...   ...   ...                          | In paragraph (1) for the words and figures " Articles 1a and 2 " there shall be substituted the words and figures " Article 12 of the 1964 Order ".<br>In paragraph (3) for the words and figures " Article 1a (3) " there shall be substituted the words and figures " Article 12 (3) of the 1964 Order ".  |
| Article 5   ...   ...   ...   ...                          | In paragraph 1(c) for the words and figure " Article 1a of these Regulations " there shall be substituted the words and figures " Article 12 of the 1964 Order in respect of a wife or a woman living as his wife ".   |
| Article 11   ...   ...   ...   ...                         | For the words " the following weekly rates " there shall be substituted the words and figures " the appropriate rate set out in column (2) of Table 2 of Schedule 4 to the 1964 Order ".   |
| Article 20   ...   ...   ...   ...                         | In paragraph (1) for the words and figures " Article 12 of these Regulations " there shall be substituted the words and figures " Article 37 of the 1964 Order ".  |
| Article 21   ...   ...   ...   ...                         | In paragraph (2) for the word and figures " Article 12 " there shall be substituted the words and figures " Article 37 of the 1964 Order ".  |
| Article 22   ...   ...   ...   ...                         | In paragraph (1) for the words and figures " Articles 18, 19, 20 or 21 of these Regulations " there shall be substituted the words and figures " Article 20 or 21 of these Regulations or Article 29 or 37 of the 1964 Order ".  |
| Article 24   ...   ...   ...   ...                         | For paragraph (12) there shall be substituted the following paragraph:—<br>" (12) 'The 1964 Order' means the Order in Council of 25th September 1964."   |
| Article 26   ...   ...   ...   ...                         | In paragraph (2) for the words and figures " the 1919 Regulations " there shall be substituted the words and figures " the Regulations annexed to the Order in Council of 14th January 1919 ".   |
| 1921 (Officers) Order<br>Article 1   ...   ...   ...   ... | For the words and figures " columns 3 to 7 of Part I of the First Schedule to these Regulations " there shall be substituted the words and figures " columns (2) to (9) of Table 1A of Schedule 2 to the 1964 Order ".<br>In paragraph (1) of the proviso in sub-paragraph (a) for the words and figures " column 8 of Part I of the First Schedule hereto " there shall be substituted the words and figures " column (10) of Table 1A of Schedule 2 to the 1964 Order ", and for the words and figures " column 8 of Part I of that Schedule " there shall be substituted the words and figures " the said column (10) " and in sub-paragraph (b) for the words and figures " column 8 of Part I of the First Schedule to these Regulations " there shall be substituted the words and figures " the said column (10) " and for the words and figures " columns 3 to 7 of Part I of the First Schedule hereto " there shall be substituted the words and figures " columns (2) to (9) of Table 1A of Schedule 2 to the 1964 Order ".<br>In paragraph (2) of the proviso for the words and figures " column 8 of Part I of the First Schedule hereto " there shall be substituted the words and figures " column (10) of Table 1A of Schedule 2 to the 1964 Order ".<br>In paragraph (5) of the proviso for the words and figures " column 8 of the First Schedule hereto " there shall be substituted the words and figures " column (10) of Table 1A of Schedule 2 to the 1964 Order ".<br>In paragraph (6) of the proviso for the words and figures " columns 3 to 7 of Part I of the First Schedule hereto " there shall be substituted the words and figures " columns (2) to (9) of Table 1A of Schedule 2 to the 1964 Order ".<br>In paragraph (7) of the proviso for the words and figures " columns 3 to 7 of Part I of the First Schedule hereto " there shall be substituted the words and figures " columns (2) to (9) of Table 1A of Schedule 2 to the 1964 Order ". |

| Amended Provision                   | Amendment   |
|-------------------------------------|---|
| 1921 (Officers) Order— <i>cont.</i> |   |
| Article 11 ... ..                   | <p>In paragraph (1) the words and figures from “and the widow is over 40 years of age” to the end of the paragraph shall be omitted, and there shall be substituted therefor the words and figures “a pension as in column (2) of Table 1B of Schedule 4 to the 1964 Order”.</p> <p>In paragraph (2) the words and figures from “and the widow is over 40 years of age” to the end of the paragraph shall be omitted, and there shall be substituted therefor the words and figures “a pension as in column (2) of Table 1B of Schedule 4 to the 1964 Order”.</p> <p>In paragraph (3) the words and figures from “and the widow is over 40 years of age” to the end of the paragraph shall be omitted, and there shall be substituted therefor the words and figures “a pension as in column (2) of Table 1A of Schedule 4 to the 1964 Order”.</p> <p>In paragraph (4) for the words “the sixth column of the Second Schedule hereto” there shall be substituted the words and figures “column (3) of the Table in Schedule 5 to the 1964 Order”.</p> |
| Article 13 ... ..                   | <p>In paragraph (1) in sub-paragraph (a) for the words “the preceding Article” there shall be substituted the words and figures “Article 37 of the 1964 Order”, and in sub-paragraph (c) for the words and figures “under Article 12 (1) and (2), and any pension under Article 17 in respect of the officer” there shall be substituted the words and figures “or pension under the said Article 37”. In paragraph (2) in sub-paragraph (a) for the words “the preceding Article” there shall be substituted the words and figures “Article 37 of the 1964 Order”, in sub-paragraph (c) for the word and figures “Article 17” there shall be substituted the words and figures “the said Article 37”, and in paragraph (ii) of the proviso for the word and figures “Article 17” there shall be substituted the words and figures “the said Article 37”.</p> <p>In paragraph (4) for the word and figures “Article 17” there shall be substituted the words and figures “Article 37 of the 1964 Order”.</p>  |
| Article 17 ... ..                   | <p>In paragraph (3) for the words and figure “subsection (1) of this Article” there shall be substituted the words and figures “Article 37 of the 1964 Order”.</p>  |
| Article 18 ... ..                   | <p>In paragraph (3) for the words and figures from “the pension” to the end of the paragraph there shall be substituted the words and figures “the appropriate rate specified in column (2) of Table 3 of Schedule 4 to the 1964 Order, where the officer dies in the circumstances set forth in Article 11(1) or (2), or the appropriate rate specified in column (3) of the said Table in any other case”.</p>  |
| Article 20 ... ..                   | <p>For the words and figures “of a widow under 40 and childless” there shall be substituted the words and figures “such as is mentioned in Article 18(3)”.</p>  |
| Article 22 ... ..                   | <p>For the words and figures “of a widow under 40 and childless” there shall be substituted the words and figures “such as is mentioned in Article 18(3)”.</p>  |
| Article 23 ... ..                   | <p>For the words “the Third Schedule to these Regulations” there shall be substituted the words and figures “columns (3) to (5) of Table 1B of Schedule 2 to the 1964 Order”.</p> <p>In paragraph (a) for the words “column 6 of the Third Schedule hereto” there shall be substituted the words and figures “column (6) of the said Table”, and in paragraph (b) for the word “Schedule” there shall be substituted the word “Table”.</p>  |
| Article 29A ... ..                  | <p>For the words and figures “Articles 18, 19, 21 and 22A to 22C of these Regulations” there shall be substituted the words and figures “Articles 18, 19 and 21 of these Regulations”.</p>  |
| Article 30 ... ..                   | <p>For paragraph (8) there shall be substituted the following paragraph:—<br/>“(8) ‘The 1964 Order’ means the Order in Council of 25th September 1964.”</p>   |
| Article 31 ... ..                   | <p>For the words and figure “Part I of the First Schedule or under the Second or Third Schedule hereto” there shall be substituted the words and figures “Table 1 of Schedule 2 or Table 1 or 3 of Schedule 4 or Schedule 5 to the 1964 Order”.</p>   |
| 1921 (Warrant Officers) Order       |   |
| Article 1 ... ..                    | <p>For the words and figures “column 3 or 4 of Part I of the First Schedule to these Regulations” there shall be substituted the words and figures “column (8) or (9) of Table 1A of Schedule 2 to the 1964 Order”.</p> <p>In paragraph (1) of the proviso in sub-paragraph (a) for the words and figures “column (5) or (6) of the First Schedule hereto” there shall be substituted the words and figures “column (10) of Table 1A of Schedule 2 to the 1964 Order”, and in sub-paragraph (b) for the words and figures “column (5) or (6) of the First Schedule hereto” there shall be substituted the words and figures “the said column (10)”.</p> <p>In paragraph (2) of the proviso for the words and figures “column (5) or (6) of the First Schedule hereto” there shall be substituted the words and figures “column (10) of Table 1A of Schedule 2 to the 1964 Order”.</p>   |

| Amended Provision   | Amendment  |
|---|--|
| 1921 (Warrant Officers) Order— <i>cont.</i><br>Article 1— <i>cont.</i> ... .. | <p>In paragraph (3) of the proviso in sub-paragraph (a) for the words and figures "column (5) or (6) of the First Schedule hereto" there shall be substituted the words and figures "column (10) of Table 1A of Schedule 2 to the 1964 Order", and in sub-paragraph (b) for the words and figures "column (5) or (6) of the First Schedule hereto" there shall be substituted the words and figures "the said column (10)".</p> <p>In paragraph (6) of the proviso for the words and figures "column (5) or (6) of the First Schedule hereto" there shall be substituted the words and figures "column (10) of Table 1A of Schedule 2 to the 1964 Order".</p> <p>In paragraph (7) of the proviso for the words and figures "columns 3 or 4 of Part I of the First Schedule hereto" there shall be substituted the words and figures "column (8) or (9) of Table 1A of Schedule 2 to the 1964 Order".</p> <p>In paragraph (8) of the proviso for the words and figures "column 3 or 4 of Part I of the First Schedule hereto" there shall be substituted the words and figures "column (8) or (9) of Table 1A of Schedule 2 to the 1964 Order".</p> |
| Article 11 ... ..   | <p>In paragraph (1) the words and figures from "and the widow is over 40 years of age" to the end of the paragraph shall be omitted, and there shall be substituted therefor the words and figures "a pension as in column (2) of Table 1B of Schedule 4 to the 1964 Order".</p> <p>In paragraph (2) for the words "the fourth column of the Third Schedule hereto" there shall be substituted the words and figures "column (3) of the Table in Schedule 5 to the 1964 Order".</p>  |
| Article 13 ... ..   | <p>In paragraph (1) in sub-paragraph (a) for the words "the preceding Article" there shall be substituted the words and figures "Article 37 of the 1964 Order", and in sub-paragraph (c) for the words and figures "under Article 12(1), and any pension under Article 17 in respect of the officer" there shall be substituted the words and figures "or pension under the said Article 37".</p> <p>In paragraph (2) in sub-paragraph (a) for the words "the preceding Article" there shall be substituted the words and figures "Article 37 of the 1964 Order", in sub-paragraph (c) for the word and figures "Article 17" there shall be substituted the words and figures "the said Article 37", and in paragraph (ii) of the proviso for the word and figures "Article 17" there shall be substituted the words and figures "the said Article 37".</p> <p>In paragraph (4) for the word and figures "Article 17" there shall be substituted the words and figures "Article 37 of the 1964 Order".</p>   |
| Article 17 ... ..   | <p>In paragraph (3) for the words and figure "subsection (1) of this Article" there shall be substituted the words and figures "Article 37 of the 1964 Order".</p>   |
| Article 18 ... ..   | <p>In paragraph (3) for the words from "the pension" to the end of the paragraph there shall be substituted the words and figures "the appropriate rate specified in column (2) of Table 3 of Schedule 4 to the 1964 Order".</p>   |
| Article 20 ... ..   | <p>For the words and figures "of a widow under 40 and childless" there shall be substituted the words and figures "such as is mentioned in Article 18(3)".</p>   |
| Article 22 ... ..   | <p>For the words and figures "of a widow under 40 and childless" there shall be substituted the words and figures "such as is mentioned in Article 18(3)".</p>   |
| Article 23 ... ..   | <p>For paragraph (8) there shall be substituted the following paragraph:—<br/>"(8) 'The 1964 Order' means the Order in Council of 25th September 1964."</p>  |
| Article 26 ... ..   | <p>For the words "First Schedule hereto or under the Third Schedule hereto" there shall be substituted the words and figures "Table 1A of Schedule 2 or Table 1 or 3 of Schedule 4 or Schedule 5 to the 1964 Order".</p>   |

SCHEDULE 8

PART II

Revocations

| <i>Provision</i>                     | <i>Extent of Revocation</i>   |
|--------------------------------------|---|
| <i>1920 Order</i>                    |   |
| Article 1 ... ..                     | In paragraph (2) the second sentence.<br>In paragraph (3) the words "or where it is considered more in the interests of the seaman or marine" and the words and figures "will not exceed £200 and". |
| Article 1a ... ..                    | The whole Article.  |
| Article 2 ... ..                     | The whole Article.  |
| Article 4 ... ..                     | The whole Article.  |
| Article 5 ... ..                     | In paragraph 1(d) the words and figures "or under Article 24a or 24b".  |
| Article 5a ... ..                    | The whole Article.  |
| Article 6 ... ..                     | The whole Article.  |
| Article 6a ... ..                    | The whole Article.  |
| Article 7 ... ..                     | The whole Article.  |
| Article 8 ... ..                     | The whole Article.  |
| Article 10 ... ..                    | The whole Article.  |
| Article 11 ... ..                    | The Table.  |
| Article 12 ... ..                    | The whole Article.  |
| Article 13 ... ..                    | The whole Article.  |
| Article 14 ... ..                    | The whole Article.  |
| Article 15 ... ..                    | The whole Article.  |
| Article 16 ... ..                    | The whole Article.  |
| Article 17A ... ..                   | The whole Article.  |
| Article 17B ... ..                   | The whole Article.  |
| Article 18 ... ..                    | The whole Article.  |
| Article 18A ... ..                   | The whole Article.  |
| Article 19 ... ..                    | The whole Article.  |
| Article 21A ... ..                   | The whole Article.  |
| Article 21B ... ..                   | The whole Article.  |
| Article 23 ... ..                    | The whole Article.  |
| Article 23A ... ..                   | The proviso to paragraph (3).   |
| Article 24 ... ..                    | In paragraph (5) the words and figures "and in Articles 10(1), 23 and 24b shall include a parent eligible for a pension under Article 21(1)(c)".  |
| Article 24a ... ..                   | Paragraph (12).   |
| Article 24b ... ..                   | The whole Article.  |
| Schedule 1 ... ..                    | The whole Article.  |
| Schedule 2 ... ..                    | The whole Schedule.   |
|                                      | The whole Schedule.   |
| <i>1921 (Officers) Order</i>         |   |
| Article 2 ... ..                     | The whole Article.  |
| Article 4 ... ..                     | In paragraph (1)(c) the words and figures "or under Article 30A or 30B".  |
| Article 5 ... ..                     | The whole Article.  |
| Article 6 ... ..                     | The whole Article.  |
| Article 7 ... ..                     | The whole Article.  |
| Article 8 ... ..                     | The words "or, in exceptional circumstances, where it is considered by the Minister more in the interests of the officer" and the words and figures "will not exceed £500 and".                     |
| Article 9 ... ..                     | The whole Article.  |
| Article 10 ... ..                    | The whole Article.  |
| Article 12 ... ..                    | The whole Article except paragraph (3).   |
| Article 15 ... ..                    | The whole Article.  |
| Article 16A ... ..                   | The whole Article.  |
| Article 16B ... ..                   | The whole Article.  |
| Article 17 ... ..                    | The whole Article except paragraph (3).   |
| Article 17A ... ..                   | In paragraph (3) the words and figures from "and for an education allowance" to the end of the paragraph.   |
| Article 18 ... ..                    | The whole Article.  |
| Article 22A ... ..                   | Paragraph (5).  |
| Article 22B ... ..                   | The whole Article.  |
| Article 22C ... ..                   | The whole Article.  |
| Article 24 ... ..                    | In paragraph (1)(b) the words and figures "or under Article 30A or 30B".  |
| Article 25 ... ..                    | The whole Article.  |
| Article 26 ... ..                    | The whole Article.  |
| Article 27 ... ..                    | The whole Article.  |
| Article 28 ... ..                    | The words "or where in exceptional circumstances it is considered by the Minister more in the interests of the nurse" and the words and figures "will not exceed £300 and".                         |
| Article 29 ... ..                    | The whole Article.  |
| Article 30A ... ..                   | The whole Article.  |
| Article 30B ... ..                   | The whole Article.  |
| Schedule 1 ... ..                    | Part 1.   |
| Schedule 2 ... ..                    | The whole Schedule.   |
| Schedule 3 ... ..                    | The whole Schedule.   |
| Schedule 4 ... ..                    | The whole Schedule.   |
| Schedule 5 ... ..                    | The references to Articles 2(1) and 12(4), Article 6, Article 16(3) and Article 26.   |
| <i>1921 (Warrant Officers) Order</i> |   |
| Article 2 ... ..                     | The whole Article.  |
| Article 4 ... ..                     | In paragraph 1(c) the words and figures "or under Article 24 or 25".  |
| Article 5 ... ..                     | The whole Article.  |
| Article 6 ... ..                     | The whole Article.  |
| Article 7 ... ..                     | The whole Article.  |
| C                                    |   |

| <i>Provision</i><br>1921 ( <i>Warrant Officers</i> )<br><i>Order—</i><br><i>cont.</i> | <i>Extent of Revocation</i>   |
|---|---|
| Article 8 ... ..  | The words "or, in exceptional circumstances, where it is considered by the Minister more in the interests of the officer" and the words and figures "will not exceed £400 and". |
| Article 9 ... ..  | The whole Article.  |
| Article 10 ... ..   | The whole Article.  |
| Article 12 ... ..   | The whole Article except paragraph (2).   |
| Article 15 ... ..   | The whole Article.  |
| Article 16A ... ..  | The whole Article.  |
| Article 16B ... ..  | The whole Article.  |
| Article 17 ... ..   | The whole Article except paragraph (3).   |
| Article 17A ... ..  | The whole Article.  |
| Article 18 ... ..   | Paragraph (5).  |
| Article 22A ... ..  | The whole Article.  |
| Article 22B ... ..  | The whole Article.  |
| Article 22c ... ..  | The whole Article.  |
| Article 24 ... ..   | The whole Article.  |
| Article 25 ... ..   | The whole Article.  |
| Schedule 1 ... ..   | The whole Schedule.   |
| Schedule 2 ... ..   | The whole Schedule.   |
| Schedule 3 ... ..   | The whole Schedule.   |
| Schedule 4 ... ..   | The whole Schedule.   |
| Schedule 5 ... ..   | The references to Article 6 and Article 16(3).  |

## SCHEDULE 8

## PART III

*The 1920 Order, the 1921 (Officers) Order and the 1921 (Warrant Officers) Order, as amended*

The 1920 Order

## STATUTORY RULES AND ORDERS

1920, No. 1021

## NAVY AND MARINES

## PAY, PENSION, &amp;C.

ORDER IN COUNCIL UNDER SECTION 3 OF THE NAVAL AND MARINE PAY AND PENSIONS ACT 1865 (28 & 29 VICT. C. 73) APPROVING REGULATIONS FOR PENSIONS OF BRITISH SEAMEN AND MARINES, THEIR WIDOWS, RELATIVES AND DEPENDANTS.

At the Court at Buckingham Palace, the 11th day of June 1920

PRESENT,

The King's Most Excellent Majesty in Council

WHEREAS by section 3 of the Naval and Marine Pay and Pensions Act 1865 it is enacted, *inter alia*, that all pay, wages, pensions, bounty money, grants or other allowances in the nature thereof, payable in respect of services in Your Majesty's Naval or Marine Forces 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 under subsection (1) of section 2 of the Ministry of Pensions Act 1916 (6 & 7 Geo. 5. c. 65) it is enacted, *inter alia*, that there shall be transferred to the Minister of Pensions the powers and duties of the Admiralty with respect to pensions and grants to persons who have served as officers or men, and to their widows, children, and other dependants, other than service pensions, so far as such pensions and grants are payable out of moneys provided by Parliament and not provided exclusively for the purpose of Greenwich Hospital, and that His Majesty may, by Order in Council, make such adaptations in the enactments relating to such powers and duties as aforesaid as may be necessary to make them exercisable by the Minister of Pensions (hereinafter referred to as "the Minister") and his officers:

AND WHEREAS provision was made in His Majesty's Order in Council of 14th January 1919 (S.R. & O. 1919/62 (II, p. 68)) for pensions to certain seamen

and marines disabled by service in consequence of the Great War (hereinafter referred to as "the war"), and to the widows, children and dependants of seamen and marines whose death was due to or occurred during service in the war:

AND WHEREAS it has been represented to His Majesty by the Minister that it is desirable to make further provision concerning the pensions of seamen and marines disabled, and of the families and dependants of seamen and marines deceased, whose claims arise in respect of service during the war:

AND WHEREAS the Lords Commissioners of His Majesty's Treasury have signified Their concurrence in these proposals:

NOW, THEREFORE, His Majesty, having taken the said proposals into consideration, is pleased, by and with the advice of His Privy Council, to approve thereof and to sanction the grant of pensions to the aforesaid persons on the scales and subject to the conditions set forth in the Regulations annexed hereto, in substitution for those laid down in His Order in Council of 14th January 1919, with effect from 3rd September 1919, and further, to empower the Minister to make or revise grants under previous Orders in respect of any claims which may have arisen between the outbreak of war and the aforesaid 3rd September 1919. Provided always, that if more favourable to the seaman or marine, the pension, allowance or gratuity payable under existing Regulations shall be granted, and no grant to a seaman or marine, or to the family or dependants of a seaman or marine, shall be reassessed to his or their disadvantage.

*Almeric FitzRoy.*

REGULATIONS FOR PENSIONS OF BRITISH SEAMEN AND MARINES, THEIR WIDOWS, RELATIVES AND DEPENDANTS.

## PART I

*Seamen and Marines*

1.—(1) A seaman or marine discharged as medically unfit for further service or while suffering impairment, such unfitness or impairment being certified as either attributable to or aggravated by naval or military service during the war and not being due to the serious negligence or misconduct of the discharged man, may, if he is disabled in any of the manners set forth in Schedule 1 to the 1964 Order, be granted a pension at the weekly rates shown in column (7) of Table 2A of Schedule 2 to that Order as corresponding to the degree of his disablement. In the case of injuries not shown therein, and in the case of disease, the pension may be assessed at the degree in the said Schedule 1 which is held most closely to represent the disablement corresponding to the injury or disease.

(2) Except in those cases where the disablement has reached its final condition, a disablement pension shall be temporary, at the rate appropriate to the temporary disablement, and the grant shall be reviewed from time to time until a permanent assessment can be made or the grant ceases.

(3) In any case where the degree of disablement is assessed at less than 20 per cent., a gratuity or final weekly allowance may be granted in place of any pension. The grant will be subject to such conditions as the Minister may determine, and its total amount will depend on the extent of the disablement and on the other circumstances of the case.

(4) Men in possession of good conduct badges or medals shall receive the same addition to their pension in respect thereof as under existing Regulations. Chief Petty Officers, Petty Officers and Leading Rates of the Royal Navy shall also receive the same additions in respect of petty time as under existing Regulations. Non-Commissioned Officers of the Royal Marines shall receive the additions laid down in the existing Regulations for long-service pensions in respect of service above the rank of private.

A further addition will be made to the pension in respect of service at the following rates:—

|  | Weekly. |    |
|--|---------|----|
|  | s.      | d. |
| Men of 6 years' service and under 12 years ... ..  | 1       | 0  |
| Men of 12 years' service and under 18 years ... .. | 2       | 0  |
| Men of 18 years' service and under 21 years ... .. | 3       | 0  |
| Men of 21 years' service and under 25 years ... .. | 4       | 0  |
| Men of 25 years' service and over                  | 5       | 0  |

(5) The disablement pension granted to a seaman or marine who held paid acting rank at the time he was wounded, injured, or removed from duty in consequence of disablement, may be at the rate appropriate to that rank.

3.—(1) Any disabled man pensioned under Article 1 of these Regulations whose pre-war earnings (excluding any addition thereto under paragraph (c) and with 5s. substituted for 8s. in paragraph (d) of Article 24 (6)) exceeded 25s. a week and who, within one year from 6th December 1919, or one year after the notification to him of the first award of pension under Article 1, whichever is the later date, shall prove in the prescribed manner the amount of his pre-war earnings, may, at the same time or at any time thereafter, make application for an alternative pension, and if he shows that his disablement pension with any allowances granted under Article 12 of the 1964 Order, together with the average earnings (if any) of which he remains capable, are less than his proved pre-war earnings he may be granted an alternative pension in lieu of such disablement pension and allowances.

An alternative pension may be granted temporarily or permanently and shall be of an amount which, together with the average earnings (if any) of which the man is judged capable, shall not exceed his pre-war earnings nor 100s. a week: provided that—

- (a) in assessing the average earnings (if any) of which a man remains capable any decrease thereof not due to the disablement for which the man is pensioned shall be disregarded, and the refusal or neglect to undergo any course of treatment or training which in the opinion of the Minister would materially increase the man's earning capacity may be taken into account;
- (b) in the case of a man who has lost both arms or both legs or the sight of both eyes the average earnings (if any) of which he may be capable shall not be taken into account; and
- (c) where owing to physical incapacity or other cause over which the man had no control he has been unable to prove the amount of his pre-war earnings within the time above specified the Minister may, in his discretion, extend such time.

(2) An alternative pension shall be payable as from the date from which the claim thereto is established.

(3) Where a man pensioned under this Article or in receipt of an allowance on the alternative pension scale is separated from his wife the provisions of Article 12 (3) of the 1964 Order shall apply, and any allowance granted to the separated wife may be deducted from the man's pension or allowance.

(4) Where, in the opinion of the Minister, it may become necessary to secure the proper care of a child of a man pensioned under this Article or in receipt of an allowance on the alternative pension scale, the Minister may deduct from the alternative pension or any such allowance such sum as he may deem

sufficient for the maintenance of such child, and may administer the same under such conditions as he may determine.

5.—(1) When a permanent pension has been granted, it shall not be altered on account of any change in the man's earning capacity, whether resulting from training or other cause; neither shall it be subject to review except—

- (a) when a man whose pension is assessed under Article 1 of these Regulations claims that there has been a substantial increase in the extent of the disablement due to the original cause;
- (b) when a man whose pension is assessed under Article 1 of these Regulations, and who has duly proved his pre-war earnings as provided by Article 3, shows that it would be more advantageous to him to be assessed under that Article;
- (c) when a man in receipt of an alternative pension under previous Regulations shows that by reason of the allowances granted under Article 12 of the 1964 Order in respect of a wife or a woman living as his wife it would be more advantageous to him to be assessed under Article 1;
- (d) under the following paragraph.

(2) The Minister may at any time order the review of any pension in any case where—

- (a) a pension has, by error in interpretation or fact, been granted to a disabled man in excess of the amount appropriate to the degree of his disablement;
- (b) the Minister has reason to believe that a pension has been obtained by any improper means; or
- (c) a pension has been granted in error.

9. If a man after discharge suffers from a disablement which is certified as either attributable to or aggravated by naval or military service during the war, such disablement not being due to the man's serious negligence or misconduct, he may be granted a disablement pension or a gratuity or final weekly allowance under Article 1 of these Regulations as if he had been discharged as medically unfit for further service upon the date from which his claim was established.

PART II

*Widows and Dependents*

11. The widow of a seaman or marine who—

- (a) is killed while in the performance of naval or military duty during the war; or
- (b) dies as a result of wounds or injuries received in the performance of such duty within 7 years of receiving such wounds or injuries; or
- (c) dies of disease, certified as contracted or commencing while on active service during the war, or as having been aggravated by such active service, within 7 years of his removal from duty on account of such disease; or
- (d) dies within 7 years of the receipt of the wound or injury which caused his death, or of his removal from duty on account of the disability which caused his death, or of the termination of his active service during the war (whichever is earliest), of a disability in respect of which a claim has been admitted under Article 1 of these Regulations, and which is certified to have been attributable to or aggravated by such service; or, if no such claim has been made and admitted, dies within the same period of a disability which, a continuous medical history thereof being shown from the termination of such active service, can be certified to have been attributable to or aggravated by such service;

may, provided the man's death has not been caused by his serious negligence or misconduct, be granted a widow's pension at the appropriate rate set out in column (2) of Table 2 of Schedule 4 to the 1964 Order.

The pension granted to the widow of a seaman or marine who held paid acting rank at the time he was killed or was removed from duty owing to wounds, injuries or disease from which he subsequently died, may be at the rate appropriate to that rank.

20. Any woman who has lived as his wife with a seaman or marine who has died in the circumstances set forth in Article 11 of these Regulations may, if she had been wholly or substantially dependent on

that man, and has been drawing separation allowance as for a wife or was eligible for such allowance, be granted a pension as follows:—

- (1) if and for so long as she has any children of the seaman or marine in her charge, 12s. a week and allowances for children as in Article 37 of the 1964 Order;
- (2) if she has no children of the seaman or marine, or has ceased to have them in her charge (otherwise than from their being removed from her control on account of her misconduct), 12s. a week for the period of the war and 12 months afterwards, or for 12 months after ceasing to have any child of the deceased man in her charge, whichever be the later date, and for any subsequent period during which, from infirmity or age, she is wholly or partly incapable of supporting herself.

21.—(1) The parent of a seaman or marine who has died in the circumstances set forth in Article 11 of these Regulations may, if wholly or partly incapable of self-support from age or infirmity and in pecuniary need, be granted a pension of not less than 5s. a week and not exceeding 20s. a week: provided that where both parents satisfy the above conditions their total pension under this Article shall not exceed 20s. a week.

(2) An allowance as in Article 37 of the 1964 Order may be paid for any child of the seaman or marine maintained by a parent and not otherwise provided for under these Regulations.

22.—(1) Any dependent of a seaman or marine who has died in the circumstances set forth in Article 11, not coming under Article 20 or 21 of these Regulations or Article 29 or 37 of the 1964 Order, but in respect of whom separation allowance has been paid, or who was eligible for such allowance, may, provided he or she is wholly or partially incapable of self-support and in pecuniary need, be granted a pension equal to the amount of pre-war dependence (together with an addition of 20 per cent. thereof), but not exceeding 20s. a week, so long as the incapacity continues. If it ceases, a final gratuity may be given not exceeding the amount of 26 weeks' pension, or the balance of such gratuity as might have been issued under the following paragraph if there had been no incapacity, whichever is the greater.

(2) Any dependant of a seaman or marine who has died in the circumstances set forth in Article 11, but not including a woman who has lived with a seaman or marine as his wife, may, if not entitled to a pension under the preceding paragraph, receive a grant by way of gratuity or weekly payment, not exceeding in all a year's pay of the deceased man or a year's allowance at the rate at which separation allowance and allotment were last paid or payable, whichever is the greater, to be awarded at the discretion of the Minister.

### PART III

#### *General Provisions*

24. In these Regulations, unless the context otherwise requires—

(1) "Seaman or marine" means any seaman or marine, including Chief Petty or Petty Officer and Warrant Officer and Non-Commissioned Officer of the Royal Marines, except a Royal Marine Gunner, who has served or been in receipt of naval or marine pay as such during some period of the war, and shall extend to men belonging to the Naval and Marine Reserves, as well as to a seaman or marine specially enlisted or deemed to be specially enlisted for the purpose of the war and transferred forthwith to the Reserve, provided that he shall have been called into actual service and have served and been in receipt of naval or marine pay as such during some period of the war, but shall not include any seaman or marine of the Royal Indian Marine, of Dominion, Colonial or Protectorate Forces, whether raised for local or general service.

(2) "Widow" means the widow of any seaman or marine, but shall not include a widow whose marriage took place after the end of the war, or after the man's discharge, or if during his service after the receipt of the wound or injury which caused his death, or after removal from duty on account of the contraction (if contracted during the war) or aggravation of the disease which caused his death, or a widow who was separated from her husband at the time of his death.

(3) "Child" means any child of a seaman or marine born before or within 9 months after the man's discharge, and may include any child regularly maintained by him at the commencement of the war or at the date of his enlistment, whichever was the later, but shall not include the child of a wife or widow who was married to the seaman or marine after the end of the war, or after his discharge, or after the receipt of the wound or injury in consequence of which he was discharged or which caused his death, or after removal from duty on account of the contraction (if contracted during the war) or the aggravation of the disease in consequence of which he was discharged or which caused his death, and shall not include an illegitimate child born later than 9 months after the removal of the man from duty on account of the disability for which he was discharged or which caused his death.

(4) "Parent" includes a grandparent or other person who has been in the place of a parent to a seaman or marine, and has wholly or mainly supported him for not less than one year at some time before the commencement of the war.

(5) "Dependant" means any person (other than a widow or child as defined above) who is found as a fact to have been wholly or in part dependent upon a seaman or marine for a reasonable period immediately before the commencement of the war, or before enlistment if subsequent to the commencement of the war, and in the case of a deceased seaman or marine up to the death of the man unless he shall have been prevented from contributing by circumstances beyond his control. "Dependent" means so dependent as aforesaid.

6.—(a) "Pre-War Earnings" means, in the case of a man who was in employment under a contract of service, the average weekly earnings during the 12 months immediately preceding the outbreak of the war. Average weekly earning shall be computed generally in accordance with the provisions of the Workmen's Compensation Act 1906, 6 Edw. 7. c. 58: provided that where in the course of such 12 months there was a change in the man's rate of remuneration, and such change was not of a temporary but of a reasonably permanent nature, then the average weekly earnings shall be calculated on the man's earnings during the period since such change in his remuneration, or since the last of such changes if there were more than one. In the case of a man in a trade, business or profession the average profits of the last 3 years preceding the commencement of the war shall be taken, or of such lesser period as he engaged therein.

(b) In the calculation of the pension payable to or on account of a seaman or marine who at the commencement of the war was serving and had served not less than one year as an apprentice in any recognised trade, the standard rate of wages of that trade in the district at the time of the commencement of the war may be substituted for pre-war earnings, provided enlistment took place before the age of 26, and the man is by reason of his disablement incapable of completing or has completed his apprenticeship.

(c) In computing the average weekly earnings or average profits of a man or the standard rate of wages of his trade, as the case may be, an addition of 60 per cent. may be made to any such earnings, profits or rate of wages.

(d) In the calculations of the pension payable to or on account of a seaman or marine who, for the purpose of qualifying for any profession or employment, had, after the age of 16, attended regularly any school, college, university or hospital, or had been articled, in accordance with the recognised practice of any profession, an amount equivalent to what would have been the man's disablement pension for the highest degree of disablement, with an addition of 8s. for each completed year of such attendance or "articles" before the age of 23, may be substituted for pre-war earnings, up to a maximum of 80s. a week: provided enlistment took place before the age of 26 and the man is by reason of his disablement incapable of qualifying or has qualified for such profession or employment.

(7) "Pre-War Dependence" means the amount, expressed as a weekly or annual sum, representing the value of the support afforded to, or of benefits conferred upon, a dependant by a seaman or marine for a reasonable period immediately preceding the commencement of the war (or entry into service or

enlistment, if subsequent to the commencement of the war), exclusive, however, of any increase thereof due to circumstances arising out of the war in the case of entry into service or enlistment subsequent to the commencement of the war, and shall include the following:—

- (a) amount regularly contributed by the man if he received no material benefits in return therefor;
- (b) amount regularly contributed by the man in excess of expenditure incurred on his account;
- (c) money value of any benefit conferred upon the dependant by the man.

(8) "Certified" means, in respect of any medical certification, certified by a medical officer or Board of Medical Officers appointed for the purpose by the Board of Admiralty at the request of the Ministry or by the Minister.

(9) "Disablement Pension" means a pension under Article 1(1) of these Regulations, together with any additions thereto under Article 1(4).

(10) "Discharged as medically unfit for further service" includes demobilisation prior to 11th November 1918 of a man possessing a disability acquired since entry in the Navy or Marines.

(11) "Service" in Article 1(4) of these Regulations means any service which counts for long service pension or any mobilised service.

(12) "The 1964 Order" means the Order in Council of 25th September 1964.

(13) An injury or disease shall not be deemed to be "aggravated" by naval or military service, or by active service, as the case may be, unless it was sustained or contracted before the date of mobilisation (or enlistment if later), and was and remains worsened by such service, or, having been sustained or contracted through naval, military or active service, as the case may be, was and remains worsened thereby; and "aggravation" shall bear a corresponding meaning.

(14) "Removal from duty" means the first authorised absence from duty during the war; and "removed from duty" shall bear a corresponding meaning.

25.—(1) Any provisions at present obtaining in the King's Regulations and Admiralty Instructions, or in any Orders in Council relating to the pensions or grants to disabled seamen or marines, or to the pensions, allowances and gratuities to the widows, children, relatives and other dependants of deceased seamen and marines, shall remain in force, except in so far as they are modified by these Regulations, and with the substitution, so far as these pensions, grants, allowances, and gratuities are concerned, of the Minister of Pensions for the Lords Commissioners of the Admiralty; and the provisions of Her late Majesty's Order in Council of 15th March 1893 shall apply to the dependant of a seaman or marine in the same way as to the seaman or marine.

(2) Nothing in these Regulations shall be held to affect the existing Orders in Council or Regulations in regard to service pensions or other grants the administration of which continues to be vested in the Board of Admiralty.

26.—(1) The Minister shall, subject to the provisions of the War Pensions (Administrative Provisions) Act 1919, be the sole administrator and interpreter of these Regulations, and shall be empowered to issue such detailed Instructions in reference thereto as he may from time to time deem necessary.

(2) Any Instructions in force under the Regulations annexed to the Order in Council of 14th January 1919 shall have the same effect as if made under these Regulations.

The 1921 (Officers) Order

STATUTORY RULES AND ORDERS

1921, No. 360

NAVY, MARINES, NAVAL RESERVES AND  
COASTGUARDS

PAY, PENSION, &c.

ORDER IN COUNCIL UNDER SECTION 3 OF THE NAVAL AND MARINE PAY AND PENSIONS ACT 1865 (28 & 29 VICT. C. 73), AND SECTION 2(1) OF THE MINISTRY OF PENSIONS ACT 1916 (6 & 7 GEO. 5. C. 65) AS AMENDED, AS TO PENSIONS, ALLOWANCES AND GRATUITIES TO OFFICERS AND NURSES DISABLED, AND TO FAMILIES OF SUCH OFFICERS AND NURSES DECEASED.

At the Court at Buckingham Palace, the 9th day of  
March 1921

PRESENT,

The King's Most Excellent Majesty in Council

WHEREAS by Section 3 of the Naval and Marine Pay and Pensions Act 1865 it is enacted, *inter alia*, that all pay, wages, pensions, bounty money, grants or other allowances in the nature thereof, payable in respect of services in His 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 by Sub-section (1) of Section 2 of the Ministry of Pensions Act 1916, as amended by Section 1 of the War Pensions Act 1920 (10 & 11 Geo. 5. c. 23), it is enacted, *inter alia*, that there shall be transferred to the Minister of Pensions the powers and duties of the Admiralty with respect to pensions and grants to persons who have served as officers or men and to their widows, children, and other dependants, and to persons who have been employed in the nursing service of any of His Majesty's Naval Forces, other than service pensions, so far as such pensions and grants are payable out of moneys provided by Parliament and not provided exclusively for the purpose of Greenwich Hospital, and so far as such powers and duties relate to pensions and grants to which the War Pensions Acts apply, and that His Majesty may by Order in Council make such adaptations in the enactments relating to such powers and duties as aforesaid as may be necessary to make them exercisable by the Minister of Pensions (hereinafter referred to as "the Minister") and his officers:

AND WHEREAS certain Regulations were annexed to the Order in Council of 29th September 1917 (S.R. & O. 1917/1022 (p. 870)), giving sanction to the pensions and grants which might be awarded to commissioned and subordinate officers of His Majesty's Naval, Coastguard, Marine and Reserve Forces disabled, and to the families of such officers deceased, and to members of His Majesty's Nursing Service, disabled, in consequence of the Great War (hereinafter referred to as "the war");

AND WHEREAS it has been represented to His Majesty by the Minister of Pensions that it is desirable to make further provision concerning such pensions and grants:

AND WHEREAS the Lords Commissioners of His Majesty's Treasury have signified their concurrence in these proposals:

NOW, THEREFORE, His Majesty, having taken the said proposals into consideration, is pleased, by and with the advice of His Privy Council, to approve thereof and to sanction the grant of pensions, allowances and gratuities to such officers and nurses disabled, and to the families of such officers and nurses deceased, whose claims arise in respect of service during the war, on the scales and subject to the conditions set forth in the Regulations hereto annexed, in substitution for those laid down in the Order in Council of 29th September 1917, with effect (subject to the provisions of Schedule 5 to the said Regulations) from 1st April 1920, and further, to



empower the Minister of Pensions to make or revise grants under previous Orders in respect of any claims which may have arisen between the outbreak of the war and the aforesaid 1st April 1920: Provided always that, if more favourable to the officer or nurse, the pension, allowance or gratuity payable under existing regulations shall be granted, and no grant to an officer or nurse, or to the family of an officer, shall be re-assessed to their disadvantage; and provided further that any widow, child or dependant of an officer promoted during the war from a rank or rating below that of a commissioned officer from warrant rank shall not be less favourably treated than if he had continued to serve in the lower rank.

#### REGULATIONS

##### PART I—Officers Disabled

###### *Retired pay for officers retired, &c., on account of disablement*

1. An officer who retires, relinquishes his commission, or reverts to the Retired, Reserve or Emergency List on account of medical unfitness certified as either attributable to or aggravated by naval or military service during the war, and not being due to his serious negligence or misconduct, may, subject to Article 8, be granted the retired pay shown in columns (2) to (9) of Table 1A of Schedule 2 to the 1964 Order which corresponds to the degree of his disablement as certified:

Provided that—

###### *Officers holding permanent commissions*

(1) if the officer (other than an officer to whom the Order in Council of 13th October 1920 (S.R. & O. 1920/2088 (II, p. 332)) applies) holds a permanent commission in the Royal Navy or Royal Marines, he may be granted—

(a) if he retires—

(i) the retired pay (other than the half-pay rate for his rank and seniority) or gratuity for which he is eligible under Section IX of Schedule V to the Order in Council of 22nd January 1920 (S.R. & O. 1920/188 (II, p. 212)) together with an addition as in column (10) of Table 1A of Schedule 2 to the 1964 Order; or

(ii) if eligible therefor, the annual sum set forth in Part II of Schedule I hereto, together with an addition as in the said column (10); or

(iii) the half-pay of his rank and seniority as laid down in Section VII of Schedule V to the aforesaid Order, without any addition whatsoever;

whichever be applicable and to the officer's advantage; and

(b) if he reverts to the retired list, his service retired pay, or such retired pay re-assessed under the said Order in Council of 22nd January 1920, together with an addition (unless retired pay is re-assessed at the half-pay rate), as in the said column (10), and, if the officer has been promoted before being pronounced permanently unfit to a higher rank than that for which such service retired pay was awarded, a further addition corresponding to the difference between the retired pay under columns (2) to (9) of Table 1A of Schedule 2 to the 1964 Order appropriate to the rank for which such service retired pay was awarded and the retired pay under such columns appropriate to the highest rank in which he served during the war;

###### *Temporary Officer who has served as a warrant officer, seaman or marine*

(2) if the officer was promoted during the war to a temporary commission in the Royal Marines or the Royal Naval Volunteer Reserve from a warrant rank of the Royal Navy or Royal Marines or from a seaman or marine serving on a long service engagement, or from a pensioner of either Force, he may be granted the retired pay or gratuity for which he is eligible under Section IX of Schedule V to the Order in Council of 22nd January 1920, or the service pension of which he is in receipt, with an addition for his disability as in column (10) of Table 1A of Schedule 2 to the 1964 Order;

###### *If in receipt of wounds pension*

(3) if the officer is in receipt of a wounds pension, he may be granted in addition thereto only—

(a) the retired pay for which he would have been eligible under the Regulations in force before the

commencement of the war, or (if not eligible therefor) at a rate equal to his half-pay under those Regulations, with an addition (subject to conditions and limitations approved by the Minister) not exceeding 20 per cent. of such retired pay and the wounds pension; or

(b) if he is an officer to whom proviso (1)(a) of this Article applies, the retired pay, annual sum or gratuity for which he is eligible under (i) or (ii) of that paragraph, but without the addition therein referred to; or

(c) if he is an officer to whom proviso (1)(b) of this Article applies, the service retired pay therein referred to without the addition; or

(d) if he is an officer to whom proviso (2) of this Article applies, the retired pay, service pension or gratuity for which he is eligible thereunder, without the addition; or

(e) the difference between the wounds pension and the retired pay to which the officer would be entitled under these Regulations if he was not in receipt of wounds pension;

whichever be applicable and to the officer's advantage;

###### *If totally blinded in action*

(4) if the officer has lost the sight of both eyes as the result of wounds received in action, he shall be granted not less than £300 a year in wounds pension and retired pay taken together;

###### *If in receipt of previous disability pension*

(5) if the officer is in receipt of retired pay or pension for a disability other than that in respect of which the claim under these Regulations arises, such retired pay or pension being—

(a) in consequence of service prior to the war, or

(b) greater, by reason of length of service, than the disability pension he would have received as a seaman or marine for his rank alone,

he may be granted in addition thereto the retired pay as in column (10) of Table 1A of Schedule 2 to the 1964 Order, which corresponds to the degree of disablement sustained in the war as an officer;

###### *If in receipt of disability pension for Great War*

(6) if the officer is in receipt of pension for a disability sustained in the war as a seaman or marine, and other than that in respect of which the claim under these Regulations arises, such pension being not greater, by reason of length of service, than the disability pension he would have received for rank alone, he may be granted in addition thereto the retired pay shown in columns (2) to (9) of Table 1A of Schedule 2 to the 1964 Order appropriate to the difference between the disablement due to his combined disabilities and the disablement due to his disability sustained as a seaman or marine;

###### *Temporary officer's rate; the minimum*

(7) if the officer's combined retired pay (or pension or gratuity) and addition under provisos (1), (2), (5) or (6) should at any time be less than the retired pay to which he is entitled under columns (2) to (9) of Table 1A of Schedule 2 to the 1964 Order, he may be granted such retired pay in lieu of such combined retired pay (or pension or gratuity) and addition;

###### *Other pension may be suspended*

(8) subject to the preceding provisos, if the officer is already in receipt of pension or retired pay as a seaman, marine or officer, it shall be suspended so long as he is receiving a higher rate under these Regulations.

###### *Disablement on or after retirement*

1A. If an officer on or after demobilisation, or on or after retirement or relinquishing his commission, or transfer to or reversion to the Retired, Reserve or Emergency List, otherwise than for misconduct or in circumstances which do not in the opinion of the Minister justify the award, is certified to be disabled by wounds, injuries or disease attributable to or aggravated by naval or military service during the war, such disablement not having been caused or aggravated by his serious negligence or misconduct, he may be granted retired pay under Article 1 or gratuity under Article 8 of these Regulations, with effect from the date from which his claim is established:

Provided that, if the officer holds a permanent commission in the Royal Navy or Royal Marines, he may be granted:—

- (a) the benefit of proviso (1) of Article 1 only if he is pronounced to have been permanently unfit for general service on his retirement; or
- (b) if he is not so pronounced and did not retire on account of age, the retired pay (other than the half-pay rate for his rank and seniority) or gratuity for which he is eligible under Section IX of Schedule V to the said Order in Council of 22nd January 1920, with an addition as in column 8 of Schedule 1 to the Order in Council of 29th September 1917 aforesaid, provided that in case of voluntary retirement application to retire was made before 1st April 1921.

#### *Retired pay to be temporary at outset*

1b. Except in those cases where the disablement has reached its final condition, a grant of retired pay shall be temporary at the rate appropriate to the temporary disablement, and the grant shall be reviewed from time to time until a permanent assessment can be made or the grant ceases.

#### *Alternative retired pay*

3.—(1) An officer in receipt of retired pay under Article 1 of these Regulations, or of a wounds pension in lieu thereof, whose pre-war earnings (excluding any addition thereto under paragraph (b) of Article 30(5)) exceeding £132 a year, and who, within one year from 2nd July 1920, or one year after the notification to him of the first award of retired pay under Article 1, whichever is the later date, shall make application in the prescribed manner for alternative retired pay, and who proves to the satisfaction of the Minister the amount of his pre-war earnings and shows that his retired pay, together with any wounds pension of which he is in receipt and together with the average earnings of which he remains capable, is less than his proved pre-war earnings, may be granted alternative retired pay in lieu of retired pay or retired pay and wounds pension.

Alternative retired pay may be granted temporarily or permanently, and shall be of an amount which, together with any wounds pension of which the officer is in receipt and together with the average earnings (if any) of which he is judged capable, shall not exceed his pre-war earnings up to £300 a year plus half any pre-war earnings between £300 and £600 a year: provided that—

- (a) in assessing the average earnings (if any) of which an officer remains capable any decrease thereof not due to the disablement for which the officer is in receipt of retired pay or wounds pension shall be disregarded, and the refusal or neglect to undergo any course of treatment or training which in the opinion of the Minister would materially increase the officer's earning capacity may be taken into account; and
- (b) where owing to physical incapacity or other cause over which the officer had no control he has been unable to make due application within the time above specified the Minister may, in his discretion, extend such time.

(2) Alternative retired pay shall be payable as from the date from which the claim thereto is established.

(3) Where, in the opinion of the Minister, it may become necessary to secure the proper care of a child of an officer in receipt of alternative retired pay, the Minister may deduct from the alternative retired pay such sum as he may deem sufficient for the maintenance of such child, and may administer the same under such conditions as he may determine.

#### *Permanent awards to disabled officers*

4.—(1) When permanent retired pay has been granted, it shall not be altered on account of any change in the officer's earning capacity, whether resulting from training or other cause; neither shall it be subject to review except—

- (a) when an officer whose retired pay is assessed under Article 1 of these Regulations claims that there has been a substantial increase in the extent of the disablement due to the original cause;
- (b) when an officer whose retired pay is assessed under Article 1 of these Regulations, and who has duly proved his pre-war earnings as provided by Article 3 shows that it would be more advantageous to him to be assessed under that Article; or
- (c) under the following paragraph.

#### *Review of retired pay*

(2) The Minister may at any time order the review of any retired pay in any case where—

- (a) retired pay has, by error in interpretation or fact, been granted to a disabled officer in excess of the amount appropriate to the degree of his disablement;
- (b) the Minister has reason to believe that retired pay has been obtained by any improper means; or
- (c) retired pay has been granted by error.

#### *Gratuities for minor disablements*

8. In any case where the degree of disablement is assessed at less than 20 per cent. a gratuity or temporary allowance may be granted in place of any retired pay under these Regulations. The grant will be subject to such conditions as the Minister may determine and its amount will depend on the nature of the disablement and other circumstances of the case.

### PART II

#### *Widows and other Relatives of Officers Deceased*

##### *Pensions to officers' widows*

11. The widow of an officer may be granted—

(1) if the officer, not being an officer of the Royal Marines on shore strength, is killed in action, or, otherwise than through his serious negligence or misconduct,

- (a) suffers violent death due directly and wholly to war service, or is killed or dies of injuries sustained on flying duty or while being carried on duty in aircraft under proper authority, or is drowned while on duty, or dies as a result of the destruction of ship, or dies within 7 years from wounds or injuries so received, or
- (b) dies from illness which is certified as caused by extraordinary exposure or exertion on service within 7 years after having been first removed from duty on account of such illness, or
- (c) dies in consequence of injuries received in the performance of naval or military duty otherwise than under (a) within 7 years after having been so injured,

a pension as in column (2) of Table 1B of Schedule 4 to the 1964 Order;

(2) if the officer, being an officer of the Royal Marines on shore strength, is killed in action, or, otherwise than through his serious negligence or misconduct,

- (a) suffers violent death due directly and wholly to war service, or is killed or dies of injuries sustained on flying duty or while being carried on duty in aircraft under proper authority, or dies within 7 years from wounds or injuries so received, or
- (b) dies from illness which is certified as directly traceable to fatigue, privation or exposure incident to active operations in the field within 7 years after having been first removed from duty on account of such illness, or
- (c) dies in consequence of injuries received in the performance of naval or military duty otherwise than under (a) within 7 years after having been so injured,

a pension as in column (2) of Table 1B of Schedule 4 to the 1964 Order;

(3) if the officer, otherwise than through his serious negligence or misconduct—

- (a) dies of disease attributable to or aggravated by naval or military service other than under paragraph (1)(b) or 2(b) of this Article within 7 years after having been first removed from duty on account of such disease, or
- (b) dies of injuries attributable to naval or military service other than under paragraph (1)(a), (1)(c), (2)(a) or (2)(c) of this Article within 7 years after having been first removed from duty on account of such injuries, or
- (c) not having been removed from duty for the disability, dies of a wound or injury within 7 years of its receipt, or of a disease within 7 years of the termination of his active service during the war: provided that a claim has been made and admitted in respect of such disability under Article 1 or 8 of these Regulations, and that such disability is certified as attributable to or aggravated by naval or military service; or (if no such claim has been made

and admitted) that, a continuous medical history thereof being shown from the termination of such active service, the disability is certified as attributable to or aggravated by naval or military service,

a pension as in column (2) of Table 1A of Schedule 4 to the 1964 Order;

#### *Gratuities to officers' widows*

(4) if the officer is killed in action or dies in the circumstances referred to in paragraph (1)(a) or (2)(a) of this Article, a gratuity in addition to pension, as in column (3) of the Table in Schedule 5 to the 1964 Order: provided that, where it would be more favourable to her, the amount of the gratuity shall be equal to a year's full pay of the rank which the officer held on 31st March 1917, and for this purpose Officer's Command Money and other full-pay allowances, except Table Money and Field Allowance, shall be included.

#### *Children's allowances to officers' widows*

12.—(3) If an officer is killed in action or dies in the circumstances referred to in Article 11(1)(a) or (2)(a) a gratuity of one-third of the amount laid down in Article 11(4) may be granted, in addition to children's allowance, for each child.

#### *Alternative pension to widows*

§3.—(1) A widow who—

- (a) is over 40 years of age or has a child eligible for an allowance under Article 37 of the 1964 Order,
- (b) is in receipt of a pension under Article 11 of these Regulations, and
- (c) makes application and shows that she was married to the officer before the commencement of the war or of his naval or military service, whichever was the later, and that her pension under Article 11 with any children's allowances or pension under the said Article 37 is, or eventually may be, less than two-thirds of the alternative retired pay that might have been awarded to her husband under Article 3 had he survived and been incapable of supplementing that retired pay by earnings,

may be granted in lieu of such pension and such children's allowances and pension, an alternative pension (which shall not exceed two-thirds of such alternative retired pay) up to a maximum of £300 a year: provided—

- (i) that application shall be made in the prescribed manner within 1 year from 2nd July 1920, or one year after notification to the widow of the award of pension under Article 11, whichever is the later;
- (ii) that such widow's pension under Article 11 (together with any such children's allowances and pension) shall, if greater than the alternative pension assessed under this paragraph, continue until it becomes less than the alternative pension;
- (iii) that if a widow to whom an alternative pension has been granted under this paragraph ceases to be eligible for a pension under this paragraph, but would be eligible for a pension under paragraph (2) of this Article, her alternative pension shall cease to be calculated under this paragraph and shall be thenceforth calculated under that paragraph; and
- (iv) that the provision in Article 3(3) of these Regulations to secure the proper care of a child shall apply in the case of any pension awarded under this paragraph.

(2) A widow who—

- (a) is not over 40 years of age and has no child eligible for an allowance under Article 37 of the 1964 Order.
- (b) is in receipt of a pension under Article 11, and
- (c) makes application and shows that she was married to the officer before the commencement of the war or of his naval or military service, whichever was the later, and that her pension under Article 11 with any pension under the said Article 37 in respect of the officer is, or eventually may be, less than one-half of the alternative retired pay that might have been awarded to her husband under Article 3 had he survived and been incapable of supplementing that retired pay by earnings,

may be granted, in lieu of such pension, an alternative pension (which shall not exceed one-half of such alternative retired pay) up to a maximum of £225 a year: provided—

- (i) that application shall be made in the prescribed manner within one year from the 2nd July 1920, or one year after the notification to the widow of the award of pension under Article 11, whichever is the later;
- (ii) that such widow's pension under Article 11 (together with any pension under the said Article 37) shall, if greater than the alternative pension assessed under this paragraph, continue until it becomes less than the alternative pension; and
- (iii) that when the widow reaches the age of 40 the alternative pension may be raised from one-half of such alternative retired pay to two-thirds thereof up to a maximum of £300 a year.

(3) If the officer's pre-war earnings (exclusive of the addition under Article 30(5)(b)), where less than £132 a year, his pre-war earnings (inclusive of such addition) may be substituted for the alternative retired pay in the preceding paragraphs of this Article.

(4) Any pension under Article 37 of the 1964 Order shall be deducted from a widow's alternative pension.

#### *Gratuity to widow where death is not attributable*

14. The widow of an officer not eligible for pension under Article 11 may be granted a gratuity of not less than one and not more than 3 years' pay of the appointment held by the officer: provided that—

- (a) the officer dies during the war, while on full pay, or, after removal from full pay from the injury or disease for which he was removed from full pay or some closely connected disease and there is a continuous medical history of sickness; and
- (b) the widow is disqualified only through the insufficiency of the officer's service for an ordinary pension under the terms of the King's Regulations and Admiralty Instructions.

The amount of the gratuity, within the above limits, shall be at the discretion of the Minister, and may be paid in a lump sum or in instalments as he may determine. In the event of the officer leaving motherless children, a similar grant may be made to them under such conditions as the Minister may determine.

#### *Motherless children*

17.—(3) A child granted a pension under Article 37 of the 1964 Order shall be eligible for a gratuity under the conditions of Article 12(3).

#### *General conditions for pensions to officers' relatives*

18. The following conditions shall apply to the grant or continuance of pensions to the relatives, other than widows and children, of deceased officers under Articles 19 and 21 below:

- (1) It shall be granted only if the officer dies in the circumstances set forth in Article 11 of these Regulations;
- (2) it shall be granted or continued only if the pecuniary and other circumstances of the relative are such as, in the opinion of the Minister, to justify the award;
- (3) subject to the provisions of paragraph (2) of the following Article, it shall not exceed the appropriate rate specified in column (2) of Table 3 of Schedule 4 to the 1964 Order, where the officer dies in the circumstances set forth in Article 11(1) or (2), or the appropriate rate specified in column (3) of the said Table in any other case;
- (4) it shall not be transferable; except that where it is granted to one of 2 parents, or to 2 or more sisters or brothers, it may be continued wholly or in part to the survivor or survivors, and that where it has been granted to a parent it may on the death of such parent be continued, wholly or in part, to a sister who is otherwise eligible for a pension in respect of the deceased officer.

#### *Pensions to officers' parents*

19.—(1) A pension may be granted to the parent or parents of an officer of such an amount as the Minister may decide, subject to the conditions of

Article 18 and such other conditions as he may determine, regard being had to pre-war dependence, if any, and to the age or infirmity of the parent or parents.

(2) A pension may be granted in respect of each son who has died in the circumstances set forth in Article 11, subject to such conditions and limits as the Minister may determine.

#### *Gratuities to parents*

20. A gratuity not exceeding the value of one year's pension such as is mentioned in Article 18(3) may be granted to the parent or parents jointly of an officer, at the discretion of the Minister, in special cases where the conditions for pensions laid down in the two preceding Articles are not fulfilled.

#### *Pensions to officers' sisters or brothers*

21.—(1) A pension may be granted to the sister or brother (or sisters or brothers) of an officer, provided they were wholly or partially dependent on him for support. The pension shall be of such an amount as the Minister may decide, subject to the conditions of Article 18 and such other conditions as he may determine, and shall not be granted or continued to a brother after the age of 18, or to a sister after the age of 21, unless he or she is unfitted by age or infirmity to earn his or her living.

(2) A pension under the same conditions may be granted in respect of each brother who has died in the circumstances set forth in Article 11, subject to the limit laid down in Article 18(3).

#### *Gratuities to officers' sisters or brothers*

22. A gratuity not exceeding one-half the value of one year's pension such as is mentioned in Article 18(3) may, at the discretion of the Minister, be granted to the sisters or brothers jointly in special cases where the conditions for pensions laid down in Articles 18 and 21 are not fulfilled.

### PART III

#### *Nurses Disabled or Deceased*

##### *Disablement pensions to nurses*

23. A member of the Royal Naval Nursing Service, or the Royal Naval Nursing Service Reserve (hereinafter referred to as a nurse) who retires on account of medical unfitness certified as either attributable to or aggravated by naval or military service during the war and not being due to her serious negligence or misconduct may, subject to Article 28, be granted the pension shown in columns (3) to (5) of Table 1B of Schedule 2 to the 1964 Order which corresponds to the degree of her disablement as certified: provided that a nurse who is eligible for or in receipt of retired pay or gratuity under the terms of the Order in Council of 14th July 1921, may be granted either—

(a) such pension together with an addition as shown in column (6) of the said Table, or

(b) the pension provided by columns (3) to (5) of that Table for her rank and degree of disablement,

whichever is more favourable.

23A. If a nurse on or after demobilisation, or on or after retirement, or transfer or reversion to the Reserve, otherwise than for misconduct or in circumstances which in the opinion of the Minister do not justify the award, is certified to be disabled by wounds, injuries or disease attributable to or aggravated by naval or military service during the war, such disablement not being due to her serious negligence or misconduct, she may be granted pension or gratuity under Article 23 or 28, with effect from the date from which her claim is established: provided that, if the nurse is eligible for or in receipt of retired pay or gratuity under the terms of the said Order in Council of 14th July 1921, she may be granted:—

(a) the benefit of paragraph (a) of Article 23 only if she is certified to have been permanently unfit for general service on her retirement; or

(b) if she is not so certified, and did not retire on account of age, the retired pay or gratuity for which she is eligible under the said Order in Council of 14th July 1921, with an addition as in column (6) of Schedule 3 to the Order in Council of 29th September 1917, aforesaid, provided that in case of voluntary retirement application to retire was made before 1st April 1921.

##### *Temporary awards to disabled nurses*

23B. Except in those cases where the disablement has reached its final condition a pension shall be temporary, at the rate appropriate to the temporary disablement, and the grant shall be reviewed from time to time until a permanent assessment can be made or the grant ceases.

##### *Alternative pensions to nurses*

23C.—(1) A nurse in receipt of pension under Article 23 of these Regulations whose pre-war earnings (excluding any addition thereto under paragraph (b) of Article 30 (5)) exceeded £95 a year and who, within one year from 2nd July 1920, or one year after the notification to her of the first award of pension under Article 23, whichever is the later date, shall make application in the prescribed manner for alternative pension, and who proves to the satisfaction of the Minister the amount of her pre-war earnings and shows that her pension, together with the average earnings of which she remains capable, is less than her proved pre-war earnings may be granted alternative pension in lieu of pension under Article 23.

Alternative pension may be granted temporarily or permanently and shall be of an amount which, together with the average earnings (if any) of which the nurse is judged capable, shall not exceed her pre-war earnings up to £250 a year: provided that—

(a) in assessing the average earnings (if any) of which a nurse remains capable any decrease thereof not due to the disablement for which the nurse is in receipt of pension shall be disregarded, and the refusal or neglect to undergo any course of treatment or training which in the opinion of the Minister would materially increase the nurse's earning capacity may be taken into account; and

(b) where owing to physical incapacity or other cause over which the nurse had no control she has been unable to make due application within the time above specified, the Minister may, in his discretion, extend such time.

(2) Alternative pension shall be payable as from the date from which the claim thereto is established.

##### *Permanent awards to disabled nurses*

24.—(1) When a permanent pension has been granted it shall not be altered on account of any change in the nurse's earning capacity, whether resulting from training or other cause; neither shall it be subject to review except—

(a) when a nurse whose pension is assessed under Article 23 claims that there has been a substantial increase in the extent of the disablement due to the original cause, or

(b) when a nurse whose pension is assessed under Article 23 of these Regulations, and who has duly proved her pre-war earnings as provided by Article 23C shows that it would be more advantageous to her to be assessed under that Article; or

(c) under the following paragraph.

(2) The Minister may at any time order the review of any pension in any case where—

(a) a pension has, by error in interpretation or fact, been granted to a disabled nurse in excess of the amount appropriate to the degree of her disablement;

(b) the Minister has reason to believe that a pension has been obtained by any improper means; or

(c) a pension has been granted by error.

##### *Minor disablement gratuities to nurses*

28. In any case where the degree of disablement is assessed at less than 20 per cent., a gratuity or temporary allowance may be granted in place of any pension under these Regulations. The grant will be subject to such conditions as the Minister may determine, and its amount will depend on the nature of the disablement and the other circumstances of the case.

##### *Grants to relatives of deceased nurses*

29A. Pensions may be awarded to the relatives of deceased nurses in accordance with the terms of Articles 18, 19 and 21 of these Regulations so far as they may be applicable, and under such conditions as the Minister may determine.

## PART IV

*General Provisions**Definitions*

30. In these Regulations, unless the context otherwise requires:

*Officer*

(1) "Officer" means a commissioned or subordinate officer on the permanent or temporary or supplementary lists of the Royal Navy, Royal Marines or the Reserves, who has served and been in receipt of Naval pay as such during some period of the war, but does not include a commissioned officer from warrant rank or a warrant officer.

*Widow*

(2) "Widow" means the widow of any officer, but shall not include a widow who was separated from her husband or whose marriage took place after the end of the war, or after the termination of his active service during the war, or after the receipt of the wound or injury which caused his death, or after his removal from duty on account of the contraction or aggravation of the disease which caused his death: provided always that the widow of a permanent regular officer married after such date (but not later than 2nd July 1920) shall not be disqualified if the officer survives his marriage by at least one year, or it can be shown that he was manifestly in good health at the date of his marriage.

*Child*

(3) "Child" means the legitimate child of an officer born before or within 9 months after his demobilisation, retirement, relinquishment of his commission, or transfer, or reversion to the Retired, Reserve, or Emergency List, and may include a step-child regularly maintained by him; but shall not include a child whose mother is excluded by (2) above by reason of the date of her marriage.

*Parent*

(4) "Parent" includes a grandparent or other person who has been in the place of a parent to an officer, and has wholly or mainly supported him for not less than one year at some time before the commencement of the war.

*Pre-war earnings*

(5) (a) "Pre-war earnings" means in the case of an officer who was in employment under a contract of service the average earnings during the 12 months immediately preceding the outbreak of the war. Average earnings shall be computed generally in such manner as is best calculated to give the rate at which the officer was being remunerated, and, so far as may be applicable, in accordance with the provisions of the Workmen's Compensation Act 1906: provided that where in the course of such 12 months there was a change in the officer's rate of remuneration, and such change was not of a temporary but of a reasonably permanent nature, then the average earnings shall be calculated on the officer's earnings during the period since such change in his remuneration, or since the last of such changes if there were more than one. In the case of an officer in a trade, business or profession, the average profits of the last 3 years preceding the commencement of the war shall be taken, or of such lesser period as he engaged therein.

(b) In computing the average earnings or average profits of an officer an addition of 60 per cent. may be made to any such earnings or profits.

*Pre-war dependence*

(6) "Pre-war dependence" means the amount representing the annual value of the support afforded to, or of benefits conferred upon a relative by an officer for a reasonable period immediately preceding the commencement of the war, or of his naval or military service, if later, exclusive, however, of any increase thereof due to circumstances arising out of the war in the case of entry into service or commission subsequent to the commencement of the war, and shall include the following:

- (a) amount regularly contributed by the officer if he received no material benefits in return therefor;
- (b) amount regularly contributed by the officer in excess of expenditure incurred on his account;
- (c) money value of any benefit conferred upon the relative by the officer.

*Certified*

(7) "Certified" means, in respect of any medical certification, certified by a medical officer or Board of Medical Officers appointed for the purpose by the Admiralty at the request of the Minister or by the Minister.

*The 1964 Order*

(8) "The 1964 Order" means the Order in Council of 25th September 1964.

*Wounds pension*

(9) "Wounds pension" includes wounds gratuity.

*Application by Part IV to nurses*

(10) The provisions of this Part of these Regulations shall, so far as they are applicable, apply to and in respect of nurses in the same way as they apply to and in respect of officers.

*The Great War*

(11) "The Great War" and "the war" shall have the same meaning as the expression "the present war" in the War Pensions Act 1920.

(20) An injury or disease shall not be deemed to be "aggravated" by naval or military service unless it was sustained or contracted before the date of mobilisation (or entry into service or commission if later), and was and remains worsened by such service or, having been sustained or contracted during such naval or military service, was and remains worsened thereby; and "aggravation" shall bear a corresponding meaning.

(13) "Removal from duty" means the first authorised absence from duty during the war; and "removed from duty" shall bear a corresponding meaning.

*Temporary and acting rank*

31.—(1) The rate of retired pay, pension, or gratuity granted under Table 1 of Schedule 2 or Table 1 or 3 of Schedule 4 or Schedule 5 to the 1964 Order, or under Article 1 (3) (a), as the case may be, may be determined according to the paid temporary, acting or local rank held by the officer at the time he was killed, wounded, injured or removed from duty in consequence of disablement.

*Relative rank*

(2) Any existing Regulations as to the relative rank which should govern the rate of retired pay for a disabled officer, or the pension, gratuity or allowance for the widow, child or relative of a deceased officer shall remain in force and be applicable to grants made under these Regulations.

*Temporary officers of Marines*

(3) Any retired pay, pension or grant to or in respect of an officer of the Royal Marines not holding a permanent commission who relinquished his commission, was demobilised, or died before 1st April 1919, shall be assessed, so far as regards the relative rank of the officer, in accordance with the scale of rank set forth in Schedule 1 to the Regulations annexed to the Order in Council of 29th September 1917, relating to the retired pay of commissioned officers.

*Suspension of retired pay*

31A. In special circumstances, to be determined by the Minister, the retired pay granted to an officer or any portion of it may be suspended or withheld.

*Regulations retained in operation*

32. Except as modified by these Regulations, any general conditions governing the grant, issue, and administration of retired pay to officers and of pensions to their families laid down in Orders in Council and King's Regulations and Admiralty Instructions issued by the Lords Commissioners of the Admiralty shall remain in force and be applicable to grants made under these Regulations.

*Interpretation and Administration*

33. The Minister shall, subject to the provisions of the War Pensions Acts 1915 to 1920, be the sole administrator and interpreter of these Regulations, and shall be empowered to issue such detailed instructions in reference thereto as he may from time to time deem necessary.

SCHEDULE 1

PART II

Annual sums which may be granted to Officers of certain ranks if invalidated under 40 years of age (*provisio* (1) (a) to Article 1):

|  |   |
|--|---|
| Commanders in all branches of the Royal Navy.  | £230, with an addition of £10 for each year of actual service in the ranks of Lieut.-Commander and Commander.             |
| Colonels, Lieut.-Colonels and Majors of the Royal Marines.   | £230, with an addition of £10 for each year of actual service in the ranks of Captain, Major, Lieut.-Colonel and Colonel. |
| Sub-Lieutenants of all branches of the Royal Navy.   | £70.  |
| 2nd Lieutenants and Lieutenants with less than 4 years' commissioned Service of the Royal Marines. | £70.  |

SCHEDULE 5

PROVISIONS SUBJECT TO WHICH THESE REGULATIONS ARE TO BE READ

A.—Date from which certain portions of the Regulations apply.

| <i>Portions of the Regulations</i>  | <i>Date of Application</i> |
|---|----------------------------|
| Article 1A—The words "or in circumstances which do not, in the opinion of the Minister, justify the award." | 1st April 1917.            |
| Article 19 (2)—The whole  | 29th August 1919.          |
| Article 23A—The whole   | 1st April 1917.            |
| Article 29A—The whole   | 16th September 1918.       |
| Article 30 (5)—The words from "provided that" down to "more than one".                                      | 7th March 1919.            |

B.—Retrospective application of amendment of Article 13 of the Regulations annexed to the Order in Council dated 29th September 1917.

As from 1st May 1918, Article 13 of the Regulations annexed to the Order in Council dated 29th September 1917, shall be read as though "two-thirds" was substituted for "one-half".

The 1921 (Warrant Officers) Order

STATUTORY RULES AND ORDERS

1921, No. 361

NAVY, MARINES, NAVAL RESERVES AND COAST GUARDS

PAY, PENSION, &c.

ORDER IN COUNCIL UNDER SECTION 3 OF THE NAVAL AND MARINE PAY AND PENSIONS ACT 1865 (28 & 29 VICT. C. 73), AND SECTION 2(1) OF THE MINISTRY OF PENSIONS ACT 1916 (6 & 7 GEO. 5. C. 65) AS AMENDED, AS TO PENSIONS, ALLOWANCES AND GRATUITIES TO COMMISSIONED OFFICERS FROM WARRANT RANK AND WARRANT OFFICERS DISABLED AND TO FAMILIES OF SUCH OFFICERS DECEASED.

At the Court at Buckingham Palace, the 9th day of March 1921.

PRESENT.

The King's Most Excellent Majesty in Council

Whereas by Section 3 of the Naval and Marine Pay and Pensions Act 1865 it is enacted, *inter alia*, that all pay, wages, pensions, bounty money, grants,

or other allowances in the nature thereof, payable in respect of services in His 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 by Sub-section (1) of Section 2 of the Ministry of Pensions Act 1916, as amended by Section 1 of the War Pensions Act 1920, it is enacted, *inter alia*, that there shall be transferred to the Minister of Pensions the powers and duties of the Admiralty with respect to pensions and grants to persons who have served as officers or men and to their widows, children and other dependants, other than service pensions, so far as such pensions and grants are payable out of moneys provided by Parliament and not provided exclusively for the purpose of Greenwich Hospital, and so far as such powers and duties relate to pensions and grants to which the War Pensions Acts apply, and that His Majesty may by Order in Council make such adaptations in the enactments relating to such powers and duties as aforesaid as may be necessary to make them exercisable by the Minister of Pensions (hereinafter referred to as "the Minister") and his officers:

And whereas to His Majesty's Order in Council of the 29th September 1917 (S.R. & O. 1917/1023 (p. 883)), Regulations were annexed giving sanction to the pensions and grants which might be awarded to Commissioned Warrant Officers and Warrant Officers (including Royal Marine Gunners) of His Majesty's Naval, Coastguard and Reserve Forces (therein referred to as officers of warrant rank) disabled, and to the families of such officers deceased, in consequence of the Great War (hereinafter referred to as "the war"):

And whereas by His Majesty's Order in Council of 22nd January 1920, the collective expression and title of "Commissioned Warrant Officers" was abolished, and the term Commissioned Officers from Warrant Rank established in respect of officers of the grade lying between Warrant Officer and Lieutenant:

And whereas by a further Order of His Majesty in Council dated 22nd January 1920, all Warrant Officers, Class I, of the Royal Marines now rank with Naval Warrant Officers:

And whereas it has been represented to His Majesty by the Minister that it is desirable to make further provision concerning such pensions and grants as were sanctioned by His Majesty's aforesaid Order in Council of 29th September 1917, and that such further provision should include pensions and grants to or in respect of Warrant Officers (Class I) of the Royal Marines:

And whereas the Lords Commissioners of His Majesty's Treasury have signified their concurrence in these proposals:

Now, therefore, His Majesty, having taken the said proposals into consideration, is pleased, by and with the advice of His Privy Council, to approve thereof and to sanction the grant of pensions, allowances and gratuities to such commissioned officers from warrant rank and warrant officers disabled, and to the families of such officers deceased, whose claims arise in respect of service during the war, on the scales and subject to the conditions set forth in the Regulations hereto annexed, in substitution for those laid down in His Order in Council of 29th September 1917, with effect (subject to the provisions of Schedule 5 to the said Regulations) from 1st April 1920, and further, to empower the Minister to make or revise grants under previous Orders in respect of any claims which may have arisen between the outbreak of the war and the aforesaid 1st April 1920: Provided always that, if more favourable to any such officer, the pension, allowance or gratuity payable under existing regulations shall be granted, and no grant to an officer, or to the family of an officer, shall be re-assessed to their disadvantage: and provided further that the widow, child, or dependant of a commissioned officer from warrant rank promoted, or of a warrant officer appointed or promoted, to that rank during the war, shall not be less favourably treated than if he had served or continued to serve in some lower rank or rating of his class.

Almeric FitzRoy.



## REGULATIONS

## PART I

*Officers Disabled**Retired pay for officers retired, &c., on account of disablement*

1. An officer (as defined in Article 23(1) of these Regulations) who retires, relinquishes his commission or warrant, or reverts to the Retired or Reserve List on account of medical unfitness certified as either attributable to or aggravated by naval or military service during the war, and not being due to his serious negligence or misconduct, may be granted the retired pay shown in column (8) or (9) of Table 1A of Schedule 2 to the 1964 Order which corresponds to the degree of his disablement as certified:

Provided that—

*If holding a permanent commission or warrant*

(1) if the officer (not being an officer to whom the Order in Council of 13th October 1920 applies) holds a permanent commission or warrant, or is a Divisional Chief Officer or Chief Officer of Coast Guard other than in the Coast Guard Pensioner Force, he may be granted—

- (a) if he retires, the retired pay for which he is eligible under Section IX of Schedule V of the Order in Council of 22nd January 1920, together with an addition as in column (10) of Table 1A of Schedule 2 to the 1964 Order;
- (b) if he reverts to the Retired List, his service retired pay, or such retired pay re-assessed under the said Order in Council of 22nd January 1920, together with an addition as in the said column (10);

*If a member of the Coast Guard Pensioner Force*

(2) if the officer is a Divisional Chief Officer or Chief Officer of the Coast Guard Pensioner Force, he may be granted, in addition to his pension as a seaman or marine and to the gratuity for which he is eligible under Section IX of Schedule V of the Order in Council of 22nd January 1920, in respect of his Coast Guard service, an addition as in column (10) of Table 1A of Schedule 2 to the 1964 Order;

*Temporary Officer who has served as a seaman or marine*

(3) if the officer does not hold a permanent commission or warrant, but was appointed or promoted during the war to a temporary commission or warrant, he may be granted—

- (a) if he is a pensioned seaman or marine, or on promotion was a seaman or marine serving on a long service engagement, either—
  - (i) the service retired pay for which he is eligible under the Order in Council of 22nd January 1920; or
  - (ii) the service pension or re-assessed service pension to which he is entitled as a seaman or marine, whichever be the greater, together with an addition as in column (10) of Table 1A of Schedule 2 to the 1964 Order;
- (b) if he is in receipt of a permanent pension as a seaman or marine for a disability which has been aggravated by naval or military service as an officer during the war, and if he was eligible for a service pension when discharged for disability, such service pension with an addition as in the said column (10);
- (c) if not within the terms of paragraph (a) or (b) above, and whether his service was continuous or not, the permanent pension he would have received if he had continued to serve in the rank or rating from which he was promoted and had been disabled therein;

*If in receipt of a wounds pension*

(4) if the officer is in receipt of a wounds pension he may be granted in addition thereto only—

- (a) the retiring pension for which he would have been eligible for service under the Regulations in force before the commencement of the war, with an addition (subject to conditions and limitations approved by the Minister) not exceeding 20 per cent. of such retiring pension and wounds pension; or
- (b) if he is an officer to whom proviso (1) of this Article applies, the service retired pay for which he is eligible thereunder without the addition; or

- (c) if he is an officer to whom proviso (2) of this Article applies, the pension and gratuity therein referred to without the addition; or
- (d) if he is an officer to whom proviso (3)(a) or (b) of this Article applies, the service retired pay or pension therein referred to, without the addition; or
- (e) the difference between the wounds pension and the retired pay to which the officer would be entitled under these Regulations, if he was not in receipt of wounds pension;

whichever be the greatest;

*If totally blinded in action*

(5) if the officer has lost the sight of both eyes as the result of wounds received in action he shall be granted such retired pay as, together with wounds pension and service retired pay or pension, if any, shall not be less than £225 a year, if he is a commissioned officer from warrant rank, or £175 a year, if a warrant officer;

*If in receipt of previous disability pension*

(6) if the officer is in receipt of retired pay or pension for a disability other than that in respect of which the claim under these Regulations arises, such retired pay or pension being—

- (a) in consequence of service prior to the war; or
- (b) greater, by reason of length of service, than the disability pension he would have received as a seaman or marine for his rank alone;

he may be granted in addition thereto the retired pay as in column (10) of Table 1A of Schedule 2 to the 1964 Order which corresponds to the degree of disablement sustained in the war as an officer;

*If in receipt of disability pension for Great War*

(7) if the officer is in receipt of pension for a disability sustained in the war as a seaman or marine, and other than that in respect of which the claim under these Regulations arises, such pension being not greater, by reason of length of service, than the disability pension he would have received for rank alone, he may be granted in addition thereto the retired pay shown in column (8) or (9) of Table 1A of Schedule 2 to the 1964 Order appropriate to the difference between the disablement due to his combined disabilities and the disablement due to his disability sustained as a seaman or marine;

*Temporary officers' rate; the minimum*

(8) if the officer's combined retired pay (or pension or gratuity) and additions under provisos (1), (2), (3), (6) or (7) should at any time be less than the retired pay to which he is entitled under column (8) or (9) of Table 1A of Schedule 2 to the 1964 Order he may be granted such retired pay in lieu of such combined retired pay (or pension or gratuity) and additions;

*Other pension may be suspended*

(9) subject to the preceding provisos, if the officer is already in receipt of pension or retired pay as a seaman, marine or officer, it shall be suspended so long as he is receiving a higher rate under these Regulations.

*Disablement on or after retirement, etc.*

1A. If an officer on or after demobilisation, or on or after discharge or retirement, or relinquishing his commission or warrant, or transfer to or reversion to the Reserve List, otherwise than for misconduct or in circumstances which do not, in the opinion of the Minister, justify the award, is certified to be disabled by wounds, injuries or disease attributable to or aggravated by naval or military service during the war, such disablement not having been caused or aggravated by his serious negligence or misconduct, he may be granted retired pay or gratuity under Article 1 or 8 of these Regulations, with effect from the date from which his claim is established: Provided that, if the officer is one to whom proviso (1) of Article 1 would be applicable, he may be granted:

- (a) the benefit of proviso (1) of Article 1 only if he is pronounced to have been permanently unfit for general service on his retirement; or
- (b) if he is not so pronounced and did not retire on account of age, the retired pay or gratuity for which he is eligible under Section IX of Schedule V to the said Order in Council of 22nd January 1920, with an addition as in column (5) or (6) of Schedule 1 to the Order in Council of 29th

September 1917 aforesaid, as the case may be, provided that in case of voluntary retirement application to retire was made before 1st April 1921.

*Retired pay to be temporary at outset*

1B. Except in those cases where the disablement has reached its final condition, a grant of retired pay shall be temporary at the rate appropriate to the temporary disablement, and the grant shall be reviewed from time to time until a permanent assessment can be made or the grant ceases.

*Alternative retired pay*

3.—(1) An officer in receipt of retired pay under Article 1 of these Regulations, or of a wounds pension in lieu thereof, whose pre-war earnings (excluding any addition thereto under paragraph (b) of Article 23(5)) exceeded £112 a year if a commissioned officer from warrant rank, or £95 a year if a warrant officer, and who, within one year from 2nd July 1920, or one year after the notification to him of the first award of retired pay under Article 1, whichever is the later date, shall make application in the prescribed manner for alternative retired pay, and who proves to the satisfaction of the Minister the amount of his pre-war earnings, and shows that his retired pay, together with any children's allowances and wounds pension of which he is in receipt, and together with the average earnings of which he remains capable, is less than his proved pre-war earnings, may be granted alternative retired pay in lieu of retired pay or such pay, allowances and wounds pension.

Alternative retired pay may be granted temporarily or permanently, and shall be of an amount which, together with any wounds pension of which the officer is in receipt and together with the average earnings (if any) of which he is judged capable, shall not exceed his pre-war earnings up to £260 a year plus half any pre-war earnings between £260 and £340 a year: provided that—

- (a) in assessing the average earnings (if any) of which an officer remains capable any decrease thereof not due to the disablement for which the officer is in receipt of retired pay or wounds pension shall be disregarded, and the refusal or neglect to undergo any course of treatment or training which in the opinion of the Minister would materially increase the officer's earning capacity may be taken into account; and
- (b) where owing to physical incapacity or other cause over which the officer had no control he has been unable to make due application within the time above specified the Minister may, in his discretion, extend such time.

(2) Alternative retired pay shall be payable as from the date from which the claim thereto is established.

(3) Where, in the opinion of the Minister, it may become necessary to secure the proper care of a child of an officer in receipt of alternative retired pay, the Minister may deduct from the alternative retired pay such sum as he may deem sufficient for the maintenance of such child, and may administer the same under such conditions as he may determine.

*Permanent awards to disabled officers*

4.—(1) When permanent retired pay has been granted it shall not be altered on account of any change in the officer's earning capacity, whether resulting from training or other cause, neither shall it be subject to review except—

- (a) when an officer whose retired pay is assessed under Article 1 of these Regulations claims that there has been a substantial increase in the extent of the disablement due to the original cause;
- (b) when an officer whose retired pay is assessed under Article 1 of these Regulations, and who has duly proved his pre-war earnings as provided by Article 3 shows that it would be more advantageous to him to be assessed under that Article; or
- (c) under the following paragraph.

*Review of retired pay*

(2) The Minister may at any time order the review of any retired pay in any case where—

- (a) retired pay has, by error in interpretation or fact, been granted to a disabled officer in excess of the amount appropriate to the degree of his disablement;
- (b) the Minister has reason to believe that retired pay has been obtained by any improper means; or

(c) retired pay has been granted by error.

*Gratuities for minor disablements*

8. In any case where the degree of disablement is assessed at less than 20 per cent. a gratuity or temporary allowance may be granted in place of any retired pay under these Regulations. The grant will be subject to such conditions as the Minister may determine and its amount will depend on the nature of the disablement and other circumstances of the case.

PART II

*Widows and other Relatives of Officers Deceased*

*Pensions to officers' widows*

11. The widow of an officer may be granted—

(1) if the officer is killed in action or otherwise than through his serious negligence or misconduct,

(a) suffers violent death due directly and wholly to war service, or is killed or dies of injuries sustained on flying duty or while being carried on duty in aircraft under proper authority, or is drowned while on duty, or dies as a result of the destruction of ship, or dies within 7 years from wounds or injuries so received, or

(b) dies of disease certified as contracted or commencing while on duty or having been aggravated by naval or military service within 7 years after having been removed from duty on account of such disease, or

(c) dies of injuries attributable to naval or military service other than under paragraph (1)(a) of this Article, within 7 years after having been removed from duty on account of such injuries, or

(d) not having been removed from duty for the disability, dies of a wound or injury within 7 years of its receipt, or of a disease within 7 years of the termination of his active service during the war: provided that a claim has been made and admitted in respect of such disability under Article 1 or 8 of these Regulations, and that such disability is certified as attributable to or aggravated by naval or military service; or (if no such claim has been made and admitted) that, a continuous medical history thereof being shewn from the termination of such active service, the disability is certified as attributable to or aggravated by naval or military service,

a pension as in column (2) of Table 1B of Schedule 4 to the 1964 Order;

*Gratuities to officers' widows*

(2) if the officer is killed in action or dies in the circumstances referred to in paragraph (1)(a) of this Article, a gratuity, in addition to pension, as in column (3) of the Table in Schedule 5 to the 1964 Order, provided that, where it would be more favourable to her, the amount of the gratuity shall be equal to a year's full pay of the rank which the officer held on 31st March 1917, and for this purpose any full-pay allowances shall be included.

*Children's allowances to officers' widows*

12.—(2) If an officer is killed in action or dies in the circumstances referred to in Article 11(1)(a) a gratuity of one-third of the amount laid down in Article 11(2) may be granted, in addition to children's allowance, for each child.

*Alternative pension to widows*

13.—(1) A widow who—

(a) is over 40 years of age or has a child eligible for an allowance under Article 37 of the 1964 Order,

(b) is in receipt of a pension under Article 11 of these Regulations, and

(c) makes application and shows that she was married to the officer before the commencement of the war or of his naval or military service, whichever was the later, and that her pension under Article 11 with any children's allowances or pension under the said Article 37 is, or eventually may be, less than two-thirds of the alternative retired pay that might have been awarded to her husband under Article 3 had he survived and been incapable of supplementing that retired pay by earnings,

may be granted, in lieu of such pension and such children's allowances and pension, an alternative pension (which shall not exceed two-thirds of such



alternative retired pay) up to a maximum of £200 a year: provided—

- (i) that application shall be made in the prescribed manner within one year from 2nd July 1920, or one year after notification to the widow of the award of pension under Article 11, whichever is the later;
- (ii) that such widow's pension under Article 11 (together with any such children's allowances and pension) shall, if greater than the alternative pension assessed under this paragraph, continue until it becomes less than the alternative pension;
- (iii) that if a widow to whom an alternative pension has been granted under this paragraph ceases to be eligible for a pension under this paragraph, but would be eligible for a pension under paragraph (2) of this Article, her alternative pension shall cease to be calculated under this paragraph and shall be thenceforth calculated under that paragraph; and
- (iv) that the provision in Article 3(3) of these Regulations to secure the proper care of a child shall apply in the case of any pension awarded under this paragraph.

(2) A widow who—

- (a) is not over 40 years of age and has no child eligible for an allowance under Article 37 of the 1964 Order,
- (b) is in receipt of a pension under Article 11, and
- (c) makes application and shows that she was married to the officer before the commencement of the war or of his naval or military service, whichever was the later, and that her pension under Article 11 with any pension under the said Article 37 in respect of the officer is, or eventually may be, less than one-half of the alternative retired pay that might have been awarded to her husband under Article 3 had he survived and been incapable of supplementing that retired pay by earnings,

may be granted, in lieu of such pension, an alternative pension (which shall not exceed one-half of such alternative retired pay) up to a maximum of £150 a year: provided—

- (i) that application shall be made in the prescribed manner within one year from 2nd July 1920, or one year after the notification to the widow of the award of pension under Article 11, whichever is the later;
  - (ii) that such widow's pension under Article 11 (together with any pension under the said Article 37) shall, if greater than the alternative pension assessed under this paragraph, continue until it becomes less than the alternative pension; and
  - (iii) that when the widow reaches the age of 40 the alternative pension may be raised from one-half to such alternative retired pay to two-thirds thereof up to a maximum of £200 a year.
- (3) If the officer's pre-war earnings (exclusive of the addition under Article 23(5)(b)), were less than £112 a year in the case of an officer commissioner from warrant rank, or £95 a year in the case of a warrant officer, his pre-war earnings (inclusive of such addition) may be substituted for the alternative retired pay in the preceding paragraphs of this Article.

(4) Any pension under Article 37 of the 1964 Order shall be deducted from a widow's alternative pension.

#### *Gratuity to widow where death is not attributable*

14. The widow of an officer not eligible for pension under Article 11 may be granted a gratuity of not less than one and not more than 3 years' pay of the appointment held by the officer: provided that—

- (a) the officer dies during the war, while on full pay, or, after removal from full pay from the injury or disease for which he was removed from full pay or some closely connected disease and there is a continuous medical history of sickness; and
- (b) the widow is disqualified only through the insufficiency of the officer's service for an ordinary pension under the terms of the King's Regulations and Admiralty Instructions.

The amount of the gratuity, within the above limits, shall be at the discretion of the Minister,

and may be paid in a lump sum or in instalments as he may determine. In the event of the officer leaving motherless children, a similar grant may be made to them under such conditions as the Minister may determine.

#### *Motherless children*

17.—(3) A child granted a pension under Article 37 of the 1964 Order shall be eligible for a gratuity under the conditions of Article 12(2).

#### *General conditions for pensions to officers' relatives*

18. The following conditions shall apply to the grant or continuance of pensions to the relatives, other than widows and children, of deceased officers under Articles 19 and 21 below:—

(1) it shall be granted only if the officer dies in the circumstances set forth in Article 11 of these Regulations;

(2) it shall be granted or continued only if the pecuniary and other circumstances of the relative are such as, in the opinion of the Minister, to justify the award;

(3) subject to the provisions of paragraph (2) of the following Article, it shall not exceed the appropriate rate specified in column (2) of Table 3 of Schedule 4 to the 1964 Order;

(4) it shall not be transferable; except that where it is granted to one of two parents, or to two or more sisters or brothers, it may be continued wholly or in part to the survivor or survivors, and that where it has been granted to a parent it may on the death of such parent be continued, wholly or in part, to a sister who is otherwise eligible for a pension in respect of the deceased officer.

#### *Pensions to officers' parents*

19.—(1) A pension may be granted to the parent or parents of an officer of such an amount as the Minister may decide, subject to the conditions of Article 18 and such other conditions as he may determine, regard being had to pre-war dependence, if any, and to the age or infirmity of the parent or parents.

(2) A pension may be granted in respect of each son who has died in the circumstances set forth in Article 11, subject to such conditions and limits as the Minister may determine.

#### *Gratuities to parents*

20. A gratuity not exceeding the value of one year's pension such as is mentioned in Article 18(3) may be granted to the parent or parents jointly of an officer, at the discretion of the Minister, in special cases where the conditions for pensions laid down in the two preceding Articles are not fulfilled.

#### *Pensions to officers' sisters or brothers*

21.—(1) A pension may be granted to the sister or brother (or sisters or brothers) of an officer, provided they were wholly or partially dependent on him for support. The pension shall be of such an amount as the Minister may decide, subject to the conditions of Article 18 and such other conditions as he may determine, and shall not be granted or continued to a brother after the age of 18, or to a sister after the age of 21, unless he or she is unfitted by age or infirmity to earn his or her living.

(2) A pension under the same conditions may be granted in respect of each brother who has died in the circumstances set forth in Article 11, subject to the limit laid down in Article 18(3).

#### *Gratuities to officers' sisters or brothers*

22. A gratuity not exceeding one-half the value of one year's pension such as is mentioned in Article 18(3) may, at the discretion of the Minister, be granted to the sisters or brothers jointly in special cases where the conditions for pensions laid down in Articles 18 and 21 are not fulfilled.

### PART III

#### *General Provisions*

##### *Definitions*

23. In these Regulations, unless the context otherwise requires:—

##### *Officer*

(1) "Officer" means a commissioned officer from warrant rank or a warrant officer (except a warrant officer, Class II, of the Royal Marines), on the

permanent or temporary, or supplementary lists of the Royal Navy, Royal Marines, or Royal Naval Reserve, or a Divisional Chief Officer or Chief Officer of Coast Guard, who has served and been in receipt of naval pay as such during some period of the war.

**Widow**

(2) "Widow" means the widow of any officer, but shall not include a widow who was separated from her husband or whose marriage took place after the end of the war, or after the termination of his active service during the war, or after the receipt of the wound or injury which caused his death, or after his removal from duty on account of the contraction or aggravation of the disease which caused his death: provided always that the widow of a permanent regular officer married after such date (but not later than 2nd July 1920), shall not be disqualified if the officer survives his marriage by at least one year, or it can be shown that he was manifestly in good health at the date of his marriage.

**Child**

(3) "Child" means the legitimate child of an officer born before or within 9 months after his demobilisation, retirement, relinquishment of his commission or warrant, or reversion to the Retired or Reserve List, and may include a stepchild regularly maintained by him; but shall not include a child whose mother is excluded by (2) above by reason of the date of her marriage.

**Parent**

(4) "Parent" includes a grandparent or other person who has been in the place of a parent to an officer, and has wholly or mainly supported him for not less than one year at some time before the commencement of the war.

**Pre-war earnings**

(5)—(a) "Pre-war earnings" means in the case of an officer who was in employment under a contract of service the average earnings during the 12 months immediately preceding the outbreak of the war. Average earnings shall be computed generally in such manner as is best calculated to give the rate at which the officer was being remunerated, and, so far as may be applicable, in accordance with the provisions of the Workmen's Compensation Act 1906: provided that where in the course of such 12 months there was a change in the officer's rate of remuneration, and such change was not of a temporary but of a reasonably permanent nature, then the average earnings shall be calculated on the officer's earnings during the period since such change in his remuneration, or since the last of such changes if there were more than one. In the case of an officer in a trade, business or profession the average profits of the last 3 years preceding the commencement of the war shall be taken, or of such lesser period as he engaged therein.

(b) In computing the average earnings or average profits of an officer an addition of 60 per cent. may be made to any such earnings or profits.

**Pre-war dependence**

(6) "Pre-war dependence" means the amount representing the annual value of the support afforded to or of benefits conferred upon a relative by an officer for a reasonable period immediately preceding the commencement of the war, or of his naval or military service, if later, exclusive, however, of any increase thereof due to circumstances arising out of the war in the case of entry into service or becoming an officer subsequent to the commencement of the war, and shall include the following—

- (a) amount regularly contributed by the officer if he received no material benefits in return therefor;
- (b) amount regularly contributed by the officer in excess of expenditure incurred on his account;
- (c) money value of any benefit conferred upon the relative by the officer.

**Certified**

(7) "Certified" means, in respect of any medical certification, certified by a medical officer or Board of medical officers appointed for the purpose by the Admiralty at the request of the Minister or by the Minister.

**The 1964 Order**

(8) "The 1964 Order" means the Order in Council of 25th September 1964.

**Wounds pension**

(9) "Wounds pension" includes wounds gratuity.

**The Great War**

(10) "The Great War" and "the war" shall have the same meaning as the expression "the present war" in the War Pensions Acts 1915 to 1920.

(11) An injury or disease shall not be deemed to be "aggravated" by naval or military service, unless it was sustained or contracted before the date of mobilisation (or entry into service or becoming an officer, if later), and was and remains worsened by such service, or having been sustained or contracted during such naval or military service, was and remains worsened thereby; and "aggravation" shall bear a corresponding meaning.

(12) "Removal from duty" means the first authorised absence from duty during the war and "removed from duty" shall bear a corresponding meaning.

**Temporary and acting rank**

26.—(1) The rate of retired pay, pension or gratuity granted under Table 1A of Schedule 2 or Table 1 or 3 of Schedule 4 or Schedule 5 to the 1964 Order, or under Article 1(4)(a), as the case may be, may be determined according to the paid temporary, acting or local rank held by the officer at the time he was killed, wounded, injured or removed from duty in consequence of disablement.

**Relative rank**

(2) Any existing Regulations as to the relative or corresponding rank which should govern the rate of retired pay for a disabled officer or pension for the widow or relative of a deceased officer shall remain in force and be applicable to grants made under these Regulations.

**Suspension of retired pay**

27. In special circumstances, to be determined by the Minister, the retired pay granted to an officer or any portion of it, may be suspended or withheld.

**Regulations retained in operation**

28. Except as modified by these Regulations, any general conditions governing the grant, issue, and administration of retired pay to officers and of pensions to their families laid down in Orders in Council and King's Regulations and Admiralty Instructions issued by the Lords Commissioners of the Admiralty shall remain in force and be applicable to grants made under these Regulations.

**Interpretation and administration**

29. The Minister shall, subject to the provisions of the War Pensions Acts 1915 to 1920, be the sole administrator and interpreter of these Regulations, and shall be empowered to issue such detailed instructions in reference thereto as he may from time to time deem necessary.

SCHEDULE 5

PROVISIONS SUBJECT TO WHICH THESE REGULATIONS ARE TO BE READ

**A.—Date from which certain portions of the Regulations apply**

| Portions of the Regulations  | Date of Application |
|--|---------------------|
| Article 1A ... The words "or in circumstances which do not, in the opinion of the Minister, justify the award" | 1st April 1917      |
| Article 19(2) ... The whole ...  | 29th August 1919    |
| Article 23(5)(a) The words from "provided that" down to "more than one"  | 7th March 1919      |

**B.—Retrospective Application of Amendments of the Regulations annexed to the Order in Council dated 29th September 1917.**

(1) As from 1st May 1918, Article 13 of the Regulations annexed to the Order in Council dated 29th September 1917 shall be read as though "Two-thirds" was substituted for "one-half".

(2) As from 1st April 1919, Article 23(1) of those Regulations shall be read as though the definition of "officer of warrant rank" included a Warrant Officer, Class 1, of Royal Marines, and a Schoolmaster.

SCHEDULE 9  
ORDERS REVOKED

| Description of Order  | Date                |
|---|---------------------|
| Order in Council concerning Retired Pay, Pensions and other grants for members of the naval forces and of the Nursing and Auxiliary Services thereof disabled, and for the Widows, Children, Parents and other dependants of such Members deceased, in consequence of Service after 2nd September 1939. | 29th September 1949 |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 28th October 1949   |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 31st May 1951       |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 29th April 1952     |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 18th July 1952      |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 28th May 1953       |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 5th January 1955    |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 29th June 1956      |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 24th January 1957   |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 27th November 1957  |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 13th May 1959       |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 8th April 1960      |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 21st December 1960  |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 25th September 1961 |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 27th June 1962      |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 19th December 1962  |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 20th February 1963  |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 27th November 1963  |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 26th February 1964  |
| Order in Council concerning Retired Pay, Pensions and other grants for Officers, Nurses and Ratings disabled, and for the Widows and Children of Officers and Ratings deceased, in consequence of Service during the 1914 World War.  | 29th September 1949 |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 28th October 1949   |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 31st March 1950     |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 31st May 1951       |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 29th April 1952     |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 18th July 1952      |
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| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 5th January 1955    |
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| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 27th November 1957  |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 13th May 1959       |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 8th April 1960      |
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| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 27th November 1963  |
| Order in Council to amend the Order in Council of 29th September 1949 ... ..  | 26th February 1964  |

EXPLANATORY NOTE

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

This Order consolidates the Order of 29th September 1949, which relates to pensions and other awards in respect of disablement or death due to service in the naval forces since 2nd September 1939, and subsequent amending Orders.

This Order also incorporates, in their presently amended form, certain provisions of the Orders of 11th June 1920 and 9th March 1921 remaining in current use and all the provisions of the Order of 29th September 1949, which relate to pensions and other awards in respect of disablement or death due to service in the naval forces in the 1914 World War. The provisions of the 1920 and 1921 Orders which are not incorporated in this Order are for convenience set out in Schedule 8, Part III.

The provisions of Orders superseded by this Order (which are listed in Schedule 8, Part II and Schedule 9) are revoked. No amendments, other than those of a drafting nature or those designed to remove minor doubt and inconsistencies, have been made.

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