

#### 14. Conditions relating to Marriage

(a) To be eligible for a pension, a widow must have been married to the Officer, R.N. rating or R.M. other rank before his retirement or discharge; or, if he subsequently gave further service in circumstances rendering him eligible for re-assessment of retired pay or pension, before the termination of such further service.

(b) If the death of the Officer, R.N. rating or R.M. other rank occurred within a year of his marriage, the Defence Council, in the light of the circumstances of the case, may withhold or reduce the award otherwise admissible.

#### 15. Effect of Separation on Widow's Pension and Gratuity

Subject to any exception which the Defence Council may approve in a particular case, an award will not be made to a widow who was separated from her husband at the time of his death. Should such an exception be approved, the award will be at such a rate, and subject to such conditions, as the Defence Council may determine.

#### 16. Withholding or Diversion of Pension

In exceptional circumstances the Defence Council may withhold the whole or any part of a pension granted under this Schedule and may divert the whole or part for the benefit of persons dependent on the pensioner.

#### 17. Date of Commencement of Pension

The date of commencement of pension will be determined according to the circumstances of the case and will normally, if application is not unduly delayed, be the date following the husband's death; or, if death occurred during service, the date following the termination of allowances issuable after death.

#### 18. Related Claims

If a widow dies before establishing her claim to pension, arrears of pension will not, save in exceptional circumstances, be allowed to her estate.

#### 19. Re-marriage

The pension of a widow who re-marries will be suspended, but if she again becomes a widow her pension may be restored in whole or in part at the discretion of the Defence Council, if her pecuniary circumstances justify such restoration.

#### 20. Children

(a) A "child" for the purposes of the award of a pension under this Schedule means:

(i) A legitimate child of the Officer, R.N. rating, or R.M. other rank provided that the child's mother fulfilled the conditions relating to marriage contained in Clause 14 of this Schedule; or

(ii) a step-child of the Officer, R.N. rating, or R.M. other rank who was mainly dependent on him at the time of his death, provided that the child's mother fulfilled the conditions relating to marriage contained in Clause 14 of this Schedule; or

(iii) a child adopted by the Officer, R.N. rating or R.M. other rank, or by his wife, before his retirement or discharge (or, if he subsequently gave further service in circumstances rendering him eligible for a re-assessment of retired pay or service pension, before the termination of such further service), who was mainly dependent upon him at the time of his death, and provided that the child's mother by adoption fulfilled the conditions relating to marriage contained in Clause 14 of this Schedule; or

(iv) a child mainly dependent upon the Officer, R.N. rating, or R.M. other rank before his retirement or discharge (or, if he subsequently gave further service in circumstances rendering him eligible for re-assessment of retired pay or service pension, before the termination of such further service), who was adopted by the Officer, R.N. rating or R.M. other rank, or by his wife after his retirement or discharge (or after the termination of such further service), provided that the Defence Council is satisfied that the Officer, R.N. rating or R.M. other rank had formed the intention of adopting the child before retirement or discharge (or before the termination of such further service) and that the child was mainly dependent upon him at the time of his death, and provided that the child's mother by adoption fulfilled the conditions re-

lating to marriage contained in Clause 14 of this Schedule; or

(v) an illegitimate child of the Officer, R.N. rating or R.M. other rank, or of his wife, born before his retirement or discharge (or, if he subsequently gave further service in circumstances rendering him eligible for re-assessment of retired pay or service pension, before the termination of such further service), who was mainly dependent upon him at the time of his death, and provided that, where the child is the illegitimate child of the wife, the wife fulfilled the conditions relating to marriage contained in Clause 14 of this Schedule.

(b) A child's pension will normally cease when the child attains the age of 18 years in the case of the child of an Officer or a Regimental Sergeant Major, Royal Marines, or the age of 16 years in the case of all other ratings and ranks, but may be granted or continued after those ages:

(i) if the child continues to receive full-time education, or is an apprentice not receiving more than nominal wages; or

(ii) if, before attaining the age referred to above the child was, and continues to be afflicted by mental or bodily infirmity and is therefore incapable of earning his or her own living, provided the Defence Council considers that the pecuniary circumstances of the child and family are such as to justify the award.

(c) Children's pensions will be paid to the widow or mother of the child, or other person responsible for the child's maintenance, or to the child direct, as may be decided by the Defence Council.

(d) Pensions of children of Officers and of Regimental Sergeant Majors, Royal Marines, may be issued annually in advance, with effect from 1st April in each year.

#### 21. Commutation of Retired Pay

The widow and children of an Officer who commuted a portion of his retired pay under the Pensions Commutation Acts of 1871 to 1882, or of a RN rating or RM other rank who has commuted part of his pension shall not thereby be deprived of entitlement to pension under this Schedule, but the award to the widow of an Officer whose marriage took place after commutation, a legitimate or illegitimate child born after commutation, a step-child eligible by virtue of a marriage after commutation, or a child adopted after commutation, shall be reduced by a proportion corresponding to the proportion of retired pay commuted.

#### SECTION IV

##### *Gratuities to Widows and Children on the Death of Serving Officers, RN Ratings and RM Other Ranks*

22. (a) The provisions of this section apply to the widows and children of Officers and RN ratings and RM other ranks who die while serving on full pay on or after 1st February 1966.

(b) All awards under this section will be governed by the general conditions set out in Section III as applicable.

23. Where a permanent Officer or a short service Officer dies while serving on full pay on the Active List, his widow may be granted a gratuity as follows:

(i) If, had the Officer been invalided, he would have been eligible for a terminal grant, a gratuity equal to nine-tenths of the terminal grant to which he would have been entitled had he been invalided on the day of his death.

(ii) In other cases a gratuity on the following scale for each year which would have been counted for service gratuity as an Officer.

Less than 4 years' service ... ..	£325
4 years' service ... ..	£425
5 years' service ... ..	£525
6 years' service ... ..	£625
7 years' service ... ..	£730
8 years' service ... ..	£840
9 years' service ... ..	£950

Thence by increments of £110 for each additional year of service which would have been counted for service gratuity.

24. Where a RN rating or RM other rank dies while serving on full pay on a regular engagement his widow may be granted a gratuity as follows:

(i) If, had he been invalided, he would have been eligible for a terminal grant, a gratuity equal