

(c) the separation was caused by the husband's mental instability due to the disability in respect of which he is granted his disablement pension.

(2) "Child" in relation to a member of the naval forces, means—

- (a) a legitimate child of the member;
- (b) a legitimated child of the member;
- (c) an illegitimate child of the member, who did not become legitimated upon the marriage of the member to the child's mother;
- (d) an illegitimate child of the member to whom sub-clauses (c) and (g) of this clause do not apply, who was born before or within nine months after the date on which the member sustained the wound or injury, or the date on which he was removed from duty on account of the disease in respect of which his disablement pension is granted, and who has been regularly maintained in whole or in part by the member up to the date of any award or renewal of his disablement pension, or is subject to an affiliation order in force against the member;
- (e) a step-child of the member who is being regularly maintained in whole or part by him;
- (f) a legally adopted child of the member;
- (g) a foster child, that is to say a child who:—
  - (i) was being brought up and wholly or mainly maintained by the member on the date on which he sustained the wound or injury, or was removed from duty on account of the disease, in respect of which his disablement pension was granted, and
  - (ii) had been brought up and wholly or mainly maintained by the member for not less than six months (or such less period as the Ministry of Defence may determine in the exceptional circumstances of any case) prior to the date on which the member's service terminated, and
  - (iii) has been so maintained by the member up to the date of any award or renewal of his disablement pension.

c. The expressions "removed from duty" or "removal from duty" shall be interpreted with reference to the date of the first removal from duty on account of the disease upon which the claim in respect of disablement is based, provided that if, as the result of service subsequent to the date of receipt of the wound or injury or of removal from duty, not being service after the 2nd September 1939, the member suffered material aggravation of his disability, the date of removal from duty shall be that of the later removal on account of the disability; or, if there was no such removal, the date of termination of full pay service of the member.

d. Family addition to disablement pension in respect of a child shall normally terminate when the child attains the age of 18 years in the case of an officer or at the age of 16 years in any other case, but, subject to the production of satisfactory evidence the allowance may be made or continued in respect of a child who has attained the child's age limit when that child—

- (1) is a student, receiving full-time instruction at a university, college, secondary school, technical school or any other establishment, which, in the opinion of the Ministry of Defence, is a comparable educational establishment; or
- (2) is an apprentice receiving not more than nominal wages; or
- (3) is incapable of self-support by reason of an infirmity which arose before he or she attained the child's age limit.

e. Family additions to disablement pension in respect of an individual may be withheld if in the opinion of the Ministry of Defence the circumstances are not such as to justify a grant.

f. Where an individual in respect of whom family addition to disablement pension is admissible is not residing with the member, the addition may, at the discretion of the Ministry of Defence, be granted independently, for the benefit of that individual, to some person other than the member.

#### 4. Education Allowances

A member of the naval forces who is in receipt or retired pay or a pension under Clause 1 may be awarded an allowance in respect of a child (including a child to whom Clause 9c(4) applies) for the purpose of the education of that child 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 Ministry of Defence is satisfied that the type of education which the child is receiving, or is to receive, is suitable for the child.

The amount of any allowance under this Clause shall be determined by the Ministry of Defence but the total payments made in respect of any period of twelve months shall not exceed £120 in respect of any one child.

#### 5. Allowances for Constant Attendance

Where a member of the naval forces is in receipt of retired pay or a pension under Clause 1 in respect of disablement the degree of which is not less than 80 per cent., and it is shown to the satisfaction of the Ministry of Defence that constant attendance on the member is necessary on account of the disablement, he may be awarded an allowance at a rate not exceeding £156 a year in the case of an officer or 60s. a week in the case of a rating.

Provided that in an exceptional case of very severe disablement the allowance may, subject to such conditions as the Ministry of Defence may determine, be increased to a rate not exceeding £312 a year in the case of an officer or 120s. a week in the case of a rating.

#### 6. Exceptionally Severe Disablement Allowance

Where the disablement of a member of the naval forces is, and in the opinion of the Ministry of Defence is likely permanently to remain, such that he is, or if he were not in a hospital or other institution would be, in receipt of an allowance for constant attendance at a rate increased under the proviso to Clause 5, he may be awarded an allowance at the rate of £156 a year in the case of an officer or 60s. a week in the case of a rating.

#### 7. Severe Disablement Occupational Allowance

Where a member of the naval forces is in receipt of an allowance for constant attendance at a rate increased under the proviso to Clause 5, or would be in receipt of such an allowance if he were not in a hospital or other institution, he may for any period during which he is, in the opinion of the Ministry of Defence, ordinarily employed in a gainful occupation, be awarded an allowance at the rate of £52 a year in the case of an officer, or 20s. a week in any other case.

Provided that no allowance shall be payable under this Clause to a member for any period in respect of which he is:—

- a eligible for an award under Clause 9b.
- b in receipt of any such benefit as is mentioned in Clause 13g, or a treatment allowance increased under d. of that Clause.

#### 8. Allowances for Wear and Tear of Clothing

a. Where a member of the naval forces who is in receipt of retired pay or a pension under Clause 1 in respect of an amputation regularly wears an artificial limb, he may be awarded an allowance in respect of wear and tear of clothing at whichever of the following rates is applicable:—

- (1) where he wears a single artificial limb (other than a tilting table limb), £9 0s. a year; or
- (2) where he wears a tilting table limb or more than one artificial limb, £14 0s. a year.

b. In any other case in which the Ministry of Defence is satisfied that as a result of the pensioned disablement there is exceptional wear and tear of the member's clothing, an allowance not exceeding £14 0s. a year may be awarded.

#### 9. Allowances for Unemployable Pensioners

##### a. Eligibility

Where a member of the naval forces is in receipt of retired pay or a pension under Clause 1 in respect of disablement so serious as to make him unemployable, he may be awarded allowances in accordance with such of the provisions of this Clause as may be appropriate in his case:

##### PROVIDED THAT—

- (1) such a member may be deemed to be unemployable although in receipt of earnings