

At the Court at Buckingham Palace the 29th Day of May 1970

PRESENT

The QUEEN'S Most Excellent Majesty in Council

Whereas by Order in Council dated 22nd March 1968 and previous Orders in Council authority was given for the payment of awards to members of the naval forces in respect of disablement attributable to peace-time service before 3rd September 1939 at similar rates and subject to similar conditions as awards payable by the Department of Health and Social Security in respect of disablement attributable to service during the 1914 World War or after 2nd September 1939:

And whereas the Department of Health and Social Security have made further provision concerning disability retired pay, pensions and other grants payable to members of the naval forces:

And whereas it is expedient that corresponding improvements should be made in the disablement awards payable by the Ministry of Defence to members of the naval forces:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 11 of the Naval and Marine Pay and Pensions Act 1865, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Naval and Marine Pay and Pensions (Disablement Awards) Order 1970.

2. Awards as set out in the Schedules to this Order shall be payable to officers and men of the Royal Navy and Royal Marines in respect of disablement which on retirement or discharge or subsequently is certified to be attributable to service before the 1914 World War or during the period 1st October 1921 to 2nd September 1939 inclusive, provided that in the case of disablement attributable to disease the claim shall be made within 7 years of retirement or discharge.

3. The rates and conditions of award shall take effect from 5th November 1969 in the case of ratings and marines paid quarterly and from 1st November 1969 in all other cases. The rates shown in new currency in brackets will come into operation on 15th February 1971 as provided for by the Decimal Currency Act 1967.

4. The date of commencement of pension shall be determined according to the circumstances of the case but payment shall not normally be made in respect of any period preceding the date of 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.

W. G. Agnew

SCHEDULE I

AWARDS IN RESPECT OF DISABLEMENT

1. Pensions for Disablement

(a) A member of the naval forces, the degree of whose disablement is not less than 20 per cent, may be awarded at Ministry of Defence discretion retired pay or a pension at whichever of the rates set out in the Tables in the Schedule is appropriate to his rank or status and the degree of his disablement.

(b) Where a pension is awarded to or in respect of a member for any past period on which benefit has been paid to or in respect of that member under the National Insurance Acts 1965 to 1968 or the National Insurance (Industrial Injuries) Acts 1965 to 1968, or under the Ministry of Social Security Act 1966 (a) by reference to the requirements of the person to whom the award is made, or under any corresponding legislation in Northern Ireland or the Isle of Man, the pension awarded may be abated by the amount by which the amount of the benefit actually paid exceeds what would have been payable for that period had the pension been concurrently payable.

2. Gratuities

A member of the naval forces, the degree of whose disablement is less than 20 per cent, may be awarded a gratuity in accordance with the appropriate Table in the Schedule.

3. Allowances for Eligible Members of the Family

(a) Where a member of the naval forces is awarded retired pay or a pension under Clause 1, allowances in respect of eligible members of the family may be awarded at such proportion of the rates set out in the following table as corresponds to the degree of the disablement on which the retired pay or pension is based:

TABLE

Eligible Member of the Family	Rate for 100 per cent disablement			
	Officers (Yearly Rate)		Ratings (Weekly Rate)	
	£	s.	d.	£ p.
(1) Wife	36	10	0	(0.50)
(2) Children:				
(a) If an allowance under (1) is in issue:				
each child	30	7	6	(0.37½)
(b) If no allowance under (1) is in issue:				
first child	36	10	0	(0.50)
each other child	30	7	6	(0.37½)

(b) The special conditions governing the grant of these family allowances shall be as follows:

(1) For a wife—if she is living apart from her husband, family element shall not be allowable in respect of her, unless—

- (a) she was being regularly maintained in whole or in part by her husband up to the date of any award or renewal of his disablement pension, and/or
- (b) she is entitled to support under a separation or maintenance order, or
- (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;