

**8. Education Allowance**

In addition to an allowance under Clauses 5, 6 or 7 an allowance not exceeding £120·00 a year may be granted for the purpose of the child's education, provided:

- (a) the child has reached the age of 5 years,
- (b) the circumstances of the family are such as to require it, and
- (c) in the opinion of the Defence Council the type of education which the child is receiving or is to receive is suitable for the child.

**9. Parents**

(a) If the death of an officer, seaman or marine is accepted as attributable to Service, his parent or parents may be granted an allowance subject to such conditions as the Defence Council may determine, provided that:

- (1) he did not leave a widow or eligible child, and
- (2) that the parent or parents are 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. In determining whether an award shall be made, account will be taken of the extent to which the serviceman was supporting his parents at the time of his death, and the extent to which, if he had not died, he would have been likely, in the opinion of the Defence Council, to support them.

(b) The rate of allowance shall be at the discretion of the Defence Council but shall not exceed:

In the case of officers the greater of either:

- (1) the ordinary rate of widow's pension under the Regulations in force on 25th September 1949, or
- (2)(i) where there are two parents, £100·00 a year for Commissioned Officers (including Senior Commissioned Officers (Branch List)) or £85·00 a year for Commissioned Officers (Branch List) other than Senior Commissioned Officers, or
- (ii) in single parent cases, the maximum rates are £75·00 and £60·00 a year.

Provided that, in exceptional cases, the rate of the pension may be increased in excess of the rates given in sub-paragraph (b)(2) above by a sum not exceeding £20·00 a year.

In the case of ratings and marines the rate shall not exceed £1·38 a week where there are two parents and £1·00 a week in single parent cases.

Provided that, in exceptional cases, this rate may be increased by a sum not exceeding £0·62 a week where there are two parents and £0·38 a week in single parent cases.

(c) A grant shall not be transferable but, if an award has been made to the two parents, payment of the pension may be continued to the survivor at such rate as the Defence Council may determine.

(d) A grant shall cease on the remarriage of the grantee.

## SECTION II

## CONDITIONS GOVERNING THE AWARD

**10. Pension cannot be claimed as a right**

(a) A pension cannot be claimed as a right and will not be granted or continued when the applicant is shown to be living with a man as his wife, nor will it be granted if the service of the officer, rating or marine has not been such as in the opinion of the Defence Council to justify the award.

(b) If the death of an officer, rating or marine, or the wound, injury or disease which resulted in his death was due wholly or in part to his own negligence or misconduct or to any cause within his own control, any grant which might otherwise be made to his widow or other dependants may be withheld or reduced in amount at the discretion of the Defence Council.

(c) If the applicant is granted any other pension or allowance from public funds on account of the service of the deceased, any pension which might otherwise be granted under this Schedule may be withheld or reduced as the Defence Council may determine.

**11. Third Party Compensation**

If an officer, rating or marine is killed or dies in such circumstances that any grant is payable in respect of him under this Order in Council and his widow, child or other dependant relative received compensation from or on behalf of a third party for the act, omission or circumstances which caused the death, any such compensation may be taken into consideration in assessing any grant which might be made under this Order in Council; and if the compensation is received after assessment, it may be taken into consideration and the assessment may be amended or cancelled.

**12. Effect of Separation on Widow's Pension**

Subject to any exception which the Defence Council may approve in a particular case, a pension will not be awarded 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.

**13. 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 date of cessation of the husband's disablement pension.

**14. Belated 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.

**15. Remarriage**

If a widow of a rating or marine who has been granted a pension under these regulations remarries, her pension will cease on the date of her remarriage, but at the discretion of the Defence Council, she may then be granted a gratuity equal to one years pension in full discharge of all claims.

The pension of an officer's widow who remarries shall be suspended from the date following that of her remarriage, but in the event of her again becoming a widow her pension may be restored in whole or in part at the discretion of the Defence Council for such time as she remains a widow, provided that she is otherwise qualified and that her pecuniary circumstances are such as in the opinion of the Defence Council, justify the award. Should she become eligible by remarriage for a pension at a different rate, she may be awarded that which is more to her advantage.

**16. Children**

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

- (1) A legitimate child of the Officer, R.N. rating or R.M. other rank; or
- (2) 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; or
- (3) a child adopted by the Officer, R.N. rating or R.M. other rank; or
- (4) an illegitimate child of the Officer, R.N. rating or R.M. other rank, born before or within nine months after the date on which he 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 was granted, and who was regularly maintained by the officer, rating or other rank up to the date of his death, or who was the subject of an affiliation order which was in force at the date of his death.