

Council for an increase of pension which would otherwise have been inadmissible.

7. The increase to be awarded to Officers who served in certain salaried appointments for which provision is made in Orders in Council dated 13th December 1921 (No. 207\*/CE), 26th May 1925, (No. 114A/CE) and 23rd July 1931 (No. 96/CE) and subsequent amending Orders in Council and whose retired pay includes an addition in respect of service in the salaried appointment, shall be the difference between the award of retired pay, including pension increases, in payment prior to 1st December 1973 and the sum of:

- (a) the service retired pay earned by service on the active list increased in accordance with the general conditions by pension increases, including the increases provided for in this Schedule, applicable to the retired pay code under which this element of retired pay was awarded; plus
  - (b) the additional retired pay earned by service in the salaried appointment increased in accordance with the general conditions of the Pensions (Increase) Act 1971 as amended by the Superannuation Act 1972 applicable to a civil pension commencing on the date of final retirement.
8. The pensions specified in sub-paragraphs 1 (d), (e), (f), (g) and (m) of this Schedule may be increased only by the extent to which a corresponding award under the Superannuation Acts and/or the Principal Civil Service Pension Scheme 1972 would have been increasable under the Pensions (Increase) Act 1971, as amended by the Superannuation Act 1972.

9. Any general condition attaching to the grant or continuance of a pension shall apply also to the grant or continuance of any increase to that pension.

10. References to former Pensions Increase Orders in Council are to all or any of Orders in Council of 13th August 1920 (No. 124/AG), 8th December 1924 (No. 87/AG), 25th June 1925, (No. 117/AG), 1st February 1926, (No. 159/AG), 28th September 1944, (No. 57/PM), 24th January 1945, (S.R. & O. 1945 No. 80), 20th March 1946, (No. 95/PM), 2nd April 1947, (No. 109/PM), 4th September 1952, (No. 73/PM), 3rd June 1954, (No. 19/NP) 9th October 1956 (No. 39/NP), 14th September 1959 (No. 33\*/NP), 17th January 1963, (No. 1\*/NP), 31st January 1966, (No. 14\*NPP), 25th February 1970 (No. 21\*NPP), 16th February 1973 (5\*NPP), and 29th March 1973 (7\*NPP).

11. The expression "pension" in this Schedule includes any award increasable under its provisions, or under the provisions of former Pensions Increase Orders in Council.

At the Court at Buckingham Palace the 14th day of November 1974.

PRESENT,

The QUEEN'S Most Excellent Majesty in Council

Whereas it is expedient to provide for the increase of certain pensions granted in respect of service in Her Majesty's Naval and Marine Forces to correspond, as nearly as may be, with the benefits provided, in the case of civil pensions, by the Pensions (Increase) Act 1971 (1971 c. 56), as amended by the Superannuation Act 1972 (1972 c. 11).

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 3 of the Naval and Marine Pay and Pensions Act 1865 (1865 c. 73), 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:

#### Citation

1. This Order may be cited as the Naval and Marine Pay and Pensions (Pensions Increase) (No. 2) Order 1974.

#### Interpretation

2. The Interpretation Act 1889 (1889 c. 63) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

#### General

3. The provisions contained in the Schedule to this Order shall have effect from 1st December 1974.

N. E. Leigh.

#### SCHEDULE

1. A pension to which this Schedule relates shall be:

- (a) Officers' service retired pay, service invaliding retired pay, service attributable retired pay, compassionate allowances and the service portion of disability retired pay.
- (b) Service retired pay, service invaliding retired pay, service attributable retired pay, and the service portion of disability retired pay of officers of the Women's Royal Naval Service and of Queen Alexandra's Royal Naval Nursing Service and Nursing Service Reserve and of the Naval Nursing Auxiliary Section.
- (c) Men's and women's service pension, service invaliding pension and service attributable pension including elements for rank and age and additions for war service.
- (d) Pensions payable under Order in Council of 23rd May 1952 and previous Orders relating to Riggers and Yardcraft personnel.
- (e) Pensions payable under Order in Council of 20th November 1959 and previous Orders relating to European and Indian members of the Hong Kong Dockyard Police.
- (f) Pensions payable under Order in Council of 20th November 1959 and previous Orders relating to European and Indian (or otherwise Asian) members of the Singapore Dockyard Police.
- (g) Pensions payable under Order in Council of 23rd May 1952 and previous Orders relating to certain Shipwrights.
- (h) Family pensions including Attributable Forces Family Pensions.
- (i) Pensions for distinguished conduct. (Additions to pensions in respect of gallantry awards shall for the purposes of this Order be regarded as forming parts of the pensions to which they are attached).
- (j) Meritorious service annuities payable to Royal Marines when the recipient is also receiving another pension increasable under this Schedule.
- (k) Retired Officers' Naval pensions and good service pensions.
- (l) Any award increased or increasable under Orders in Council of 13th August 1920 or 8th December 1924.
- (m) Pensions payable under Order in Council of 27th February 1961 and previous Orders relating to Officers of the Royal Fleet Auxiliary Service.
- (n) Service retired pay of Officers of the former Royal Indian Navy.
- (o) *Ex-gratia* payments to Officers, R.N. ratings and R.M. other ranks invalidated since 1st August 1969, as a direct result of terrorist activity in Northern Ireland and *ex-gratia* payments to widows and children of those killed since 1st August 1969, as a direct result of terrorist activity in Northern Ireland.

2. A pension to which this Schedule relates may be increased provided either that:—

- (a) the pensioner has attained the age of 55 years or if the pension is a widow's pension; or
- (b) the pensioner, if receiving a pension as a child of a deceased Officer, rating or other rank, has not attained the age of 16 years or, having attained that age, is receiving full time instruction in an educational establishment or is undergoing training for a trade, profession or vocation in circumstances that require him to devote the whole of his time to that training for a period of not less than two years; or
- (c) the pensioner was invalidated from naval service other than re-employed service; or
- (d) the pensioner is a woman with at least one dependant as defined in paragraph 7 hereafter; or
- (e) the pensioner is permanently incapacitated by physical or mental infirmity from engaging in regular full-time employment.

3. Where under former Pensions Increase Orders in Council an increase is not admissible to certain widows unless the widow has attained the age of 40 years this age shall cease to have effect from 1st December 1974.

4. Subject to the provisions of paragraph 5 hereafter the increase shall comprise the appropriate percentage as set out in paragraph 6 hereafter of the retired pay or pension being paid to the pensioner at the time when the increase becomes payable, including any pension increases awarded or for which he may become eligible under former Pensions Increase Orders in Council.

5. (a) In implementing the provisions of paragraph 4 hereof, a fraction of a pound in an annual rate of pension