

(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 1971 or the National Insurance (Industrial Injuries) Acts 1965 to 1971, or under the Ministry of Social Security Act 1966 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 these Schedules.

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:

Eligible Member of the Family	TABLE	
	Rate for 100 per cent. disablement Officers (Yearly Rate)	Ratings (Weekly Rates)
	£	£ p
(1) Wife	36	0·50
(2) Children:		
(a) If an allowance under (1) is in issue: each child	30	0·37½
(b) If no allowance under (1) is in issue:		
First child	36	0·50
Each other child	30	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-paragraphs (c) and (g) of this paragraph 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 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 of retired pay or a pension under Clause 1 may be awarded an allowance in respect of a child (including a child to whom Clause 9(c)(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 £120·00 in respect of any one child.