

and allowances appropriate to his rank on re-employment. Any portion of the retired pay that has been commuted will be recovered from his pay to the extent of the deficiency.

12. For the purpose of applying the provisions of Clause 11 of this Schedule to a retired officer compulsorily recalled at a time of national emergency when general mobilisation has not been announced, the operative period will be determined by the Secretary of State for Defence in consultation with the Minister for the Civil Service.

SCHEDULE IV

1. The provisions of this Schedule shall apply only to officers serving under the terms and conditions laid down in Order in Council (No. 96/CE) of 23rd July 1931, and subsequent amending Orders in Council, who retire from the Active List at their own request before reaching the age of 45 years in order to accept appointments in or under the Naval Ordnance Inspection Division of the Weapons Department of the Ministry of Defence (Navy Department) as members of the Works Group (Variant) Class of the Home Civil Service.

2. Such officers shall be eligible from the date of their retirement from the Active List for awards of retired pay and terminal grant at the rates and under the conditions in force at the time of their retirement for officers on the General Active List who are retired compulsorily for age or non-employment; but not for any increase that might otherwise be payable in respect of service in acting and temporary rank under Clauses 15 to 17 of Schedule I.

3. Any officer who, having retired from the Active List under the foregoing Clauses, voluntarily terminates his service in or under the Naval Ordnance Inspection Division within three years of taking up an appointment as a member of the Works Group (Variant) Class shall thereupon have his retired pay reduced to the rate that would have been payable, less any part commuted at the time of his retirement from the Active List had that retirement been treated as though it were that of an officer of the General Active List retired at his own request; and to refund to the Ministry of Defence:

(a) the difference between the higher and lower rates of retired pay in respect of the period during which the former was in payment; and

(b) the difference between terminal grants based on the higher and lower rates of retired pay.

Payment of retired pay shall be discontinued until arrangements satisfactory to the Ministry of Defence have been made for refund of the amounts due.

SCHEDULE V

1. The provisions of this Schedule relate to ratings of the Royal Navy, other ranks of the Royal Marines, Naval Nurses of Queen Alexandra's Royal Naval Nursing Service and Ratings of the Women's Royal Naval Service who give service on full pay on or after 31st March 1977. Eligibility to receive an award for which they would have qualified under earlier regulations is hereby extinguished. They do not apply to RN locally entered ratings. The rates of pension are effective from 1st April 1977.

2. Except where otherwise stated, the term "ratings" in this Schedule should be read as including Non-Commissioned Officers, Fleet Chief Petty Officers, Chief Petty Officers, Petty Officers, ratings and other ranks of the Royal Navy, Royal Marines and the Women's Royal Naval Service, and Naval Nurses of Queen Alexandra's Royal Naval Nursing Service.

SECTION 1

Service Pensions and Terminal Grants

Conditions of Award

3. A service pension and terminal grant assessed as in Clauses 6 to 16 of this Schedule may be awarded to:

(a) A rating discharged otherwise than for misconduct or for inefficiency, within his own control provided he has completed at least 22 years' reckonable service.

(b) A rating who is invalided after having undertaken an engagement or re-engagement which would normally enable him to qualify for pension under sub-clause (a) above provided he has completed at least 5 years' reckonable service.

4. A rating whose services are terminated for misconduct or for inefficiency within his own control and who has completed at least 22 years' reckonable service may be granted such portions of the service pension and terminal grant assessed under Clauses 6 to 18 of this Schedule as the Secretary of State for Defence may determine, having regard to the circumstances of the case, but when the services are terminated for misconduct, the amount shall not in any event exceed 90 per cent. of the award which would have been admissible had the discharge been on other grounds. A reduced award may be restored at the age of 60 years in accordance with Clause 1 of Schedule VIII.

5. A rating who is discharged not more than 91 days before completing 22 years' reckonable service so that he may enter civil employment which he has obtained but which cannot be held open for him beyond that period, may be awarded a service pension and terminal grant calculated on the actual reckonable service he has rendered, provided that this is not less than 21 years and 274 days.

Assessment of Pension

6. Except as provided in Clauses 7 to 9 of this Schedule, pension will be based on the length of reckonable service and on the highest paid rank, whether acting or confirmed, held for an aggregate period of 2 years or more during the 5 years' reckonable service preceding discharge to pension. Where during his final 5 years of service a rating has completed less than 2 years but at least one year in his highest paid rank his pension will be assessed on the paid rank which he has held for an aggregate period of 2 years or more with an addition of one-third of the difference between the rate for that rank and the rate for the next higher rank for each year (subject to a maximum of 2 years) served in a rank or ranks higher than that on which pension is based. Where more than two ranks have been held during the last 5 years of service and the required 2 years has not been served in any one rank, paid service in a higher rank may, where it is to a rating's advantage, be treated as if it were in all respects service in a lower rank. The addition to pension will be calculated by reference to years and days of service rather than to completed years.

7. In the case of those invalided, pension may be based on the length of reckonable service and on the acting or confirmed rank held at the time of discharge provided the higher rank was a regular roster advancement if this is more favourable than the rule in Clause 6 of this Schedule.