

3. Annual rates of pension for those invalidated on or after 1st December 1978 are as follows:

Percentage degree of disability	£	p
20-40 ... ..	461	98
50-70 ... ..	692	94
80-100 ... ..	923	94

4. The rates of benefit to be paid and awards in issue will be revised to include the standard rate of Pensions Increase at the time and from the same date as those approved for the Armed Forces but without regard to the age of the beneficiary.

5. Should the degree of disability increase at any time the rate of attributable pension will be reviewed. If the degree of disability decreases, however, the rate of pension will only be reviewed during the 12 months immediately following invaliding unless the degree of disability falls below 20 per cent. when the pension will at any time cease to be payable.

6. If a wound or injury is due to a member's misconduct or negligence the Secretary of State for Defence may withhold or abate any pension otherwise payable under the terms of this section by such amount as seems to him appropriate having regard to all the circumstances.

7. A pension awarded under this section shall not be subject to abatement in respect of any Department of Health and Social Security award, Service Retired Pay or Pension award or by the value of any Preserved Pension.

8. (a) If a member of any of the Reserve Forces specified in paragraph 1 above who is granted an award under the terms of this section recovers any compensation in respect of the injury or disease which led to his being invalidated (other than compensation to which paragraph 7 above applies) then the Secretary of State for Defence may abate any such award by such amount as he considers appropriate having regard to all the circumstances.

(b) Where a member of any of the Reserve Forces specified in paragraph 1 above has already received compensation in respect of the injury or disease which resulted in his being invalidated under the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968, then any award admissible under the terms of this section shall be abated by half the annuitised value of such compensation.

9. In exceptional circumstances, the Secretary of State for Defence may divert a pension awarded under this section, in whole or in part, for purposes which he may deem beneficial for the pensioner.

## SECTION II

### *Dependants' Benefits*

10. The provisions of this section shall apply to the widows and children of members of the Royal Naval Reserve and Royal Marines Reserve:

(a) who are killed on or after 1st December 1978 whilst undergoing peacetime training, due to causes accepted as attributable to service by the Department of Health and Social Security; or

(b) who die whilst in receipt of a pension granted in accordance with section I of this Schedule, due to causes accepted by the Department of Health and Social Security as attributable to the injury or disease which resulted in their originally being invalidated from either Reserve.

They do not apply to the widows and children of Combined Cadet Force Officers or Sea Cadet Corps Officers or Rating Instructors, other than those specified in paragraph 1 of section I.

11. If, after his discharge, a reservist dies as a result of an injury or disease accepted by the Department of Health and Social Security as attributable to his peacetime service with a Reserve Force specified in paragraph 10 above but is not in receipt of an attributable pension in respect of that injury or disease, then the award and amount of any pension granted to his dependants shall be at the discretion of the Secretary of State for Defence.

### *General Conditions*

12. If the death of a reservist was due wholly or in part to his own negligence or misconduct or to any cause within his own control the award and amount of any pension payable to his dependants shall be at the discretion of the Secretary of State for Defence.

13. Where an award has already been made to the dependants of a reservist under the terms of the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 then any award admissible under the terms of this section in respect of the same injury or disease shall be abated by £150.

14. An award under this section to a widow of an ex-regular reservist shall not be abated by any amount of the Forces Family Pension to which she is entitled, but the widow should not receive more in total than she would have done had her husband died in regular service on the same day. Similarly, no deduction shall normally be made on account of damages or analogous compensation paid by a third party, but the excess of any award over the non-attributable Forces Family Pension payable may be abated at the discretion of the Secretary of State for Defence to take account of such compensatory awards.

15. Paragraph 4 of this Schedule shall also apply to dependants' benefits.

### *Conditions Relating to Marriage*

16. To be eligible for a pension a widow must have been married to the deceased reservist before his discharge from the Reserve, unless the injury or disease from which his death resulted occurred on or after 6th April 1978. If the death of the reservist occurred within a year of his marriage the Secretary of State for Defence may reduce or withhold the amount of any award otherwise admissible.

### *Effect of Separation on Widow's Pension and Gratuity*

17 (a) An award of pension to a widow who is separated from her husband at the date of his death shall be at the discretion of the Secretary of State for Defence who may withhold all or such a proportion of the pension as seems appropriate to him in all the circumstances.

(b) If it is shown to the satisfaction of the Secretary of State for Defence that a widow is living with a man as his wife she will not be eligible for a pension.

### *Remarriage*

18. The pension of a widow who remarries will cease, but if she again becomes a widow her pension may be restored in whole or part at the discretion of the Secretary of State for Defence.

### *Conditions for the Award of Children's Pensions*

19. A "child" for the purposes of the award of a pension under this section means:

(a) a legitimate child of the reservist provided that the child's mother fulfilled the conditions relating to marriage contained in paragraph 16 of this Schedule; or

(b) a step-child of the reservist who was mainly dependent upon him at the time of his death, provided that the child's mother fulfilled the conditions relating to marriage contained in paragraph 16 of this Schedule; or

(c) a child adopted by the reservist or by his wife, before his discharge, who was mainly dependent upon him at the time of his death, and provided that the child's mother by adoption fulfilled the conditions relating to marriage contained in paragraph 16 of this Schedule; or

(d) a child mainly dependent upon the reservist before his discharge who was adopted by him or by his wife after his discharge, provided that the Secretary of State for Defence is satisfied that the reservist had formed the intention of adopting the child before his discharge and that the child was mainly dependent upon him at the time of his death, and provided that the child's mother by adoption fulfilled the conditions relating to marriage contained in paragraph 16 of this Schedule; or

(e) an illegitimate child of the reservist or his wife, born before his discharge who was mainly dependent upon him at the time of his death, and provided that, where the child is the illegitimate child of the wife, the wife fulfilled the conditions relating to marriage contained in paragraph 16 of this Schedule.

20. A child's pension will normally cease when the child attains the age of 16 years. However, it may be granted or continued after this age:

(a) if the child continues to receive full-time education or is an apprentice not receiving more than nominal wages; or