

- (b) Where a pension is awarded to a widow for any past period the total amount of pension so awarded may be abated by the amount by which the amount of benefit paid exceeds what would have been payable for that period had the pension been concurrently payable.

#### WIDOWS OF MEMBERS OF THE MALTESE NAVAL FORCES

Rank	Weekly rate of pension	
	Widow with children or 40 years of age or over or incapacitated	Any other widow
	£p	£p
Fleet Chief Petty Officer ... ..	23.46	5.54
Chief Petty Officer ... ..	23.40	5.48
Petty Officer ... ..	23.36	5.45
Leading Rating ... ..	23.33	5.41
Able Rating ... ..	23.30	5.38

#### Definition of Rank

2. For the purpose of assessing pensions of the widows of members of the Maltese Naval Forces, the rank shall be that held by the deceased member prior to the termination of his full pay service.

#### Rent Allowance

3. A widow who is in receipt of a pension for herself and has a child in her care may be granted a rent allowance at a weekly rate not exceeding £8.84 as the Defence Council may consider appropriate, having regard to her weekly rent and rates. For the purpose of this Clause:

- (a) "child" means a child who is eligible for an allowance under Clause 16 of this Schedule and any other child who, in the opinion of the Defence Council, having regard to the child's relationship to or connection with the deceased member and the other circumstances of the case should be treated as covered by this provision;
- (b) "weekly rent and rates" means such sum as the Defence Council may after taking into account all relevant factors and making all necessary apportionments, consider to be the weekly amount in respect of rent, or the equivalent thereof, and rates, which the widow is paying or providing either directly or indirectly for accommodation for the benefit of herself and the child;
- (c) "accommodation" means living accommodation without any service or benefit not ordinarily provided by the landlord to the tenant of an unfurnished dwelling house, but may include accommodation reasonably required for the storage of furniture.

Where an allowance under this Clause would cease by reason of the death of a child, the allowance may be continued for the period of 26 weeks from the date of the child's death.

#### Allowance Elderly Widows

4. A widow who receives a pension under Clause 1 of this Schedule may be awarded an allowance as follows:

	Per Week
	£
If aged 65 years but under 70 years ...	2.28
If aged 70 years or over ... ..	4.55

#### Children

5. Allowances for eligible legitimate, adopted and step-children may be granted at the discretion of the Defence Council at the following rates:

Children of members of the Maltese Naval Forces	If the mother is living (per week)	Motherless children (per week)
	£ p	£ p
In respect of each eligible child	7.00	7.46

6. Allowances for eligible illegitimate children may be granted at the discretion of the Defence Council at rates not exceeding those shown in Clause 5 of this Schedule.

7. An allowance may be made in respect of a motherless child who, having attained the age of 18 years, is incapable

of self-support by reason of infirmity which arose before the normal age limit for pension purposes, at the rate of £17.92 per week.

#### Education Allowance

8. In addition to an allowance under Clause 5, 6 or 7 of this Schedule an allowance not exceeding £80.00 a year may be granted for the purpose of the child's education, provided:

- (a) the child has reached the age of 5 years, but where the child begins school before the age of 5 years, an allowance may be granted from the beginning of the school term in the course of which the child attains 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.

#### Parents

9. (a) If the death of a member of the Maltese Naval Forces 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 member 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 £0.91 a week where there are two parents and £0.66 a week in single parent cases. Provided that, in exceptional cases, this rate may be increased by a sum not exceeding £0.41 a week where there are two parents and £0.25 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 re-marriage of the grantee.

#### Section II. Conditions Governing The Award

##### Pension cannot be claimed as a right

10. (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 member has not been such as in the opinion of the Defence Council to justify the award.
- (b) If the death of a member of the Maltese Naval Forces, 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.

##### Third Party Compensation

11. If a member of the Maltese Naval Forces is killed or dies in such circumstances that any grant is payable in respect of him under this Schedule and his widow, child or other dependent 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 Schedule; and if the compensation is received after assessment, it may be taken into consideration and the assessment may be amended or cancelled.