

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 disablement on which the pension is based:

TABLE

Eligible Member of the Family	Rate for 100 per cent disablement (Weekly Rate)
	£ p
(1) Wife	0.40
(2) First child where no allowance under (1) is issue	0.40

(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 Maltese 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 pension 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 before the 1st April 1972, the member suffered material aggravation of his disability, the date of removal from duty shall be that of the latter 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) No award of family addition to disablement pension of a child shall be made, continued or shall continue to have effect in respect of a child who has attained the age of 16 years unless he is undergoing full time education and is under the age of 19 years.

(e) For the purposes of item (2) of the Table at sub-clause 3 (a) of this Clause, the expression "first child" means the eldest child of the member after disregarding any child in respect of whom, by virtue of the last preceding paragraph, no award of an allowance under this Clause may be made, continued or continue to have effect.

(f) No award of an allowance under Clause 4 or 9(c)(4), nor under Clause 14(e) of this Schedule (education, unemployability and treatment allowances in respect of a child of a member) shall be made, continued or shall continue to have effect in respect of a child who is over the age of 16 years unless he is:

(a) a student or an apprentice, except that such an allowance may be continued or may continue to have effect in respect of a period not exceeding 13 weeks after the child ceases to undergo full-time education as aforesaid, and that the child is under the age of 19 years, as the Secretary of State may determine in any particular case; or

(b) is incapable of self-support by reason of an infirmity which arose before he attained the age of 16 years; and

(c) in either case the circumstances are, in the opinion of the Secretary of State, such as to justify the award or its continuance.

(g) For the purposes of Clauses 4, 9(c)(4) and 14(e) of this Schedule, an award, continuance and amount of any allowance under those Clauses in respect of a child who is living apart from the member shall be at the discretion of the Secretary of State for Defence.

(h) 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.

(i) 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 Maltese Naval Forces who is in receipt of a pension under Clause 1 of this Schedule may be awarded an allowance in respect of a child (including a child who is a child of the member or by virtue of Clause 9(c)(4) of this Schedule is treated as a child of the member) 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 12 months shall not exceed £80 in respect of any one child.

5. Allowance for Constant Attendance

Where a member of the Maltese Naval Forces is in receipt of a pension under Clause 1 of this Schedule in respect of disablement the degree of which is not less than 80 per cent, and it is shown to the satisfaction of the Ministry of Defence that constant attendance on the member is necessary on account of the disablement, he may be awarded an allowance at a rate not exceeding £11.68 per week.

Provided that in an exceptional case of very severe disablement the allowance may, subject to such conditions, as the Ministry of Defence may determine, be increased to a rate not exceeding £23.36 per week.

6. Exceptionally Severe Disablement Allowance

Where the disablement of a member of the Maltese Naval Forces is, and in the opinion of the Ministry of Defence is likely permanently to remain, such that he is, or if he were not in a hospital or other institution, would be in receipt of an allowance for constant attendance at a