

*Effect of Commutation*

- 14.—(a) Except as provided for in sub-Clauses (b) and (c) below, commutation of retired pay or service pension shall not debar a widow or children, otherwise eligible under the provisions of this Section, from receiving an award of pension nor shall any such pension be reduced or abated on that account.
- (b) Where a retired officer, rating or other rank gives further service entitling him to a re-assessment of his retired pay or pension, and before or during the period of his re-employment he marries having first commuted a portion of the retired pay granted him in respect of his original service, then any award of pension to the widow may be reduced by an amount proportionate to the amount of retired pay originally commuted.
- (c) Any legitimate or illegitimate child born after commutation, a step-child eligible by virtue of a marriage after commutation or a child adopted after commutation shall likewise suffer an abatement of pension proportionate to the amount of retired pay or pension originally commuted.

*Section III**Non-Attributable Benefits for the Dependants of those service ceased before 31st March 1973*

15. The provisions of this Section shall apply to the widows and children of officers, RN ratings and RM other ranks who ceased to serve on or before 31st March 1973 and who were granted service retired pay or pension:

- (a) Widows and children of Temporary Branch Officers, RN Ratings and RM other ranks (except Regimental Sergeant-Majors RM) will be eligible for a pension provided reckonable service was given after 31st August 1950.
- (b) In the case of those RN ratings and RM other ranks who died before 4th November 1958 the widows or children will only be eligible for a pension if the following minimum periods of reckonable service were completed:

<i>Rank of Husband</i>	<i>Years of Reckonable Service</i>
Fleet Chief Petty Officer ... ..	} 22
Warrant Officer I RM ... ..	
Warrant Officer II RM ... ..	
Chief Petty Officer ... ..	} 27
Colour Sergeant RM ... ..	
Petty Officer ... ..	
Sergeant RM ... ..	} 32
Leading Rating and below ... ..	
Corporal RM and below ... ..	

16. The rate of widow's pension will be one-third of the husband's basic award of half pay, retired pay, or pension ignoring, subject to the exception in Clause 14, any commutation which may have been made, plus all the pensions increases appropriate to a pension beginning on the day following the husband's last day on full pay.

*Awards to Children*

17. Where an officer, RN rating or RM other rank was retired or discharged before 31st March 1973, each eligible child may receive one-third or if motherless, two-thirds, of the rate of widow's pension appropriate to the rank and service of the officer, RN rating or RM other rank.

*Minimum Rates of Family Pensions*

18. If the rates of pensions for the widows of those officers, RN ratings and RM other ranks retired, discharged or who died in service before 31st March 1973 calculated in accordance with Clause 16 would be less than the minimum rates set out in Clause 15 of Schedule VIII, the latter will be payable.

*Section IV**Non-Attributable Family Pensions and Gratuities to the Dependants of those Officers, Ratings and Other Ranks who gave reckonable service on or after 31st March 1973*

19. Pensions may be awarded to the widows and dependants of officers, ratings and other ranks who retired on or after 31st March 1973 and were in receipt of half pay, retired pay or pension or service invaliding retired pay or pension or who were serving at the date of their death and would have been so entitled had they been invalided on the date of death.

20. Where the husband exercised the option to purchase an entitlement to a half-rate widow's pension for service up to 31st March 1973 the rate of widow's pension shall be one-half of the husband's rate of half pay, retired pay or pension which was in payment to the husband at the date of his death or for which he would have been eligible had he been invalided on the date of death, ignoring, subject to the exception in Clause 14, any commutation that may have been made, plus all pensions increases appropriate to the basic rate whether or not the husband qualified for these by virtue of age and health.

21. Where no option was exercised, the rate of widow's pension shall be one-third of the husband's rate of half-pay, retired pay or pension for service prior to 1st April 1973 and one-half for service thereafter. The husband's rate shall be calculated as in Clause 20. Where the pension is calculated by reference to the husband's service invaliding retired pay or pension, the element in the husband's award which is the result of the special invaliding enhancement will attract a half rate widow's pension. The enhancement is the difference between the rate of invaliding retired pay or pension and a rate calculated at 3 per cent for officers and 2.75 per cent for ratings and other ranks, of the maximum rate of retired pay or pension for his rank for each year of reckonable service.

22. Where the cause of death of an officer or RN rating or RM other rank who has been invalided attributably is regarded as not attributable to his service, the rate of any family pension payable will be based on the service invaliding retired pay or pension for which he may have been eligible.

*Awards to Children*

23.—(a) The rate of children's pension for the children (as defined in Clause 13) of all officers, RN ratings and RM other ranks who gave service on or after 31st March 1973 shall be:

(1) one-quarter of the father's half pay, retired pay or pension for each of two children where there is a widow:

(2) one-third of the father's half pay, retired pay or pension for each of three motherless children.

(b) For the purposes of sub-Clause (a) of this Clause where eligible children are not being maintained by their mother or where there are more eligible children than the maximum number specified in sub-Clause (a) of this Clause and they are living in separate households the award and allocation of children's pensions shall be at the discretion of the Secretary of State for Defence.

*Gratuities to dependants of serving officers, ratings and other ranks*

24.—(a) The provisions of Clauses 25 to 35 shall apply to the widows and children of officers, ratings and other ranks who die while serving on full pay.

(b) The same general conditions applicable to the award of pensions set out in Section II of this Schedule shall apply to the award of a gratuity under the provisions of this Section.

25. Irrespective of length of service where an officer, including a short career officer, RN rating or RM other rank dies while serving on full pay on the Active List, his widow may be granted a gratuity equal to the terminal grant or gratuity for which the husband would have been eligible had he been invalided on the day of his death; or if greater, a gratuity equal to twice the rate of retired pay or pension of her husband's rank for invaliding purposes appropriate to 34 years of service for an officer, or 37 years of service for a RN rating or RM other rank.

26. Where an officer, RN rating or RM other rank has retired with retired pay or been discharged to pension or has been invalided with invaliding retired pay or pension or with invaliding gratuity dies within one year of retirement or discharge his widow may be awarded a gratuity equal to the difference between the gratuity which would have been payable if he had died in service on the day of retirement or discharge and the amount of terminal grant or gratuity and any sum raised by commutation which he received.

27. Where, had the officer or RN rating or RM other rank been invalided, an adjustment would have been made to his award in respect of a gratuity or other non-effective-payment previously received by him, an abatement may be