

Admiralty, dated the 27th day of March 1961 (N.P. 4586/60), in the words following, viz.:

"Whereas by section 3 of the Naval and Marine Pay and Pensions Act, 1865, and section 1 of the Naval and Marine Reserves Pay Act, 1957, it is enacted, *inter alia*, that all pay, pensions or other allowances in the nature thereof payable in respect of service in Your Majesty's Naval or Marine Forces to a person being or having been an Officer, Seaman or Marine therein, shall be paid in such manner and subject to such conditions and provisions as are from time to time directed by Order in Council:

"And whereas by Orders in Council dated 6th February 1922, and 11th October 1923, we were empowered at our discretion to award additional retired pay or disability retired pay or pensions to Officers, Petty Officers, Non-Commissioned Officers and Men of Your Majesty's Naval and Marine and Reserve Forces who are invalided out of the Service on account of sickness or injury certified as attributable to service prior to the 3rd September 1939, on the scales and under the conditions prescribed therein.

"And whereas by Orders in Council dated 2nd February 1937, 9th May 1940, 17th September 1942, 22nd July 1943, 29th November 1946, 8th October 1957, and 11th September 1958, certain improvements were made in the rates of disability retired pay, pensions and allowances payable to Officers, Petty Officers, Non-Commissioned Officers and Men of Your Majesty's Naval Marine and Reserve Forces:

"And whereas with the approval of the Lords Commissioners of Your Majesty's Treasury, payments have been made to pensioners in receipt of disability pensions and allowances from the Admiralty at the same rates and subject to the same conditions as have been authorised for similar pensioners receiving pensions from the Ministry of Pensions and National Insurance:

"We beg humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to sanction the following further improvements in the conditions and rates of disability retired pay, pensions and allowances with effect from 5th April 1961, in the case of pensioners paid weekly and from 1st April 1961, in all other cases.

"The Lords Commissioners of Your Majesty's Treasury have signified their concurrence in these proposals.

#### "PART I. AWARDS IN RESPECT OF 'DISABLEMENT'

##### "1. Pensions for disablement.

A member of the Naval or Marine Forces the degree of whose disablement is not less than 20 per cent. may be awarded at Admiralty discretion retired pay or a pension at whichever of the rates set out in the Tables in the Schedule is appropriate to his rank or status and the degree of his disablement.

##### "2. Gratuities

A naval rating or Royal Marine other rank the degree of whose disablement is less than 20 per cent. may be awarded at Admiralty discretion a gratuity appropriate to the degree of disablement, but not exceeding a maximum of £100.

##### "3. Allowances for eligible members of the family

(A) Where a member of the Naval or Marine forces is awarded retired pay or pension under Clause 1 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 the disablement on which the retired pay or pension is based:

"TABLE

Eligible Member of the Family	Rate for 100 per cent disablement	
	Officers (Yearly rate)	Other Ranks (Weekly rate)
(a) Wife ... ..	£ 36	s. d. 10 0
(b) Children:		
(i) If an allowance under (a) is in issue— each child ...	30	7 6
(ii) If no allowance under (a) is in issue— first child ...	36	10 0
each other child ...	30	7 6

(B) The special conditions governing the grant of these family allowances shall be as follows:

##### (a) For a wife—

if she is living apart from her husband, family element shall not be allowable in respect of her, unless—

(i) 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

(ii) she is entitled to support under a separation or maintenance order, or

(iii) the separation was caused by the husband's mental instability due to the disability in respect of which he is granted his disablement pension.

(b) 'Child' in relation to a member of the Naval Forces, means—

(i) a legitimate child of the member;

(ii) a legitimated child of the member;

(iii) an illegitimate child of the member, who did not become legitimated upon the marriage of the member to the child's mother;

(iv) an illegitimate child of the member to whom sub-clauses (iii) and (vii) of this clause 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 the subject of an affiliation order in force against the member;

(v) a step-child of the member who is being regularly maintained in whole or part by him;

(vi) a legally adopted child of the member;

(vii) a foster child, that is to say a child who:

(aa) 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

(bb) had been brought up and wholly or mainly maintained by the member for not less than six months (or such less period as the Admiralty may determine in the exceptional circumstances of any case) during his service, and

(cc) 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 after the 2nd September 1939, the member suffered material aggravation of his disability, the date of removal from duty shall be that of the later 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) Family addition to disablement pension in respect of a child shall normally terminate when the child attains the age of 18 years in the case of an officer or at the age of 16 years in any other case, but, subject to the production of satisfactory evidence the allowance may be made or continued in respect of a child who has attained the child's age limit when that child—

(a) is a student, receiving full time instruction at a university, college, secondary school, technical school or other establishment, which, in the opinion of the Admiralty, is a comparable educational establishment; or

(b) is an apprentice receiving not more than nominal wages; or

(c) is incapable of self-support by reason of an infirmity which arose before he or she attained the child's age limit.

(E) Family additions to disablement pension in respect of an individual may be withheld if in the opinion of the Admiralty the circumstances are not such as to justify a grant.

(F) 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 Admiralty, be granted independently, for the benefit of that individual, to some person other than the member.

##### "4. Education Allowances

A member of the Naval or Marine forces who is in receipt of retired pay or a pension under Clause 1 may be awarded an allowance in respect of a child (including a child to whom Clause 8 (e) applies) for the purpose of the education of that child if—

(a) the child has attained the age of 5 years; and