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TUESDAY, 4 OCTOBER, 1949

At the Court at *Buckingham Palace*, the 29th day of *September*, 1949.

PRESENT

The KING's Most Excellent Majesty in Council.

WHEREAS by section 3 of the *Naval and Marine Pay and Pensions Act, 1865 (28 & 29 Vict. c. 73)*, it is enacted that all pay, wages, pensions, bounty money, grants or other allowances in the nature thereof, payable in respect of services in His Majesty's naval or marine force to a person being or having been an officer, seaman or marine, or to the widow or any relative of a deceased officer, seaman or marine, shall be paid in such manner, and subject to such restrictions, conditions and provisions, as are from time to time directed by Order in Council:

And whereas His Majesty deems it expedient to make further provision concerning retired pay, pensions and other grants for members of the naval forces and of the nursing and auxiliary services thereof disabled, and for the widows, children, parents and other dependants of such members deceased, in consequence of service after the 2nd September, 1939, and to provide for the administration of this Order in Council by the Minister of Pensions:

Now, therefore, His Majesty, in exercise of the powers conferred upon Him as aforesaid and of all other powers whatsoever Him thereunto enabling, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following provisions of this Order in Council shall take effect accordingly and, except in the cases stated in the Order in Council of the 19th December, 1881, and, except as otherwise provided by statute, shall be established and obeyed as the sole authority in the matters herein treated of, so, however, that the terms of any other Order in Council may, if more favourable, be applied in the case of any person eligible thereunder and that no award already made to or in respect of any person under any previous Order in Council shall be re-assessed to the disadvantage of that person.

PART I.—DEFINITIONS AND INTERPRETATION

1. *Definitions*.—In this Order the following expressions have, unless the context otherwise requires, the meanings hereby respectively assigned to them:—

(1) "adult dependant", in relation to a member of the naval forces, for the purposes of Articles 17 and 20, means—

(a) a person residing in the member's home who is related to the member in any of the following ways and fulfils the following conditions, namely—

(i) a grandfather or a father (including a stepfather) who is incapable of self-support;

(ii) a grandmother or a mother (including a stepmother) who is either a widow or is married to a husband who is incapable of self-support or has never been married;

(iii) a daughter (including a stepdaughter) who has attained the child's age limit or a sister (including a half-sister or step-sister) who has attained the age of 16 years and has never been married or is married to a husband who is incapable of self-support or is a widow;

(iv) a brother (including a half-brother or step-brother) who has attained the age of 16 years and is incapable of self-support; or

(b) an adult female person who, in the member's home, looks after any child of the member in respect of whom an allowance is being paid under Article 13, 17 or 20;

being in each case a person who is in receipt of regular and substantial support or benefit from the member:

(2) "apprentice" means a person who is undergoing full time training for any trade, business, profession, employment or vocation and is receiving not more than nominal wages:

(3) "approved institutional treatment" means approved treatment in a hospital or similar institution:

(4) "approved treatment" means a course of medical, surgical or rehabilitative treatment which it is certified that a member of the naval forces should receive in consequence of any disablement in respect of which an award may be or has been made under this Order, but does not include any treatment which involves no or only occasional interruptions of the member's normal employment:

(5) "child", in relation to a member of the 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 or father;

(d) an illegitimate child of a male member, whose mother is, or was at the date of her death, an unmarried dependant living as a wife of the member;

(e) an illegitimate child of the member, to whom subparagraph (c), (d) or (h) of this paragraph does not apply, who was born not later than nine months after the material date and who—

(i) where the member is disabled, has been regularly maintained in whole or in part by the member up to the date of any award under this Order in respect of his disablement and, where the award is reviewed, up to the date of the review;

(ii) where the member is dead and the child was born before his death, was regularly maintained in whole or in part by the member up to the date of his death or, where the deceased was a male member, was the subject of an affiliation order which was in force at the date of his death;