

amended from time to time, the Regulations governing the various Reserve Forces as so amended, the provisions summarised in the Appendix to the Navy List as so amended, and any other regulations, instructions or provisions issued or made from time to time in relation to His Majesty's Naval Service:

(24) "public funds" means moneys provided by Parliament or the Parliament of Northern Ireland, moneys the payment whereof is a charge on the Consolidated Fund of the United Kingdom or of Northern Ireland, moneys provided by any general or local rate or by a fund established under or by virtue of any public, general or local Act, and moneys payable under any enactment, ordinance, regulation or other instrument forming part of the law of any place outside the United Kingdom:

(25) "rating" means a member of the naval forces who is not an officer:

(26) "service", in relation to a member of the naval forces, means service as such a member for any period after the 2nd September, 1939:

(27) "student" means a person who is receiving full time instruction at a university, college, secondary school or technical school, or at any other establishment which, in the opinion of the Minister, is a comparable educational establishment:

(28) "termination", in relation to service as a member of the naval forces, means termination of service as such a member by reason of retirement, discharge, demobilisation, transfer to the Emergency List or Reserve or in any other manner:

Provided that—

(a) where the member renders service during more than one period, it means the date, having regard to the foregoing provisions of this paragraph, of the end of the period which is relevant in the circumstances of his case;

(b) in relation to service as a member of the Naval Reserve Forces, for the purposes of Article 9 (1) only, it means the date of his retirement, discharge from his engagement or the date, if earlier, of his death;

and "terminated" shall be construed accordingly:

(29) "unmarried dependant living as a wife", in relation to a member of the naval forces, means a person wholly or substantially maintained by the member on a permanent bona fide domestic basis throughout the period beginning six months prior to the commencement of his service and continuing where the member is disabled, 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 or, where the member is dead, up to the date of his death:

(30) "woman member of the naval forces" means a woman who is—

(a) a medical or dental practitioner employed with the Medical or Dental Branch of the Royal Navy with naval status for general service;

(b) enrolled in Queen Alexandra's Royal Naval Nursing Service or the reserve thereof;

(c) enrolled in the Women's Royal Naval Service or the reserve thereof;

(d) a member of a Voluntary Aid Detachment enrolled for employment under the Admiralty.

2. *Interpretation.*—(1) The Interpretation Act, 1889 (52 & 53 Vict. c. 63), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) References in this Order to any enactment shall, unless the context otherwise requires, be construed as references to that enactment, as amended by or under any other enactment or order, and to any other enactment substituted therefor.

(3) Where any matter is required by this Order to be certified, that matter shall be determined—

(a) where a Tribunal constituted under the Pensions Appeal Tribunals Acts, 1943 and 1949 (6 & 7 Geo. 6 c. 39 and 12 & 13 Geo. 6 c. 12), has given a decision under that Act upon that matter, in accordance with that decision, or, if an appeal from that decision is brought under that Act, in accordance with the decision on that appeal;

(b) where no such decision has been given and the matter involves a medical question, in accordance with a certificate on that question of a medical officer or board of medical officers appointed or recognised by the Minister for the purpose:

Provided that, where that question appears to the Minister to raise a serious doubt or difficulty he

may obtain the opinion thereon of one or more of a panel of independent medical experts nominated by the President of the Royal College of Physicians, the Royal College of Surgeons or the Royal College of Obstetricians and Gynaecologists, and in that case the matter involving that question shall be determined in accordance with that opinion.

(4) For the purposes of this Order, a person shall be treated as having attained the age of 16 years at the commencement of the sixteenth anniversary of the day of his birth and similarly with respect to any other age.

(5) For the purposes of this Order—

(a) a person may be treated as being in receipt of any retired pay, pension, allowance or other continuing benefit awarded to him under this Order notwithstanding that the retired pay, pension, allowance or other benefit, or any part thereof, is, by virtue of any provision of this Order, being administered or otherwise applied for any purpose or paid to some other person;

(b) where an allowance awarded in respect of a child under this Order is withheld or reduced under Article 55, a widow or an unmarried dependant living as a wife of a deceased member of the naval forces who has the child under her control or in her charge may be treated as being in receipt of the allowance notwithstanding that it is so withheld or reduced.

(6) For the purposes of this Order, any question as to whether a person—

(a) is the legally adopted child of a member of the naval forces, or a person who has legally adopted a member of the naval forces, shall be determined as if any legal adoption effected by the spouse (not being a separated spouse) of the member or person had been effected by the member or person; or

(b) is the grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, step-sister, daughter or grandchild of a member of the naval forces, shall be determined as if—

(i) any child legally adopted by two spouses jointly, or by one of two spouses (not being separated spouses), were the legitimate child of those spouses;

(ii) any child legally adopted by a person having no spouse, or separated from his spouse, were the legitimate child of that person;

(iii) any illegitimate child had been born the legitimate child of his father and mother.

(7) Any condition or requirement laid down in this Order for an award, or the continuance of an award, or relating to the rate or amount of an award, shall, except where the context otherwise requires, be construed as a continuing condition or requirement, and accordingly the award, rate or amount shall cease to have effect if and when the condition or requirement ceases to be fulfilled and shall be subject to variation from time to time in accordance with the condition or requirement.

PART II.—GENERAL PRINCIPLES OF AWARDS.

3. *Basic condition of awards.*—Under this Order awards may be made where the disablement or death of a member of the naval forces is due to service.

4. *Entitlement where a disablement is claimed or death takes place not later than seven years after the termination of service.*—(1) Where, not later than seven years after the termination of the service of a member of the naval forces, a claim is made in respect of a disablement of that member, or the death occurs of that member and a claim is made (at any time) in respect of that death, such disablement or death, as the case may be, shall be accepted as due to service for the purposes of this Order provided it is certified that—

(a) the disablement is due to an injury which—

(i) is attributable to service; or

(ii) existed before or arose during service and has been and remains aggravated thereby; or

(b) the death was due to or hastened by—

(i) an injury which was attributable to service; or

(ii) the aggravation by service of an injury which existed before or arose during service.

(2) Subject to the following provisions of this Article, in no case shall there be an onus on any claimant under this Article to prove the fulfilment of the conditions set out in paragraph (1) of this Article and the benefit of any reasonable doubt shall be given to the claimant.