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TUESDAY, 10TH DECEMBER 1963

## State Intelligence

### PRIVY COUNCIL OFFICE

At the Court at *Buckingham Palace*, the 27th day of November 1963

PRESENT

The QUEEN'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 Her 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, are from time to time directed by Order in Council:

And whereas Her Majesty deems it expedient further to amend the Order concerning retired pay, pensions and other grants for officers, nurses and ratings disabled, and for the widows and children of officers and ratings deceased, in consequence of service during the 1914 World War:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her as aforesaid and of all other powers whatsoever Her thereunto enabling, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

The Order in Council dated the 29th September 1949, relating to officers, nurses and ratings as therein defined, shall be further amended in the respects set out in the following Articles of this Order.

1. After Article 20A there shall be inserted the following Article:—

"20B. *Temporary allowances for widows of severely disabled pensioners*—(1) Where an officer or a rating dies on or after the 2nd December 1963 and an allowance was payable to him under Article 7 of the 1921 (Officers) Order, under Article 7 of the 1921 (Warrant Officers) Order, under Article 6a of the 1920 Order or under Article 5 (2) of this Order, in respect of any period ending with his death, or an allowance under the said Article 7 or 6a ceased to be payable within 13 weeks of his death following his entry as an in-patient into a hospital or other institution, his widow may be awarded a personal allowance and additional allowances in respect of children in accordance with the following provisions of this Article.

(2) A personal allowance awarded under this Article shall be payable—

(a) for the period of 13 weeks commencing, in the case of the widow of an officer with the day, and in the case of the widow of a rating with the Wednesday, next following the day of his death; and

(b) at a weekly rate equal to the total amount of the retired pay, pension, alternative retired

pay or pension or treatment allowances and any other allowances payable to the officer or rating under this Order or the 1921 (Officers) Order or the 1921 (Warrant Officers) Order or the 1920 Order in respect of the 7 days next preceding the day of his death, with the exception of allowances under Article 5 (3) (b) or 12, or any increases in the allowances under Article 7 (4) (a) or 8 (4) (a) of this Order, or any allowance under this Order in respect of a child: Provided that—

- (i) a personal allowance shall be subject to the provisions of Article 16 (1) of the 1920 Order, Article 15 of the 1921 (Officers) Order, or Article 15 of the 1921 (Warrant Officers) Order, as the case may be, as if it were a pension under Article 11 of that Order, and shall not be payable for any period after the death of the widow;
- (ii) in calculating a weekly rate of retired pay or pension for the purposes of the foregoing provisions of this Article, an officer who was in receipt of an award under any proviso to Article 1 of the 1921 (Officers) Order or Article 1 of the 1921 (Warrant Officers) Order shall be deemed in lieu thereof to have been in receipt of an award under the said Article 1 without reference to that proviso.

(3) Where the widow of an officer or a rating is awarded a personal allowance under this Article, she may be awarded an additional allowance in respect of any child for whom an allowance was payable to the officer or rating immediately before his death, and any such additional allowance shall be payable—

- (a) for so long as the personal allowance is payable and the child is alive and has not attained the child's age limit, or, if he has attained that limit, is a student or an apprentice or is incapable of self-support by reason of an infirmity which arose before he attained that limit and the circumstances are such, in the opinion of the Minister, as to justify the continuance of the award; and
- (b) at the weekly rate at which the allowance or allowances, other than an allowance under Article 19 of this Order, for that child was or were payable to the officer or rating in respect of the 7 days next preceding the day of his death.

(4) Where the aggregate amount of any payments made to a person under this Article for any period is equal to or exceeds the aggregate amount of any pension, allowance (other than an allowance under this Article or under Article 19 of this Order) or grant which, apart from the provisions of this paragraph, might be awarded to that person for that period under this Order or under the 1920 Order or the 1921 (Officers) Order or the 1921 (Warrant Officers) Order no award of such pension, allowance or grant shall be made for that period; but