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State Intelligence

PRIVY COUNCIL OFFICE

At the Court at Buckingham Palace the 28th day of July 1967.

PRESENT

The QUEEN'S Most Excellent Majesty in Council

Whereas provision has been made for the award of a temporary allowance to the widows of officers and men who received a pension from the Ministry of Social Security in respect of severe disablement attributable to or aggravated by service in the Royal Navy or Royal Marines during the 1914 World War or after 2nd September 1939:

And whereas it is considered expedient that similar provision should be made for an allowance to widows of severely disabled pensioners of the Ministry of Defence whose disablement was attributable to or aggravated by peace-time service before 3rd September 1939 in the Royal Navy or Royal Marines:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 11 of the Naval and Marine Pay and Pensions Act 1865, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Naval and Marine Pay and Pensions (Temporary Allowance to Widows) Order 1967.

2. Where an officer, rating or marine dies on or after 2nd December 1963, and a constant attendance allowance or unemployability supplement was payable to him for any period ending with his death, or a constant attendance allowance 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 regulations set out below.

3. Where death takes place between 2nd December 1963 and 5th July 1966 the personal allowance shall be payable for a 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 or marine with the Wednesday, next following the day of his death.

4. Where death takes place on or after 6th July 1966 the allowance shall be payable for a period of 26 weeks from the day specified in Clause 3.

5. The personal allowance shall be payable at a weekly rate equal to the total amount of the disability retired pay, pension and allowances payable to the officer, rating or marine for the 7 days immediately preceding the day of his death, with the exception of any allowance payable in respect of wear and tear of clothing, any increased personal allowance paid in addition to the 100 per cent. rate of Treatment allow-

ance, any additional allowance over the 100 per cent. rate payable in respect of the wife of a pensioner in receipt of Treatment allowance, any increased allowance over the 100 per cent. rate payable in respect of the wife of an unemployable pensioner, and any allowance payable in respect of a child.

No account shall be taken of any pension awarded in respect of service or rank (or both) for which the officer, rating or marine was eligible but the temporary allowance will be related to the disability retired pay which would otherwise have been payable.

6. Where the widow is awarded a personal allowance under this Order, she may be awarded an additional allowance in respect of any child for whom an allowance was payable to the officer rating or marine immediately before his death. Any such additional allowance shall be payable for so long as the personal allowance is payable and the child would have been eligible for an allowance if the officer, rating or marine had not died.

7. The child's allowance shall be payable at the weekly rate at which the allowance or allowances for the child (other than an Education allowance), was or were payable in respect of the 7 days immediately preceding the day of death of the officer, rating or marine.

8. Where the aggregate amount of any payments made to a dependant under this Order for any period is equal to or exceeds the aggregate amount of any pension, allowance (other than an Education allowance) or grant which, apart from the provisions of this Order, might be awarded to that dependant for that period, no award of such pension, allowance or grant shall be made for that period; but where the aggregate amount of any such payment is less than the aggregate amount of any such pension, allowance or grant, the said pension, allowance or grant may be awarded for that period instead of the said payments.

9. Notwithstanding anything in the foregoing provisions of this Order the Defence Council may, if in their opinion the exceptional circumstances of the case so require, at their discretion—

(a) vary the conditions for the award of a personal allowance in so far as they relate to a period in respect of which a constant attendance allowance or unemployability supplement is required to have been payable;

(b) award a personal allowance or an additional allowance for any week at a weekly rate other than that prescribed in Clauses 5 and 7 above, but not exceeding the maximum rate which would have been payable in accordance with those Clauses had the officer, rating or marine died at any time not earlier than 13 weeks before the date of his death.

W. G. Agnew