

22. *Date of Commencement of Pension.* The date of commencement of pension will be determined according to the circumstances of the case and will normally, if application is not unduly delayed, be the date following the husband's death; or, if death occurred during service, the date following the termination of allowances issuable after death.

23. *Belated Claims.* If a widow dies before establishing her claim to pension, arrears of pension will not, save in exceptional circumstances, be allowed to her estate.

24. *Re-marriage.* The pension of a widow who re-marries will be suspended, but if she again becomes a widow her pension may be restored in whole or part at the discretion of the Secretary of State for Defence if her pecuniary circumstances justify such restoration.

25. *Children.*

(a) A "child" for the purposes of the award of a pension under this Schedule means:

(i) A legitimate child of the Officer, RN rating or RM other rank provided that the child's mother fulfilled the conditions relating to marriage contained in Clause 19 of this Schedule; or

(ii) a step-child of the Officer, RN rating or RM other rank who was mainly dependent on him at the time of his death, provided that the child's mother fulfilled the conditions relating to marriage contained in Clause 19 of this Schedule; or

(iii) a child adopted by the Officer, RN rating or RM other rank, or by his wife, before his retirement or discharge (or, if he subsequently gave further service in circumstances rendering him eligible for a re-assessment of retired pay or service pension, before the termination of such further service), who was mainly dependent upon him at the time of his death, and provided that the child's mother by adoption fulfilled the conditions relating to marriage contained in Clause 19 of this Schedule; or

(iv) a child mainly dependent upon the Officer, RN rating or RM other rank before his retirement or discharge (or, if he subsequently gave further service in circumstances rendering him eligible for re-assessment of retired pay or service pension, before the termination of such further service), who was adopted by the Officer, RN rating or RM other rank, or by his wife, after his retirement or discharge (or after the termination of such further service), provided that the Secretary of State for Defence is satisfied that the Officer, RN rating or RM other rank had formed the intention of adopting the child before retirement or discharge (or before the termination of such service) and that the child was mainly dependent upon him at the time of his death, and provided that the child's mother by adoption fulfilled the conditions relating to marriage contained in Clause 19 of this Schedule; or

(v) an illegitimate child of the Officer, RN rating or RM other rank, or of his wife, born before his retirement or discharge (or, if he subsequently gave further service in circumstances rendering him eligible for re-assessment of retired pay or service pension, before the termination of such further service), who was mainly dependent upon him at the time of his death, and provided that, where the child is the illegitimate child of the wife, the wife fulfilled the conditions relating to marriage contained in Clause 19 of this Schedule.

(b) A child's pension will normally cease when the child attains the age of 16 years, except where an Officer, Fleet Chief Petty Officer or Regimental Sergeant Major, Royal Marines was retired or discharged before 31 March 1973 when payment of a child's pension will normally cease at the age of 18 years. However, it may be granted or continued after these ages:

(i) if the child continues to receive full-time education, or is an apprentice not receiving more than nominal wages;

or

(ii) if, before attaining the age referred to above the child was, and continues to be afflicted by mental or bodily infirmity and is therefore incapable of earning his or her own living, provided the Secretary of State for Defence considers that the pecuniary circumstances of the child and family are such as to justify the award.

(c) Children's pensions will be paid to the widow or mother of the child, or other person responsible for the child's maintenance, or to the child direct as may be decided by the Secretary of State for Defence.

(d) Pensions of children of Officers and of Fleet Chief Petty Officers and Regimental Sergeant Majors, Royal Marines, may be issued quarterly in advance.

26. *Commutation of Retired Pay.* The widow and children of an Officer who commuted a portion of his retired pay under the Pensions Commutation Acts 1871 to 1882, or of a RN rating, or RM other rank who has commuted part of his pension, shall not thereby be deprived of entitlement to pension under this Schedule, but the award to the widow of an Officer whose marriage took place after commutation, a legitimate or illegitimate child born after commutation, a step-child eligible by virtue of a marriage after commutation, or a child adopted after commutation, shall be reduced by a proportion corresponding to the proportion of retired pay commuted.

SECTION VI

Gratuities to Widows and Children on the Death of Serving Officers, RN Ratings and RM Other Ranks

27. (a) The provisions of this section apply to the widows and children of Officers, RN ratings and RM other ranks who die while serving on full pay on or after 31st March 1974.

(b) All awards under this Section will be governed by the general conditions set out in Section V as applicable.

28. Where an Officer, including a short service Officer, RN rating or RM other rank dies while serving on full pay on the Active List, his widow may be granted a gratuity equal to the terminal grant or gratuity for which the husband would have been eligible had he been invalided on the day of his death; or if this is greater, a gratuity equal to twice the rate of retired pay or pension of her husband's rank for invaliding purposes appropriate to 34 years of service for an Officer, or 37 years of service for a RN rating or RM other rank.

29. Where an Officer, RN rating or RM other rank who on or after 31 March 1974 has retired with retired pay or been discharged to pension or has been invalided with invaliding retired pay or pension or with invaliding gratuity dies within one year of retirement or discharge his widow may be awarded a gratuity equal to the difference between the gratuity which would have been payable if he had died in service on the day of retirement or discharge and the amount of terminal grant or gratuity and any sum raised by commutation which he received.