

18. If an Officer, RN rating or RM other rank discharged or retired before 31st March 1973 dies in retirement from causes attributable to service, a family pension as provided for in Order in Council (45\*/NPP) of 4th February 1972 may be paid in addition to any award payable under the provisions of Section VI of this Schedule.

## SECTION IV

*Non-Attributable Family Pensions and Gratuities to the dependants of those Officers, Ratings and Other Ranks who gave reckonable service on or after 31st March 1973 or who die in service on or after 31st March 1976*

19. *Forces Family Pensions.* Pensions may be awarded to the widows and dependants of Officers, ratings and other ranks who retired on or after 31st March 1973 and were in receipt of half pay, retired pay or pension or service invaliding retired pay or pension or who were serving at the date of their death and would have been so entitled had they been invalided on the date of death.

20. Where the husband exercised the option to purchase an entitlement to a half-rate widow's pension for service up to 31st March 1973 the rate of widow's pension shall be one-half of the husband's rate of half pay, retired pay or pension which was in payment to the husband at the date of his death or for which he would have been eligible had he been invalided on the date of death, ignoring, subject to the exception in Clause 13, any commutation that may have been made, plus all pensions increases appropriate to the basic rate whether or not the husband qualified for these by virtue of age and health.

21. Where no option was exercised, the rate of widow's pension shall be one-third of the husband's rate of half pay, retired pay or pension for service prior to 1st April 1973 and one-half for service thereafter. The husband's rate shall be calculated as in Clause 20. Where the pension is calculated by reference to the husband's service invaliding retired pay or pension, the element in the husband's award which is the result of the special invaliding enhancement will attract a half rate widow's pension. The enhancement is the difference between the rate of invaliding retired pay or pension and a rate calculated at 3 per cent. for Officers and 2.75 per cent. for ratings and other ranks, of the maximum rate of retired pay or pension for his rank for each year of service.

22. Where the cause of death of an Officer, rating or other rank who has been invalided attributably is regarded as not attributable to his service, the rate of any family pension payable will be based on the service invaliding retired pay or pension for which he may have been eligible and not at the higher level of service attributable retired pay or pension of which he was in receipt.

*Awards to Children*

23. (a) The rate of children's pension for the children (as defined in Clause 12) of all Officers, ratings and other ranks who gave service on or after 31st March 1973 shall be:

- (i) one-quarter of the father's half pay, retired pay or pension for each of two children where there is a widow;
- (ii) one-third of the father's half pay, retired pay or pension for each of three motherless children.

(b) For the purposes of sub-clause 23(a) above where eligible children are not being maintained by their mother or where there are more eligible children than the maximum number specified in sub-clause 23(a) above and they are living in separate households the award and allocation of children's pensions shall be at the discretion of the Secretary of State for Defence.

(c) On the death of an Officer, RN rating or RM other rank on or after 31st March 1973 whether in service or in retirement, a short term family pension as provided for in Section V of this Schedule may be payable to any eligible dependants.

*Preserved Forces Family Pensions*

24. Subject to the conditions of Section II of this Schedule the provisions of Clauses 25 to 27 below shall apply to the widows and children of those Officers, RN ratings and RM other ranks, who died on or after 1st April 1976 in receipt of, or with a future entitlement to, a preserved pension.

25. The widow of a pensioner who dies in retirement whilst in receipt of a preserved pension may be granted a Forces Family Pension of one-third of that portion of the husband's pension earned by service prior to 1st April 1973, and one-half of the portion earned by subsequent service, except where the husband had elected to purchase entitlement to a half rate widow's pension in which case the rate will be one-half throughout. In addition, pensions may be granted to any eligible children at the rates and in accordance with the conditions specified in Clause 23.

26. Should an Officer, RN rating or RM other rank die before his preserved pension or terminal grant becomes payable then a Forces Family Pension may be granted to his widow and/or children at the following rates:

- (a) *Widow's pension.* The appropriate fraction, as set out in Clause 25, of the husband's initial pension assessment as enhanced by all relevant pension increase measures introduced between the date of his retirement and the date of his death.
- (b) *Children's Pensions.*
  - (1) one-quarter of the father's initial pension assessment (as enhanced by all relevant pensions increase measures) for each of two dependent children; or
  - (2) one-third of the father's initial pension assessment (as enhanced by all relevant pensions increase measures) for each of three motherless children.

In the event of apportionment being necessary the award and allocation of children's pensions shall be at the discretion of the Secretary of State for Defence.

- (c) *Terminal Grant.* The husband's preserved terminal grant will be payable to his widow or eligible children on his death. If he leaves neither an eligible widow nor eligible children a payment equal to the preserved terminal grant will be made to the estate of the deceased. The value of the preserved terminal grant shall be the initial assessment of the award as enhanced by all pensions increase measures introduced between the husband's date of retirement and his death.

27. Where the death of an Officer, RN rating or RM other rank occurs before his preserved pension has been put into payment the widow will not be eligible for a short-term family pension under Section V of this Schedule. If the preserved pension has become payable however (whether by reason of age or otherwise) then the widow may receive a short-term family pension at the rates and in accordance with the conditions set out in Section V of this Schedule.

*Gratuities to dependants of serving officers and men*

28. (a) The provisions of Clauses 29 to 39 shall apply to the widows and children of Officers, ratings and other ranks who die while serving on full pay on or after 31st March 1976.

(b) The same general conditions applicable to the award of pensions set out in Section II of this Schedule shall apply to the award of a gratuity under the provisions of this Section.