

may be, paragraph 9(g)(ii) of Schedule 6 to the 1964 Order or in paragraph 5 or paragraph 6 of Schedule 7 to that Order at the rate specified in that paragraph before that date—

- (a) would, on or after that date, continue to be so entitled at that rate but for the provisions of paragraph (1) of this Article; and
- (b) is not entitled, in respect of that child, to child benefit under the Child Benefit Act 1975 (1975 c. 61) or, as the case may be, to payment of that benefit;

that person shall be entitled in respect of that period to payment of the pension or allowance either at the rate specified as aforesaid under the 1964 Order immediately before the date on which this Article comes into operation or at the rate specified in that paragraph on and after that date, whichever rate is the higher.

Amendment of Articles of the 1964 Order, and transitional provisions

2.—(1) In Articles 1 (definitions), 13 and 38 (education allowance) of the 1964 Order there shall be made the amendments set out in Part III of the Appendix hereto.

(2) Notwithstanding the foregoing provisions of this Article, where before the date on which this Article comes into operation—

- (a) an award has been made under any provision of the 1964 Order, and
- (b) that award is—
 - (i) in respect of a relevant child or juvenile dependant, and
 - (ii) subject to the child's age limit, and

(c) the relevant child or juvenile dependant has attained the age of 16 years, the foregoing provisions of this Article, in so far as they relate to Article 1(8) of the 1964 Order, shall not apply and the expression "child's age limit" shall, for the purposes of that award, have the meaning assigned to it by sub-paragraph (8)(a) of that Article immediately before the aforementioned date.

(3) In the last preceding paragraph the expression "relevant child or juvenile dependant" means a child or juvenile dependant of a member of the naval forces, being—

- (a) an officer; or
- (b) a sergeant-major of the Royal Marines, or
- (c) a nurse.

Interpretation and commencement

3.—(1) This Order shall, save so far as the context otherwise requires, be read as one with the 1964 Order and, subject to the provisions of paragraphs (2) and (3) of this Article, shall come into operation on 4th April 1977 so, however, that in relation to any award payable weekly the foregoing reference to 4th April 1977, where this is not the normal weekly pay day for that award, shall be construed as a reference to the first normal weekly pay day for that award following 4th April 1977.

(2) In so far as Article 1 substitutes the higher maximum rate of allowance for part-time treatment specified in paragraph 10 of Schedule 6 in Part I of the Appendix hereto, it shall be deemed to have come into operation on 20th December 1976.

(3) In so far as Article 2 provides for education allowance under Articles 13 and 38 of the 1964 Order to be awarded from the beginning of the school term in which a child attains the age of 5 years, it shall be deemed to have come into operation on 16th September 1976 and that Article shall be construed accordingly.

N. E. Leigh

APPENDIX

PART I

Amendment of Schedule 6 to the 1964 Order

1. In Schedule 6 paragraph 5 (unemployability allowances) in sub-paragraph (b)(iii)(a) of that paragraph for the sums "£387.40" and "£7.45" there shall respectively be substituted the sums "£335.40" and "£6.45".
2. In Schedule 6 paragraph 9 (treatment allowances) there shall respectively be substituted—
 - (a) in sub-paragraph (e)(i) for the sums "£210.60" and "£4.05" the sums "£158.60" and "£3.05";
 - (b) in sub-paragraph (g)(ii) for the sums "£387.40" and "£7.45" the sums "£335.40" and "£6.45".
3. In Schedule 6 paragraph 10 (part-time treatment allowance) for the sum "£8.00" in the second and third columns of that paragraph there shall be substituted the sum "£9.80".

PART II

Amendment of Schedule 7 to the 1964 Order

1. In Schedule 7 for paragraph 5 (allowances in respect of children) there shall be substituted in the first, second and third columns respectively the following paragraph:

" 5. Allowances in respect of children—
(a) under Article 35(1)—

(i) in respect of the child, or the elder or eldest of the children, of a member	(i) Commissioned Officer* or Nurse— £390.30 per annum	£7.35 per week
(ii) in respect of each other child of a member	(ii) Warrant Officer†— £384.30 per annum (i) Commissioned Officer* or Nurse— £372.10 per annum (ii) Warrant Officer†— £366.10 per annum	£7.00 per week