

*Effect of Separation on Widow's Pension*

12. Subject to any exception which the Defence Council may approve in a particular case, a pension will not be awarded to a widow who was separated from her husband at the time of his death. Should such an exception be approved the award will be at such a rate, and subject to such conditions, as the Defence Council may determine.

*Date of Commencement of Pension*

13. 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 date of cessation of the husband's disablement pension.

*Belated Claims*

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

*Re-marriage*

15. If a widow of a member of the Maltese Naval Forces who has been granted a pension under this Schedule re-marries, her pension will cease on the date of her re-marriage, but at the discretion of the Defence Council, she may then be granted a gratuity equal to one year's pension in full discharge of all claims.

*Children*

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

- (1) A legitimate child of a member of the Maltese Naval Forces; or
- (2) a step-child of the member who was mainly dependent on him at the time of his death; or
- (3) a child adopted by the member; or
- (4) an illegitimate child of the member born before or within nine months after the date on which he sustained the wound or injury, or the date on which he was removed from duty on account of the disease in respect of which his disablement pension was granted, and who was regularly maintained by the member up to the date of his death, or who was the subject of an affiliation order which was in force at the date of his death.

(b) A child's pension will normally cease when the child attains the age of 16 years, but may be granted or continued after that age:

- (1) if the child continues to receive full-time education, or is an apprentice not receiving more than nominal wages; or
- (2) 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 Defence Council considers that the pecuniary circumstances of the child and family are such as to justify the award.

(c) A child's pension 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 Defence Council. (20 SI)

At the Court at

Buckingham Palace the 18th day of February 1981

Present,

The QUEEN'S Most Excellent Majesty in Council

Whereas by Orders in Council dated 7th November 1924 and 25th June 1925, as amended by subsequent Orders, regulations were approved for the payment of pensions and allowances by the Ministry of Defence to widows, children and parents of members of the naval forces who die as a result of peace-time service before 3rd September 1939 at similar rates and subject to similar conditions as awards payable by the Department of Health and Social Security in respect of deaths attributable to service during the 1914 World War or after 2nd September 1939:

And whereas the Department of Health and Social Security have made further provision concerning pensions

and allowances payable to dependants of members of the naval forces:

And whereas it is expedient that corresponding improvements should be made in the awards payable by the Ministry of Defence:

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 (1865 c. 73), 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 (Widows' Attributable Pensions) Order 1981.
- (2) The revised rates and conditions of award of pensions and allowances to widows and children in respect of the death of Officers and men of the Royal Navy and Royal Marines where death is attributable to their service as specified in the Schedule annexed hereto shall take effect from 24th November 1980 for widows and children of Officers and 26th November 1980 for other widows and children.

N. E. Leigh

SCHEDULE

SECTION 1. *Pensions and Allowances*

*Widows*

1.—(a) Pensions shall be payable at the discretion of the Defence Council, and subject to the regulations following, to the widows of Officers, ratings and marines whose deaths are attributable to service before 4th August 1914 or between 1st October 1921 and 2nd September 1939 or where the Officer or rating was receiving any rate of constant attendance allowance when he died (or would have been receiving it but for the fact that he was in a hospital or other institution).

(b) Where a pension is awarded to a widow for any past period the total amount of pension so awarded may be abated by the amount by which the amount of benefit paid exceeds what would have been payable for that period had the pension been concurrently payable.

(c) Officers' widows

Rank	Yearly rate of pension	
	Widow with children or 40 years of age or over or incapacitated	Any other widow
	£	£
Admiral of the Fleet ... ..	2,451	2,451
Admiral or General, RM ... ..	2,291	2,291
Vice-Admiral or Lieutenant-General, RM ... ..	2,191	2,191
Rear-Admiral or Major-General, RM ... ..	2,101	2,101
Commodore 1st or 2nd Class or Colonel Commandant, RM ... ..	2,041	2,041
Captain RN, or Colonel 2nd Commandant or Colonel or Lieutenant-Colonel, RM ... ..	1,981	1,981
Commander or Major, RM ... ..	1,961	1,961
Lieutenant-Commander or Captain, RM ... ..	1,931	652
Lieutenant RN or Lieutenant RM with 4 years or over commissioned service ... ..	1,916	581
Sub-Lieutenant RN ... ..	1,901	511
Acting Sub-Lieutenant RN ... ..		
Lieutenant RM with less than 4 years commissioned service ... ..		
2nd Lieutenant RM ... ..		
Senior Commissioned Officer (Branch List) RN or RM ... ..	1,876	452
Commissioned Officer (Branch List), RN or RM ... ..		