STATUTORY INSTRUMENTS

1978 No. 1525

PENSIONS

The Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978

Made - - - -	24*th October* 1978
Laid before Parliament -	1*st November* 1978
Coming into Operation -	1*st January* 1979

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At the Court at Buckingham Palace, the 24th day of October 1978

Present,

The Queen's Most Excellent Majesty in Council

WHEREAS Her Majesty deems it expedient to consolidate the provisions concerning pensions and other grants in respect of disablement and death due to service in the naval, marine, military and air forces of the Crown and the nursing and auxiliary forces thereof during the period beginning with 4th August 1914 and ending on 30th September 1921 and during the period after 2nd September 1939 and to do so by Order in Council in pursuance of section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**a**):

NOW, THEREFORE, Her Majesty, in the exercise of the powers conferred by the said section 12(1) 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:—

PART I—GENERAL

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1978 and shall come into operation on 1st January 1979, immediately after the War Pensions (Pre-Consolidation Amendment) Order 1978(**b**) has come into operation.

(2) In this Order, unless the context otherwise requires, an expression for which there is an entry in the second column of Schedule 3 hereto shall have the meaning given against it in the third column of that Schedule or, as the case may be, shall be construed in accordance with the instructions given against it in that column.

(3) References in this Order to any enactment, Order in Council, Royal Warrant or Order shall, unless the context otherwise requires, be construed as references to that enactment, Order in Council, Warrant or Order as amended by or under any other enactment, Order in Council, Warrant or Order, and to any other enactment, Order in Council, Warrant or Order substituted therefor.

(4) In this Order, unless the context otherwise requires, any reference to a numbered article or Schedule is a reference to the article or, as the case may be, the Schedule bearing that number in this Order, and any reference in an article to a numbered paragraph is a reference to the paragraph bearing that number in that article.

(5) Where any matter is required by this Order to be certified, that matter shall be determined—

(*a*) where a Tribunal constituted under the War Pensions (Administrative Provisions) Act 1919(**c**) or the Pensions Appeal Tribunals Acts 1943 and 1949(**d**) has given a decision on that matter under those Acts, in accordance with that decision, or, if an appeal from that decision is

(**a**) 1977 c. 5. (**b**) S.I. 1978/1405. (**c**) 1919 c. 53.
(**d**) 1943 c. 39; 1949 c. 12.

brought under the said Acts, in accordance with the decision on that appeal;

(*b*) where no such decision has been given and the matter involves a medical question—

(i) in accordance with a certificate on that question of a medical officer or board of medical officers appointed or recognised by the Secretary of State for that purpose; or, where that question appears to the Secretary of State to raise a serious doubt or difficulty and he so desires,

(ii) in accordance with the opinion thereon obtained by the Secretary of State from one or more of a panel of independent medical experts nominated by the President of the Royal College of Physicians of London, the Royal College of Surgeons of England or the Royal College of Obstetricians and Gynaecologists.

(6) For the purposes of this Order, a person shall be treated as having attained the age of 16 years at the commencement of the sixteenth anniversary of the day of his birth and similarly with respect to any other age.

(7) For the purposes of this Order—

(*a*) a person may be treated as being in receipt of any retired pay, pension, allowance or other continuing benefit awarded to him under this Order notwithstanding that the retired pay, pension, allowance or other benefit, or any part thereof, is, by virtue of any provision of this Order being administered or otherwise applied for any purpose or paid to some other person;

(*b*) where an allowance awarded under this Order in respect of a child of a deceased member of the armed forces is withheld or reduced under article 58, the member's widow or unmarried dependant who lived as a wife who has the child under her control or in her charge may be treated as being in receipt of the allowance notwithstanding that it is so withheld or reduced;

(*c*) a condition for the award of any pension, allowance or grant under this Order that a person is, or, as the case may be, was, in receipt of retired pay, pension, allowance or other award under this Order, or under a 1919 to 1921 instrument, may be treated as satisfied if that person is, or, as the case may be, was, in receipt of any payment, made by the Secretary of State with the consent of the Treasury, which is analogous to that retired pay, pension, allowance or other award.

(8) For the purposes of this Order any question as to whether a person—

(*a*) is an adopted child, or is a parent by virtue of having adopted a child, shall be determined as if any adoption effected by a person who at the date of the adoption had a spouse and was not separated from that spouse, had been effected by those two spouses jointly;

(*b*) is a grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild, shall be determined as if—

(i) any child adopted jointly by two persons who at the date of the adoption were spouses, or by a person who at that date had a

spouse and was not separated from that spouse, were the legitimate child of those spouses;

(ii) any child adopted by a person who at the date of the adoption had no spouse or was separated from his spouse, were the legitimate child of that person;

(iii) any child born illegitimate had been born the legitimate child of his father and mother.

(9) Any condition or requirement laid down in this Order for an award, or the continuance of an award, or relating to the rate or amount of an award, shall, except where the context otherwise requires, be construed as a continuing condition or requirement, and accordingly the award, rate or amount shall cease to have effect if and when the condition or requirement ceases to be fulfilled and shall be subject to variation from time to time in accordance with the condition or requirement.

(10) This Order shall be construed and shall operate as it would fall to be construed and to operate by virtue of section 23(1) of the Interpretation Act 1978(a) if it were made after the commencement of that Act.

Scheduled rates and amounts of pensions, grants and allowances etc. and construction of Schedules relevant thereto

2. The retired pay, pensions, grants, allowances and gratuities payable by virtue of an award under this Order or a 1919 to 1921 instrument shall be at the rate or, as the case may be, of the amount specified in the appropriate provisions of Schedule 1 or, as the case may be, Schedule 2, being provisions in force for the period in respect of which the payments are made or, in the case of gratuity, at the rate prescribed in article 11, which provisions shall be read as one with the succeeding articles of this Order as follows:—

Schedule 1,	Part II	with articles 10 and 43(3)(*a*);
	Part III	with articles 9(3) and (5), 11, 46(6), 49(5) and 51(4);
	Part IV	with articles 13(3), 14(1)(*a*) and (*b*), 15, 16, 17(1)(*a*) and (*b*) and (2), 18(1)(*a*) and (4)(*b*), (*c*) and (*d*), 19(1), 20(1)(*a*) and (*b*), 21(1), 22(1), 23(3) and (4)(*a*), (*b*), (*c*) and (*d*) and (6), (7), (9), (10) and 25(1);
	Part V	with article 9(4);
Schedule 2,	Part II	with articles 29(1)(*a*) and (*b*), 40(4) and 41(2);
	Part III	with articles 30(4), 31(1), 32, 34(2), 35(1) and (3), 36, 37(3), 38(3), 40(3) and (4) and 41(2) and (3); and

the aforesaid Parts shall each be subject to Part I of the Schedule in which they are contained.

(a) 1978 c. 30.

PART II.—GENERAL PRINCIPLES OF AWARDS

Basic condition of awards

3. Under this Order awards may be made where the disablement or death of a member of the armed forces is due to service.

Entitlement where a claim is made in respect of a disablement, or death occurs, not later than seven years after the termination of service

4.—(1) Where, not later than seven years after the termination of the service of a member of the armed forces, a claim is made in respect of a disablement of that member, or the death occurs of that member and a claim is made (at any time) in respect of that death, such disablement or death, as the case may be, shall be accepted as due to service for the purposes of this Order provided it is certified that—

(*a*) the disablement is due to an injury which—

(i) is attributable to service; or

(ii) existed before or arose during service and has been and remains aggravated thereby; or

(*b*) the death was due to or hastened by—

(i) an injury which was attributable to service; or

(ii) the aggravation by service of an injury which existed before or arose during service.

(2) Subject to the following provisions of this article, in no case shall there be an onus on any claimant under this article to prove the fulfilment of the conditions set out in paragraph (1) of this article and the benefit of any reasonable doubt shall be given to the claimant.

(3) Subject to the following provisions of this article, where an injury which has led to a member's discharge or death during service was not noted in a medical report made on that member on the commencement of his service, a certificate under paragraph (1) of this article shall be given unless the evidence shows that the conditions set out in that paragraph are not fulfilled.

(4) The provisions of paragraphs (2) and (3) of this article shall not apply to a claim in respect of the disablement or death of a member of the Reserve or Auxiliary Forces where that disablement is due to, or that death is due to or hastened by, a disease other than a disease caused or aggravated by an accident but—

(*a*) such disablement or death shall be certified in accordance with paragraph (1) of this article if it is shown that the conditions set out in this article and applicable thereto are fulfilled;

(*b*) where, upon reliable evidence, a reasonable doubt exists whether the conditions set out in paragraph (1) of this article are fulfilled, the benefit of that reasonable doubt shall be given to the claimant.

(5) Where there is no note in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of the fact may be accepted.

(6) For the purposes of this article "service" means service as a member of the armed forces after 2nd September 1939.

Entitlement where a claim is made in respect of a disablement, or death occurs, more than seven years after the termination of service

5.—(1) Where, after the expiration of the period of seven years beginning with the termination of the service of a member of the armed forces, a claim is made in respect of a disablement of that member, or in respect of the death of that member (being a death occurring after the expiration of the said period), such disablement or death, as the case may be, shall be accepted as due to service for the purposes of this Order provided it is certified that—

(*a*) the disablement is due to an injury which—

(i) is attributable to service after 2nd September 1939; or

(ii) existed before or arose during such service and has been and remains aggravated thereby; or

(*b*) the death was due to or substantially hastened by—

(i) an injury which was attributable to service; or

(ii) the aggravation by service of an injury which existed before or arose during service.

(2) A disablement or death shall be certified in accordance with paragraph (1) of this article if it is shown that the conditions set out in this article and applicable thereto are fulfilled.

(3) The condition set out in paragraph (1)(*a*)(ii) of this article, namely, that the injury on which the claim is based remains aggravated by service after 2nd September 1939, shall not be deemed to be fulfilled unless the injury remains so aggravated at the time when the claim is made, but this paragraph shall be without prejudice, in a case where an award is made, to the subsequent operation of article 1(9) in relation to that condition.

(4) Where, upon reliable evidence, a reasonable doubt exists whether the conditions set out in paragraph (1) of this article are fulfilled, the benefit of that reasonable doubt shall be given to the claimant.

(5) Where there is no note in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of that fact may be accepted.

Serious negligence or misconduct

6. The Secretary of State may withhold, cancel or reduce any award which may be or has been made under this Order in respect of the disablement or death of a member of the armed forces in any case in which the injury or the death on which the claim to the award is based was caused or contributed to by the serious negligence or misconduct of the member.

Rank or status

7.—(1) Where, for the purposes of any award under Part III or IV of this Order (including any award under any article in those Parts made by virtue of Part V) in respect of the disablement or death of a member of the armed forces, the member's rank has to be determined, it shall be determined by reference to the relevant rank of the member.

(2) Subject to the following provisions of this article, the relevant rank of a member shall be whichever is the highest of the following ranks, namely—

(*a*) the substantive rank held by him on the date on which he was last on full pay prior to the termination of his service;

(*b*) where on that date he held war substantive rank, or paid temporary or paid acting rank which would then have been allowed to reckon for the purpose of calculating service retired pay or the rank element of a service pension if he were eligible for such retired pay or pension, that war substantive rank, or paid temporary or paid acting rank, as the case may be;

(*c*) the substantive, war substantive, paid temporary or paid acting rank held by the member on any of the following dates, namely—

(i) the date on which he sustained the wound or injury, or was first removed from duty on account of the disease, on which the claim to the award is based;

(ii) where the member suffered aggravation of the injury on which the claim is based (being aggravation which, in the case of death, persisted until death) as a result of service after the date mentioned in subparagraph (*c*)(i) of this paragraph, the date of the removal from duty on account of the aggravation, or, if there was no such removal from duty, the date of the termination of his service;

(*d*) in the case of an award in respect of the death of a member of the military forces who held brevet rank, that rank, so, however, that the brevet rank of colonel shall be treated as being the equivalent rank of lieutenant-colonel;

(*e*) in the case of an officer in the air forces transferred from a non-flying branch to the general duties branch for aircrew duties, or of an airman re-mustered to an aircrew category, the substantive, war substantive or paid temporary rank held immediately before his transfer or re-mustering;

(*f*) in the case of a member of the air forces who, immediately before becoming such a member, was a member of the military forces, and who was transferred to the Royal Air Force for aircrew duties in the general duties branch or for duties in an aircrew category or to the Royal Air Force Regiment, the rank which is equivalent to the substantive or war substantive rank in the military forces which he held immediately before his transfer.

(3) In the case of a member of the Reserve or Auxiliary Forces, the relevant rank shall be—

(*a*) the paid rank held by him, or, where pay was not in issue, the rank for which pay would have been in issue if he had been entitled to receive pay, on the date on which he sustained the wound or injury, or on which he was first removed from duty on account of the disease, on which the claim to the award is based; or

(*b*) if there was no such occurrence, the highest rank (ascertained in accordance with the provisions of subparagraph (*a*) of this paragraph) held by him during the relevant period of service; or

(*c*) where the member suffered aggravation of the injury on which the claim to the award is based (being aggravation which, in the case of death, persisted until death) as a result of service after the date or period mentioned in subparagraphs (*a*) and (*b*) of this paragraph, the date of the removal from duty on account of the aggravation, or, if there was no such removal from duty, the highest rank (ascertained in accordance with the provisions of subparagraph (*a*) of this paragraph) held by him during such service.

(4) Where a composite assessment of the degree of disablement has been made in accordance with subparagraph (*c*) of article 9(2) or death is due to more than one injury, and different ranks are, under the foregoing provisions of this article, relevant to the different injuries taken into account by the assessment or resulting in or hastening death—

(*a*) an award under Part III of this Order in respect of the composite assessment shall be made at a composite rate calculated by reference to the degree of disablement resulting from each such injury and the relevant rank appropriate thereto, so, however, that where the sum of the separate assessments which would have been made in respect of those injuries but for the said subparagraph exceeds the amount of the composite assessment, the degree of disablement resulting from the injury to which the lower or lowest of those different relevant ranks is appropriate shall, for the purpose of calculating the said composite rate, be treated as reduced by the amount of the excess; and

(*b*) an award under Part IV shall be at a rate calculated by reference only to the higher or highest of those different relevant ranks.

(5) For the purposes of an award in respect of the death of a retired officer who has been recalled to service or otherwise taken into employment as a commissioned officer, the relevant rank shall be the rank in which he was employed, or the rank appropriate to the appointment in which he was employed, at the date on which he was last on full pay prior to the termination of his service, or at any of the dates mentioned in paragraph (2)(*c*) of this article, whichever is most favourable.

(6) As regards members of the naval forces, the provisions contained in the principal Naval Regulations as to equivalent ranks of officers and ratings for the purpose of retired pay, pension or like grant thereunder, and as to the classification of different categories of ratings, shall have effect for the purposes of this Order.

(7) As regards members of the military forces, the classification of the ranks of soldiers set out in the Pension Warrant shall have effect for the purposes of this Order.

(8) As regards members of the air forces, any references in this Order to a warrant officer shall be treated as excluding a reference to a warrant officer, 2nd class, and any reference to an aircraftman shall be treated as including a reference to an aircraft apprentice, an apprentice clerk and a boy entrant.

(9) For the purposes of any award under this Order, a Chaplain to the military forces shall be treated as holding the rank which is laid down as appropriate in his case in the Pay Warrant and a Chaplain to the naval or air forces shall be treated as holding such rank as is, in the opinion of the Secretary of State, appropriate in his case having regard to the length of his service, and the provisions made in the principal Naval Regulations or, as the case may be, the principal Air Force Regulations, as to the grant of retired pay, pension, allowances or gratuities to or in respect of Chaplains with that length of service.

(10) The foregoing provisions of this article shall, where appropriate, apply in relation to women members, any reference to a rank being treated where necessary as a reference to a status equivalent to that rank.

PART III—AWARDS IN RESPECT OF DISABLEMENT

General conditions

8.—(1) Under this Part of this Order awards may be made in respect of the disablement of a member of the armed forces which is due to service, and may be made provisionally or upon any other basis.

(2) An award in respect of the disablement of a member shall not be made to take effect before the termination of his service or, in the case of an officer on the active list, while he is in receipt of unemployed pay or half pay.

(3) No award of an allowance under article 13 or 18(4)(*d*) nor under article 23(7) and (8) (education, unemployability and treatment allowances in respect of a child of a member) shall be made, continued or shall continue to have effect in respect of a child who is over the child's age limit, unless he is—

(*a*) a student or an apprentice; or

(*b*) incapable of self-support by reason of an infirmity which arose before he attained the child's age limit; and

(*c*) in either case the circumstances are, in the opinion of the Secretary of State, such as to justify the award or its continuance.

(4) For the purposes of articles 13 and 18(4)(*d*) and (*e*) and article 23(7) and (8) an award, continuance and amount of any allowance under those articles in respect of a child who is living apart from the member shall be at the discretion of the Secretary of State.

(5) This Part of this Order shall have effect subject, in the case of any award which may be made under Part V, to the provisions of that Part.

Determination of degree of disablement

9.—(1) The following provisions of this article shall apply for the purposes of the assessment of the degree of the disablement of a member of the armed forces due to service after 2nd September 1939.

(2) Subject to the following provisions of this article—

(*a*) the degree of the disablement due to service of a member of the armed forces shall be assessed by making a comparison between the condition of the member as so disabled and the condition of a normal healthy person of the same age and sex, without taking into account the earning capacity of the member in his disabled condition in his own or any other specific trade or occupation, and without taking into account the effect of any individual factors or extraneous circumstances;

(*b*) for the purpose of assessing the degree of disablement due to an injury which existed before or arose during service and has been and remains aggravated thereby—

(i) in assessing the degree of disablement existing at the date of the termination of the service of the member, account shall be taken of the total disablement due to that injury and existing at that date; and

(ii) in assessing the degree of disablement existing at any date subsequent to the date of the termination of his service, any increase in

the degree of disablement which has occurred since the said date of termination shall only be taken into account in so far as that increase is due to the aggravation by service of that injury;

(*c*) where such disablement is due to more than one injury, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all such injuries;

(*d*) the degree of disablement shall be assessed on an interim basis unless the member's condition permits a final assessment of the extent, if any, of that disablement.

(3) The degree of disablement assessed as aforesaid shall be certified by way of a percentage, total disablement being represented by 100 per cent (which shall be the maximum assessment) and a lesser degree being represented by such percentage as bears to 100 per cent the same proportion as the lesser degree of disablement bears to total disablement, so, however, that a degree of disablement of 20 per cent or more shall be certified at a percentage which is a multiple of 10, and a degree of disablement which is less than 20 per cent shall, except in a case to which Table 1 of Part III of Schedule 1 applies, be certified in a manner suitable for the purposes of Table 2 of Part III of that Schedule.

(4) Where a disablement is due to an injury specified in Part V of Schedule 1 or is a disablement so specified, and, in either case, has reached a settled condition, the degree of that disablement shall, in the absence of any special features, be certified for the purposes of this article at the percentage specified in that Part as appropriate to that injury or to that disablement.

(5) Where a member has sustained a minor injury specified in Table 1 of Part III of Schedule 1 as well as some other disablement due to service, the degree of which is less than 100 per cent, and a composite assessment of the degree of the disablement from both causes is no higher than the assessment for the other disablement alone, this article shall have effect so as to authorise an award under article 11 in respect of the minor injury as well as an award under article 10 or 11 in respect of the other disablement.

(6) The degree of disablement certified under this article shall be the degree of disablement for the purpose of any award in respect thereof under this Order.

Pension for disablement

10. A member of the armed forces the degree of whose disablement due to service after 2nd September 1939 is not less than 20 per cent may be awarded retired pay or a pension at whichever of the rates set out in the Tables in Part II of Schedule 1 is appropriate to his rank or status and the degree of his disablement.

Gratuity for minor disablement

11.—(1) Subject to the provisions of paragraph (2) below, a member of the armed forces the degree of whose disablement due to service after 2nd September 1939 is less than 20 per cent may be awarded a gratuity in accordance with the appropriate Table in Part III of Schedule 1 in force at the time of the award.

(2) Where an award of a gratuity is reviewed on the grounds that, for the purposes of Table 2 of Part III of Schedule 1, the award was based on the erroneous estimation that the disablement would be of less than indeterminate duration, but subsequently the degree of the disablement increased to 20 per cent or more, the Secretary of State may on review and subject to the provisions of article 55 (adjustment of awards in respect of other compensation) award a gratuity in accordance with the appropriate Table in the said Schedule 1 in force at such date as may seem to him just having regard to all the circumstances of the case, being a date not later than that on which the degree of the disablement so increased.

Allowances for eligible members of the family

12.—(1) Where a member of the armed forces is awarded retired pay or a pension, allowances in respect of the eligible members of the family may be awarded in accordance with the following provisions of this article.

(2) An allowance under this article in respect of an eligible member of the family shall be at such proportion of the rates set out in the following Table as corresponds to the degree of the disablement giving title to that allowance—

Eligible member of the family	*Rate for 100% disablement*	
	Officers (yearly rate)	*Other ranks (weekly rate)*
(*a*) wife or husband ..	£41·20	£0·60
(*b*) unmarried dependant living as a wife ..	£41·20	£0·60
(*c*) first child where no allowance under (*a*) or (*b*) is in issue.. ..	£41·20	£0·60

(3) The award, continuance and amount of any allowance in respect of a wife, husband or child who is living apart from the member shall be at the discretion of the Secretary of State.

(4) No allowance shall be awarded in respect of a husband unless—

(*a*) he has been in receipt of regular and substantial support or benefit from the member throughout the period beginning (unless the Secretary of State otherwise determines in the exceptional circumstances of any case) not less than 6 months prior to the termination of her service, and continuing up to the date of any award under this Order in respect of her disablement and, where the award is reviewed, up to the date of the review; and

(*b*) he is incapable of self-support and in need.

(5) No allowance shall be awarded in respect of an unmarried dependant living as a wife of a member whose disablement is due to service after 2nd September 1939 unless she has in her charge a child of the member.

(6) No award of an allowance under this article shall be made, continued or shall continue to have effect in respect of a child who has attained the child's age limit unless he is undergoing full-time education and is under the age of 19 years.

(7) For the purposes of item (*c*) of the Table in paragraph (2) of this article, the expression "first child" means the eldest child of the member after disregarding any child in respect of whom, by virtue of the last preceding paragraph, no award of an allowance under this article may be made, continued or continue to have effect.

Education allowance

13.—(1) A member of the armed forces who is in receipt of retired pay or a pension may be awarded an allowance in respect of a child for the purpose of his education if—

(*a*) the child is a child of the member or by virtue of article 18(4)(*e*) is treated as a child of the member; and

(*b*) the child has attained the age of 5 years; and

(*c*) the circumstances of the family are such as to require it; and

(*d*) the Secretary of State is satisfied that the type of education which the child is receiving, or is to receive, is suitable for the child.

(2) Notwithstanding the foregoing provisions of this article, where the child begins school before the age of 5 years an allowance under this article may be awarded from the beginning of the school term in the course of which the child attains the age of 5 years.

(3) The amount of an allowance under this article shall be determined by the Secretary of State, but the total payments made in respect of any period of 12 months for any one child shall not exceed the appropriate amount specified in paragraph 1 of Part IV of Schedule 1.

Constant attendance allowance

14.—(1) Where a member of the armed forces is in receipt of retired pay or a pension in respect of disablement the degree of which is not less than 80 per cent and it is shown to the satisfaction of the Secretary of State that constant attendance on him is necessary on account of the disablement—

(*a*) that member may, subject to the provisions of the next succeeding subparagraph, be awarded an allowance at a rate not exceeding the appropriate rate specified in paragraph 2(*b*) of Part IV of Schedule 1; or

(*b*) in an exceptional case of very severe disablement, that member may be granted that allowance increased, subject to such conditions as the Secretary of State may determine, to a rate not exceeding the appropriate rate specified in paragraph 2(*a*) of that Part.

(2) In this article the expressions "retired pay" and "pension" have the same meaning as they have for the purposes of article 17.

Exceptionally severe disablement allowance

15. Where the disablement of a member of the armed forces is, and in the opinion of the Secretary of State is likely permanently to remain, such that he is, or if he were not in a hospital or other institution would be, in receipt of an allowance for constant attendance at a rate increased under the provisions of article 14(1)(*b*), he may be awarded an allowance at the appropriate rate specified in paragraph 3 of Part IV of Schedule 1.

Severe disablement occupational allowance

16. Where a member of the armed forces is in receipt of an allowance for constant attendance at a rate increased under the provisions of article 14(1)(*b*), he may be awarded an allowance at the appropriate rate specified in paragraph 4 of Part IV of Schedule 1 for any period during which he is, in the opinion of the Secretary of State, ordinarily employed in a gainful occupation, not being a period in respect of which he is eligible for an award under article 18(1)(*a*) or is in receipt of a treatment allowance increased under article 23(4) or of any such benefit as is mentioned in article 23(11) other than injury benefit or sickness benefit.

Allowance for wear and tear of clothing

17.—(1) Where a member of the armed forces who is in receipt of retired pay or a pension in respect of an amputation regularly wears an artificial limb, he may be awarded an allowance in respect of wear and tear of clothing—

(*a*) where he wears a single artificial limb (other than a tilting-table limb), at the appropriate rate specified in paragraph 5(*a*) of Part IV of Schedule 1; or

(*b*) where he wears a tilting-table limb or more than one artificial limb, at the appropriate rate specified in paragraph 5(*b*) of the said Part IV.

(2) In any other case in which the Secretary of State is satisfied that as a result of the pensioned disablement there is exceptional wear and tear of the member's clothing an allowance at a rate not exceeding the appropriate rate specified in paragraph 5(*b*) of the said Part IV may be awarded.

(3) In this article the expression "retired pay" includes wounds pension under the Regulations in respect of the naval forces in force before 4th August 1914, or under the Royal Warrant of 1st December 1914, for the Pay, Appointment, Promotion and Non-Effective pay of the Army and wounds pension received in lieu of retired pay under article 1 of the 1921 Order, retired pay at the half-pay rate under paragraph (1)(*a*)(iii) of the proviso to article 1 of the 1921 (Officers) Order and under article 1(1)(*a*) of the 1920 Warrant and alternative retired pay under article 3 of the 1921 (Officers) Order, of the 1921 (Warrant Officers) Order, of the 1920 Warrant or of the 1921 Order, as the case may be; and the expression "pension", in relation to a nurse, includes an alternative pension under article 23C of the 1921 (Officers) Order, of the 1920 Warrant or of the 1921 Order and, in relation to a rating, soldier or airman, an alternative pension under article 3 of a 1919 to 1920 instrument, as the case may be.

Unemployability allowances

18.—(1) Subject to the provisions of this article, where a member of the armed forces is in receipt of retired pay or a pension in respect of disablement so serious as to make him unemployable, he may be awarded—

(*a*) a personal allowance by way of supplement to his retired pay or pension at the appropriate rate specified in paragraph 6(*a*) of Part IV of Schedule 1; and

(*b*) additional allowances for dependants in accordance with such of the provisions of paragraph (4) of this article as may be appropriate in his case.

(2) For the purposes of this article a member may be deemed to be unemployable although in receipt of earnings which are, in the opinion of the Secretary of State, unlikely to exceed £572 a year.

(3) A member shall not be eligible for any award under this article if he is in receipt of a retirement pension under Chapter I or Chapter II or Part II of the Social Security Act 1975(**a**) or the corresponding provisions of the Social Security (Northern Ireland) Act 1975(**b**) (other, in either case, than an increase thereof by way of age addition or a category A or B retirement pension as provided by regulation 14 of the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974(**c**) or by corresponding regulations made in Northern Ireland) or a graduated retirement benefit under the National Insurance Act 1965(**d**) or under any legislation in Northern Ireland corresponding thereto.

(4) Where a member is awarded an allowance under paragraph (1)(*a*) of this article, he may also be awarded additional allowances for dependants in accordance with the following provisions of this paragraph—

(*a*) in the case of a woman member of the armed forces an allowance may be awarded in respect of a husband to whom she was married after the material date, at the rate and subject to the conditions which would be appropriate under article 12 if the husband were an eligible member of the family;

(*b*) where an allowance has been awarded under article 12 in respect of a wife, husband or unmarried dependant living as a wife, or where an allowance has been awarded under subparagraph (*a*) of this paragraph, the rate of the allowance may be increased by an amount not exceeding the appropriate amount in paragraph 6(*b*)(i) of Part IV of Schedule 1, if the Secretary of State thinks fit having regard to the financial circumstances of the person in respect of whom the allowance has been granted;

(*c*) subject to the condition that an allowance shall not be awarded in respect of more than one adult dependant, where the member is not in receipt of an allowance under article 12 or under subparagraph (*a*) of this paragraph in respect of a wife or husband (whether married to the member before or after the material date) or unmarried dependant living as a wife, an allowance may be awarded in respect of an adult

(**a**) 1975 c. 14. (**b**) 1975 c. 15 (N.I.). (**c**) S.I. 1974/1757.

(**d**) 1965 c. 51, as modified by the Social Security (Graduated Retirement Benefit) Regulations 1975 (S.I. 1975/557).

dependant at a rate not exceeding the appropriate rate specified in paragraph 6(*b*)(ii) of the said Part IV if the Secretary of State thinks fit having regard to the financial circumstances of the person in respect of whom the allowance is claimed;

(*d*) an allowance may be awarded in respect of any child of the member at the appropriate rate specified in Schedule 1, Part IV, paragraph 6(*b*)(iii);

(*e*) where a child is not a child of the member, but in the opinion of the Secretary of State, having regard to the child's relationship to or connection with the member and the other circumstances of the case, the child should be so treated for the purposes of the last preceding subparagraph, that child shall be so treated for those purposes.

(5) Where a person to whom a personal allowance may be or has been awarded under the foregoing provisions of this article is eligible for a category A or B retirement pension, as provided for by regulation 14 of the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974(**a**), or by corresponding regulations made in Northern Ireland, or a widow's pension under Chapters I or II of Part II of the Social Security Act 1975(**b**), or the corresponding provisions of the Social Security (Northern Ireland) Act 1975(**c**), or where a person to or in respect of whom a personal allowance or an additional allowance may be or has been so awarded is eligible for benefit payable out of public funds under the law of any place outside the United Kingdom being benefit which, in the opinion of the Secretary of State, is analogous to benefit under Chapters I or II of Part II of the Social Security Act 1975, the Secretary of State may take into account any such pension against the personal allowance and any such benefit against the personal allowance and the additional allowance in such manner and to such extent as he may think appropriate having regard, in the case of any such benefit, to any adjustment which would be made if the person were eligible for the analogous benefit under the said Act.

Invalidity allowance

19.—(1) Where a member of the armed forces is awarded an allowance under article 18(1)(*a*) in respect of unemployability and has not on the relevant date (whether before or after the coming into operation of this article) attained the age of 60 or, in the case of a woman member, the age of 55, he may be awarded an additional allowance at the appropriate rate specified in paragraph 7 of Part IV of Schedule 1.

(2) Subject to the following provisions of this article the relevant date for the purposes of paragraph (1) of this article shall be the commencing date of the period in respect of which an allowance under article 18(1)(*a*) is awarded and, if there have been two or more such periods, the commencing date of the latter or last of them.

(3) For the purposes of paragraph (2) of this article where a break between two periods in respect of which an allowance under article 18(1)(*a*) has been awarded does not exceed 13 weeks those periods shall not be treated as separate periods.

(**a**) S.I. 1974/1757. (**b**) 1975 c. 14. (**c**) 1975 c. 15 (N.I.).

(4) If the unemployability in respect of which an allowance is awarded forms part of a period of interruption of employment for the purposes of Chapter I of Part II of the Social Security Act 1975 which has continued without a break from a date earlier than the date fixed under paragraphs (2) and (3) of this article, the relevant date shall be the first day of incapacity for work for those purposes in that period.

(5) Notwithstanding anything in the foregoing provisions of this article the relevant date may be such other date as the Secretary of State may determine if in his opinion the circumstances of any particular case so require.

(6) This article shall not apply if on the date on which it comes into operation the member is a man over the age of 65 or a woman over the age of 60.

(7) The provisions of paragraph (5) of article 18, in so far as they provide for taking into account any benefit payable out of public funds under the law of any place outside the United Kingdom, shall apply to an allowance awarded under this article as they apply to a personal allowance awarded under that article.

Comforts allowance

20.—(1) A member of the armed forces in receipt of retired pay or a pension may be awarded an allowance for the provision of comforts—

(*a*) at the appropriate rate specified in paragraph 8(*a*) of Part IV of Schedule 1 where he is in receipt of an allowance under article 14 and is—

(i) in receipt of an allowance under article 18; or

(ii) in receipt of retired pay or a pension in respect of disablement the degree of which is 100 per cent resulting from multiple injuries which, in the opinion of the Secretary of State, render his disablement so severe as to justify an award under this subparagraph;

(*b*) at the appropriate rate specified in paragraph 8(*b*) of the said Part IV if he does not qualify for an award under subparagraph (*a*) of this paragraph but is in receipt of an allowance under article 14 or under article 18.

(2) For the purposes of this article—

(*a*) a member who would be in receipt of an allowance under article 14 if he were not in a hospital or other institution shall be deemed to be in receipt of an allowance under that article;

(*b*) the expressions "retired pay" and "pension" have the same meaning as they have for the purposes of article 17.

Allowance for lowered standard of occupation

21.—(1) Where a member of the armed forces is in receipt of retired pay or a pension in respect of disablement the degree of which is less than 100 per cent or has been granted an award under article 11 in respect of a minor dis-

ablement, and in either case the disablement is such as to render him incapable, and likely to remain permanently incapable, of following his regular occupation and incapable of following any other occupation which is of an equivalent standard and is suitable in his case, he may be awarded an allowance at a rate not exceeding the appropriate rate specified in paragraph 9 of Part IV of Schedule 1, so, however, that the aggregate rate of his retired pay or pension together with the allowance under this article shall not exceed the rate of retired pay or pension which would have been appropriate in his case if the degree of his disablement had been 100 per cent.

(2) In this article "regular occupation" means—

(*a*) where the member's disablement is due to service between 2nd September 1939 and 1st August 1973, the occupation which was his regular occupation before his service; or

(*b*) where there was no such regular occupation or where the member's disablement is due to service after 31st July 1973, the occupation which was his regular occupation on the date when he sustained the wound or injury, or was first removed from duty on account of the disease on which his award is based, or if there were no such occurrences, the date of the termination of his service;

(*c*) where the member's disablement is due to service during the 1914 World War, the occupation which was the most remunerative occupation which, in the opinion of the Secretary of State, accounted for a substantial period of his employment during the period beginning with 1st July 1944 and ending with 1st July 1945.

(3) An allowance under this article shall not be payable to a member for any period in respect of which an allowance under article 18(1)(*a*) is payable to him.

Age allowance

22.—(1) Where a member of the armed forces who is in receipt of retired pay or a pension in respect of disablement the degree of which is 40 per cent or over has attained the age of 65 years, he may be awarded an allowance at the appropriate rate specified in paragraph 10 of Part IV of Schedule 1.

(2) Where a member who is in receipt of retired pay or a pension is also in receipt of retired pay or a pension payable out of moneys provided by Parliament under any Order in Council, other than this Order, or any Royal Warrant, Order or Scheme administered by the Secretary of State for Social Services, or of any payment analogous thereto made by him with the consent of the Treasury, an allowance under this article may, if it is to the member's advantage and does not result in an allowance awarded by virtue of this paragraph and an age allowance awarded under any other Order in Council, Royal Warrant, Order or Scheme being payable to the same person for the same period, be awarded at the rate appropriate to the degree of disablement which, in the opinion of the Secretary of State, represents the combined effect of his pensioned disablements.

(3) In this article the expressions "retired pay" and "pension" have the same meaning as they have for the purposes of article 17.

Treatment allowances

23.—(1) Subject to the provisions of this article, a member of the armed forces may be awarded, in respect of any period during which he receives treatment, a treatment allowance consisting of—

(*a*) a personal allowance at the rate of retired pay or pension which would be payable if the degree of his disablement were 100 per cent, increased, where appropriate, in accordance with paragraphs (3) and (4) of this article;

(*b*) additional allowances for dependants in accordance with paragraphs (5) to (10) of this article.

(2) The following conditions shall apply to an award of treatment allowance under this article—

(*a*) such allowance shall be subject to such deductions or adjustments as the Secretary of State may think appropriate having regard to all the circumstances of the case;

(*b*) where a member is in receipt of such allowance in respect of any period, no payment shall be made in respect of that period of any other award under a 1919 to 1921 instrument or this Part of this Order or, subject to paragraph (14) of this article, any award under Part V except—

(i) an award under article 13, 15, 17, 18(1)(*a*), (19) or 20; or

(ii) an award under article 14 but, in the case of treatment in a hospital or similar institution the whole or part of the cost of which is paid out of public funds, for the first four weeks thereof only; or

(iii) where the member is not in receipt of an increase of his personal allowance under paragraph (4) of this article, an award under article 16.

(3) Subject to the condition that the rate of any increase under this paragraph shall not exceed the appropriate rate specified in paragraph 11(*a*) of Part IV of Schedule 1, where a member has attained the age of 65 years, he may be awarded an increase of his personal allowance under paragraph (1)(*a*) of this article—

(*a*) at a rate equal to that of the allowance which he would be receiving under article 22 but for the provisions of paragraph 2(*b*) of this article or at such higher rate as the Secretary of State may determine having regard to the circumstances of the case; or

(*b*) at such rate as the Secretary of State may determine if in his opinion an award should be made to a person who is not eligible for an award under the preceding subparagraph.

(4) Except where a member is in receipt of an allowance under article 18(1)(*a*) or is receiving treatment in a hospital or similar institutions and is not entitled to an additional allowance in respect of a dependant under the following provisions of this article, he may be awarded an increase of his personal allowance—

(*a*) if he is not eligible for any such benefit as is mentioned in paragraph (11) of this article, at the appropriate rate specified in paragraph 11(*b*) of Part IV of Schedule 1;

(*b*) if he is eligible for such benefit at a rate lower than the appropriate rate specified in the said paragraph 11(*b*), at a rate equal to the difference between the lower rate and the rate so specified;

(*c*) if he is not eligible for invalidity pension and allowance solely by reason of his failure to satisfy the contribution conditions of the Social Security Act 1975(**a**) or, as the case may be, the Social Security (Northern Ireland) Act 1975(**b**), at the appropriate rate specified in paragraph 11(*c*) of Part IV of Schedule 1;

(*d*) for the purpose of determining the appropriate rate in the said paragraph 11(*c*) the relevant date shall be such date as would have been the qualifying date had he been eligible for invalidity pension and allowance.

(5) An additional allowance may be awarded to a member in respect of an eligible dependant (not being a child) at the rate and subject to the conditions which would be appropriate under article 12 if that dependant were an eligible member of the family and the degree of the member's disablement were 100 per cent.

(6) Where the eligible dependant referred to in paragraph (5) is the wife or husband (whether married to the member before or after the material date) or an unmarried dependant living as a wife, the rate of the allowance in respect of that dependant may be increased by the appropriate rate specified in paragraph 11(*d*) of Part IV of Schedule 1 if the Secretary of State thinks fit having regard to the financial circumstances of that dependant.

(7) Subject to the provisions of article 8(3) and (4) (general conditions), an additional allowance may also be awarded in respect of any child who is an eligible dependant at the rate specified in paragraph 11(*e*) of Part IV of Schedule 1.

(8) Subject as aforesaid, an allowance may also be awarded in respect of any child of a member whose disablement is due to service during the 1914 World War, not being an eligible dependant, who should, in the opinion of the Secretary of State, be treated as such having regard to the child's relationship to or connection with the member and the other circumstances of the case.

(9) Subject to the condition that an allowance under this paragraph shall not be awarded to more than one adult dependant, where a member is not in receipt of an allowance under paragraph (5) in respect of a wife or a husband (whether married to the member before or after the material date) or an unmarried dependant living as a wife, an additional allowance may be awarded in respect of an adult dependant at the appropriate rate specified in paragraph 11(*f*) of Part IV of Schedule 1 if the Secretary of State thinks fit having regard to the financial circumstances of that adult dependant.

(**a**) 1975 c. 14. (**b**) 1975 c. 15 (N.I.).

(10) The rate of any increase awarded under paragraphs (6), (7) and (8) to an additional allowance awarded under such paragraphs or an additional allowance awarded under paragraph (9) of this article may be further increased or increased, as the case may be, to the appropriate rate specified in paragraph 11(*g*) of Part IV of Schedule 1 if the member—

(*a*) is in receipt of an increase of his personal allowance under paragraph (4)(*c*) of this article or, but for his age on the relevant date, would be in receipt of such an increase; or

(*b*) is in receipt of an allowance under article 18(1)(*a*); or

(*c*) having reached the age of 65 years or, in the case of a woman member, 60 years, is not eligible for retirement pension under Chapters I to III of Part II of the Social Security Act 1975(**a**), or any benefit similar thereto as is referred to in paragraph (11) of this article.

(11) The benefit referred to in paragraph (4) is personal benefit under Chapters I to V of Part II of the Social Security Act 1975 or the corresponding provisions of the Social Security (Northern Ireland) Act 1975(**b**), by way of injury benefit, sickness benefit, retirement pension, invalidity pension and allowance, non-contributory invalidity pension, invalid care allowance, or category A or B retirement pension as provided for by regulation 14 of the Widow's Benefit, Retirement Pension and Other Benefits (Transitional) Regulations 1974(**c**) or by corresponding regulations made in Northern Ireland, or any benefits similar to the aforesaid benefits under the law of any place outside the United Kingdom which in the opinion of the Secretary of State is analogous to the first mentioned Act of 1975.

(12) For the purposes of article 13, 14, 17, 18(1)(*a*) or 20, personal allowance shall be deemed to be retired pay or pension.

(13) In this article "treatment" means—

(*a*) any treatment as an in-patient of a hospital or similar institution; or

(*b*) a course of medical, surgical or rehabilitative treatment of a remedial nature;

which in either case the Secretary of State is satisfied that a member of the armed forces should receive in consequence of any disablement in respect of which an award under this Order or any previous Order or Royal Warrant may be or has been made, but does not include any treatment which involves no or only occasional interruptions of the member's normal employment.

(14) Where a rating, soldier or airman, whose disablement is due to service during the 1914 World War, is entitled to a service pension or, in the case of a rating or soldier, to a service allowance awarded under article 52(2) or (4) of a 1964 instrument, he may, if the conditions for an award of an allowance under paragraph (1)(*a*) of this article are fulfilled, be awarded an allowance in accordance with that paragraph in addition to his service pension or, as the case may be, service allowance.

(**a**) 1975 c. 14. (**b**) 1975 c. 15 (N.I.). (**c**) S.I. 1974/1757.

Allowance where abstention from work is necessary following treatment in a hospital or similar institution

24.—(1) Where the Secretary of State is satisfied that a member of the armed forces should on completion of a course of treatment within the meaning of article 23(13)(*a*) abstain from work in consequence of the condition which necessitated that treatment, he may be treated as if he were eligible for such period as the Secretary of State may think fit for a treatment allowance under article 23.

(2) This article shall not apply to a member who is in receipt of an allowance under article 18(1)(*a*).

Allowance for part-time treatment

25.—(1) A member of the armed forces who receives treatment which would be treatment as defined in article 23(13) but for the fact that it involves only occasional interruptions of the member's normal employment, may, subject to the provisions of paragraph (2) below, be awarded an allowance at such rate, not exceeding the appropriate rate specified in paragraph 12 of Part IV of Schedule 1, as the Secretary of State may think fit having regard to any loss of remunerative time by the member as a result of those interruptions.

(2) The amount of an allowance awarded to a member under this article in respect of any period of a week or less shall not exceed the amount by which the weekly value of his existing award under this Part (excluding any award under article 13, 14, 15, 16, 17, 18(1)(*a*), 19, 20 or 22) or Part V of this Order falls short of the weekly value of the award which would have been appropriate in his case under article 23 (excluding any award under paragraph (3) of that article) if he had been eligible for an award under that article.

Medical expenses

26. Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a member of the armed forces and of appropriate aids and adaptations for disabled living may, in so far as not provided under legislation of the United Kingdom (other than any enactment under or by virtue of which this Order is made), be defrayed by the Secretary of State under such conditions and up to such amounts as he may determine.

PART IV—AWARDS IN RESPECT OF DEATH

Application of Part IV

27.—(1) Under this Part of this Order awards may be made in respect of the death of a member of the armed forces which is due to service.

(2) For the purposes of the following provisions of this Part any death in respect of which a claim to an award has been made under or by virtue of article 17A of a 1919 to 1920 other rank instrument or article 16A of a 1920 to 1921 officers instrument (widows of pensioners and others who, before the 1964 instruments came into operation, died from disablement or disease due to service during the 1914 World War) shall be deemed to be a death due to service.

(3) The death of a member occurring after 22nd November 1916 at a time when an allowance in respect of constant attendance was payable to him in respect of a period ending with his death, or would have been so payable if he had not been in a hospital or other institution, shall be regarded as due to service for the purposes of the following provisions of this Part so, however, that no award shall be made thereunder in respect of any period before 13th November 1978 where the allowance was payable to him at a rate of less than the normal maximum rate for the time being in force.

General conditions

28.—(1) Subject to the provisions of paragraph (2) below, where after the death of a member of the armed forces, any allowance, grant or other payment out of public funds is paid for any period to or in respect of any person in continuation of any payment made during the member's lifetime in respect of his service as a member, no pension, allowance or other grant under this Part of this Order shall be paid for that period to or in respect of that person.

(2) Where the aggregate amount of any pension, allowance or other grant which might, but for this article, have been paid under this Part is in excess of the aggregate amount of the payments so made out of public funds, an amount equal to that excess may be paid.

Pensions to widows

29.—(1) The widow of a member of the armed forces may be awarded a pension—

(*a*) at whichever of the rates specified in column (2) of Tables 1A and 2A or column (2) of Tables 3 and 4 in Part II of Schedule 2 is appropriate in her case—

(i) where she has attained the age of 40 years; or

(ii) where she is in receipt of an allowance awarded in respect of a child under article 35, 37 or 39; or

(iii) where she was, or was being treated under article 1(7)(*b*) as, in receipt of an allowance awarded under article 35 in respect of a child of whom she is the mother until the date upon which the child attained the age of 16 years, or where, in the opinion of the Secretary of State in any other case, she should be treated as having been in receipt of such an allowance until that date; or

(iv) where a child in respect of whom she was awarded an allowance under article 35 or 39 dies before attaining the age of 16 years, for a period of 13 weeks beginning with the date of the child's death; or

(v) where she is incapable of self-support;

(*b*) in any other case, at whichever of the rates specified in column (2) of Table 1A and column (3) of Table 2A or, as the case may be, column (3) of Table 3 and column (2) of Table 4 in Part II of Schedule 2 is appropriate in her case.

(2) This article shall not apply to a widow to whom a pension under article 11 of a 1919 to 1921 instrument has been awarded.

Pensions to unmarried dependants who lived as wives

30.—(1) An unmarried dependant who lived as a wife of a member of the armed forces whose death is due to service may be awarded a pension in accordance with the following provision of this article.

(2) Where such an unmarried dependant has in her charge a child of the member and is in receipt of an allowance awarded in respect of that child under the following provisions of this Part of this Order, a pension may, subject to the provisions of paragraph (3), be paid to her until she ceases to have that child in her charge or to be in receipt of such allowance.

(3) For the purposes of paragraph (2), where the child dies before attaining the child's age limit, the unmarried dependant may be treated for the period of 13 weeks from the date of the child's death as if she still had that child in her charge and were still in receipt of an allowance in respect of him.

(4) The rate of a pension awarded to an unmarried dependant under this article shall be at the discretion of the Secretary of State, but shall not exceed the appropriate rate specified in paragraph 1 of Part III of Schedule 2.

Rent allowance to widows, and unmarried dependants who lived as wives, who have children

31.—(1) Where a widow of a member of the armed forces is in receipt of a pension under article 11 of a 1919 to 1921 instrument, or under article 29 of this Order, or an unmarried dependant of a member is in receipt of a pension under article 30 and the household of the widow or unmarried dependant includes a child, the widow or unmarried dependant may be awarded a rent allowance at such weekly rate, not exceeding the appropriate rate specified in paragraph 2 of Part III of Schedule 2, as the Secretary of State may think fit having regard to her weekly rent and rates.

(2) Where an allowance under this article would cease by reason of the death of a child, the allowance may be continued for the period of 13 weeks from the date of the child's death.

(3) In this article—

(*a*) "child" means a child who has not attained the child's age limit, or who, having attained the age limit, is a student or an apprentice or is incapable of self-support by reason of an infirmity which arose before he attained the age limit, and includes any person fulfilling those conditions who should, in the opinion of the Secretary of State, having regard to his relationship to or connection with the member and the other circumstances of the case, be treated as covered by the provisions of this article;

(*b*) "weekly rent and rates" means such sum as the Secretary of State may, after taking into account all relevant factors and making all necessary apportionments, consider to be the weekly amount in respect of rent, or the equivalent thereof, and rates, which the widow or unmarried dependant is paying or providing either directly or indirectly for accommodation for the benefit of herself and the child;

(*c*) "accommodation" means living accommodation without any service or benefit not ordinarily provided by the landlord to the tenant of an unfurnished dwelling house, but may include accommodation reasonably required for the storage of furniture.

Allowance to elderly widows and unmarried dependants who lived as wives

32. Where a woman—

(*a*) is in receipt of a pension awarded under, or by virtue of—

(i) a 1919 to 1921 instrument as the widow of a member of the armed forces or as a person who had lived with him as his wife; or

(ii) under article 29 or 30 of, or Schedule 4, paragraphs 2 or 3 to this Order; and

(*b*) has attained the age of 65 or, as the case may be, 70;

she may be awarded a grant by way of an allowance at whichever of the rates specified in paragraph 3 of Part III of Schedule 2 is appropriate in her case.

Temporary allowances to widows and unmarried dependants who lived as wives of severely disabled pensioners

33.—(1) Notwithstanding anything in the foregoing provisions of this Order, where a member of the armed forces died or dies on or after 2nd December 1963 and—

(*a*) in respect of any period ending with his death there was payable to him either—

(i) an allowance under article 14 or 18(1)(*a*); or

(ii) although concurrently eligible for an allowance under article 18(1)(*a*), an allowance under article 21; or

(*b*) an allowance under article 14 cease to be payable within 13 weeks of his death following his entry as an in-patient into hospital or other institution;

his widow or unmarried dependant who lived as his wife may be awarded a personal allowance and, in respect of children, additional allowances in accordance with the following provisions of this article.

(2) A personal allowance awarded under this article to a widow shall be payable—

(*a*) for the period of 26 weeks commencing, in the case of the widow of an officer with the day, and in the case of the widow of any other member with the Wednesday, next following the day of his death; and

(*b*) at a weekly rate equal to the total amount of the retired pay, pension, alternative retired pay or pension or treatment allowances and any other allowances payable to the member under this Order or by virtue of a grant under a 1919 to 1921 instrument in respect of the seven days next preceding the day of his death, with the exception of allowances under article 17, 18(4)(*c*), 23(4) or 23(6) or any allowance in respect of a child; but

(*c*) a personal allowance under this paragraph shall be subject to the provisions of paragraphs (1), (3), (6) and (7) of article 42 as if it were a pension under article 29 and shall not be payable for any period after the death of the widow; and

(*d*) in calculating the weekly rate of retired pay, pension or allowances for the purposes of the foregoing provisions of this article—

(i) a member who was in receipt of an award under Part V of this Order shall be deemed in lieu thereof to have been in receipt of an award under article 10;

(ii) an officer who was in receipt of an award under any paragraph of the proviso to article 1 of a 1920 to 1921 instrument shall be deemed in lieu thereof to have been in receipt of an award under the said article 1 without reference to that proviso;

(iii) as regards a member (whether or not an officer), no account shall be taken of any pension awarded in respect of service or rank (or both) for which the member was eligible under the principal Naval Regulations, the Pensions Warrant or the principal Air Force Regulations or under any Order in Council, Royal Warrant or Order relating to service before 3rd September 1939; and

(iv) a member who, being concurrently eligible for an allowance under article 18(1)(*a*), was in receipt of an allowance under article 21 shall be deemed in lieu thereof to have been in receipt of an allowance under article 18(1)(*a*).

(3) An unmarried dependant who lived as the wife of the member and who at the date of his death had a child of his in her charge may be awarded a personal allowance under this article as if she were the widow of the member, but such an award shall be subject to the following conditions:—

(*a*) the rate of the allowance payable to the unmarried dependant—

(i) shall be at the discretion of the Secretary of State; but

(ii) shall not in any case exceed the rate which, if she were the member's widow, would be appropriate in her case under paragraph (2) of this article; and

(*b*) the allowance shall not be payable for any period after the unmarried dependant ceases to have that child in her charge.

(4) Where the widow or an unmarried dependant who lived as the wife of a member is awarded a personal allowance under this article, she may be awarded an additional allowance in respect of any child for whom an allowance was payable to the member immediately before his death, and any such additional allowance shall be payable—

(*a*) for so long as the personal allowance is payable and the child is alive and has not attained the child's age limit, or, if he has attained that limit, is a student or an apprentice or is incapable of self-support by reason of an infirmity which arose before he attained that limit and the circumstances are such, in the opinion of the Secretary of State, as to justify the continuance of the award; and

(*b*) at the weekly rate at which the allowance or allowances, other than an allowance under article 13, for that child was or were payable to the member in respect of the seven days next preceding the day of his death.

(5) As respects any payments made to a person under this article for any period for which any pension or allowance (other than an allowance under this article or article 38) or grant might, but for the provisions of this paragraph, be awarded to that person under this Part of this Order—

(*a*) where the aggregate amount of such payments is equal to, or exceeds, the aggregate amount of such pension, allowance or grant, no award of such pension, allowance or grant shall be made;

(*b*) where the aggregate amount of such payments is less than the aggregate amount of such pension, allowance or grant, the pension, allowance or grant may be awarded and the payments shall be treated as paid on account thereof; but

(*c*) where a widow, who, but for the provisions of this paragraph, would have been eligible for a pension under article 29, remarries, the provisions of paragraph (3) or (4) of article 42 shall apply in her case as if that pension had been awarded to her.

(6) Notwithstanding anything in the foregoing provisions of this article, the Secretary of State may, if in his opinion the exceptional circumstances of any particular case so require, at his 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 an allowance under article 14 or article 18(1)(*a*) 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 subparagraph (*b*) of paragraph (2) or, as the case may be, subparagraph (*b*) of paragraph (4) of this article, but not exceeding the maximum rate which would have been payable in accordance with that subparagraph had the member died at any time not earlier than 13 weeks before the date of his death.

Pensions to widowers

34.—(1) The widower of a woman member of the armed forces whose death is due to service after 2nd September 1939 may be awarded a pension if he was dependent on her and is in pecuniary need and incapable of self-support.

(2) The rate of a pension under this article shall be at the discretion of the Secretary of State but shall not exceed the appropriate rate specified in paragraph 4 of Part III of Schedule 2.

Allowances in respect of children under the age limit

35.—(1) Where a child of a member of the armed forces has not attained the child's age limit and is not eligible for an award of pension under article 36, an allowance may, subject to the provisions of this article, be awarded in respect of that child—

(*a*) in the case of—

(i) the member being a man and the child being one to whom the provisions of item 19(*g*) of Schedule 3 does not apply; or

(ii) the member being a woman;

at the rate specified in paragraph 5(*a*) of Part III of Schedule 2;

(*b*) in the case of the member being a man and the child being one to whom the provisions of the said item 19(*g*) apply, at such rate as the Secretary of State may determine, not being a rate in excess of that specified in the said paragraph 5(*a*).

(2) Where the widower of a woman member, whether married to her before or after the material date, is alive, no allowance shall be awarded under this article in respect of any child of whom the widower is the father or who has been adopted by the widower unless the conditions for the award under article 34 or 39 of a pension to the widower in respect of the death of the member are fulfilled.

(3) Where—

(*a*) a child of a member being a man whose death is due to service after 2nd September 1939, including a child to whom item 19(*g*) of Schedule 3 applies, is not under the control of the child's mother or of a person who is or has been in receipt of a pension awarded under article 29 or 30 of this Order or under the provisions formerly in article 29 of a 1964 instrument in respect of the death of that member; or

(*b*) a child of a woman member is not under the control of the child's father or of a widower of the member, being a father or widower in receipt of a pension under article 34 or 39 in respect of her death;

an allowance under this article in respect of the child may be awarded at, or, if already awarded, increased to, a rate not exceeding the appropriate rate specified in paragraph 5(*b*) of Part III of Schedule 2.

Pensions to motherless or fatherless children under the age limit

36.—(1) In the case where a child of a male member of the armed forces is or becomes motherless, or in the case where a woman member who has a child dies without leaving a widower (whether married to her before or after the material date) or the pensioned widower of such a woman member dies, and in either case the child has not attained the child's age limit, a pension may, subject to the provisions of paragraph (2), be awarded to the child at the appropriate rate specified in paragraph 6 of Part III of Schedule 2.

(2) In the case of the member being a man, a pension under this article to a child to whom item 19(*g*) of Schedule 3 applies shall be at such rate as the Secretary of State may determine, but shall not exceed the rate which would be appropriate under the foregoing provisions of this paragraph.

Awards to or in respect of children over the age limit

37.—(1) An allowance in respect of, or a pension to, a child of a member of the armed forces may be awarded, or an award of such an allowance or pension may be continued, subject to the following provisions of this article, after the child has attained the child's age limit where the child—

(*a*) is a student or an apprentice; or

(*b*) is incapable of self-support by reason of an infirmity which arose before he attained the child's age limit;

and the circumstances are such, in the opinion of the Secretary of State, as to justify the award or its continuance.

(2) Subject to paragraph (3) of this article, an allowance or pension so awarded or continued shall be at the rate and subject to the conditions laid down in the foregoing provisions of this Part of this Order.

(3) Where a child in whose case the conditions of article 35(3) or 36 are fulfilled has attained the age of 18 years and is incapable of self-support by reason of an infirmity which arose before he attained the child's age limit, the allowance or pension may be awarded at, or, if already awarded, increased to, a rate not exceeding the appropriate rate specified in paragraph 7 of Part III of Schedule 2.

Education allowance

38.—(1) An allowance in respect of a child to or in respect of whom an award has or, but for the provisions of article 33, would have been made under article 35, 36, 37 or 39 may be awarded for the purpose of that child's education if—

(*a*) the child has attained the age of 5 years; and

(*b*) the circumstances of the family are such as to require it; and

(*c*) the Secretary of State is satisfied that the type of education which the child is receiving or is to receive is suitable for the child.

(2) Notwithstanding the foregoing provisions of this article, where the child begins school before the age of 5 years an allowance under this article may be awarded from the beginning of the school term in the course of which the child attains the age of 5 years.

(3) The amount of an allowance under this article shall be determined by the Secretary of State, but the total payments made in respect of any period of 12 months for any one child shall not exceed the appropriate amount specified in paragraph 8 of Part III of Schedule 2.

Awards to or in respect of ineligible members of the families of unemployable pensioners

39. Where a member of the armed forces was at the date of his death in receipt of an allowance in respect of a child under article 18(4)(*d*) by virtue of article 18(4)(*e*) or in respect of a husband under article 18(4)(*b*), a pension to or an allowance in respect of the child and a pension to the husband may be awarded at the rate and subject to the conditions which would have been appropriate under the foregoing provisions of this Part of this Order if the child or husband had been an eligible member of the family.

Pensions to parents

40.—(1) Subject to the following provisions of this article, the parent of a member of the armed forces may be awarded a pension if he is in pecuniary

need by reason of having reached the age of not less than 65 years in the case of a man, or 60 years in the case of a woman, or of infirmity or other adverse condition which is not merely of a temporary character.

(2) Where the widow, unmarried dependant who lived as a wife, or widower of such a member is in receipt of a pension awarded under this Part of this Order or under Part II of a 1919 to 1921 instrument (pensions to widows or other dependants), a pension shall not be awarded under this article unless the parent was dependent on the member.

(3) Where the member's death is due to service after 2nd September 1939, the rate of a pension under this article shall be not less than the appropriate rate specified in paragraph 9(*a*) of Part III of Schedule 2, and shall not exceed—

(*a*) where the member was an officer or, in the case of a member of the naval forces, a commissioned officer, whichever is the greater of the following rates, namely—

(i) whichever of the rates specified in paragraph 9(*b*) of the said Part III is appropriate; or

(ii) the appropriate rate of a widow's pension under the principal Naval Regulations in force on 25th September 1949 or, as the case may be, article 670 of the Royal Warrant of 29th February 1940 or under paragraph 3766 of the principal Air Force Regulations in force on 27th September 1949;

(*b*) in the case of a member other than one specified in subparagraph (*a*) above, whichever of the rates specified in paragraph 9(*b*) of the said Part III is appropriate;

(*c*) in exceptional cases, the rate prescribed in subparagraph (*a*) or, as the case may be, subparagraph (*b*) above increased by a sum not exceeding whichever of the amounts specified in paragraph 9(*c*) of the said Part III is appropriate.

(4) Where the member's death is due to service during the 1914 World War, the rate of a pension under this article shall not exceed—

(*a*) in the case of a commissioned officer in the naval forces, the appropriate rate specified in column (2) of Table 5 and column (3) of Table 6 of Part II of Schedule 2 or, where the commissioned officer died in the circumstances, other than that relating to date of death, formerly set forth in paragraph (1) or (2) or article 11 of the 1921 (Officers) Order, the appropriate rate specified in column (2) of Table 5 and column (2) of Table 6 of the said Part II;

(*b*) in the case of a warrant officer in the naval forces, the appropriate rate specified in column (2) of the said Tables;

(*c*) in the case of an officer in the military or air forces, the appropriate rate specified in column (2) of Table 5 and column (3) of Table 6 of Part II of Schedule 2 or, where the officer died in the circumstances, other than that relating to date of death, formerly set forth in article 11(1) of the 1920 Warrant or of the 1921 Order, the appropriate rate specified in column (2) of the said Tables; or

(*d*) in any other case, the rate specified in paragraph 9(*d*) of Part III of Schedule 2;

and, in the case of a rating, soldier or airman, shall be not less than the appropriate rate specified in paragraph 9(*a*) of Part III of Schedule 2.

(5) Pensions may be awarded to the parents of deceased nurses in accordance with the terms of this article so far as they may be applicable, and under such conditions as the Secretary of State may determine.

(6) Where an award to a parent may be made under this article in respect of the death of two or more members, one pension may only be awarded under this article in respect of the death of those members.

(7) Subject to the provisions of paragraph (8), where the conditions for the award of a pension under this article are fulfilled in the case of more than one parent of a member, a pension may be awarded to whichever parent the Secretary of State may select and, so long as the award to that parent is in force, a pension shall not be awarded to any other parent of the member.

(8) Where the parents referred to in paragraph (7) are not living together, a pension may, if the Secretary of State thinks fit, be awarded to each of them, so, however, that the aggregate rate of the pensions shall not exceed the maximum rate at which a pension under this article may be awarded.

Pensions to other dependants

41.—(1) Subject to the following provisions of this article, any other dependant of a member of the armed forces may be awarded a pension if he was dependent on the member and is in pecuniary need and incapable of self-support and, in a case where the death of the member is due to service during the 1914 World War, the member died or dies on or after 1st October 1964 (the date on which the 1964 instruments came into operation); but—

(*a*) not more than one dependant shall be awarded a pension under this article in respect of the death of the member except in the case of juvenile dependants of a member whose death is due to service, and where an award under this article to any dependant ceases for any reason to have effect, no award shall be made under this article to any other person unless that other person is the wife or husband of that dependant; and

(*b*) the decision of the Secretary of State shall be final on any question as to which of two or more dependants who may be eligible should receive a pension under this article.

(2) A pension awarded under this article to an other dependant shall be at such rate as the Secretary of State may determine, but shall not exceed—

(*a*) where the member's death is due to service after 2nd September 1939 and the dependant is not a juvenile dependant, the appropriate rate specified in paragraph 10(*a*) of Part III of Schedule 2, nor, in a case where a pension under article 40 is in payment to one eligible parent of the member, the maximum which, by virtue of paragraph (4) of this article, is appropriate in such a case;

(*b*) where the member's death is due to service during the 1914 World War—

(i) in the case of a commissioned officer in the naval, military or air forces, the appropriate rate specified in column (2) of Table 5 and column (3) of Table 6 of Part II of Schedule 2 or, where the commissioned officer died in the circumstances, other than that relating to date of death, formerly set forth, in the case of an officer in the naval forces, in paragraph (1) or (2) of article 11 of the 1921 (Officers) Order or, in the case of an officer in the military or air forces, in article 11(1) of the 1920 Warrant or, as the case may be, the 1920 Order, the appropriate rate specified in column (2) of the said Tables;

(ii) in the case of a warrant officer in the naval forces, the appropriate rate specified in column (2) of the said Tables;

(iii) in any other case, the appropriate rate specified in paragraph 10(*a*) of Part III of Schedule 2.

(3) A pension awarded under this article to a juvenile dependant of a member whose death is due to service after 2nd September 1939 shall be at such rate as the Secretary of State may determine, but shall not exceed—

(*a*) where the member was an officer, the appropriate rate specified in paragraph 10(*b*) of Part III of Schedule 2 for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed whichever is the greater of the following rates, namely—

(i) the appropriate rate specified in paragraph 10(*c*) of the said Part III, or

(ii) the appropriate rate of a widow's pension under the principal Naval Regulations in force on 25th September 1949 or, as the case may be, article 670 of the Royal Warrant of 29th February 1940 or paragraph 3766 of the principal Air Force Regulations in force on 27th September 1949;

(*b*) in any other case, the appropriate rate specified in the said paragraph 10(*b*) for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed the appropriate rate specified in the said paragraph 10(*c*);

and shall not, in a case where a pension under article 40 is in payment to one eligible parent, exceed the maximum which, by virtue of paragraph (4) of this article, is appropriate in such a case.

(4) Where a pension under article 40 is in payment to one eligible parent of a member whose death is due to service, the rate of a pension under this article to an other dependant of that member or, as the case may be, the aggregate rate of the pensions to the other dependants of that member, shall not exceed the difference between the rate of the pension of which the parent is in receipt and the maximum rate which would be appropriate in that case under article 40(3) if there were two eligible parents and the case were treated as an exceptional case under article 40(3)(*c*).

(5) Pensions may be awarded to the other dependants of deceased nurses in accordance with the terms of this article so far as they may be applicable, and under such conditions as the Secretary of State may determine.

Marriage of female persons

42.—(1) Any pension to or allowance in respect of a female person other than a parent awarded under this Part of this Order or under Part II of a 1919 to 1921 instrument shall, subject to the provisions of paragraph (2), cease if that person marries or lives with a man as his wife.

(2) A pension or allowance awarded to or in respect of a person under article 35, 36 or 37 shall not cease on the marriage of that person if, having regard to the special circumstances of the case, the Secretary of State so directs.

(3) Where a pension awarded under article 29 of this Order or under article 11, 13 or 17A of a 1920 to 1921 Officers instrument to the widow of an officer or, where his death is due to service after 2nd September 1939, of a sergeant-major of the Royal Marines, a warrant officer, class I, in the military forces or a warrant officer in the air forces, ceases under paragraph (1) of this article on her marriage, the Secretary of State may, on the death of the husband of that marriage, restore the pension in whole or in part if the circumstances of the widow are, in his opinion, such as to justify its restoration.

(4) Where a pension awarded under article 29 to the widow of a rating, soldier or airman (not being the widow of such a sergeant-major, warrant officer, class I, or warrant officer as is mentioned in the preceding paragraph) or a pension awarded to a separated widow under article 19 of a 1919 to 1920 other rank instrument ceases on her marriage, or where a pension awarded to a widow under article 11 of such instrument ceases on her marriage after 4th July 1948, a gratuity equal to one year's pension may be awarded to her, and where a pension awarded to a female dependant under article 20, 21 or 22 of such instrument ceases on her marriage, she may be awarded a gratuity not exceeding the amount of 26 weeks' pension based on the corresponding article of the Regulations annexed to the Order in Council of 14th January 1919(**a**) or the Royal Warrant of 17th April 1918(**b**), subject to such conditions as the Secretary of State may determine.

(5) An allowance awarded in respect of a child shall not be affected by the cessation under this article of a pension awarded to any other person.

(6) Where a person would have been in receipt of a pension under article 29 of this Order or under Part II of a 1919 to 1920 other ranks instrument or article 11, 13 or 17A of a 1920 to 1921 officers instrument immediately before her marriage after 30th September 1961, had not that pension ceased in consequence of her living with a man as his wife, that pension shall, for the purpose of paragraphs (3) and (4) of this article, be deemed to have ceased on her marriage.

(7) A pension to, or an allowance in respect of, a person which has ceased under paragraph (1) of this article in consequence of her living with a man as his wife may be restored by the Secretary of State, either in whole or in part, upon such terms and from such date (not being a date before 1st October 1961, or that on which she ceases so to live with a man as his wife, whichever is the later) as he thinks fit.

(**a**) S.R. & O. 1919/62. (**b**) Cd. 9040.

(8) Any pension awarded to a female parent under article 37 of the Order in Council of 29th September 1949, of the Royal Warrant of 24th May 1949(a), or of the Order of 27th September 1949(b), or under article 21A or 21B of a 1919 to 1920 other rank instrument, or under article 19, 22A or 22B of a 1920 to 1921 (Officers) instrument which ceased on her marriage or in consequence of her living with a man as his wife, may, except as provided in paragraph (9), be restored by the Secretary of State, either in whole or in part, if the circumstances of the parent are, in his opinion, such as to justify its restoration.

(9) No such pension which ceased in consequence of the parent living with a man as his wife or, where the pension was awarded under a 1919 to 1921 instrument in consequence of the marriage of the parent may, be restored in respect of any period before 1st October 1961.

PART V—PROVISIONS FOR SPECIAL CLASSES OF DISABLED MEMBERS

Application and interpretation of Part V

43.—(1) Under this Part of this Order awards may be made where a member of the armed forces suffers disablement which is due to service after 2nd September 1939.

(2) Any condition applicable to an award under Part III shall, where appropriate, be applicable to an award under this Part.

(3) In this Part—

(*a*) "disablement addition on a pension basis", in relation to disablement assessed at not less than 20 per cent, means an addition by way of disablement element at the maximum rate set out in Table 1 of Part II of Schedule 1 for total disablement, or at a proportionately lower rate for a lesser degree of disablement;

(*b*) "disablement addition on a gratuity basis", in relation to disablement assessed at less than 20 per cent, means the gratuity which would be appropriate under article 11.

Regular officers with permanent commissions

44. A regular officer who held a permanent commission, including an officer in the Royal Air Force retained on a temporary commission to complete time for retired pay, (not being an officer to whom article 45, 46, 47 or 48 applies) may be granted—

(*a*) the award (other than, in the case of officers in the naval or air forces, an award at the half-pay rate) for which he is eligible under the principal Naval Regulations, the Pension Warrant or the principal Air Force Regulations, as the case may be, in respect of service, together with a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(*b*) for so long as it is to his advantage and in lieu of an award under subparagraph (*a*) of this paragraph, the appropriate award under article 10; or

(a) Cmd. 7699. (b) H.C. 259 of 1948/1949.

(*c*) where he was invalided before he had qualified for an award of retired pay under the principal Naval Regulations, the Pension Warrant or the principal Air Force Regulations, the appropriate award under article 10 or 11 in addition to any service gratuity for which he is eligible; or

(*d*) in the case of officers in the Naval or Military forces, the award for which he is eligible under the principal Naval Regulations or the Pension Warrant.

Regular officers with short service commissions

45. A regular officer who held a short service commission (not being an officer to whom article 48 applies) may be granted the appropriate award under article 10 or 11, in addition to any service gratuity for which he is eligible.

Re-employed officers

46.—(1) In this article "re-employed officer" means an officer with previous commissioned service who was recalled to service or otherwise taken into employment as a commissioned officer.

(2) Where a re-employed officer is in receipt of retired pay which contains no element in respect of disablement, he may be awarded—

(*a*) a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(*b*) if and for so long as it is to his advantage, and in lieu of any such retired pay and disablement addition, the appropriate award under article 10.

(3) Where a re-employed officer was awarded a gratuity in respect of his previous service or was not eligible for any award in respect of his previous service, he may be granted the appropriate award under article 10 or 11.

(4) Subject to the provisions of this article, where a re-employed officer is in receipt of retired pay or pension (or both) partly in respect of his previous service and partly in respect of previous disablement, he may be granted, in lieu of the existing award, either—

(*a*) a pension consisting of the service element of his existing retired pay or pension (or both) and of a disablement addition on a pension basis, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service; or,

(*b*) if and for so long as it is to his advantage, the appropriate award under article 10, the degree of disablement being assessed as in sub-paragraph (*a*) of this paragraph.

(5) Subject to the provisions of this article—

(*a*) where a re-employed officer is in receipt of an award in respect of previous disablement and the award contains no element in respect of his previous service, he may be granted, in lieu of the existing award,

an award under article 10, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service;

(*b*) where the existing award is in respect of disablement due to service during the 1914 World War, or is in respect of disablement due to service before the 1914 World War but is at a rate laid down for disablement due to service during the 1914 World War, he may be granted, in addition to the existing award, an award under article 10 in respect of the additional disablement which is represented by the difference between the degree of disablement assessed by reference to the combined effect of all the injuries which are due to service and to his previous service, and the degree of disablement on which the existing award is based.

(6) Where, in the case of an officer to whom paragraph (4) or (5) of this article applies, the disablement due to service is a minor injury specified in Table 1 of Part III of Schedule 1, and the existing award is not increased by the re-assessment of the degree of the disablement by reference to the combined effect of all the injuries which are due to service and to his previous service, the officer may be granted, in addition to the existing award, the appropriate gratuity under article 11.

Officers with previous commissioned service in Commonwealth forces, etc

47. An officer to whom article 46 would apply if his previous commissioned service in the forces of any part of the Commonwealth (other than the United Kingdom or the Isle of Man), or in the forces of Burma before 4th January 1948 were previous commissioned service for the purposes of that article may, if and for so long as it is to his advantage, be granted—

(*a*) a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(*b*) an award equal to the difference between his existing award in respect of his previous service in those forces and the award for which he would have been eligible under article 46 if that article had applied to him.

Officers promoted from the ranks

48.—(1) In this article—

(*a*) "officer promoted from rating" means an officer in the naval forces who was, on 3rd September 1939, a rating serving on a continuous service engagement or on an engagement to complete time for pension, and who was so serving immediately before being promoted to temporary rank as an officer;

(*a*) "officer promoted from the ranks" means an officer of the military or air forces who was, on 3rd September 1939, a soldier or airman, on a normal attestation in the Regular Army or the Royal Air Force, serving either on a 12 years' engagement or on a re-engagement to complete 21 years' service or on a continuance beyond 21 years, and who was so serving immediately before being granted an emergency commission, and shall include in the case of an officer in the military forces, such an officer who, after holding such an emergency commission, was granted a short service commission, and in the case of an officer in the air forces such an officer who, after holding such an emergency commission, extended his service under an extended service or short service scheme.

(2) An officer in the naval forces promoted from rating may be granted—

(*a*) the award for which he is eligible under the principle Naval Regulations in respect of service, together with a disablement addition on a pension basis; or

(*b*) the appropriate award under article 10 or 11, if and for so long as it is to his advantage.

(3) Where an officer in the military forces promoted from the ranks has less than 15 years' total service, he may be awarded retired pay at the rates specified below, together with a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis, the retired pay being—

(*a*) if the termination of the officer's service was before 1st September 1950, at the rates of—

(i) £11 a year for each year of service in commissioned service; and

(ii) £5·50 a year for each year of service in lower ranks; or

(*b*) if the said termination was on or after the said 1st September 1950, at the rates of —

(i) £12 a year for each year of commissioned service; and

(ii) £6 a year for each year of service in lower ranks.

(4) Where an officer in the military forces promoted from the ranks has 15 or more years' total service, he may be awarded retired pay as provided in article 634 of the Royal Warrant of 29th February 1940, together with a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis.

(5) An officer to whom paragraph (3) or (4) of this article applies may, if and for so long as it is to his advantage, be granted, in lieu of an award under either of those paragraphs, the appropriate award under article 10.

(6) An officer in the air forces promoted from the ranks may be granted the award for which he is eligible under the principal Air Force Regulations in respect of service, together with a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis.

(7) An officer to whom paragraph (6) of this article applies may, if and for so long as it is to his advantage, be granted, in lieu of an award under that paragraph, the appropriate award under article 10.

(8) Subject to the provisions of paragraph (9), where an officer in the naval forces to which the provisions of paragraph (1)(*a*) of this article apply, being an officer who, if he had not been disabled on the termination of his service, would have been eligible under the principal Naval Regulations for a gratuity in respect of service, or an officer in the military forces to whom paragraph (3) of this article applies, or an officer in the air forces with less than 15 years' total service to whom paragraph (6) of this article applies, ceases to be eligible for a disablement addition on a pension basis, he shall have an option—

(*a*) to continue to receive retired pay in respect of service; or

(*b*) to receive, in lieu of such further retired pay and in final settlement, the service gratuity which might otherwise have been granted on the termination of his service, less the difference between the amount of such retired pay which has been issued and the amount of the payment which would, over the period of such issue, have been made if a life annuity had been purchased, corresponding in value to the service gratuity and determined actuarially according to the officer's age on the date his service terminated.

(9) The provisions of paragraph (8) shall be subject to the following conditions—

(*a*) if the officer is eligible for a gratuity under article 11, he may receive that gratuity in addition to an award under this paragraph;

(*b*) where an award was made under paragraph (2)(*b*), (5) or (7) of this article as an alternative to an award under paragraph (2)(*a*), (3), (4) or (6), as the case may be, the provisions of this paragraph shall apply, the amount of retired pay in respect of service which has been issued being treated as the amount which would have been issued under the said paragraph (2)(*a*), (3), (4) or (6).

(10) Where an officer promoted from the ranks has received a service gratuity and subsequently a claim in respect of his disablement due to service is accepted, he shall have an option (which shall be exercisable only when acceptance of the claim is notified and which shall be final)—

(*a*) to refund the service gratuity in one sum and receive the appropriate award under paragraph (2)(*a*) or (*b*), (3), (5), (6) and (7) of this article; or

(*b*) to retain the service gratuity and receive either—

(i) a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(ii) the appropriate award under paragraph (2) (*a*) or (*b*), (3), (5), (6) or (7) of this article less the annual value of the service gratuity as a life annuity determined actuarially according to his age at the time when he exercises the option.

Temporary officers with previous pension

49.—(1) In this article "officer with a previous pension" means an officer who, during his service, was in receipt of a pension or similar grant in respect of service in the ranks of the navy, army or air force, and includes an officer who has, since the termination of his service, been awarded a pension or similar grant in respect of service before 3rd September 1939, in the navy, army or air force.

(2) Where the existing award of an officer with a previous pension contains no element in respect of disablement, he may be awarded—

(*a*) a disablement addition on a pension basis or, as the case may be, a disablement addition on a gratuity basis; or

(*b*) if and for so long as it is to his advantage, and in lieu of any such previous pension and disablement addition, the appropriate award under article 10.

(3) Subject to the provisions of this article, where the existing award of an officer with a previous pension contains elements in respect of both service and of disablement, he may be granted, in lieu of the existing award, either—

(*a*) a pension consisting of the service element of the existing award and of a disablement addition on a pension basis, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service; or

(*b*) if and for so long as it is to his advantage, the appropriate award under article 10, the degree of disablement being assessed as in sub-paragraph (*a*) of this paragraph.

(4) Subject to the provisions of this article, where the existing award of an officer with a previous pension is in respect of disablement and contains no element in respect of service, he may be granted, in lieu of the existing award, the appropriate award under article 10, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service.

(5) Where, in the case of an officer to whom paragraph (3) or (4) of this article applies, the disablement due to service is a minor injury specified in Table 1 of Part III of Schedule 1, and the existing award is not increased by the re-assessment of the degree of disablement by reference to the combined effect of all the injuries which are due to service and to his previous service, the officer may be granted in addition to the existing award, the appropriate gratuity under article 11.

Regular ratings, soldiers and airmen

50. A regular rating, soldier or airman (not being a rating, soldier or airman to whom article 51 applies) may be granted the appropriate award under article 10 or 11, in addition to any award in respect of service or rank (or both) for which he is eligible under the principal Naval Regulations, the Pensions Warrant or the principal Air Force Regulations as the case may be.

Ratings, soldiers or airmen with previous pension

51.—(1) In this article "rating, soldier or airman with a previous pension" means a rating, soldier or airman who, during his service, was in receipt of a pension or similar grant in respect of service in the navy, army or air force, and includes a rating, soldier or airman who has, since the termination of his service, been awarded a pension or similar grant in respect of service before 3rdfl September 1939, in the navy, army or air force.

(2) Where the existing award of a rating, soldier or airman with a previous pension contains no element in respect of disablement, he may be granted, in addition to the existing award, the appropriate award under article 10 or 11.

(3) Where the existing award of a rating, soldier or airman with a previous pension is wholly or partly in respect of disablement, he may be granted, in addition to any service element (including any rank element) of the existing award, but in lieu of the element thereof in respect of disablement, the appropriate award under article 10, the degree of disablement being assessed by reference to the combined effect of all the injuries which are due to service and to his previous service.

(4) Where the disablement due to service of a rating, soldier or airman with a previous pension is a minor injury specified in Table 1 of Part III of Schedule 1, and the existing award is not increased by the re-assessment of the degree of disablement by reference to the combined effect of all the injuries which are due to service and to his previous service, he may be granted in addition to the existing award the appropriate gratuity under article 11.

Commuted awards

52. Where a person has commuted any part of his previous award or any element thereof, the amount commuted shall be deducted from any award made under this Order in lieu of the previous award or element.

General provision relating to awards under Part V

53.—(1) Subject to the conditions in paragraph (2), any retired pay, pension, gratuity, disablement addition on a pension basis or disablement addition on a gratuity basis awarded under this Part of this Order shall be treated as retired pay or pension awarded under article 10 or, as the case may be, as a gratuity awarded under article 11, for the purpose of any reference in any other provision of this Order to retired pay, pension or gratuity awarded under those articles, and shall be treated as retired pay or pension for the purpose of the provisions of articles 23 to 26.

(2) The foregoing provisions of this article shall be subject to the following conditions—

(*a*) any award under article 12 in respect of an eligible member of the family shall be based upon the degree of the disablement which is due to service, so, however, that where an allowance in respect of that eligible member is being paid as part of the existing award, the aggregate rate of the allowances in respect of that member shall not exceed the rate at which an allowance in respect of that member would be paid if all the injuries had been due to service;

(*b*) except for the purposes of an award under article 14, the reference in this article to retired pay awarded under this Part shall, except in relation to members of the air forces, be treated as excluding retired pay awarded under this Part at the half-pay rate.

PART VI—MISCELLANEOUS PROVISIONS

Interpretation of Part VI

54.—(1) In articles 55, 56, 59, 60, 61, 62 and 64 the expression "pension" means any retired pay, pension, allowance, grant or other continuing benefit awarded under this Order or a 1919 to 1921 instrument and the expression "gratuity" means any gratuity under this Order or any of those instruments.

(2) In articles 57, 58, 65, 66(1) and 67 the expression "pension" means any retired pay, pension, allowance or other continuing benefit under this Order, and the expression "gratuity" means any gratuity under this Order.

Adjustment of awards in respect of other compensation

55.—(1) Where the Secretary of State is satisfied that compensation has been or will be paid to or in respect of a person to or in respect of whom a pension or gratuity is being or may be paid or that any compensation which has been or will be paid will benefit such a person, the Secretary of State may take the compensation into account against the pension or gratuity in such manner and to such extent as he may think fit and may withhold or reduce the pension or gratuity accordingly.

(2) Where the Secretary of State in any case considers that it is by reason of some act or omission by or on behalf of a person to or in respect of whom a pension or gratuity is being or may be paid that—

(*a*) there is no compensation to be taken into account against that pension or gratuity under paragraph (1) of this article; or

(*b*) the amount of compensation so to be taken into account against that pension or gratuity is less than it would otherwise have been;

and the Secretary of State is of the opinion that such act or omission was unreasonable, the Secretary of State may assess the amount of the compensation which, in his opinion, would have fallen to be taken into account as aforesaid but for such act or omission, and may, for the purpose of paragraph (1) of this article, treat the amount so assessed as if it were compensation which could be taken into account under that paragraph against that pension or gratuity.

(3) In this article "compensation" means—

(*a*) any periodical or lump sum payment in respect of the disablement or death of any person, or in respect of any injury, disease or incapacity sustained or suffered by any person, being a payment—

(i) for which provision is made by or under any enactment, Order in Council (including this Order), Warrant, Order, scheme, ordinance, regulation or other instrument; or

(ii) which is recoverable as damages at common law; or

(*b*) any periodical or lump sum payment which, in the opinion of the Secretary of State, is recoverable or payable—

(i) under any enactment, scheme, ordinance, regulation or other instrument whatsoever promulgated or made in any place outside the United Kingdom; or

(ii) under the law of any such place;

and is analogous to any payment falling within subparagraph (*a*) of this paragraph; or

(*c*) any periodical or lump sum payment made in settlement or composition of, or to avoid the making of, any claim to any payment falling within subparagraph (*a*) or (*b*) of this paragraph, whether liability on any such claim is or is not admitted.

Maintenance in hospital or an institution

56.—(1) Where any person to or in respect of whom a pension or gratuity may be or has been awarded is receiving or has received free in-patient treatment, or (otherwise than for the purpose of undergoing medical or other treatment) is being or has been maintained in an institution which is supported wholly or partly out of public funds, or in which he is being or has been maintained pursuant to arrangements made by the Secretary of State, the Secretary of State may deduct such amount as he may think fit having regard to all the circumstances of the case from the pension or gratuity payable in respect of the period during which such treatment is received or, as the case may be, during which the person is being so maintained and may apply the amount so deducted, or any part thereof, in such proportions and subject to such conditions as he may determine having regard to all the circumstances of the case, in a payment or payments to the person upon his discharge following a period of free in-patient treatment, or in or towards paying or repaying the cost of maintaining the person incurred by any appropriate authority.

(2) For the purposes of this article, a person shall be regarded as receiving or having received free in-patient treatment for any period for which he is or has been maintained free of charge while undergoing medical or other treatment as an in-patient—

(*a*) in a hospital or similar institution maintained or administered under the National Health Service Act 1977(**a**) or the enactments consolidated thereby, the National Health Service (Scotland) Act 1978(**b**) or the Health and Personal Social Services (Northern Ireland) Order 1972(**c**), or by or on behalf of the Secretary of State, or by or on behalf of the Defence Council; or

(*b*) pursuant to arrangements made by the Secretary of State or by any body in the exercise of functions on behalf of the Secretary of State under any of the Acts referred to in subparagraph (*a*) above, or by a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972 in a hospital or similar institution not so maintained or administered;

and, for this purpose, a person shall only be regarded as not being maintained free of charge in a hospital or similar institution for any period if he is paying or has paid, in respect of his maintenance, charges which are designed to cover the whole cost of the accommodation or services (other than services by way of treatment) provided for him in the hospital or similar institution for that period.

Chelsea pensioners

57. Where a member of the armed forces is, in the case of members of the naval or air forces by virtue of previous service in the military forces, admitted to Chelsea Hospital as an in-pensioner, his pension shall cease but may be restored in the event of his leaving that Hospital.

(**a**) 1977 c. 49. (**b**) 1978 c. 29. (**c**) S.I. 1972/1265 (N.I.14).

Children whose maintenance is otherwise provided for

58.—(1) A pension which may be or has been awarded to or in respect of a child may be withheld, or reduced to such an extent as the Secretary of State may think fit, where periodical payments out of public funds are being made to or in respect of the child or the child being maintained in the navy, army or air force or in any institution wholly or mainly supported out of public funds.

(2) A pension which may be or has been awarded to or in respect of a child of a woman member of the armed forces, or to or in respect of an illegitimate child of the wife or widow of a male member, or to or in respect of a foster-child who is illegitimate, may be reduced by the amount of any contributions to the support of the child which are being made by, or which it would be reasonably practicable to obtain from the father of the child, or, as the case may be, the widower of a woman member.

(3) In this article "child" includes any person who is for the purposes of any provision of this Order to be treated as a child to or in respect of whom a pension may be or has been awarded.

Abatement of awards in respect of Social Security Benefits

59. Where a pension is awarded to or in respect of a person for any past period for which benefit under the National Insurance Act 1965(**a**) or any legislation in Northern Ireland corresponding thereto or under Chapters I to V of Part II of the Social Security Act 1975(**b**), or the corresponding provisions of the Social Security (Northern Ireland) Act 1975(**c**) has been paid to or in respect of that person, the total amount of pension so awarded may be abated by the amount by which the amount of benefit so paid exceeds what would have been payable for that period had the pension been concurrently payable.

Payment of public claims out of pensions

60.—(1) Where the Secretary of State is satisfied that a sum is due to the Crown, a Secretary of State, Minister or Government Department from a person to or in respect of whom a pension or gratuity may be or has been awarded, or that an over-payment has been made to or in respect of any such person by the Crown, a Secretary of State, Minister or Government Department, the Secretary of State may deduct from the pension or gratuity in respect of that sum or over-payment such amounts and at such times as he may think fit and may apply the amount so deducted in or towards paying or repaying that sum or over-payment.

(2) Where payment in respect of a pension is in arrears for any period and benefit under the Supplementary Benefits Act 1976(**d**) or benefit similar to the aforesaid benefit under any legislation in Northern Ireland or the Isle of Man corresponding to that Act has been paid for that period by reference to the requirements of the person to whom the payment is due, the amount by which the amount of benefit paid exceeds what would have been paid had the said payment not fallen into arrears shall be deemed to have been an overpayment for the purposes of paragraph (1) of this article, and in the case of benefit paid under legislation in Northern Ireland or the Isle of Man as aforesaid shall for the purposes of that paragraph be repayable to the authority administering that benefit.

(**a**) 1965 c. 51. (**b**) 1975 c. 14. (**c**) 1975 c. 15 (N.I.). (**d**) 1976 c. 71.

Administration of pensions, etc.

61.—(1) A pension or gratuity awarded to or in respect of any person may be administered by the Secretary of State if that person—

(*a*) has not attained the age of 18 years; or

(*b*) is, in the opinion of the Secretary of State, incapable of managing his own affairs by reason of mental infirmity; or

(*c*) is being maintained in an institution to which article 56 applies; or

(*d*) is a person in whose case the award can be forfeited or has been restored under article 62;

or if, in any other case, the Secretary of State considers that it is in the interests of that person that it should be so administered.

(2) A pension or gratuity which is being administered under this article may, as to the whole or such part thereof as the Secretary of State thinks fit and at such times as he thinks fit, be applied for the benefit of the person to or in respect of whom it has been awarded or be paid to any person whom the Secretary of State considers a fit and proper person so to apply the same.

Forfeiture of pensions, etc.

62.—(1) Where a person to or in respect of whom a pension or gratuity may be or has been awarded in respect of death or disablement due to service during the 1914 World War or after 2nd September 1939—

(*a*) is, in pursuance of a sentence or order of a Court upon his being found guilty of an offence, serving a term of imprisonment or detention or is detained in a Borstal or other young offenders institution; or

(*b*) is under any enactment deported from, required to leave, or prohibited from entering the United Kingdom or the Isle of Man, or is a person whose certificate of naturalisation has been revoked;

the Secretary of State may withhold the award of the pension or gratuity or, if it has been awarded, may direct that it shall be forfeited as from such date (including any past date) as he may think fit.

(2) The Secretary of State may, upon such terms and as from such date (including any past date) as he thinks fit, restore, either in whole or in part, a pension or gratuity forfeited under this article or under article 58(1)(*c*) of the Order in Council of 29th September 1949, of the Royal Warrant of 24th May 1949 or of the Order by His Majesty of 27th September 1949, or a pension which was terminated, suspended or withheld under article 10 of a 1919 to 1921 instrument.

Refusal of treatment

63.—(1) Where the Secretary of State is satisfied that a member of the armed forces should in his own interests receive medical, surgical or rehabilitative treatment for a disablement which is due to service and in respect of which a pension may be or has been awarded to him, and the member refuses or neglects to receive the treatment, the Secretary of State may, if he

considers that such refusal or neglect is unreasonable, reduce any pension in respect of the member's disablement by such an amount, not exceeding one-half of any such pension, as he may think fit.

(2) For the purpose of this article—

(*a*) any misconduct on the part of the member which, in the opinion of the Secretary of State, renders it necessary for any treatment which he is receiving to be discontinued, may be treated as a refusal of the member to receive the treatment;

(*b*) "pension" means retired pay or pension awarded under article 10 of this Order, under article 1 or 3 of the 1920 Order in Council, of the 1921 (Warrant Officers) Order, of the 1919 Warrant or of the 1920 Order, or under article 1, 3, 23 or 23C of the 1921 (Officers) Order, of the 1920 Warrant or of the 1921 Order.

Failure to draw pension

64.—(1) Where a person fails to draw his pension for a continuous period of not less than 12 months the award may be cancelled and payment of any arrears may be withheld.

(2) The Secretary of State may, in any particular case, make such further award as may be appropriate, and may pay the arrears in whole or in part.

Commencing date of awards

65. Except in so far as the Secretary of State may otherwise direct with respect to any particular case or class of case, payment of a pension, including payment of an increase in the rate of a pension on account of an increased assessment of the degree of disablement, shall not be made in respect of any period preceding:

(*a*) in the case of a claim to the award of a pension as a result of which a pension is awarded—

(i) the day following the date of the termination of a member's service where such termination is due to invaliding and the claim is made within 6 months of the date of such termination, or

(ii) the day following the date of the termination of a member's service where the claim is made within 3 months of the date of such termination, or

(iii) the date of the claim;

(*b*) in the case of an appeal under section 1 or 4 of the Pensions Appeal Tribunals Act 1943(**a**) or a review under article 67 below as a result of which appeal or review a pension is awarded or, as the case may be, restored—

(i) the day following the date of the termination of a member's service due to invaliding where the claim to the award of pension was made within 6 months of the date of such termination and the appeal against the rejection of that claim is commenced or, as the case may be, the review is applied for within 6 months of the date of the notification of such rejection, or

(**a**) 1943 c. 39.

(ii) the day following the date of the termination of a member's service where the claim to the award of pension was made within 3 months of the date of such termination and the appeal against the rejection of that claim is commenced or, as the case may be, the review is applied for within 3 months of the date of the notification of such rejection, or

(iii) the date of the claim to the award of pension where such appeal is commenced or, as the case may be, the review is applied for within 3 months of the notification of rejection of such claim, or

(iv) the date of the commencement of such appeal or, as the case may be, of the application for such review;

(*c*) in the case of an appeal under section 5 of the Pensions Appeal Tribunals Act 1943 as a result of which the claim to the continuance or resumption of the payment of the pension is accepted or the rate of the pension is increased—

(i) the date of the commencement of the assessment of the degree of disablement where such appeal is commenced within the time prescribed by the said Act, or

(ii) the date of the commencement of such appeal;

(*d*) in the case of an application under article 67 for a review of an assessment as a result of which the rate of pension is increased—

(i) the date of the commencement of the assessment of the degree of disablement where the application for review is made within 3 months of the date of the notification of an interim assessment, or 12 months in the case of a final assessment, or

(ii) in any other case the date of the application for the review.

Payment of pensions

66. Payment of a pension may be made provisionally or upon any other basis and for such period as the Secretary of State may think fit and, except as the Secretary of State may direct either generally or in any particular case or class of case, a pension awarded in terms of a weekly amount may be paid weekly in advance and a pension not awarded in such terms may be paid quarterly or monthly in arrear.

Review of decisions, assessments and awards

67.—(1) Subject to the provisions of paragraphs (5) and (6) of this article, any decision accepting or rejecting a claim made under article 4 or 5 or any assessment of the degree of disablement of a member of the armed forces or any final decision that there is no disablement or that the disablement has come to an end may be reviewed by the Secretary of State at any time if he is satisfied that the decision or assessment was given or made in consequence of ignorance of, or a mistake as to, a material fact, or of a mistake as to the law, or—

(*a*) in the case of a final assessment or such a final decision as aforesaid, that there is a substantial increase in the degree, or that there is a substantial degree, of disablement due to service;

(*b*) in the case of an interim assessment, that there has been a change in the degree of disablement due to service since the assessment was made.

(2) Subject as aforesaid, any award under this Order may be reviewed by the Secretary of State at any time if the Secretary of State is satisfied that—

(*a*) the award was made in consequence of ignorance of, or a mistake as to, a material fact, or of a mistake as to the law;

(*b*) there has been any relevant change of circumstances since the award was made;

(*c*) the award was based on a decision or assessment to which paragraph (1) of this article applies, and that decision or assessment has been revised.

(3) On a review under this article the Secretary of State may maintain, continue, vary or cancel the decision, assessment or award and any revised decision, assessment or award shall be such as may be appropriate having regard to the provisions of this Order.

(4) Notwithstanding the provisions of paragraph (3), where a decision accepting a claim under article 4 or 5 is revised, the Secretary of State may, if in any case he sees fit, continue any award based on that decision at a rate not exceeding that which may from time to time be appropriate to the assessment of the degree of disablement existing immediately before the date of the revision.

(5) Nothing in this article shall be taken to authorise the review of any assessment or decision made, given or upheld under the Pensions Appeal Tribunals Acts 1943 and 1949.

(6) The foregoing provisions of this article shall not apply to any decision, assessment or award made in respect of the disablement or death of a member which is due to service during the 1914 World War; but in respect of such service the following provisions of this article shall apply.

(7) A permanent pension or permanent retired pay granted under a 1919 to 1921 instrument may be reviewed by the Secretary of State where the person to whom the pension or retired pay has been granted claims that there has been a substantial increase in the extent of the disablement due to the original cause, but, save as aforesaid and except as provided in the next succeeding paragraph, neither such pension nor retired pay shall be subject to review.

(8) In respect of any disablement pension or retired pay under a 1919 to 1921 instrument the Secretary of State may at any time order a review of that pension or retired pay in any case where—

(*a*) the pension or retired pay has, by error in interpretation or fact, been granted to a disabled member of the armed forces in excess of the amount appropriate to the degree of his disablement;

(*b*) the Secretary of State has reason to believe that the pension or retired pay has been obtained by any improper means; or

(*c*) the pension or retired pay has been granted by error.

Power to dispense with probate

68.—(1) Where a person to whom any payment could have been made under this Order, or a 1919 to 1921 instrument before his death dies before the payment is made, and the amount unpaid does not exceed £1,500, the amount so unpaid may be paid to the personal representative of the deceased person without probate or other proof of title, or may be paid or distributed to or among the persons appearing to the Secretary of State to be the persons beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, and, in determining the persons to whom and the proportions in which the amount so unpaid shall be paid or distributed, the Secretary of State may have regard to any payments made or expenses incurred by any such person for or an account of the funeral of the deceased person.

(2) Where a deceased person has died intestate and he was, or any child of his was or is, illegitimate, the deceased person and any such child shall, for the purposes of this article, be treated as legitimate.

Administration of this Order

69. This Order shall be administered by the Secretary of State or, as to any particular provision thereof which he may select, by such other person or body acting under his directions as he may direct, and, except as otherwise provided by statute, the Secretary of State shall be the sole interpreter of this Order and shall be empowered to issue such instructions with reference thereto and, in particular, to require such declaration from a person to whom payment of a pension is to be made, as he may from time to time deem necessary.

Transferred powers

70. Nothing contained in this Order shall prejudice or affect any power transferred to the Secretary of State(**a**) under section 1 of the Pensions (Navy Army, Air Force and Mercantile Marine) Act 1939(**b**).

Revocations, transitional, general and transitory provisions

71.—(1) Subject to the provisions of Schedule 4 and of the following provisions of this article the instruments specified in Schedule 5 are hereby revoked.

(2) Subject as aforesaid, anything whatsoever done under or by virtue of any provision of an instrument revoked by this Order shall be deemed to have been done under or by virtue of the corresponding provision of this Order and anything whatsoever begun under any provision of such instrument may be continued under this Order as if begun thereunder.

(3) Where under or by virtue of an award made under a 1919 to 1921 instrument or an instrument revoked by a 1964 instrument, a person was immediately before the date on which this Order comes into operation entitled to receive payment of retired pay, pension or allowance or an addition to retired pay or pension at a rate specified in a provision of Schedule 2, 4 or 6

(**a**) See Transfer of Functions (Ministry of Pensions) Order S.I. 1953/1198 article 2; Ministry of Social Security Act 1966 (c. 20), section 2, and Secretary of State for Social Services Order 1968 (S.I. 1968/1699) article 2.

(**b**) 1939 c.83.

to that 1964 instrument, any such retired pay, pension, allowance or addition shall, for so long as it remains payable, be payable at the rate specified in the corresponding provision of Schedule 1 or, as the case may be, Schedule 2 to this Order.

(4) Where immediately before the date on which this Order comes into operation there is pending a claim, appeal or review to which the provisions of article 21(3) of the War Pensions (Pre-Consolidation Amendment) Order 1978(**a**) (transitional provisions) apply—

(*a*) those provisions shall, subject to the provisions of subparagraph (*b*) below, continue to apply to that claim, appeal or review as though this Order had not come into operation.

(*b*) any award of a pension or other benefit by, or in consequence of, the decision of that claim, appear or review which, but for the coming into operation of this Order, would have been made at a rate, or, as the case may be, of an amount specified in a Schedule to a 1964 instrument shall instead be made at the rate or, as the case may be, of the amount specified in the corresponding provision of Schedule 1 or, as the case may be, Schedule 2 to this Order; and

(*c*) the provisions of article 2 of this Order (scheduled rates and amounts of awards) shall apply to that award.

(5) No award already made to or in respect of any person under any previous Order or Warrant concerning pensions or other benefit in respect of disablement or death due to service shall, by virtue only of the supersession by this Order of any previous Order or Warrant, be reassessed to that person's disadvantage.

(6) The provisions of this Order are subject to the provisions of the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 13th June 1922 and each of those instruments shall have effect as though this Order were specified in it.

(7) Any relevant provision of this Order shall apply to any case where the disablement or death of a member of the armed forces was due to service before the date on which this Order comes into operation whether or not an award has been made under any previous instrument concerning pensions or other benefit in respect of disablement or death due to service, and any reference in a certificate issued under section 10 of the Crown Proceedings Act 1947(**b**) (provisions relating to the armed forces) to an instrument revoked by this Order shall be construed as including, in so far as appropriate in any particular case, a reference to this Order.

N. E. Leigh,

Clerk of the Privy Council.

(**a**) S.I. 1978/1405.

(**b**) 1947 c. 44.

Article 2

SCHEDULE 1

DISABLEMENT DUE TO SERVICE IN THE ARMED FORCES DURING THE 1914 WORLD WAR AND AFTER 2ND SEPTEMBER 1939

PART I

GROUPING OF MEMBERS OF THE ARMED FORCES ACCORDING TO RANK OR STATUS

1. In this Schedule—

(*a*) references to a Group shall be construed as references to those members of the armed forces who hold the rank or status hereinafter in this Part listed under that Group; and

(*b*) the amount of any award in respect of that Group is the amount shown in the following Parts of this Schedule against that Group.

2. The Groups referred to in the foregoing paragraph comprise:—

GROUP 1:—

Royal Navy	Rear-Admiral
Royal Marines	Major-General
Army	Major-General Chief Controller
RAF	Air Vice-Marshal

GROUP 2:—

Army	Brigadier-General
RAF	Air Commodore*

GROUP 3:—

Navy	Commodore 1st or 2nd Class Captain with 6 or more years seniority whose service terminated on or after 1st April 1970
Royal Marines	Colonel-Commandant Colonel whose service terminated on or after 1st April 1970
WRNS	Commandant Member with status of Commodore

*Disabled as a result of service during the 1914 World War.

Army	Brigadier Senior Controller Member with status of Brigadier
RAF	Air Commodore Air Commandant Member with status of Air Commodore

GROUP 4:—

Navy	Captain of less than 6 years seniority or whose service terminated before 1st April 1970
Royal Marines	Colonel 2nd Commandant Colonel whose service terminated before 1st April 1970 Lieutenant-Colonel* and corresponding ranks
WRNS	Superintendent Member with status of Captain RN
Army	Colonel Controller Member with status of Colonel
RAF	Group Captain Group Officer Member with status of Group Captain

GROUP 5:—

Navy	Commander
Royal Marines	Major† and corresponding ranks
WRNS	Chief Officer Member with status of Commander RN
Army	Lieutenant-Colonel Chief Commander Member with status of Lieutenant-Colonel
RAF	Wing Commander Wing Officer Member with status of Wing Commander

*Temporary Marine Officer relinquishing commission, etc., prior to 1st April 1919, to be included in Group 5.

†Temporary Marine Officer relinquishing commission, etc., prior to 1st April 1919, to be included in Group 6.

GROUP 6:—

Navy	Lieutenant-Commander
Royal Marines	Captain* and corresponding ranks
WRNS	First Officer Member with status of Lieutenant-Commander RN
Army	Major Senior Commander Member with status of Major
RAF	Squadron Leader Squadron Officer Member with status of Squadron Leader

GROUP 7:—

Navy	Lieutenant
Royal Marines	Lieutenant with 4 years commissioned service or over
WRNS	Second Officer Member with status of Lieutenant RN
Army	Captain Junior Commander Member with status of Captain
RAF	Flight Lieutenant Flight Officer Member with status of Flight Lieutenant

GROUP 8:—

Navy	Sub-Lieutenant Acting Sub-Lieutenant Senior Commissioned Officer (Branch List) Commissioned Officer from Warrant Rank Midshipman (A) Midshipman or Cadet where service terminated on or after 1st January 1957

*Temporary Marine Officer relinquishing commission, etc., prior to 1st April 1919, to be included in Group 7.

Royal Marines	Lieutenant with under 4 years commissioned service 2nd Lieutenant Senior Commissioned Officer (Branch List) Commissioned Officer from Warrant Rank and corresponding ranks
WRNS	Third Officer Woman member with status below Lieutenant RN
Army	Lieutenant (Quartermasters, Assistant Pay Masters and Inspectors of Army Stores) Second Lieutenant Subaltern Second Subaltern Member with status below Captain
RAF	Flying Officer Pilot Officer Acting Pilot Officer Section Officer Assistant Section Officer Member with status below Flight Lieutenant

GROUP 9:—

Navy	Commissioned Officer (Branch List) Warrant Officer Midshipman Cadet after completion of shore training where, in the case of any of these ranks, service terminated before 1st January 1957. Naval Cadet (Serving with the Fleet)
Royal Marines	Commissioned Officer (Branch List) Warrant Officer and corresponding ranks

GROUP 10:—

Navy	Fleet Chief Petty Officer Fleet Chief Wren Member of a Voluntary Aid Detachment serving as an uncertificated Nurse Grade 1

Royal Marines	Regimental Sergeant-Major
Army	Warrant Officer Class I
RAF	Warrant Officer Airman Class A Member of a Voluntary Aid Detachment serving as an uncertificated Nurse Grade 1

GROUP 11:—

Royal Marines	Quartermaster Sergeant
Army	Warrant Officer Class II Non-Commissioned Officer Class I
RAF	Warrant Officer 2nd Class Airman Class B

GROUP 12:—

Navy	Chief Petty Officer Chief Wren
Royal Marines	Colour Sergeant
Army	Staff Sergeant Non-Commissioned Officer Class II
RAF	Flight Sergeant Airman Class C

GROUP 13:—

Navy	Petty Officer Petty Officer Wren
Royal Marines	Sergeant
Army	Sergeant Non-Commissioned Officer Class III
RAF	Sergeant Airman Class D

GROUP 14:—

Navy	Leading Rating Leading Wren

Royal Marines	Corporal
Army	Corporal Non-Commissioned Officer Class IV
RAF	Corporal Airman Class E

GROUP 15:—

Navy	A B Rating Ordinary Rating Boy Wren
Royal Marines	Marine
Army	Private etc Class V
RAF	Leading Aircraftman Senior Aircraftman Aircraftman Airman Class F Leading Aircraftwoman Senior Aircraftwoman Aircraftwoman

PART II

Rates of retired pay, pensions, gratuities and allowances

TABLE 1

YEARLY RATES OF—

A. RETIRED PAY AND PENSIONS FOR DISABLED OFFICERS AND NURSES

AND

B. DISABLEMENT ADDITION TO SERVICE RETIRED PAY

GROUPS 1–9

Degree of Disability	*Yearly Rate*
Per cent.	£
100	1,698·00
90	1,528·20
80	1,358·40
70	1,188·60
60	1,018.80
50	849·00
40	679·20
30	509·40
20	339·60

PART II

TABLE 2

YEARLY RATES OF ALLOWANCE PAID IN RESPECT OF RANK FOR DISABLED OFFICERS AND NURSES

Group	*Rank Allowance*								
	Degree of Disability								
	Per cent.								
	100	90	80	70	60	50	40	30	20
	£	£	£	£	£	£	£	£	£
1	270	243	216	189	162	135	108	81	54
2	240	216	192	168	144	120	96	72	48
3	225	202·50	180	157·50	135	112·50	90	67·50	45
4	180	162	144	126	108	90	72	54	36
5	150	135	120	105	90	75	60	45	30
6	120	108	96	84	72	60	48	36	24
7	90	81	72	63	54	45	36	27	18
8	60	54	48	42	36	30	24	18	12
9	30	27	24	21	18	15	12	9	6

NOTE:— To ascertain the yearly rate of pension payable in any case, the appropriate amount for the rank and degree of disablement shown in Table 2 should be added to the amount shown against the degree of disability in Table 1.

PART II

TABLE 3

WEEKLY RATES OF PENSION FOR DISABLED OTHER RANKS

GROUPS 10–15

Degree of Disability	*Weekly Rate*
Per cent.	£
100	31·90
90	28·71
80	25·52
70	22·33
60	19·14
50	15·95
40	12·76
30	9·57
20	6·38

TABLE 4

WEEKLY RATES OF ALLOWANCE PAID IN RESPECT OF RANK FOR DISABLED OTHER RANKS

Groups	*Rank Allowance*								
	Degree of Disability								
	Per cent.								
	100	90	80	70	60	50	40	30	20
	£	£	£	£	£	£	£	£	£
10	00·84	00·75	00·67	00·59	00·50	00·42	00·34	00·25	00·17
11	00·67	00·60	00·54	00·47	00·40	00·34	00·27	00·20	00·14
12	00·50	00·45	00·40	00·35	00·30	00·25	00·20	00·15	00·10
13	00·34	00·30	00·27	00·24	00·20	00·17	00·14	00·10	00·07
14	00·17	00·15	00·14	00·12	00·10	00·09	00·07	00·05	00·04
15	—	—	—	—	—	—	—	—	—

NOTE:— To ascertain the weekly rate of pension payable in any case, the appropriate amount for the rank and degree of disablement shown in Table 4 should be added to the amount shown against the degree of disability in Table 3.

PART III

Gratuities

TABLE 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

Description of Injury	*Groups* 1–9	*Groups* 10–15
	£	£
For the loss of:—		
A. FINGERS:—		
Index finger—		
Whole	1,650	1,620
2 phalanges	1,322	1,297
1 phalanx	1,100	1,080
Guillotine amputation of tip without loss of bone	656	646
Middle finger—		
Whole	1,428	1,403
2 phalanges	1,100	1,080
1 phalanx	878	863
Guillotine amputation of tip without loss of bone	550	540
Ring or little finger—		
Whole	878	863
2 phalanges	772	757
1 phalanx	656	646
Guillotine amputation of tip without loss of bone	328	323
B. TOES:—		
Great Toe—		
through metatarso-phalangeal joint	1,650	1,620
part, with some loss of bone	434	429
1 other toe—		
through metatarso-phalangeal joint	434	429
part, with some loss of bone	222	217
2 toes, excluding great toe—		
through metatarso-phalangeal joint	656	646
part, with some loss of bone	328	323
3 toes, excluding great toe—		
through metatarso-phalangeal joint	772	757
part, with some loss of bone	434	429
4 toes, excluding great toe—		
through metatarso-phalangeal joint	1,100	1,080
part, with some loss of bone	434	429

PART III

TABLE 2

GRATUITIES PAYABLE TO MEMBERS OF THE ARMED FORCES FOR DISABLEMENT ASSESSED AT LESS THAN 20 PER CENT NOT BEING A MINOR INJURY SPECIFIED IN TABLE 1

Group	*Estimated duration of the disablement within the degree referred to*								
	Temporary less than a year			*Temporary more than a year*			*Indeterminate*		
	Per cent.			*Per cent.*			*Per cent.*		
	1–5	6–14	15–19	1–5	6–14	15–19	1–5	6–14	15–19
	£	£	£	£	£	£	£	£	£
1	101	226	393	202	449	787	607	1,349	2,361
3	99	221	386	198	440	771	595	1,322	2,314
4	97	217	378	194	431	755	583	1,295	2,267
5	95	214	372	192	425	745	575	1,277	2,235
6	94	211	367	189	419	734	567	1,259	2,204
7, 8	92	206	359	185	410	718	555	1,232	2,157
9	90	202	351	181	401	703	543	1,205	2,109
10	91	203	353	183	404	707	542	1,203	2,101
11	91	202	352	182	403	704	540	1,198	2,092
12	90	202	350	181	401	701	538	1,193	2,083
13	90	201	349	181	399	698	536	1,188	2,075
14	89	200	347	180	398	695	533	1,183	2,066
15	89	199	346	179	396	692	531	1,178	2,057

PART IV

RATES OF ALLOWANCES PAYABLE IN RESPECT OF DISABLEMENT

Description of Allowance	*Rate*	
	Groups 1–9	*Groups 10–15*
1. Education allowance under article 13	£120·00 per annum (maximum)	£120·00 per annum (maximum)
2. Constant attendance allowance—		
(*a*) under article 14(1)(*b*) ..	£1,324·40 per annum (maximum)	£25·40 per week (maximum)
(*b*) under article 14(1)(*a*) ..	£662·20 per annum (maximum)	£12·70 per week (maximum)
3. Exceptionally severe disablement allowance under article 15	£662·20 per annum	£12·70 per week
4. Severe disablement occupational allowance under article 16	£331·10 per annum	£6·35 per week
5. Allowance for wear and tear of clothing—		
(*a*) under article 17(1)(*a*) ..	£27·00 per annum	£27·00 per annum
(*b*) under article 17(1)(*b*) and 17(2)	£43·00 per annum	£43·00 per annum
6. Unemployability allowances—		
(*a*) personal allowance under article 18(1)(*a*) ..	£1,081·90 per annum	£20·75 per week
(*b*) additional allowances for dependants by way of—		
(i) increase of allowance in respect of a wife, husband or unmarried dependant living as a wife, under article 18(4)(*b*)	£610·00 per annum (maximum)	£11·70 per week (maximum)
(ii) allowance in respect of an adult dependant under article 18(4)(*c*)..	£610·00 per annum (maximum)	£11·70 per week (maximum)
(iii) increase of allowance in respect of each child under article 18(4)(*d*)..	£331·10 per annum	£6·35 per week

Description of Allowance	*Rate*	
	Groups 1–9	*Groups 10–15*
7. Invalidity allowance under article 19—		
(*a*) if on the relevant date the member was under the age of 35 or if that date fell before 5th July 1948 ..	£216·40 per annum	£4·15 per week
(*b*) if head (*a*) does not apply and on the relevant date the member was under the age of 45	£135·60 per annum	£2·60 per week
(*c*) if heads (*a*) and (*b*) do not apply, and on the relevant date the member was a man under the age of 60 or a woman under the age of 55	£67·80 per annum	£1·30 per week
8. Comforts allowance—		
(*a*) under article 20(1)(*a*) ..	£281·60 per annum	£5·40 per week
(*b*) under article 20(1)(*b*) ..	£140·80 per annum	£2·70 per week
9. Allowance for lowered standard of occupation under article 21	£665·30 per annum (maximum)	£12·76 per week (maximum)
10. Age allowance under article 22 where the degree of pensioned disablement is—		
(*a*) 40 to 50 per cent. ..	£114·70 per annum	£2·20 per week
(*b*) over 50 per cent. but not exceeding 70 per cent...	£177·30 per annum	£3·40 per week
(*c*) over 70 per cent. but not exceeding 90 per cent. ..	£250·30 per annum	£4·80 per week
(*d*) over 90 per cent. ..	£354·60 per annum	£6·80 per week
11. Treatment allowances—		
(*a*) increase of personal allowance under article 23(3)	£354·60 per annum (maximum)	£6·80 per week (maximum)
(*b*) increase of personal allowance under article 23(4)(*a*)—		
(i) if the member has reached 65 years (60 if a woman) or if not eligible for invalidity pension and allowance solely because of failure to satisfy the contribution conditions ..	£19·50 per week	£19·50 per week

Description of Allowance	*Rate*	
	Groups 1–9	*Groups 10–15*
(ii) in any other case ..	£15·75 per week	£15·75 per week
(*c*) increase of personal allowance under article 23 (4)(*c*)—		
(i) if on the relevant date the member was under the age of 35 or if that date fell before 5th July 1948	£216·40 per annum	£4·15 per week
(ii) if head (i) does not apply and on the relevant date the member was under the age of 45	£135·60 per annum	£2·60 per week
(iii) if heads (i) and (ii) do not apply and on the relevant date the member was a man under the age of 60 or a woman under the age of 55	£67·80 per annum	£1·30 per week
(*d*) increase of additional allowance under article 23(6)	£508·40 per annum	£9·75 per week
(*e*) increase of additional allowance in respect of each child under article 23(7) and (8)	£96·50 per annum	£1·85 per week
(*f*) additional allowance under article 23(9)	£508·40 per annum	£9·75 per week
(*g*) higher rate of increase of additional allowance (or of additional allowance, as the case may be) under article 23(10)—		
(i) in respect of the wife, husband, unmarried dependant living as a wife or adult dependant of a member ..	£610·00 per annum	£11·70 per week
(ii) in respect of each child of a member ..	£331·10 per annum	£6·35 per week
12. Part-time treatment allowance under article 25 ..	£10·75 per day (maximum)	£10·75 per day (maximum)

PART V

ASSESSMENT OF DISABLEMENT CAUSED BY SPECIFIED INJURIES AND OF CERTAIN OTHER DISABLEMENTS

Description of Injury	*Assessment*
Amputation Cases – Upper Limbs	per cent.
Loss of both hands or amputation at higher sites	100
Forequarter amputation	100
Amputation through shoulder joint	90
Amputation below shoulder with stump less than 20·5 centimetres from tip of acromion	80
Amputation from 20·5 centimetres from tip of acromion to less than 11·5 centimetres below tip of olecranon	70
Amputation from 11·5 centimetres below tip of olecranon	60
Loss of thumb	30
Loss of thumb and its metacarpal bone	40
Loss of 4 fingers	50
Loss of 3 fingers	30
Loss of 2 fingers	20
Loss of terminal phalanx of thumb	20
Amputation Cases – Lower Limbs	per cent.
Double amputation through thigh, or through thigh on one side and loss of other foot, or double amputation below thigh to 13 centimetres below knee	100
Double amputation through leg lower than 13 centimetres below knee	100
Amputation of one leg lower than 13 centimetres below knee and loss of other foot	100
Amputation of both feet resulting in end-bearing stumps	90
Amputation through both feet proximal to the metatarso-phalangeal joint	80
Loss of all toes of both feet through the metatarso-phalangeal joint	40
Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
Loss of all toes of both feet distal to the proximal interphalangeal joint	20
Hindquarter amputation	100
Amputation through hip joint	90
Amputation below hip with stump not exceeding 13 centimetres in length measured from tip of great trochanter	80
Amputation below hip and above knee with stump exceeding 13 centimetres in length measured from tip of great trochanter, or at knee not resulting in end-bearing stump	70
Amputation at knee resulting in end-bearing stump, or below knee with stump not exceeding 9 centimetres	60
Amputation below knee with stump exceeding 9 centimetres but not exceeding 13 centimetres	50
Amputation below knee with stump exceeding 13 centimetres	40
Amputation of one foot resulting in end-bearing stump	30

Description of Injury	*Assessment*
	per cent.
Amputation through one foot proximal to the metatarso-phalangeal joint	30
Loss of all toes of one foot proximal to the proximal interphalangeal joint, including amputations through the metatarso-phalangeal joint	20
Other Specific Injuries	per cent.
Loss of a hand and a foot	100
Loss of one eye, without complications, the other being normal	40
Loss of vision of one eye, without complications or disfigurement of the eyeball, the other being normal	30
Loss of sight	100
Other Disablements	per cent.
Very severe facial disfigurement	100
Absolute deafness	100

NOTE:- Where the scheduled assessment for a specified injury involving multiple losses differs from the sum of the assessments for the separate injuries, the former is the appropriate assessment.

Article 2 SCHEDULE 2

DEATH DUE TO SERVICE IN THE ARMED FORCES DURING THE 1914 WORLD WAR AND AFTER 2ND SEPTEMBER 1939

PART I

GROUPING OF MEMBERS OF THE ARMED FORCES ACCORDING TO RANK OR STATUS

1. In this Schedule—

(*a*) references to a Group shall be construed as references to those members of the armed forces who held the rank or status hereinafter in this Part listed under that Group; and

(*b*) the amount of any award in respect of that Group is the amount shown in the following Parts of this Schedule against that Group.

2. The Groups referred to in the foregoing paragraph comprise:—

GROUP 1:—

Royal Navy	Admiral of the Fleet
Army	Field Marshal
Royal Air Force	Marshal of the Royal Air Force Marshal of the Air

GROUP 2:—

Royal Navy	Admiral
Royal Marines	General
Army	General
Royal Air Force	Air Chief Marshal

GROUP 3:—

Royal Navy	Vice-Admiral
Royal Marines	Lieutenant-General
Army	Lieutenant-General
Royal Air Force	Air Marshal

GROUP 4:—

Royal Navy	Rear-Admiral
Royal Marines	Major-General
Army	Major-General
Royal Air Force	Air Vice-Marshal

GROUP 5:—	
Royal Navy	Commodore Commodore 1st or 2nd Class Captain with 6 or more years seniority whose service terminated on or after 1st April 1970
Royal Marines	Brigadier-General Colonel-Commandant Colonel whose service terminated on or after 1st April 1970
Army	Brigadier-General Brigadier
Royal Air Force	Air Commodore
GROUP 6:—	
Royal Navy	*Captain Captain of less than 6 years seniority or whose service terminated before 1st April 1970
Royal Marines	*Colonel Colonel 2nd Commandant Colonel whose service terminated before 1st April 1970 Lieutenant-Colonel
Army	†Colonel
Royal Air Force	Group Captain
GROUP 7:—	
Royal Navy	Commander
Royal Marines	Major
Army	‡Lieutenant-Colonel
Royal Air Force	Wing Commander
GROUP 8:—	
Royal Navy	Lieutenant-Commander
Royal Marines	Captain
Army	Major
Royal Air Force	Squadron Leader

*Where death is due to service in the Navy during the 1914 World War.

†Where death is due to service in the Army during the 1914 World War, Colonel means a Colonel who has been employed as a substantive Colonel if a combatant officer, or in the rank of Colonel if a medical, veterinary or departmental officer.

‡Including a Colonel not employed as above where death is due to service in the Army during the 1914 World War.

GROUP 9:—

Royal Navy	Lieutenant
Royal Marines	Lieutenant with 4 years commissioned service or over
Army	Captain
Royal Air Force	Flight Lieutenant

GROUP 10:—

Royal Navy	Sub-Lieutenant Acting Sub-Lieutenant Senior Commissioned Officer (Branch List) Commissioned Officer from Warrant rank Midshipman (A) and, where service terminated on or after 1st January 1957, Midshipman or Cadet
Royal Marines	Lieutenant with less than 4 years commissioned service 2nd Lieutenant Senior Commissioned Officer (Branch List) Commissioned Officer from Warrant rank Quartermaster
Army	*Lieutenant 2nd Lieutenant
Royal Air Force	Flying (or Observer) Officer Pilot Officer Acting Pilot Officer

GROUP 11:—

Royal Navy	Commissioned Officer (Branch List) Midshipman Cadet where, in the case of any of these ranks, service terminated before 1st January 1957 Warrant Officer
Royal Marines	Commissioned Officer (Branch List) Warrant Officer

*Where death is due to service in the Army during the 1914 World War. Quartermasters, Assistant Paymasters and Inspectors of Army Schools, not holding permanent commissions in the Regular Forces may be treated as Lieutenants.

GROUP 12:—

Navy	Fleet Chief Petty Officer
Royal Marines	Regimental Sergeant-Major Marine Warrant Officer, Class I
Army	Warrant Officer Class I
Royal Air Force	Warrant Officer Airman Class A

GROUP 13:—

Royal Marines	Quartermaster Sergeant Marine Warrant Officer Class II
Army	Warrant Officer Class II Non-Commissioned Officer Class I
Royal Air Force	Warrant Officer 2nd Class Airman Class B

GROUP 14:—

Royal Navy	Chief Petty Officer
Royal Marines	Colour Sergeant Staff Sergeant
Army	Staff Sergeant Non-Commissioned Officer Class II
Royal Air Force	Flight Sergeant Airman Class C

GROUP 15:—

Royal Navy	Petty Officer First Class Petty Officer (OS) Petty Officer (NS)
Royal Marines	Sergeant
Army	Sergeant Non-Commissioned Officer Class III
Royal Air Force	Sergeant Airman Class D

GROUP 16:—

Royal Navy	Second Class Petty Officer Leading Rating
Royal Marines	Corporal
Army	Corporal Non-Commissioned Officer Class IV
Royal Air Force	Corporal Airman Class E

GROUP 17:—

Royal Navy	AB Rating Ordinary Rating
Royal Marines	Marine
Army	Private, etc., Class V
Royal Air Force	Leading Aircraftman Senior Aircraftman Aircraftman Airman Class F

PART II

Rates of pensions and allowances

TABLE 1

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS

A.—Pensions other than pensions awarded under article 11(1) *or* (2) *of the* 1921 (*Officers*) *Order or article* 11(1) *of the* 1921 (*Warrant Officers*) *Order, of the* 1920 *Warrant or of the* 1921 *Order*

Group (1)	*Rate* (2)
	£
1	1,319
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	

NOTE:— For rank addition see Table 2A below.

B.—Pensions awarded under article 11(1) *or* (2) *of the* 1921 *(Officers) Order or article* 11(1) *of the* 1921 *(Warrant Officers) Order, of the* 1920 *Warrant or of the* 1921 *Order*

Group (*1*)	*Rate* (*2*)
	£
1	1,319
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	

NOTE:— For rank addition see Table 2*B* below.

TABLE 2

YEARLY RATES OF ALLOWANCE PAID IN RESPECT OF RANK OF DECEASED OFFICERS

A.—Rank additions to basic rates of pension set out in Table 1A above

Group (*1*)	*Rate* (*2*)	*Rate* (*3*)
	£	£
1	610	610
2	450	450
3	350	350
4	260	260
5	200	200
6	140	140
7	120	120
8	90	—
9	75	—
10	60	—
11	35	—

B.—Rank additions to basic rates of pension set out in Table 1B above

Group (*1*)	*Rate* (*2*)
	£
1	710
2	510
3	410
4	310
5	230
6	150
7	126
8	90
9	75
10	60
11	35

TABLE 3

WEEKLY RATES OF PENSION FOR WIDOWS OF RATINGS, SOLDIERS AND AIRMEN

Group (*1*)	*Rate* (*2*)	*Rate* (*3*)
	£	£
12	25·30	5·85
13		
14		
15		
16		
17		

NOTE:— For rank addition see Table 4 below.

TABLE 4

RANK ADDITIONS TO BASIC RATES OF PENSION FOR WIDOWS OF RATINGS, SOLDIERS AND AIRMEN

Group (*1*)	*Pence per week* (*2*)
12	25
13	20
14	15
15	10
16	5
17	—

TABLE 5

MAXIMUM YEARLY RATES OF PENSION FOR RELATIVES OF 1914 WORLD WAR OFFICERS

Group (*1*)	*Rate* (*2*)
	£
1	1,319
2	1,319
3	1,319
4	1,319
5	1,319
6	1,319
7	1,319
8	468
9	417
10	367
11	304

NOTE:— For rank addition see Table 6 overleaf.

TABLE 6

RANK ADDITIONS TO BASIC RATES OF PENSION FOR RELATIVES OF 1914 WORLD WAR OFFICERS

Group (*1*)	*Yearly Rate* (*2*)	*Yearly Rate* (*3*)
	£	£
1	710	610
2	510	450
3	410	350
4	310	260
5	210	200
	£	
6	140	
7	120	
8	—	
9	—	
10	—	
11	—	

PART III

RATES OF PENSIONS, OTHER THAN WIDOWS' PENSIONS, AND ALLOWANCES PAYABLE IN RESPECT OF DEATH

Description of Pension or Allowance	*Rate*	
	Groups 1–11	*Groups 12–17*
1. Pension under article 30 to unmarried dependant who lived as wife	£1,279·00 per annum (maximum)	£24·10 per week (maximum)
2. Rent allowance under article 31	£9·60 per week (maximum)	£9·60 per week (maximum)
3. Allowance under article 32 to elderly widow or unmarried dependant who lived as wife—		
(*a*) if age 65 but under 70 ..	£125·10 per annum	£2·40 per week
(*b*) if age 70 or over ..	£250·30 per annum	£4·80 per week
4. Pension to widower under article 34	£1,323·20 per annum (maximum)	£25·30 per week (maximum)
5. Allowances in respect of children—		
(*a*) under article 35(1) in respect of each child ..	(i) Groups 1–10— £421·50 per annum (ii) Group 11— £414·50 per annum	£7·95 per week
(*b*) under article 35(3) ..	(i) Groups 1–10— £472·20 per annum (maximum) (ii) Group 11— £464·10 per annum (maximum)	£8·90 per week (maximum)
6. Pension under article 36 to a motherless or fatherless child of a member	(i) Groups 1–10— £472·20 per annum (ii) Group 11— £464·10 per annum	£8·90 per week

Description of Pension or Allowance	*Rate*	
	Groups 1–11	*Groups 12–17*
7. Pension or allowance under article 37(3) to or in respect of a child over the age limit	£1,016·70 per annum (maximum)	£19·50 per week (maximum)
8. Education allowance under article 38	£120·00 per annum (maximum)	£120·00 per annum (maximum)
9. Pensions to parents—		
(*a*) minimum rate under article 40(3)	£15·00 per annum	£0·25 per week
(*b*) under paragraphs (*a*) and (*b*) of article 40(3)—		
(i) where there is only one eligible parent ..	(i) Groups 1–10— £75·00 per annum (maximum) (ii) Group 11— £60·00 per annum (maximum)	£1·00 per week (maximum)
(ii) where there is more than one eligible parent	(i) Groups 1–10— £100·00 per annum (maximum) (ii) Group 11— £85·00 per annum (maximum)	£1·38 per week (maximum)
(*c*) increase under article 40(3)(*c*)	£20·00 per annum	(i) where there is only one eligible parent —£0·38 per week (maximum) (ii) where there is more than one eligible parent— £0·62 per week (maximum)
(*d*) under paragraph (*d*) of article 40(4)	—	£1·00 per week (maximum)

Description of Pension or Allowance	*Rate*	
	Groups 1–11	*Groups 12–17*
10. Pensions to other dependants—		
(*a*) under article 41(2) ..	£54·00 per annum (maximum)	£1·00 per week (maximum)
(*b*) for each juvenile dependant under article 41(3) ..	(i) Groups 1–10— £26·00 per annum (maximum) (ii) Group 11— £20·00 per annum (maximum)	£0·30 per week (maximum)
(*c*) aggregate rate under article 41(3)	(i) Groups 1–10— £75·00 per annum (maximum) (ii) Group 11— £65·00 per annum (maximum)	£1·00 per week (maximum)

Article 1(2) SCHEDULE 3

Glossary of Expressions

PART I

Warrants and Orders

Item	*Expression*	*Meaning*
1.	"the 1917 Warrant"	the Royal Warrant of 1st August 1917(**a**);
2.	"the 1919 Warrant"	the Royal Warrant of 6th December 1919(**b**), as amended(**c**);
3.	"the 1920 Warrant"	the Royal Warrant of 2nd July 1920(**d**), as amended (**e**);
4.	"the 1917 (Officers) Order"	the Order in Council of 29th September 1917(**f**);
5.	"the 1917 (Warrant Officers) Order"	the Order in Council of 29th September 1917(**g**);
6.	"the 1920 Order in Council"	the Order in Council of 11th June 1920(**h**), as amended (**i**);
7.	"the 1921 (Officers) Order"	the Order in Council of 9th March 1921(**j**), as amended (**k**);
8.	"the 1921 (Warrant Officers) Order"	the Order in Council of 9th March 1921(**l**), as amended (**m**);

(**a**) Army Order 268 of 1917.

(**b**) Cmd. 457 of 1919.

(**c**) The relevant amending instruments are Cmd. 1701 of 1922; 1752 of 1922; 1852 of 1923; Cmnd. 2467 of 1964; 4134 of 1969; 5395 of 1973 and 5670 of 1974.

(**d**) Cmd. 811.

(**e**) The relevant amending instruments are Cmd. 1932 of 1923; 2013 of 1923; Cmnd. 2467 of 1964; 4134 of 1969; 5395 of 1973 and 5670 of 1974.

(**f**) SR & O 1917/1022.

(**g**) SR & O 1917/1023.

(**h**) SR & O 1920/1021.

(**i**) The relevant amending instruments are SR & O 1924/505; 1924/1390; 1925/1034; 1928/46; Orders in Council dated 25th September 1964; 31st July 1969; 27th July 1973 and 28th June 1974.

(**j**) SR & O 1921/360.

(**k**) The relevant amending instruments are SR & O 1925/763; 1928/44; Orders in Council dated 25th September 1964; 31st July 1969; 27th July 1973 and 28th June 1974.

(**l**) SR & O 1921/361.

(**m**) The relevant amending instruments are SR & O 1925/764; 1928/45; Orders in Council dated 25th September 1964; 31st July 1969; 27th July 1973 and 28th June 1974.

Item	*Expression*	*Meaning*
9.	"the 1920 Order"	the Order by His Majesty of 11th May 1920(a), as amended(b);
10.	"the 1921 Order"	the Order by His Majesty of 25th September 1921, as amended(c);
11.	"the 1919 to 1920 other ranks instruments"	the instruments specified in items 2, 6 and 9 above (and the expression "a 1919 to 1920 other ranks instrument" shall be construed accordingly);
12.	"the 1920 to 1921 (Officers) instruments"	the instruments specified in items 3, 7, 8 and 10 above (and the expression "a 1920 to 1921 officers instrument" shall be construed accordingly);
13.	"the 1919 to 1921 instruments"	the instruments specified in items 2 and 3 and 6 to 10 above (and the expression "a 1919 to 1921 instrument" shall be construed accordingly);
14.	"1964 instrument"	the Order in Council of 25th September 1964(d), as amended(e), or the Royal Warrant of 19th September 1964(f), as amended(g), or the Order by Her Majesty of 24th September 1964(h), as amended(i), whichever instrument is appropriate in any particular case, and the expression "1964 instruments" shall be construed accordingly.

(a) HC 120 of 1920.

(b) The relevant amendments are HC 133 of 1925; 133–1 of 1925; 134 of 1925; Cmnd. 2472 of 1964; 4135 of 1969; 5396 of 1973 and 5671 of 1974.

(c) The relevant amendments are HC 171 of 1925; 9 of 1928; 2472 of 1964; 4135 of 1969; 5396 of 1973 and 5671 of 1974.

(d) 1964 III p. 5466.

(e) Orders in Council dated 22nd December 1964; 24th February 1966; 9th June 1966; 28th July 1966; 23rd August 1967; 14th February 1968; 26th July 1968; 31st July 1969; 4th February 1970; 28th July 1971; 26th July 1972; 27th July 1973; 28th June 1974; 18th March 1975; 17th September 1975; 23rd July 1976; 9th March 1977; SI 1977/1630; 1978/278, 1404, 1405.

(f) Cmnd. 2467.

(g) The relevant amending instruments are Cmnd. 2553 of 1964; 2926 of 1966; 3023 of 1966; 3072 of 1966; 3385 of 1967; 3530 of 1968; 3728 of 1968; 4134 of 1969; 4287 of 1970; 4742 of 1971; 5077 of 1972; 5395 of 1973; 5670 of 1974; 6001 of 1975; 6247 of 1975; 6583 of 1976; 6763 of 1977 and SI 1977/1630; 1978/278, 1404, 1405.

(h) Cmnd. 2472.

(i) The relevant amending instruments are Cmnd. 2554 of 1964; 2927 of 1966; 3024 of 1966; 3071 of 1966; 3384 of 1967; 3531 of 1968; 3729 of 1968; 4135 of 1969; 4286 of 1970; 4743 of 1971; 5078 of 1972; 5396 of 1973; 5671 of 1974; 6002 of 1975; 6246 of 1975; 6582 of 1976; 6762 of 1977 and SI 1977/1630; 1978/278, 1404, 1405.

PART II
General

Item	*Expression*	*Meaning*
15.	"adopted"	adopted in pursuance of— (*a*) an adoption order made under the Adoption Act 1958(**a**), any previous enactment relating to the adoption of children, the Adoption Act 1968(**b**) or under any corresponding legislation in Northern Ireland; or (*b*) an adoption order made in the Isle of Man or any of the Channel Islands; or (*c*) an overseas adoption within the meaning of section 4 of the Adoption Act 1968; or (*d*) any other adoption order made under any law in force outside the United Kingdom which, in the opinion of the Secretary of State, is analogous to any of the aforesaid enactments; and "adoption" shall be construed accordingly:
16.	"adult dependant"	for the purposes of articles 18 and 23— (*a*) a person who resides in the home of a member of the armed forces and who— (i) is his grandfather or father (including stepfather) and is incapable of self-support; (ii) is his grandmother or mother (including stepmother) and is a widow or is has never been married or married to a husband who is incapable of self-support; (iii) is his son (including stepson, adopted son or illegitimate son) and has attained the child's age limit and is incapable of self-support;

(**a**) 1958 c.5 (7 and 8 Eliz. 2) (**b**) 1968 c.53.

Item	*Expression*	*Meaning*
		(iv) is his daughter (including stepdaughter, adopted daughter or illegitimate daughter) and has attained the child's age limit or is his sister (including half-sister or stepsister) and has attained the age of 16 years and has never been married or is a widow or is married to a husband who is incapable of self-support; (v) is his brother (including half-brother or step-brother) and has attained the age of 16 years and is incapable of self-support; or (*b*) an adult female person who, in the home of a member, looks after any child of the member in respect of whom an allowance is being paid under article 12, 18 or 23; being in each case a person who is in receipt of regular and substantial support or benefit from the member:
17.	"airman"	(1) in relation to service during the 1914 World War, a person defined as airman in the Air Force Act(**a**), who was enlisted or entered into service in any portion of the Royal Air Force, Air Force Reserve or Auxiliary Air Force ordinarily maintained by enlistment in the United Kingdom— (*a*) including any such person who was enlisted or entered into service in any troops raised within or without the United Kingdom whose terms of service included or, under due authority, were made to include the pension provisions for the time being for British Air Forces, if such provisions were a charge on British Revenues; but

(**a**) 1887 c.58 (as modified by 1917 c.51, s.12(1)).

Item	*Expression*	*Meaning*
		(*b*) not including any airman who was merely attested and passed to the Reserve or any other person unless or until he actually served as airman in circumstances to which pension rights would normally, or under his conditions of service, have attached, had he been in the Royal Navy or the Regular Army;
		(2) in relation to service after 2nd September, 1939, a member of the air forces who is not an officer:
18.	"apprentice"	a person undergoing full-time training for any trade, business, profession, office, employment or vocation, and receiving not more than nominal wages:
19.	"child"	in relation to a member of the armed forces, his—
		(*a*) legitimate child;
		(*b*) legitimated child;
		(*c*) illegitimate child, who did not become legitimated upon the marriage of the member to the child's mother or father;
		(*d*) stepchild who, where the member is disabled, is being regularly maintained in whole or in part by him, or who, where the member is dead, was regularly so maintained by the member up to the date of his death;
		(*e*) adopted child;
		(*f*) illegitimate child, whose mother is, or was at the date of her death, an unmarried dependant living as a wife or the member;
		(*g*) illegitimate child, to whom paragraph (*c*), (*f*) or (*h*) of this item does not apply, who was born not later than 9 months after the material date and who—

Item	*Expression*	*Meaning*
		(i) where the member is disabled, has been regularly maintained in whole or in part by the member up to the date of any award under this Order in respect of his disablement and, where the award is reviewed up to the date of the review; (ii) where the member is dead and the child was born before his death, was regularly maintained in whole or in part by the member up to the date of his death or, where the deceased was a male member, was the subject of an affiliation order at the date of his death; (*h*) foster-child, that is to say, a child who— (i) was on the material date being brought up and wholly or mainly maintained by the member as his child; and (ii) was so brought up and maintained for not less than 6 months (or such lesser period as the Secretary of State may determine in the exceptional circumstances of any case) prior to the date on which the member's service terminated; and (iii) has continued to be so maintained, where the member is disabled, up to the date of any award under this Order in respect of his disablement and where the award is reviewed, up to the date of the review or, where the member is dead, up to the date of his death:

Item	*Expression*	*Meaning*
20.	"child's age limit"	in relation to a child or juvenile dependant of a member of the armed forces, the age of 16 years:
21.	"dependent"	in relation to dependency upon a deceased member of the armed forces before his death, dependent by reason of the receipt of regular and substantial support or benefit from the member— (*a*) where his death occurred during his service, throughout the period of 6 months ending with his death; or (*b*) in any other case, throughout the period beginning 6 months prior to the termination of his service and ending with his death; or throughout such other period as the Secretary of State may determine in the exceptional circumstances of any case:
22.	"disablement"	physical or mental injury or damage, or loss of physical or mental capacity (and "disabled" shall be construed accordingly):
23.	"eligible dependant"	in relation to a course of treatment as defined in article 23(13), a person who is an eligible member of the family or who would be an eligible member of the family if, for any date mentioned in item 19 or 25 of this Schedule, and for the date specified in item 51(*a*) of this Schedule as the terminating date of the period therein mentioned, there were substituted the date of the commencement of that course of treatment:
24.	"eligible member of the family"	a wife, husband or child, or an unmarried dependant living as a wife of a member of the armed forces:
25.	"husband"	in relation to a member of the armed forces, a husband whose marriage to the member took place not later than the material date:

Item	*Expression*	*Meaning*
26.	"incapable of self-support"	in relation to any person, incapable of supporting himself solely by reason of— (*a*) physical or mental infirmity of a permanent or prolonged nature; or (*b*) old age; or (*c*) being a juvenile dependant:
27.	"injury"	includes wound or disease:
28.	"juvenile dependant"	a brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild, who has not attained the child's age limit:
29.	"material date"	(*a*) subject to paragraph (*b*) below, in relation to any child of a member of the armed forces to whom subparagraph (*g*) or (*h*) of item 19 of this Schedule applies, or in relation to a husband or widower of a member of the armed forces, the date when the member sustained the wound or injury, or was first removed from duty on account of the disease, on which the claim under this Order or a 1919 to 1921 instrument in respect of his disablement or death is or, as the case may be, was based, or, if there was no such occurrence, the date of the termination of his service; or (*b*) where the member suffered aggravation of the injury (being aggravation which, in the case of death, persisted until death) as a result of service— (i) in the case of a child to whom subparagraph (*g*) of item 19 of this Schedule applies, after or within 9 months before the birth of the child; or

Item	*Expression*	*Meaning*
		(ii) in the case of a foster-child, after the date on which the member began to bring up and maintain the child as his child; or (iii) in the case of a husband or widower, after the date of his marriage to the member; the expression "material date" in relation to that child or husband or widower shall mean the date when the member's service terminated:
30.	"member of the air forces"	(1) in relation to service during the 1914 World War, a person defined as officer in paragraph (1)(*b*) of the 3rd column of item 36 of this Schedule, in so far as that paragraph relates to an officer serving in or with the Royal Air Force, or a person defined as airman in paragraph (1) of the 3rd column of item 17 above: (2) in relation to service after 2nd September 1939, an officer holding a commission in, or an airman of, the Royal Air Force, excluding:— (*a*) a member of a local force raised abroad for service with the Royal Air Force; (*b*) a person excluded by the terms of his service from the benefits of this Order, or whose conditions of service include other provisions of a like nature; (*c*) a member of a category or class specifically excluded from the benefits of this Order; (*d*) a member of the Polish Resettlement Corps (Royal Air Force):
31.	"member of the armed forces"	a member of the naval forces, the military forces or, as the case may be, of the air forces and any provision of this Order relating to a member of the armed forces shall, except where inappropriate, be construed as

Item	*Expression*	*Meaning*
		relating also to a woman member of the armed forces and as relating to a person whose service as a member or woman member has ended, and the expression "member" shall be construed accordingly:
32.	"member of the military forces"	(1) in relation to service during the 1914 World War, a person defined as officer in paragraph (1)(*b*) of the 3rd column of item 36 of this Schedule, in so far as that paragraph relates to officers, other than air force officers, or a person defined as soldier in paragraph (1) of the 3rd column of item 48 below; (2) in relation to service after 2nd September 1939, an officer holding a commission in, or a soldier of, the army, whose unit is based in the United Kingdom or the Isle of Man, excluding— (*a*) a member of the Army Audit Staff holding a commission in connection with the performance of his duties as such; (*b*) a person to whom article 499 or article 1127 of the Royal Warrant of 29th February 1940 is applicable; (*c*) a person excluded by the terms of his service from the benefits of this Order, or whose conditions of service include other provisions of a like nature; (*d*) a member of a category or class specifically excluded from the benefits of this Order; (*e*) a member of the Polish Resettlement Corps:
33.	"member of the naval forces"	(1) in relation to service during the 1914 World War, a person defined as officer in paragraph (1)(*a*) of the 3rd column of item 36 of this Schedule or as rating in paragraph (1) of the 3rd column of item 17 above;

Item	*Expression*	*Meaning*
		(2) in relation to service after 2nd September 1939, an officer or rating of the Royal Navy or the Royal Marines, within the meaning of the principal Naval Regulations, excluding— (*a*) an officer or rating serving under conditions other than those prescribed by the principal Naval Regulations; (*b*) a person entered abroad on a non-continuous service engagement for local service only; (*c*) a non-European Native rating (whether a British subject or not); (*d*) a person excluded by the terms of his service from the benefits of this Order, or whose conditions of service include other provisions of a like nature; (*e*) a person serving in one of Her Majesty's ships or in a Fleet Auxiliary or in any other vessel in the service of the Admiralty under an agreement known as Agreement T.124 or a variant of that Agreement or under any other mercantile or special agreement; (*f*) a member of a category or class specifically excluded from the benefits of this Order;
34.	"member of the Reserve or Auxiliary Forces"	a member of the armed forces after 2nd September 1939, but otherwise than during any period during which he is embodied or mobilised or, pursuant to the provisions of the Reserve and Auxiliary Forces (Training) Act 1951 (**a**), is called up for flying instructor duties, who is— (*a*) a member of the Royal Fleet Reserve; (*b*) a member of the Royal Naval Reserve;

(a) 1951 c. 23.

Item	*Expression*	*Meaning*
		(*c*) a member of the Royal Marine Forces Volunteer Reserve; (*d*) a member of the Royal Naval Special Reserve; (*e*) a member of the Royal Naval Volunteer Reserve, including the Royal Naval Volunteer Supplementary Reserve, the Royal Naval Volunteer (Wireless) Reserve and the Royal Naval Volunteer (Postal) Reserve; (*f*) a member of the Women's Royal Naval Reserve, including the Women's Royal Naval Supplementary Reserve; (*g*) a member of the Women's Royal Naval Volunteer Reserve; (*h*) a member of the Regular Army Reserve of Officers, the Supplementary Reserve of Officers or the Army Emergency Reserve of Officers; (*i*) a member of the Royal Army Reserve, the Regular Reserve, the Supplementary Reserve (including the Militia) or the Army Emergency Reserve; (*j*) a member of the Territorial Army (including the Territorial Army Reserve of Officers) or the Territorial and Army Volunteer Reserve; (*k*) a member of the Auxiliary Territorial Service (Territorial Army), or of the Women's Royal Army Corps (Territorial Army), or of the Women's Royal Army Corps (Territorial and Army Volunteer Reserve); (*l*) a member of the Royal Air Force Reserve (including the Reserve of Air Force Officers), the Women's Royal Air Force Reserve (including the Women's Royal Air Force Reserve of

Item	*Expression*	*Meaning*
		Officers), the Royal Air Force Volunteer Reserve and the Women's Royal Air Force Volunteer Reserve; (*m*) a member of the Royal Auxiliary Air Force, the Women's Royal Auxiliary Air Force, the Royal Auxiliary Air Force Reserve (including the Royal Auxiliary Air Force Reserve of Officers), the Women's Royal Auxiliary Air Force Reserve and the Women's Auxiliary Air Force Reserve; (*n*) a member of Queen Alexandra's Royal Naval Nursing Service Reserve; (*o*) a member of the Territorial Army Nursing Service or the reserve thereof or of the Queen Alexandra's Royal Army Nursing Corps (Army Emergency Reserve) or of the Queen Alexandra's Royal Army Nursing Corps (Territorial Army) or of the Queen Alexandra's Royal Army Nursing Corps (Territorial and Army Volunteer Reserve); (*p*) a member of Princess Mary's Royal Air Force Nursing Service Reserve; (*q*) a member of the Voluntary Aid Detachment Reserve; (*r*) a person called up for training pursuant to the provisions of the Reserve and Auxiliary Forces (Training) Act 1951(**a**):
35.	"nurse"	a person described in paragraph (1) of the 3rd column of item 53 of this Schedule:
36.	"officer"	(1) in relation to service during the 1914 World War—

(a) 1951 c. 23.

Item	*Expression*	*Meaning*
		(*a*) a commissioned or subordinate officer (including a commissioned officer from warrant rank and a warrant officer, other than a warrant officer of the Royal Marines) on the permanent, temporary or reserve lists of the Royal Navy, Royal Marines or Reserves or, as the case may be, the Royal Naval Reserve, who served and was in receipt of naval pay as such during some period of the said war; or (*b*) a commissioned officer whether he held a permanent, short service, temporary or local commission in the Regular or Reserve Forces or in the Territorial Force or in the Royal Air Force, who served and was in receipt of military or, as the case may be, air force pay as such during some period of the said war, but excluding any officer of the Indian Army or of the Dominion, Colonial or Protectorate Forces, then existing, whether raised for general or local service, unless the terms of his service were made to include the pension rights of the Regular Army or, as the case may be, of the Regular Army or Air Force: (2) in relation to service after 2nd September 1939, a member of the armed forces who is a commissioned officer therein, including, as may be appropriate, a woman member with officer status, a subordinate officer or warrant officer (other than a sergeant-major) of the Royal Marines or a woman member of the naval forces of warrant officer status:
37.	"other dependant"	grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild:
38.	"parent"	in relation to a deceased member of the armed forces—

Item	*Expression*	*Meaning*
		(*a*) a person of whom the member was a legitimate, legitimated or illegitimate child; or (*b*) a person who had adopted the member; or (*c*) a person who, for a period of 5 years (or such lesser period as the Secretary of State may determine in the exceptional circumstances of any case) during the minority of the member, acted in the place of a parent to, and wholly or mainly maintained, the member; or (*d*) a person who, for such period as is mentioned in paragraph (*c*) of this item was the spouse (not being a separated spouse) of a person fulfilling the conditions set out in that paragraph:
39.	"Pay Warrant"	the Royal Warrant of 22nd August, 1959 (and any reference to a provision of that Warrant shall, where the context so requires, be construed as a reference to any provision of an earlier Warrant replaced, with or without amendment, by the first mentioned provision):
40.	"pension"	in relation to a rating, soldier or airman, a disablement pension awarded under article 10 or under article 1 of a 1919 to 1920 other rank instrument and in relation to a nurse, a disablement pension or an addition to service retired pay awarded under article 23 of a 1920 to 1921 (officers) instrument or an addition to service pension awarded under column (6) in Schedule 3 to the 1917 (Officers) Order:
41.	"Pension Warrant"	the Royal Warrant of 23rd December 1960 (and any reference to a provision of that Warrant shall, where the context so requires, be construed as a reference to any provision of an earlier Warrant replaced, with or without amendment, by the first mentioned provision):

Item	*Expression*	*Meaning*
42.	"principal Air Force Regulations"	the Queen's Regulations and Air Council Instructions for the Royal Air Force as amended from time to time, the Regulations governing the various Auxiliary and Reserve Forces and the Nursing Service, as so amended, and any other regulations, instructions and provisions issued or made from time to time in relation to the air forces:
43.	"principal Naval Regulations"	the Queen's Regulations and Admiralty Instructions for the government of Her Majesty's Naval Service, as amended from time to time, the Regulations governing the various Reserve Forces as so amended, the provisions summarised in the Appendix to the Navy List as so amended, and any other regulations, instructions or provisions issued or made from time to time in relation to Her Majesty's Naval Service:
44.	"public funds"	(*a*) moneys provided by Parliament or the Parliament of Northern Ireland; (*b*) moneys, the payment whereof is a charge on the Consolidated Fund of the United Kingdom or of Northern Ireland; (*c*) moneys provided by any general or local rate or by a fund established under or by virtue of any public, general or local Act; or (*d*) moneys payable under any enactment, ordinance, regulation or other instrument forming part of the law of any place outside the United Kingdom:
45.	"rating"	(1) in relation to service during the 1914 World War, a seaman or marine, including Chief Petty or Petty Officer and Warrant Officer (other than a Warrant Officer included in the definition of officer in item 36 of this Schedule) and a Non-Commissioned Officer of the Royal Marines (other than a Royal Marine Gunner) who served or was in receipt of naval or marine pay as

Item	*Expression*	*Meaning*
		such during some period of the said war – (*a*) including any man belonging to the Naval and Marine Reserves and also any seaman or marine specially enlisted or deemed to be specially enlisted for the purpose of the said war and transferred forthwith to the Reserve, if – (i) he was called into actual service; and (ii) served; and (iii) was in receipt of naval or marine pay as such during some period of the the said war; but (*b*) not including any person who was a seaman or marine of the Royal Indian Marine, or of Dominion, Colonial or Protectorate Forces, whether raised for local or general service; (2) in relation to service after 2nd September 1939, a member of the naval forces who is not an officer:
46.	"retired pay"	(1) in relation to officers, other than any warrant officer member of the naval forces – (*a*) retired pay awarded under article 10 of this Order; (*b*) retired pay or additional retired pay awarded under article 1 of a 1920 to 1921 (Officers) instrument (other than the 1921 (Warrant Officers) Order); or (*c*) additional retired pay or half-pay awarded under the 1917 (Officers) Order, Schedule 1, column (8) or the 1917 Warrant, Schedule 1, column (9); or (2) in relation to any warrant officer member of the naval forces –

Item	*Expression*	*Meaning*
		(*a*) retired pay awarded under article 10 of this Order; (*b*) retired pay or an addition to service retired pay, pension or gratuity awarded under article 1 of the 1921 (Warrant Officers) Order; or (*c*) an addition to service pension awarded under the 1917 (Warrant Officers) Order, Schedule 1, column (5) or (6):
47.	"service"	service as a member of the armed forces during the whole or part of the 1914 World War (whether or not the service was in or connected with that war) or for any period after 2nd September 1939 and the word "served" shall be construed accordingly:
48.	"soldier"	(1) in relation to service during the 1914 World War, a person defined as soldier in the Army Act 1881(a), who was enlisted or entered into service in any portion of the Regular Army, the Special Reserve, or the Territorial Force ordinarily maintained by enlistment in the United Kingdom:— (*a*) including any such person who was enlisted or entered into service in any troops raised within or without the United Kingdom, whose terms of service included, or, under due authority were made to include, the pension provisions for the time being for British troops, if such provisions were a charge on British revenues; but (*b*) not including soldiers who were merely attested and passed to the Reserve, or members of the Volunteer Force, or any other person unless or until he actually served as a soldier in circumstances in which the pension rights of the Regular Army would normally, or under his conditions of service, have attached;

(a) 1881 c.58.

Item	*Expression*	*Meaning*
		(2) in relation to service after 2nd September 1939, a member of the military forces who is not an officer:
49.	"student"	a person who is receiving full-time instruction at a university, college, secondary school or technical school, or at any other establishment which, in the opinion of the Secretary of State, is a comparable educational establishment:
50.	"termination"	in relation to service as a member of the armed forces – (*a*) subject to the provisions of paragraph (*b*) below, termination of service as such a member by reason of – (i) retirement; (ii) discharge; (iii) demobilisation; (iv) transfer to the Emergency List or Reserve; or (v) in any other manner; (*b*) where the member renders service during more than one period, the date, having regard to the foregoing provisions of this item, of the end of the period which is relevant in his case; (and the word "terminated" shall be construed accordingly):
51.	"unmarried dependant living as a wife"	(*a*) in relation to a member of the armed forces whose disablement is due to service after 2nd September 1939, a person wholly or substantially maintained by the member on a permanent bona fide domestic basis throughout the period beginning 6 months prior to the commencement of his service and continuing, where the member is disabled, up to the date of any award under this Order in

Item	*Expression*	*Meaning*
		respect of his disablement and, where the award is reviewed, up to the date of review or, where the member is dead, up to the date of his death; (*b*) in relation to a member whose disablement is due to service during the 1914 World War, a woman living with a soldier, rating or airman, as a wife if she has drawn in respect of him separation allowance as for a wife; (and the expression 'unmarried dependant who lived as a wife" shall be construed accordingly):
52.	"widower"	in relation to a deceased woman member of the armed forces, a person who was married to the member at the date of her death and whose marriage to the member took place not later than the material date:
53.	"woman member of the armed forces"	(1) in relation to service during the 1914 World War, a member of – (*a*) the Royal Naval Nursing Service; (*b*) the Royal Naval Nursing Service Reserve; (*c*) Queen Alexandra's Imperial Military Nursing Service; (*d*) the Territorial Force Nursing Service; or (*e*) the Royal Air Force Nursing Service; (2) in relation to service after 2nd September 1939, a woman who is:— (*a*) commissioned or enlisted or enrolled as a member of the armed forces; (*b*) enrolled in the Women's Royal Naval Service or a reserve thereof;

Item	*Expression*	*Meaning*
		(*c*) a member of the Army Emergency Reserve or the Territorial Army or the Territorial and Army Volunteer Reserve; (*d*) a member of the Women's Auxiliary Air Force or the reserve thereof (other than a member of the Polish Resettlement Section of the Women's Auxiliary Air Force); (*e*) a medical or dental practitioner employed with the Royal Army Medical Corps or the Royal Army Dental Corps or the Medical or Dental Branches of the Royal Navy or Royal Air Force with relative rank as an officer or with naval status for general service as the case may be; (*f*) enrolled in Queen Alexandra's Royal Naval Nursing Service or Queen Alexandra's Imperial Military Nursing Service or the Territorial Army Nursing Service or Princess Mary's Royal Air Force Nursing Service or the respective Reserve or Auxiliary Sections thereof; (*g*) enrolled in the Auxiliary Territorial Service (other than a member of the Polish Resettlement Section (Auxiliary Territorial Service)); (*h*) a member of a Voluntary Aid Detachment enrolled for employment under the Defence Council:
54.	"the 1914 World War"	the war which began on 4th August 1914 and ended on 30th September 1921 (and the expression "during the 1914 World War" shall be construed as a reference to any period beginning on or after the first date and ending on or before the second date).

SCHEDULE 4 *Article 71(1)*

Transitory Provisions

Definitions

1. In this Schedule unless the context otherwise requires—

"1946 instrument" means the Order in Council of 4th June 1946(**a**), the Royal Warrant of 12th April 1946(**b**) or, as the case may be, the Order by His Majesty of 12th June 1946;

"1949 instrument" means the Order in Council of 29th September 1949, the Royal Warrant of 24th May 1949(**c**) or, as the case may be, the Order by His Majesty of 27th September 1949;

"1973 instrument" means the Order in Council of 27th July 1973, the Royal Warrant of 24th July 1973(**d**) or, as the case may be, the Order by Her Majesty of 25th July 1973(**e**);

"1974 instrument" means the Order in Council of 28th June 1974, the Royal Warrant of 18th June 1974(**f**) or, as the case may be, the Order by Her Majesty of 21st June 1974(**g**);

"1977 instrument" means the Order in Council of 9th March 1977, the Royal Warrant of 11th March 1977(**h**) or, as the case may be, the Order by Her Majesty of 15th March 1977(**i**);

"1978 Order" means the Order in Council of 1st March 1978(**j**);

"member" means a member of the armed forces;

"unmarried dependant" means an unmarried dependant who lived as a wife of the member;

and other expressions have the meanings assigned to them in Schedule 3.

Pensions for unmarried dependants of deceased disablement pensioners under a 1946 *instrument*

2. Where immediately before the death of a member there was payable to him, by virtue of article 71(6)(*a*) of a 1964 instrument, an allowance under article 12(1) of a 1946 instrument (family allowances) in respect of an unmarried dependant, that dependant may, upon the member's death, be awarded a pension for which she would have been eligible under article 28 of the 1946 instrument (pensions for unmarried dependants), if that instrument had not been revoked and for so long as the conditions for an award under that article are fulfilled.

(**a**) SR & O 1946/812. (**b**) Cmd. 6799 of 1946. (**c**) Cmd. 7699 of 1949.
(**d**) Cmnd. 5395 of 1973. (**e**) Cmnd. 5396 of 1973. (**f**) Cmnd. 5670 of 1974.
(**g**) Cmnd. 5671 of 1974. (**h**) Cmnd. 6763 of 1977. (**i**) Cmnd. 6762 of 1977.
(**j**) S.I. 1978/278.

Continuation of pensions for unmarried dependants of deceased pensioners under a 1946 *instrument*

3. Where immediately before the date on which this Order comes into operation, an unmarried dependant was by virtue of article 71(6)(*b*) of a 1964 instrument in receipt of a pension under article 28(3) of a 1946 instrument (pension while in charge of member's child and in receipt of allowance under following provisions of that Part of that instrument in respect of the child) the award of that pension may be continued when she ceases to have that child in her care and to receive an allowance under Part IV of this Order in respect of that child if she is in precuniary need and incapable of self-support.

Withholding or reduction of disablement pension under a 1949 *instrument*

4. The Secretary of State may withhold or reduce an award under a 1949 instrument in respect of the disablement of an officer whose service was terminated voluntarily or on account of misconduct.

Transitional provision on abolition of killed in action gratuities

5. Article 28 of and column 2 of Schedule 5 to the 1964 instruments shall continue to apply to any deaths occurring before 1st August 1973 as they would have applied but for their revocation by the 1973 instruments.

Assessment of specified disablement under the 1964 *instruments*

6. Where, on or after 22nd July 1974 it is necessary in any case for an assessment of disablement to be made in accordance with the provisions of Schedule 1 to a 1964 instrument for any period commencing prior to the said 22nd July, the provisions of the said Schedule 1 in force immediately prior to the said 22nd July shall continue to apply as they would have applied had other provision not been substituted for them by the 1974 instruments.

Transitional provisions consequent upon the coming into force of the Child Benefit Act 1975

7. Where immediately before 4th April 1977 (in this paragraph referred to as "the said date") a person was entitled to a pension or allowance in respect of a child specified in paragraph 5(*b*)(iii)(*a*) or 9(*e*)(i) or, as the case may be, 9(*g*)(ii) of Schedule 6 to a 1964 instrument or in paragraph 5 or 6 of Schedule 7 to that instrument, at the rate specified in that paragraph immediately before the said date (hereinafter referred to as "the old rate") and that person—

(*a*) would, on or after the said date, have continued to be so entitled at that rate but for the substitution of the rate prescribed by the 1977 instruments (hereinafter referred to as "the new rate"); and

(*b*) was not entitled, in respect of that child, to child benefit under the Child Benefit Act 1975 (**a**) 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 new rate or at the old rate, whichever is the higher.

(**a**) 1975 c.61.

8. The definition of "child's age limit" contained in article 1(8) of the 1964 instruments immediately before 4th April 1977 shall continue to apply in the case of any award subject to the "child's age limit" made before the said 4th April under any of those instruments where the award was made in respect of a child or juvenile dependant of a member of the armed forces who had attained the age of 16 years before the said 4th April, as it would have applied had a new definition not been substituted for it by the 1977 instruments.

9. Where in respect of any period a person who, immediately before 3rd April 1978 (the date on which the 1978 Order came into operation), was qualified to receive a pension or allowance in respect of a child specified in paragraph 5(*b*)(iii), paragraph 9(*e*) or paragraph 9(*g*)(ii) or (iii) of Schedule 6 or in paragraph 5 or paragraph 6 of Schedule 7 to a 1964 instrument, at the rate specified in that paragraph before that date—

(*a*) would, on or after that date, have continued to be so qualified to receive payment of the pension or allowance at that rate but for the substitution of the rate prescribed by that Order; and

(*b*) there was no entitlement, in respect of that child, to child benefit under the Child Benefit Act 1975 or under any legislation in Northern Ireland or in any place outside the United Kingdom corresponding to that Act, or, as the case may be, to payment of that benefit;

that person may receive in respect of that period payment of the pension or allowance either at the rate specified as aforesaid under the 1964 instruments immediately before the aforesaid date or at the appropriate rate specified in that paragraph or, as the case may be, the corresponding provisions of Schedule 1 or 2 of this Order on and after that date, whichever rate is the higher.

Article 71(1)

SCHEDULE 5

REVOCATIONS

Col 1	Column 2	Column 3	Column 4
Item	*Instruments*	*References*	*Extent of Revocation*
1	The Royal Warrant of 19th September 1964	Cmnd. 2467	The whole instrument
2	The Order by Her Majesty of 24th September 1964	Cmnd. 2472	The whole instrument
3	The Order in Council of 25th September 1964	1964 III, p.5466	The whole instrument
4	The Royal Warrant of 15th December 1964	Cmnd. 2553	The whole instrument
5	The Order by Her Majesty of 16th December 1964	Cmnd. 2554	The whole instrument
6	The Order in Council of 22nd December 1964	—	The whole instrument
7	The Royal Warrant of 18th February 1966	Cmnd. 2926	The whole instrument
8	The Order by Her Majesty of of 23rd February 1966	Cmnd. 2927	The whole instrument
9	The Order in Council of 24th February 1966	—	The whole instrument
10	The Royal Warrant of 27th May 1966	Cmnd. 3023	The whole instrument
11	The Order by Her Majesty of 2nd June 1966	Cmnd. 3024	The whole instrument
12	The Order in Council of 9th June 1966	—	The whole instrument
13	The Order by Her Majesty of 26th July 1966	Cmnd. 3071	The whole instrument
14	The Royal Warrant of 26th July 1966	Cmnd. 3072	The whole instrument
15	The Order in Council of 28th July 1966	—	The whole instrument
16	The Royal Warrant of 12th August 1967	Cmnd. 3385	The whole instrument

Col 1	Column 2	Column 3	Column 4
Item	*Instruments*	*References*	*Extent of Revocation*
17	The Order by Her Majesty of 16th August 1967	Cmnd. 3384	The whole instrument
18	The Order in Council of 23rd August 1967	—	The whole instrument
19	The Royal Warrant of 12th February 1968	Cmnd. 3530	The whole instrument
20	The Order by Her Majesty of 13th February 1968	Cmnd. 3531	The whole instrument
21	The Order in Council of 14th February 1968	—	The whole instrument
22	The Royal Warrant of 24th July 1968	Cmnd. 3728	The whole instrument
23	The Order in Council of 26th July 1968	—	The whole instrument
24	The Order by Her Majesty of 26th July 1968	Cmnd. 3729	The whole instrument
25	The Royal Warrant of 28th July 1969	Cmnd. 4134	The whole instrument
26	The Order by Her Majesty of 29th July 1969	Cmnd. 4135	The whole instrument
27	The Order in Council of 31st July 1969	—	The whole instrument
28	The Order by Her Majesty of 2nd February 1970	Cmnd. 4286	The whole instrument
29	The Royal Warrant of 2nd February 1970	Cmnd. 4287	The whole instrument
30	The Order in Council of 4th February 1970	—	The whole instrument
31	The Royal Warrant of 16th July 1971	Cmnd. 4742	The whole instrument
32	The Order by Her Majesty of 20th July 1971	Cmnd. 4743	The whole instrument
33	The Order in Council of 28th July 1971	—	The whole instrument

Col 1	Column 2	Column 3	Column 4
Item	*Instruments*	*References*	*Extent of Revocation*
34	The Order in Council of 26th July 1972	—	The whole instrument
35	The Royal Warrant of 27th July 1972	Cmnd. 5077	The whole instrument
36	The Order by Her Majesty of 31st July 1972	Cmnd. 5078	The whole instrument
37	The Royal Warrant of 24th July 1973	Cmnd. 5395	The whole instrument
38	The Order by Her Majesty of 25th July 1973	Cmnd. 5396	The whole instrument
39	The Order in Council of 27th July 1973	—	The whole instrument
40	The Royal Warrant of 18th June 1974	Cmnd. 5670	The whole instrument
41	The Order by Her Majesty of 21st June 1974	Cmnd. 5671	The whole instrument
42	The Order in Council of 28th June 1974	—	The whole instrument
43	The Order in Council of 18th March 1975	—	The whole instrument
44	The Royal Warrant of 21st March 1975	Cmnd. 6001	The whole instrument
45	The Order by Her Majesty of 21st March 1975	Cmnd. 6002	The whole instrument
46	The Royal Warrant of 3rd September 1975	Cmnd. 6247	The whole instrument
47	The Order by Her Majesty of 10th September 1975	Cmnd. 6246	The whole instrument
48	The Order in Council of 17th September 1975	—	The whole instrument
49	The Order in Council of 23rd July 1976	—	The whole instrument
50	The Order by Her Majesty of 26th July 1976	Cmnd. 6582	The whole instrument

Col 1	Column 2	Column 3	Column 4
Item	*Instruments*	*References*	*Extent of Revocation*
51	The Royal Warrant of 26th July 1976	Cmnd. 6583	The whole instrument
52	The Order in Council of 9th March 1977	—	The whole instrument
53	The Royal Warrant of 11th March 1977	Cmnd. 6763	The whole instrument
54	The Order by Her Majesty of 15th March 1977	Cmnd. 6762	The whole instrument
55	The War Pensions (Amendment of Previous Instruments) Order 1977	S.I. 1977/1630	The whole instrument
56	The War Pensions (Amendment of Previous Instruments) Order 1978	S.I. 1978/278	The whole instrument
57	The War Pensions (Amendment of Previous Instruments) (No. 2) Order 1978	S.I. 1978/1404	The whole instrument
58	The War Pensions (Pre-Consolidation Amendment) Order 1978	S.I. 1978/1405	The whole instrument

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order consolidates into a single instrument the Order in Council of 25th September 1964, the Royal Warrant of 19th December 1964 and the Order of Her Majesty of 24th September 1964, which made provision for pensions and other awards in respect of disablement or death due to service in the naval, military or air forces during the 1914 World War and after 2nd September 1939, and subsequent amending Orders in Council, Royal Warrants and Orders.

The provisions of Orders in Council, Royal Warrants and Orders superseded by this Order (which are listed in Schedule 5) are revoked. No amendments, other than those of a drafting nature, have been made.

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