

## SCHEDULE 1

### AMENDMENTS TO THE PRINCIPAL ORDER

#### *Substitution of articles 35, 36 and 37*

#### 11. For articles 35, 36 and 37 (awards for children) substitute—

##### **“Allowances for children under the child’s age limit**

**35.—**(1) An award may be made in respect of a child of a member of the armed forces whose death is due to service where the child—

- (a) has not attained the child’s age limit; and
- (b) is not eligible for an award of pension under article 36.

(2) An allowance awarded under this article shall be—

- (a) at the appropriate rate specified in paragraph 5(a) of Part III of Schedule 2 where the child lives with a parent; or
- (b) at a rate not exceeding the appropriate rate specified in paragraph 5(b) of Part III of Schedule 2 where the child does not live with a parent or with a person who is or has been in receipt of a pension awarded under article 29, 30, 34 or 39 in respect of the death of that member.

##### **Pensions for children under the child’s age limit with no parents living**

**36.—**(1) An award may be made in respect of a child of a member of the armed forces whose death is due to service where the child—

- (a) has not attained the child’s age limit; and
- (b) has no parents living.

(2) A pension awarded under this article shall be at the appropriate rate specified in paragraph 6 of Part III of Schedule 2.

##### **Award for children who have attained the child’s age limit**

**37.—**(1) An award may be made or continued in respect of a child of a member of the armed forces whose death is due to service where the child has attained the child’s age limit; and

- (a) is a student or apprentice; or
- (b) is incapable of self-support by reason of an infirmity which arose before he attained the child’s age limit,

and where the Secretary of State considers the making or continuing of the award is justified in all the circumstances of the case.

(2) An allowance or pension awarded or continued under this article—

- (a) shall be at the rate, and subject to the conditions in, articles 35 or 36 as appropriate; or
- (b) where a child in respect of whom an award was made under articles 35 and 36 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, shall be at a rate not exceeding the rate specified in paragraph 7 of Part III of Schedule 2.”.