INJURIES IN WAR COMPENSATION

1. *Persons afloat under Admiralty.* | 2. *Shore Employments*, p. 2360.

1. PERSONS AFLOAT UNDER ADMIRALTY

The Injuries in War (Compensation) (Persons afloat under Admiralty) Amendment Order, 1949

1949 No. 599

Made - - - - 29th March, 1949

At the Court at Buckingham Palace, the 29th day of March, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 7th day of January, 1949, in the words following, viz.:—

" Whereas by Order in Council bearing date the 27th day of May, 1915(a), a Scheme of pensions, grants and allowances in the nature thereof was framed in pursuance of Section 1 of the Injuries in War (Compensation) Act, 1914(b), for the benefit of persons, not being Officers or Seamen of the Royal Navy, or Officers or Soldiers of any of Your Majesty's Land or Marine Forces, in respect of injury or disablement whilst employed afloat by, or under, the Admiralty or Army Council, in connection with warlike operations in which His late Majesty King George the Fifth was then engaged, and in the case of their death for the benefit of their widows and other dependants:

" And whereas by Orders in Council bearing dates the 8th day of June, 1916(c), the 11th day of March, 1920(d), the 3rd day of December, 1920(e), the 31st day of October, 1921(f), and the 7th day of November, 1924(g), the said Scheme was modified in certain respects:

" And whereas we are of the opinion that it is desirable further to vary the said Scheme:

" We beg leave humbly to recommend that Your Majesty may be graciously pleased, by Your Order in Council, to direct that the Regulations appearing in the Schedule attached hereto shall be deemed to be incorporated in the above cited Orders in Council dated the 27th day of May, 1915, the 8th day of June, 1916, the 11th day of March, 1920, the 3rd day of December, 1920, the 31st day of October, 1921, and the 7th day of November, 1924, and to have effect from the dates mentioned in the said Schedule, and that any provision of the said Orders which is inconsistent with the Regulations attached hereto shall be void and of no effect, without prejudice however to the validity of any award thereunder made prior to the date of this Order:

" The Lords Commissioners of Your Majesty's Treasury have signified their concurrence in these proposals.

(a) S.R. & O. 1915 (No. 555) I, p. 312.
(b) 4 & 5 Geo. 5, c. 30.
(c) S.R. & O. 1916 (No. 395) I, p. 425.
(d) S.R. & O. 1920 (No. 570) I, p. 980.
(e) S.R. & O. 1920 (No. 2352) I, p. 987.
(f) S.R. & O. 1921 (No. 1690) p. 337.
(g) S.R. & O. 1924 (No. 1285) p. 598.

"SCHEDULE

"1. All persons who are in receipt of, or who may become eligible for the award of, a pension, grant or allowance in the nature thereof under Order in Council dated the 27th day of May, 1915, as modified by subsequent Orders in Council, shall be eligible for a pension, grant or other allowance in the nature thereof under the respective Regulations hereinafter specified as if they had been officers or men in the Naval Service of His Majesty, or the widows or other dependants of such officers or men, provided that the injury, disablement or death, in respect of which the award under Order in Council dated the 27th day of May, 1915, as modified by subsequent Orders in Council, has been granted, was due to a 'war injury' as defined in the Personal Injuries (Emergency Provisions) Act, 1939(a), and the Pensions (Mercantile Marine) Act, 1942(b), or to an 'injury' as defined by Section 1 of the latter Act as falling within that section.

"2. The Officers, men and other persons, on account of whose injury, disablement or death an award of a pension, grant or allowance under Order in Council dated the 27th day of May, 1915, as specified above, has been granted, shall be graded in such appropriate ranks and ratings corresponding with the ranks and ratings of the Royal Navy as the Admiralty may determine.

"*Scales of Pensions, Grants and other Allowances, and Conditions of Payment in the case of Officers and other Persons corresponding to Commissioned Officers, and of their families and dependants.*

"3. The Regulations annexed to the Order in Council dated the 9th day of March, 1921(c), relating to the pensions of Commissioned Naval Officers and of the families and dependants of such officers deceased in consequence of the Great War, as amended by Order in Council dated the 6th day of February, 1928(d), shall apply

(*a*) as amended by Order in Council dated the 15th day of June, 1945(e), with effect from the 1st October, 1944, or from such later date as may be provided in Order in Council dated the 15th day of June, 1945; and

(*b*) as amended by Orders in Council dated the 29th day of November, 1946(f), and the 3rd day of July, 1947, with effect from the 1st March, 1946, or from such later date as may be provided in Order in Council dated the 3rd day of July, 1947 and

(*c*) as from time to time further amended or superseded by any future Orders in Council: provided that (and subject to anything to the contrary in any such future Orders in Council)—

(1) Articles 3, 4, 9, 11 (4), 12 (3), 13, 14, 16, 17 (3) except so far as concerns an education allowance, 18, 19, 20, 21, 22, 22A, 22B, 22C, 23 to 29A, 30A, 32 and 33 of the said Regulations shall not apply.

(2) Article 16A of the said Regulations shall apply only if its provisions are more favourable than those of Article 2 of the Schedule annexed to Order in Council dated the 7th day of November, 1924.

(3) Increases awarded under Article 11 of the said Regulations in respect of Pensions granted under the provisions of Article 2 of the Schedule annexed to Order in Council dated the 7th day of November, 1924, shall bear the same ratio to the full amount awardable under the said Article 11 as the original award bore to the full award which might then otherwise have been made.

(4) Any reference to the Minister in the said Regulations shall be construed as a reference to the Admiralty.

(5) Any case in which the said Regulations do not exactly apply may, if in the particular circumstances the Admiralty think fit, be dealt with by the Admiralty in accordance with the intention of the Scheme (as then existing).

(a) 2 & 3 Geo. 6. c. 82.
(b) 5 & 6 Geo. 6. c. 26.
(c) S.R. & O. 1921 (No. 360) p. 770.
(d) S.R. & O. 1928 (No. 44) p. 1022.
(e) S.R. & O. 1945 (No. 740) I, p. 872.
(f) S.R. & O. 1946 (No. 2020) I, p. 1150.

"*Scales of Pensions, Grants and other Allowances, and Conditions of Payment in the case of Officers and other Persons corresponding to Commissioned Warrant Officers and Warrant Officers, and of their families and dependants.*

"4. The Regulations annexed to the Order in Council dated the 9th day of March, 1921(a), relating to the pensions of Commissioned Officers from Warrant Rank and Warrant Officers, and of the families and dependants of such officers deceased in consequence of the Great War, as amended by Order in Council dated the 6th day of February, 1928(b), shall apply

(*a*) as amended by Order in Council dated the 15th day of June, 1945, with effect from the 1st October, 1944, or from such later date as may be provided in Order in Council dated the 15th day of June, 1945; and

(*b*) as amended by Orders in Council dated the 29th day of November, 1946, and the 3rd day of July, 1947, with effect from the 1st March, 1946, or from such later date as may be provided in Order in Council dated the 3rd day of July, 1947; and

(*c*) as from time to time further amended or superseded by any future Orders in Council: provided that (and subject to anything to the contrary in any such future Orders in Council)—

(1) Articles 3, 4, 9, 11 (2), 12 (2), 13, 14, 16, 17 (3), 18, 19, 20, 21, 22, 22A, 22B, 22C, 24, 28 and 29 of the said Regulations shall not apply.

(2) Article 16A of the said Regulations shall apply only if its provisions are more favourable than those of Article 2 of the Schedule annexed to Order in Council dated the 7th day of November, 1924.

(3) Increases awarded under Article 11 of the said Regulations in respect of Pensions granted under the provisions of Article 2 of the Schedule annexed to Order in Council dated the 7th day of November, 1924, shall bear the same ratio to the full amount awardable under the said Article 11 as the original award bore to the full award which might then otherwise have been made.

(4) Any reference to the Minister in the said Regulations shall be construed as a reference to the Admiralty.

(5) Any case in which the said Regulations do not exactly apply may, if in the particular circumstances the Admiralty think fit, be dealt with by the Admiralty in accordance with the intention of the Scheme (as then existing).

"*Scales of Pensions, Grants and other Allowances, and Conditions of Payment in the case of persons corresponding to ratings and of their families and dependants.*

"5. The Regulations annexed to the Order in Council dated the 11th day of June, 1920(c), relating to the pensions of Seamen, and of the families and dependants of such men deceased in consequence of the Great War, as amended by Order in Council dated the 6th day of February, 1928(d), shall apply

(*a*) as amended by Order in Council dated the 15th day of June, 1945, with effect from the 1st October, 1944; and

(*b*) as amended by Orders in Council dated the 29th day of November, 1946, and the 3rd day of July, 1947, with effect from the 1st March, 1946, or from such later date as may be provided in Order in Council dated the 3rd day of July, 1947; and

(*c*) as from time to time further amended or superseded by any future Orders in Council: provided that (and subject to anything to the contrary in any such future Orders in Council)—

(1) Articles 1 (4), 3, 5, 5A, 7, 8, 13, 14, 15, 20, 21, 21A, 21B, 22, 24A, 25 and 26 of the said Regulations shall not apply.

(a) S.R. & O. 1921 (No. 361) p. 794.
(b) S.R. & O. 1928 (No. 45) p. 1023.
(c) S.R. & O. 1920 (No. 1021) II, p. 295.
(d) S.R. & O. 1928 (No. 46) p. 1025.

(2) Article 17A of the said Regulation shall apply only if its provisions are more favourable than those of Article 2 of the Schedule annexed to Order in Council dated the 7th day of November, 1924.

(3) Increases awarded under Article 11 of the said Regulations in respect of Pensions granted under the provisions of Article 2 of the Schedule annexed to Order in Council dated the 7th day of November, 1924, shall bear the same ratio to the full amount awarded under the said Article 11 as the original award bore to the full award which might then otherwise have been made.

(4) Any reference to the Minister in the said Regulations shall be construed as a reference to the Admiralty.

(5) Any case in which the said Regulations do not exactly apply may, if in the particular circumstances the Admiralty think fit, be dealt with by the Admiralty in accordance with the intention of the Scheme (as then existing)."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed.

And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

This Order may be cited as the Injuries in War (Compensation) (Persons afloat under Admiralty) Amendment Order, 1949.

E. C. E. Leadbitter.

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2. SHORE EMPLOYMENTS

The Injuries in War (Shore Employments) Compensation (Amendment) Scheme, 1949

1949 No. 2285

Made - - - - 30*th November,* 1949

The Army Council, in exercise of the powers conferred upon them by Section 1 of the Injuries in War (Compensation) Act, 1914 (Session 2)(a) and of all other powers enabling them in that behalf hereby make the following Scheme :—

1. In this Scheme " the principal Scheme " means the Scheme made by the Army Council under the Injuries in War (Compensation) Act, 1914 (Session 2) having effect from the 3rd August, 1914, as to pensions and grants and other allowances in the nature thereof to be paid to the classes of persons to whom the said Scheme applies in respect of disablement suffered whilst employed on shore out of the United Kingdom by or under the Army Council in connection with warlike operations in which His Majesty is engaged, as amended by two subsequent Schemes, varying the said Scheme made by the Army Council under the said Act effective from 1st September, 1917, and the 1st January, 1920, respectively.

(a) 5 & 6 Geo. 5. c. 18.