STATUTORY INSTRUMENTS

1964 No. 2007

PENSIONS

The Pensions (Polish Forces) Scheme 1964

Made - - - - 16*th December* 1964
Coming into Operation 1*st January* 1965

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The Minister of Pensions and National Insurance, with the consent of the Treasury, in exercise of the powers conferred upon her by section 1 of the Polish Resettlement Act 1947(a), and of all other powers enabling her in that behalf, hereby makes the following Scheme:—

Citation and commencement

1. This Scheme may be cited as the Pensions (Polish Forces) Scheme 1964, and shall come into operation on 1st January 1965.

(a) 10 & 11 Geo. 6. c. 19.

Definitions

2. In this Scheme, unless the context otherwise requires—

(1) " the Act " means the Polish Resettlement Act 1947:

(2) " disablement " means physical or mental injury or damage, or loss of physical or mental capacity:

(3) " equivalent British rank " and " equivalent British status ", in relation to a member of the Polish forces, mean respectively the rank or status which the member is, by virtue of Article 7 of this Scheme, to be treated as holding for the purposes of this Scheme:

(4) " injury " includes wound or disease:

(5) " member of the Polish forces " means—

(*a*) a member of the Polish naval detachment mentioned in the agreement made between His Majesty's Government in the United Kingdom and the Government of Poland on 18th November 1939;

(*b*) a member of the Polish armed forces organised and employed under British command in pursuance of the agreement made as aforesaid on 5th August 1940;

(*c*) a member of the Polish resettlement forces;

and, except where the context otherwise requires, any provision of this Scheme relating to a member of the Polish forces shall be construed as relating also to a woman member of the Polish forces and as relating to a person whose service as such a member or woman member has terminated:

(6) " the Minister " means the Minister of Pensions and National Insurance:

(7) " officer " means a male member of the Polish forces whose equivalent British rank is that of a commissioned officer of the British Army, or of a warrant officer or midshipman of the Royal Navy, and includes, unless the context otherwise requires, a woman member whose equivalent British status is the status equivalent to the rank of such an officer, and any reference to a commissioned officer or to a warrant officer (Royal Navy) or to any particular rank or status shall be construed accordingly:

(8) " the Polish resettlement forces " means—

(*a*) the Polish Resettlement Corps;

(*b*) the Polish Resettlement Corps (Royal Air Force);

(*c*) the Polish Resettlement Section of the Auxiliary Territorial Service;

(*d*) the Polish Resettlement Section of the Women's Auxiliary Air Force:

(9) " the Royal Warrant " means the Royal Warrant dated 19th September 1964(a), concerning pensions and other grants in respect of disablement or death due to service in the military forces during the 1914 World War and after 2nd September 1939, as for the time being in force, or any Royal Warrant substituted therefor:

(a) Cmnd. 2467.

(10) " service ", in relation to a member of the Polish forces, means service as such a member under British command for any period after 2nd September 1939 :

(11) " soldier " means a male member of the Polish forces who is not an officer and includes, unless the context otherwise requires, a woman member of the Polish forces whose equivalent British status is not that of an officer:

(12) " woman member of the Polish forces " means a member of the Polish forces who, being a woman, is—

(*a*) a medical or dental practitioner employed with the Polish forces with relative rank as an officer ; or

(*b*) employed in the nursing service of the Polish forces ; or

(*c*) enrolled in any women's section of the said forces including the Polish Resettlement Section of the Auxiliary Territorial Service and the Polish Resettlement Section of the Women's Auxiliary Air Force.

Interpretation

3.—(1) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**a**) shall apply in relation to this Scheme and in relation to the revocation effected by it as if this Scheme and the Scheme revoked by it were Acts of Parliament and as if the revocation were a repeal.

(2) Where any matter is required by this Scheme to be certified and the matter involves a medical question, that matter shall be determined in accordance with a certificate on that question of a medical officer or board of medical officers appointed or recognised by the Minister for the purpose.

Persons to whom this Scheme applies

4. This Scheme applies to members of the Polish forces whose disablement or death is due to service.

Entitlement

5.—(1) Subject to the provisions of this Article, the disablement or death of a member of the Polish forces shall be accepted as due to service 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 ;

(*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 ;

and provided further that where the death of the member occurs after the expiration of the period of 7 years beginning with the end of his service he then was, or at any time previously thereto had been, in receipt of a pension under this Scheme or any previous Scheme made under the Act.

(**a**) 52 & 53 Vict. c. 63.

(2) A disablement or death shall be certified in accordance with paragraph (1) of this Article if it is shown by reliable corroborative evidence that the conditions set out therein 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, 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 2(8) of the Royal Warrant as applied by this Scheme in relation to that condition.

(4) For the purposes of this Article, the expression "pension" shall include a weekly allowance or gratuity, or an allowance in respect of a period of treatment as defined in Article 21(8) of the Royal Warrant as applied by this Scheme.

Application of provisions of the Royal Warrant

6.—(1) Where the disablement or death of a member of the Polish forces is due to service, provisions of the Royal Warrant, in so far as they concern pensions and other grants in respect of disablement or death due to service after 2nd September 1939 and modified in the respects indicated in Schedule 2 to this Scheme, shall apply to his case, subject to the conditions, limitations and exceptions contained in this Scheme.

(2) The said provisions of the Royal Warrant so applied shall be construed as one with this Scheme.

Ranks of members of the Polish forces

7. For the purposes of this Scheme, a member of the Polish forces shall be treated as holding on any date the rank or status in the British forces which is set out in the appropriate Table in Schedule 1 to this Scheme as the equivalent British rank of the rank he held on that date in the Polish forces.

Declarations and certificates which may be required

8.—(1) Any person to whom a pension, allowance or gratuity has been awarded under this Scheme, and any person to whom payment of that pension, allowance or gratuity is to be made, shall, if and when required by the Minister so to do, subscribe such declaration as the Minister may from time to time direct.

(2) Where a declaration is subscribed under paragraph (1) of this Article by a person who is not the person to whom the pension, allowance or gratuity has been awarded, there shall be furnished, if and when required by the Minister, such certificate as the Minister may from time to time direct.

(3) If such a declaration or certificate as may have been required by the Minister under this Article to be subscribed or furnished is not subscribed or furnished, payment of the pension, allowance or gratuity shall be withheld until the requirements of the Minister under this Article have been satisfied.

Power to award lump sum payments

9. Where, in the case of any person to whom a pension or allowance may be, or has been, awarded under this Scheme, the Minister is satisfied that the payment of a lump sum in lieu of that pension or allowance is justified

by the circumstances of the case, the Minister may award to the person such lump sum as aforesaid, and any reference in this Scheme to a gratuity shall be construed as including a reference to a lump sum awarded under this Article.

Invalidity of assignments

10. Any assignment of, or charge on, and any agreement to assign or charge, any pension, allowance or gratuity which may be, or has been, awarded under this Scheme shall, for the purposes of this Scheme, be void.

Awards not payable to or in respect of persons in Poland

11. Where the Minister is satisfied that a person to or in respect of whom a pension, allowance or gratuity may be or has been awarded under this Scheme, is resident in Poland or, since the termination of the service of the member of the Polish forces concerned, has been or has become so resident, no award, payment or further payment, as the case may be, of such pension, allowance or gratuity shall be made and any award of pension, allowance or gratuity which has been made to or in respect of such a person shall be terminated finally:

Provided that nothing in the foregoing provisions of this Article shall preclude the making or restoration of an award, and the making of payments thereunder, to or in respect of a person not resident in Poland—

(*a*) who is an eligible member of the family of a member of the Polish forces ; or

(*b*) who is the widow, parent, child or other dependant of a deceased member of the Polish forces and who has not been or become resident in Poland since the date of his death—

for any period during which that person is not resident in Poland.

Recall to the Polish resettlement forces

12. The Minister may withhold or cancel any award which may be or has been made under this Scheme in respect of the disablement of a member of the Polish resettlement forces in any case where that member is recalled to paid service in those forces.

Administration of Scheme

13. The Minister shall be the sole administrator of this Scheme and all questions with respect to the effect or operation of this Scheme shall be determined by the Minister, and his decision thereon shall be final and conclusive.

Revocation of previous Scheme, duration of this Scheme and transitional provisions

14.—(1) Subject to the provisions of this Article, this Scheme shall be substituted for the Pensions (Polish Forces) Scheme 1949(**a**) (hereinafter referred to as " the previous Scheme ") which is hereby revoked, and accordingly payments under this Scheme shall be limited to such as fall due for payment before 27th March 1967, being the terminal date of the extended period specified in the Pensions (Polish Forces) Scheme (Amendment and Extension) Order 1962(**b**), or before the expiration of such extended period after that date as the Minister, with the consent of the Treasury, may from time to time by order specify.

(**a**) S.I. 1949/1058 (1949 I, p. 3156). (**b**) S.I. 1962/518 (1962 I, p. 508).

(2) Subject to the provisions of this Scheme and of the Royal Warrant as applied by this Scheme and to such conditions as the Minister may determine, payments which were due before the date or, as the case may be, within the extended period mentioned in paragraph (1) of this Article but not drawn before that date or during that extended period may be drawn thereafter.

(3) Where, after the date or the end of the extended period mentioned in paragraph (1) of this Article, proceedings were pending on a claim such proceedings may be completed and, if the claim is successful, payments may, subject to such conditions as the Minister may determine, be made of any sums which, under the provisions of this Scheme, would have fallen due before that date or, as the case may be, within the said extended period had the claim been then accepted.

(4) Any thing made or done under or in pursuance of any provision of the previous Scheme shall be deemed to have been made or done under or in pursuance of the corresponding provision of this Scheme, and anything begun under any provision of the previous Scheme may be continued under this Scheme as if begun under this Scheme.

(5) Any relevant provision of this Scheme or of the Royal Warrant as applied by this Scheme shall, as from the commencing date of this Scheme, apply to any case where the disablement or death of a member of the Polish forces was due to service before the commencing date of this Scheme, whether an award has been made under any previous Scheme made under the Act or not.

Margaret Herbison,
Minister of Pensions and
National Insurance.

16th December 1964.

We consent.

G. H. R. Rogers,
J. McCann,
Two of the Lords Commissioners
of Her Majesty's Treasury.

16th December 1964.

SCHEDULE 1

Equivalent British ranks of members of the Polish forces

In relation to the rank of a member of the Polish forces set out in the first column, the equivalent British rank is the rank or status respectively set out in the second column.

Except where otherwise stated, the equivalent British rank is a rank in the British Army, and the equivalent British status is the status equivalent to such a rank.

Members of the Polish Air Force held ranks of the same title and classification as members of the Royal Air Force, and consequently the equivalent British rank of a member of the Polish Air Force is the British Army rank relative to the appropriate Royal Air Force rank.

TABLE I

Officers (Male)

Polish Rank	Equivalent British Rank
Admiral (Navy) ... ... General Broni (Army) ... ... Air Chief Marshal (Air Force)	General
Wice-admiral (Navy) ... ... General Dywizji (Army) ... ... Air Marshal (Air Force)	Lieutenant-General
Kontr-admiral (Navy) ... ... General Brygady (Army) ... ... Air Vice Marshal (Air Force)	Major-General
Air Commodore (Air Force)	Brigadier
Komandor (Navy) ... ... Pulkownik (Army) ... ... Group Captain (Air Force)	Colonel
Komandor-porucznik and Komandor-podporucznik (Navy) ... ... Podpulkownik (Army) .... Wing Commander (Air Force)	Lieutenant-Colonel
Kapitan marynarki (Navy) ... ... Major (Army) ... ... Squadron Leader (Air Force)	Major
Porucznik marynarki and Podporucznik marynarki after 18 months' service (Navy) ... ... Kapitan (Rotmistrz) (Army) ... ... Flight Lieutenant (Air Force)	Captain
Podporucznik marynarki up to 18 months' service (Navy) ... ... Porucznik (Army) .... Flying Officer (Air Force)	Lieutenant
Chorazy marynarki after 3 years' service (Navy) ... ... Podporucznik (Army) ... ... Pilot Officer (Air Force)	Second Lieutenant
Chorazy marynarki with less than 3 years' service (Navy)	Warrant Officer—Royal Navy
Podchorazy (Navy)	Midshipman—Royal Navy

TABLE II

Soldiers

Polish Rank	Equivalent British Rank
Chorazy (Army) ... ... Warrant Officer (Air Force)	Warrant Officer Class I
Starszy Sierzant (Army) ... ... Warrant Officer 2nd Class (Air Force) ...	Warrant Officer Class II
Starszy bosman (Navy) ... ... Bosman (Navy) ... ... Sierzant (Army) ... ... Flight Sergeant (Air Force)	Staff Serjeant
Bosmanmat (Navy) ... ... Plutonowy (Army) ... ... Sergeant (Air Force)	Serjeant
Mat (Navy) ... ... Kapral (Army) ... ... Corporal (Air Force)	Corporal
Starszy marynarz (Navy) ... ... Marynarz (Navy) ... ... Starszy szeregowiec (Army) ... ... Szeregowiec (strzelec) (Army) ... ... Leading Aircraftman & Aircraftman (Air Force)	Private

TABLE III

Women Members

Polish Rank	Equivalent British Status
Pulkownik	Member with status above that of Lieutenant-Colonel
Podpulkownik ... ... Naczelna Siostra	Member with status of Lieutenant-Colonel
Major ... ... Przelozona Siostra ... ... Inspektorka	Member with status of Major
Siostra ... ... Zastepczyni przelozonej ... ... Komendantka Kompanii ... ... Komendantka Plutonu ... ... Kapitan ... ... Porucznik ... ... Podporucznik	Member with other officer status
Starszy Sierzant	Member with status of Staff Serjeant
Sierzant	Member with status of Serjeant
Plutonowy ... ... Kapral	Member with status of Corporal
Starsza ochotniczka ... ... Ochotniczka	Member with status of Private

SCHEDULE 2

The provisions of the Royal Warrant shall be modified for the purposes of their application to members of the Polish forces in the following respects :—

(i) Articles 1(18), 1(19), 1(21), 1(24), 1(27), 1(28), 1(30), 1(34), 1(35), 1(36), 2(4)(*a*), 2(4)(*b*) proviso, 4, 5, 7(2)(*b*) and (*d*), 7(3), 7(5), 7(6), 7(7), 8(3), 13, 34, 38, 40(4)(*a*)(ii), 41(3)(*a*)(ii), 58, 67(4) and 71, Part V and Schedule 9, and, except in Article 12(6), any provision in so far as it relates to the husband of a woman member of the military forces, shall be deleted ;

(ii) in Article 12(6) the words from " unless the conditions " to the end of the paragraph shall be deleted ;

(iii) in Article 35(2) the words from " unless the conditions " to the end of the paragraph shall be deleted ;

(iv) in Article 35(3)(*b*) the words from " being a father " to the end of the sub-paragraph shall be deleted ;

(v) in Article 40(2) the words " or widower " shall be deleted ;

(vi) for the words and phrases set out in column (1) of the following Table there shall be substituted the words and phrases set out in column (2) of that Table ;

TABLE

Words and phrases in Royal Warrant (1)	Substitution for application to members of the Polish forces (2)
Member of the military forces ...	Member of the Polish forces.
Officer	Officer as defined in this Scheme.
Soldier	Soldier as defined in this Scheme.
Rank	Equivalent British rank or status as defined in this Scheme.
Service	Service as defined in this Scheme.
Termination of service (in Article 1(32))	Termination of paid service.
Substantive rank (in Article 7(2)(*a*))	Substantive or war substantive rank.
Pensioned widower (in Article 36) ...	Widower.
Our Navy, Army or Air Force (in Article 59(1))	Any naval, military or air force.

(vii) any reference to retired pay shall be construed as a reference to pension ;

(viii) for the purposes of their application to an officer whose equivalent British rank is that of warrant officer (Royal Navy) or midshipman—

(*a*) Articles 10, 11, 27 and 28 shall have effect as if in Schedule 2 Table 1, Schedule 3 Table 2A, Schedule 4 Table 1 and Schedule 5 there were

included the rates of retired pay, pensions or gratuities, as the case may be, appropriate to a warrant officer or midshipman specified in the corresponding Table in Schedules 2, 3, 4 and 5 to the Order in Council of 25th September 1964, as for the time being in force (hereinafter referred to as "the Order in Council");

(*b*) Articles 35, 36, 40 and 41 shall have effect as if in paragraphs 5(*a*), 5(*b*), 6, 9(*b*), 10(*b*) and 10(*c*) of Schedule 7 there were included the rates of allowances appropriate to a warrant officer specified in the corresponding paragraphs of Schedule 7 to the Order in Council.

EXPLANATORY NOTE

(*This Note is not part of the Scheme, but is intended to indicate its general purport.*)

This Scheme is made in consequence of the Royal Warrant dated 19th September 1964 which consolidated, inter alia, the provisions, previously contained in the Royal Warrant dated 24th May 1949 and subsequent amending Warrants, relating to pensions and other awards in respect of disablement or death due to service in the British military forces since 2nd September 1939.

The Scheme, in applying the 1964 Warrant with modifications, provides for members of certain Polish forces and their dependants benefits similar to those provided for members of the British military forces and replaces, with amendments only of a drafting nature or designed to remove minor doubts and inconsistencies, the Pensions (Polish Forces) Scheme 1949, which applied in like manner the provisions of the 1949 Warrant.