**3.** In this Order the expression "clerk" means a person appointed to assist a probation officer in the performance of his duties either by a probation committee or the Secretary of State or before the first day of July, 1944, by a probation officer.

**4.** Article 2 of the Pensions (Increase) Act (Extension) Order, 1944(**a**), is hereby revoked and the Schedule to that Order shall have effect as if paragraph 8 thereof were omitted.

**5.** The Interpretation Act, 1889(**b**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**6.**—(1) This Order may be cited as the Pensions (Increase) Act (Extension) Order, 1948, and shall come into operation on the first day of July, 1948.

(2) This Order shall not extend to Scotland.

*E. C. E. Leadbitter.*

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EXPLANATORY NOTE

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

This Order is consequential on the Probation Officers (Superannuation) Order, 1948 (S.I. 1948 No. 1220)(**c**), made under section one of the Probation Officers (Superannuation) Act, 1947. That Order, which comes into operation on 1st July, 1948, supersedes the existing superannuation arrangements relating to probation officers and brings probation officers (including existing pensioners) and their clerks within local government superannuation schemes. The purpose of the present Order is to apply the Pensions (Increase) Act, 1944, to pensions under the new arrangements: the Act was applied to pensions under the existing arrangements by the provisions of the Pensions (Increase) Act (Extension) Order, 1944, revoked by Article 4.

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## 7. WAR PENSIONS

(1) *Mercantile Marine.* | (2) *Naval Auxiliary Personnel,* p. 3356.

### (1) MERCANTILE MARINE

## The War Pensions (Mercantile Marine) (Amendment) Scheme, 1948

## 1948 No. 203

*Made - - - - 6th February,* 1948

With the consent of the Treasury, the Minister of Pensions, in exercise of the powers conferred upon him by Sections 3, 4 and 7 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939(**d**), as amended by the Pensions (Mercantile Marine) Act, 1942(**e**), hereby makes the following Scheme:—

**1.** This Scheme may be cited as the War Pensions (Mercantile Marine) (Amendment) Scheme, 1948.

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(**a**) S.R. & O. 1944 (No. 934) I, p. 651. (**b**) 52 & 53 Vict. c. 63.
(**c**) *See* p. 3330 above. (**d**) 2 & 3 Geo. 6. c. 83.
(**e**) 5 & 6 Geo. 6. c. 26.

**2.**—(1) The Interpretation Act, 1889(**a**), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(2) In this Scheme the expression " the principal Scheme " means the War Pensions (Mercantile Marine) Scheme, 1946(**b**), and any reference in the principal Scheme to the Order in Council dated June 4th, 1946(**c**), shall be construed as a reference to that Order in Council as amended by the two Orders in Council dated May 21st, 1947.

(3) Subject as hereinafter appears, the principal Scheme and this Scheme shall be construed as one.

**3.** The proviso to Article 1 (14) of the principal Scheme (which qualifies the definition of the expression " material date " in relation to any claim to an award under the principal Scheme) shall be deleted.

**4.** Paragraph (2) of Article 2 of the principal Scheme (which provides that there shall be no onus on any claimant under that Scheme to prove that disablement or death is directly attributable to the relevant qualifying injury or detention and that the benefit of any reasonable doubt on those questions shall be given to the claimant) shall be deleted and there shall be substituted therefor the following paragraphs:—

" (2) Subject to the provisions of the next following paragraph, in no case shall there be an onus on any claimant under this Scheme to prove that disablement or death is directly attributable to the relevant qualifying injury or detention and the benefit of any reasonable doubt on those questions shall be given to the claimant.

" (2A) Where a claim under this Scheme—

(*a*) in respect of disablement is made more than seven years after the date of the relevant qualifying injury or end of detention, or

(*b*) is made in respect of the death of a person, such death having occurred more than seven years after the date of the relevant qualifying injury or end of detention,

and, upon reliable evidence, a reasonable doubt exists whether the disablement is, or the death was, directly attributable to the relevant qualifying injury or detention, the benefit of that reasonable doubt shall be given to the claimant."

**5.** After Article 21 of the principal Scheme there shall be inserted the following Article:—

" Awards on death.

21A.—(1) An award under this Scheme in respect of the death of a member of the Merchant Navy, where such death occurs more than seven years after the date of the relevant qualifying injury or end of detention, shall not be made unless at the date of his death he then was, or at any time previously thereto had been, in receipt of a pension awarded by the Minister in respect of a disablement to which his death was directly attributable.

" (2) For the purposes of this Article, the expression ' pension ' includes a weekly allowance, a gratuity, an allowance in respect of a period of approved treatment or a payment made by virtue of Article 17 of this Scheme."

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(**a**) 52 & 53 Vict. c. 63. (**b**) S.R. & O. 1946 (No. 972) I, p. 1247.
(**c**) S.R. & O. 1946 (No. 812) I, p. 1100.

**6.** The Appendix to the principal Scheme shall be amended in the respects set out in the following paragraphs of this Article:—

(1) In Article 1 (2) of the said Appendix (which defines " child " in relation to a member of the Merchant Navy) for subparagraphs (*a*), (*b*) and (*c*) there shall be substituted the following subparagraphs:—

" (*a*) a *legitimate child;*

(*b*) a *legitimated child;*

(*c*) an *illegitimate child,* in the case of a male member, whose mother is, or was at the date of her marriage to the member, or was at the date of her death, an unmarried dependant living as a wife of the member; ".

(2) In Article 1 (8) of the said Appendix (which refers to the definition of " material date " contained in Article 1 (14) of the principal Scheme), there shall be added, after the word " Scheme " the words " as amended by Article 3 of the War Pensions (Mercantile Marine) (Amendment) Scheme, 1948: ".

(3) In Article 1 of the said Appendix, paragraph (22) (which defines " wife " in relation to a member of the Merchant Navy) shall be deleted.

(4) After Article 4 of the said Appendix, there shall be inserted the following:—

" 4A. (*Not applicable.*) "

(5) In Article 8 of the said Appendix, paragraph (2) (which provides that, subject to regulations made with the approval of the Treasury, an award in respect of disablement shall not be made unless a claim in respect of that disablement is made within seven years from the date of the qualifying injury or end of detention) shall be deleted.

(6) In Article 12 (8) of the said Appendix (which provides for the payment of a family allowance in respect of a child of a woman member who has a husband) there shall be inserted after the word " husband " where it first occurs, the words " (whether married to her before or after the material date) ".

(7) In Article 14A of the said Appendix (which provides for the payment in certain cases of allowances for wear and tear of clothing) for subparagraphs (*a*) and (*b*) there shall be substituted the following subparagraphs:—

" (*a*) where he wears a single artificial limb (other than a tilting-table limb), £3 a year; or

(*b*) where he wears a tilting-table limb or more than one artificial limb, £5 a year."

(8) In Article 15 of the said Appendix (which provides for the payment in certain cases of special allowances for unemployable pensioners) the following amendments shall be made:—

(*a*) In paragraphs (3) and (4), for the words " member of the family " there shall be substituted the word " husband ".

(*b*) The following paragraph shall be inserted after paragraph (4):—

" (4*a*)—(*a*) A member of the Merchant Navy shall not be eligible for any award under this Article if he is in receipt of a retirement pension under the National Insurance Act, 1946(**a**), or

(**a**) 9 & 10 Geo. 6. c. 67.

under any enactment in Northern Ireland corresponding to that Act or under the law of any place outside the United Kingdom which, in the opinion of the Minister, is analogous to that Act.

(*b*) Where a member of the Merchant Navy is in receipt of a pension under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, or under the Old Age Pensions Act, 1936(**a**), in either case as amended by regulations made under the National Insurance Act, 1946(**b**), or a pension under any enactment in Northern Ireland corresponding to either of those Acts as so amended, or under the law of any place outside the United Kingdom which, in the opinion of the Minister, is analogous to either of those Acts as so amended, subparagraph (*a*) of this paragraph shall, subject to such modifications as the Minister may determine in any exceptional circumstances, apply in his case as if that pension were a retirement pension under the National Insurance Act, 1946(**b**)."

(*c*) Paragraph (6) (which defines certain persons to be treated as members of the family of an unemployable pensioner for the purposes of Article 15) shall be deleted, and there shall be substituted the following paragraph:—

" (6) The members of the family coming within this paragraph are—

(*a*) a husband who was married to the member after the material date;

(*b*) any child, not being an eligible member of the family, who should, in the opinion of the Minister, having regard to the child's relationship to or connection with the member and the other circumstances of the case, be treated as included in this subparagraph."

(9) In Article 16 (3) (*c*) of the said Appendix, for the words and figures " paragraphs (2), (6) and (22) " there shall be substituted the words and figures " paragraphs (2) and (6) ".

(10) In Article 22 of the said Appendix, paragraph (3) shall be deleted.

(11) In Article 23 of the said Appendix, paragraph (2) (which provides that, subject to regulations made with the approval of the Treasury, an award in respect of the death of a member of the Merchant Navy shall not be made unless his death takes place within seven years from the date of the qualifying injury or the end of the detention) shall be deleted.

(12) In Article 31 (4) of the said Appendix (which provides for the payment in certain cases of an allowance in respect of the child of a deceased woman member who leaves a widower) there shall be added at the end of the paragraph the words " In this paragraph the word ' widower ' includes a person married to the member after the material date."

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(**a**) 26 Geo. 5 & 1 Edw. 8. c. 31. (**b**) 9 & 10 Geo. 6. c. 67.

(13) Article 34 of the said Appendix shall be deleted and there shall be substituted the following Article:—

"34. **Awards in respect of children over the age limit.**—(1) An allowance in respect of, or a pension to, a child of a member of the Merchant Navy 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 Minister, 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.

"(3) Where a child in whose case the conditions of Article 31 (5) or 33 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 £68 a year in the case of an officer's child or 26s. a week in any other case."

(14) The First Schedule to the said Appendix (which sets out the assessments of disablement due to Specified Injuries and certain other Disablements) shall be deleted and there shall be substituted the following Schedule:—

"FIRST SCHEDULE

ASSESSMENT OF DISABLEMENT DUE TO SPECIFIED INJURIES AND CERTAIN OTHER DISABLEMENTS AT 20 PER CENT. AND OVER

| Description of Injury | Assessment |
|---|---|
| | per cent. |
| *Amputation Cases—Upper Limbs* | |
| Loss of both hands or amputation at higher sites ... ... ... | 100 |
| | Either Arm |
| Amputation through shoulder joint ... ... ... ... ... | 90 |
| Amputation below shoulder with stump less than 8 inches from tip of acromion ... ... ... ... ... ... ... | 80 |
| Amputation from 8 inches from tip of acromion to less than 4½ inches below tip of olecranon ... ... ... ... ... | 70 |
| From 4½ inches 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 |

| Description of Injury | Assessment |
|---|---|
| *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 5 inches below knee ... ... ... ... ... ... ... | 100 |
| Double amputation through leg lower than 5 inches below knee ... | 100 |
| Amputation of one leg lower than 5 inches 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 inter-phalangeal joint ... ... ... ... ... ... ... | 30 |
| Loss of all toes of both feet distal to the proximal inter-phalangeal joint ... ... ... ... ... ... ... ... ... | 20 |
| Amputation through hip joint ... ... ... ... ... ... | 90 |
| Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter ... ... ... ... | 80 |
| Amputation below hip with stump exceeding 5 inches in length measured from tip of great trochanter, but not beyond middle thigh | 70 |
| Below middle thigh to 3½ inches below knee ... ... ... | 60 |
| Below knee with stump exceeding 3½ inches but not exceeding 5 inches... ... ... ... ... ... ... ... ... ... | 50 |
| Below knee with stump exceeding 5 inches ... ... ... ... | 40 |
| Amputation of one foot resulting in end-bearing stump ... ... | 30 |
| Amputation through one foot proximal to the metatarso-phalangeal joint ... ... ... ... ... ... ... ... ... | 30 |
| Loss of all toes of one foot proximal to the proximal inter-phalangeal 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."

(15) Table I of the Third Schedule to the said Appendix (which sets out the amounts of the Gratuities payable for Specified Minor Injuries) shall be deleted and there shall be substituted the following Table:—

"THIRD SCHEDULE

TABLE I

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

| Description of Injury | Officers | Ratings |
|---|---|---|
| | £ | £ |
| For the loss of :— | | |
| A. Fingers :— | | |
| R. or L. Index finger— | | |
| Whole ... ... ... ... ... ... ... | 150 | 120 |
| 2 phalanges ... ... ... ... ... ... | 120 | 95 |
| 1 phalanx ... ... ... ... ... ... | 100 | 80 |
| Guillotine amputation of tip without loss of bone... | 60 | 50 |
| R. or L. middle finger— | | |
| Whole ... ... ... ... ... ... ... | 130 | 105 |
| 2 phalanges ... ... ... ... ... ... | 100 | 80 |
| 1 phalanx ... ... ... ... ... ... | 80 | 65 |
| Guillotine amputation of tip without loss of bone... | 50 | 40 |
| R. or L. ring or little finger— | | |
| Whole ... ... ... ... ... ... ... | 80 | 65 |
| 2 phalanges ... ... ... ... ... ... | 70 | 55 |
| 1 phalanx ... ... ... ... ... ... | 60 | 50 |
| Guillotine amputation of tip without loss of bone... | 30 | 25 |
| B. Toes :— | | |
| R. or L. great toe— | | |
| through metatarso-phalangeal joint... ... ... | 150 | 120 |
| part, with some loss of bone ... ... ... ... | 40 | 35 |
| R. or L. 1 other toe— | | |
| through metatarso-phalangeal joint... ... ... | 40 | 35 |
| part, with some loss of bone ... ... ... ... | 20 | 15 |
| 2 toes, excluding great toe— | | |
| through metatarso-phalangeal joint... ... ... | 60 | 50 |
| part, with some loss of bone ... ... ... ... | 30 | 25 |
| 3 toes, excluding great toe— | | |
| through metatarso-phalangeal joint... ... ... | 70 | 55 |
| part, with some loss of bone ... ... ... ... | 40 | 35 |
| 4 toes, excluding great toe— | | |
| through metatarso-phalangeal joint... ... ... | 100 | 80 |
| part, with some loss of bone ... ... ... ... | 40 | 35 |

"

**7.**—(1) Articles 1, 2, 4 and 5 of this Scheme shall be deemed to have come into operation on the 3rd September, 1946, and Article 3 of this Scheme on the 1st January, 1947.

(2) Each of the paragraphs of Article 6 of this Scheme shall be deemed to have come into operation on the commencing date specified in the following Table in relation to that paragraph.

TABLE

| Paragraph of Article 6 | Commencing date |
|---|---|
| (6), (7), (12) ... ... ... | 1st February, 1946 |
| (4), (5), (11) ... ... ... | 3rd September, 1946 |
| (8) (*b*) ... ... ... ... | 1st October, 1946 |
| (1), (2), (3), (8) (*a*), (8) (*c*), (9), (10), (13) ... ... ... | 1st January, 1947 |
| (14), (15) ... ... ... | 1st April, 1947 |

(3) Notwithstanding anything hereinbefore contained in this Article, no payment shall be made by virtue of any of the said Articles or paragraphs in respect of any period before the date so specified in relation to that Article or paragraph, as the case may be.

Dated this 6th day of February, 1948.

*George Buchanan,*
Minister of Pensions.

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## EXPLANATORY NOTE

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

1. The War Pensions (Mercantile Marine) Scheme provides, for the Merchant Navy, benefits similar to those for the Royal Navy and this Amendment Scheme incorporates certain improvements introduced by two Orders in Council for the Royal Navy dated the 21st May, 1947.

2. These improvements are—

(1) A pensioner may now be paid allowances for his wife, whatever the date of his marriage, and for the children of the marriage or legitimated thereby. (Articles 3 and 6 (1), (2) and (3)).

(2) The allowance provided for wear and tear of clothing caused by the use of an artificial limb is increased in certain cases. (Article 6 (7)).

(3) The maximum pension rate for a child who has lost both parents and, on attaining the age of 18, is still incapacitated as the result of an infirmity which arose before he attained the child's age limit has now been increased to £68 a year in officer cases and 26s. a week in others. (Article 6 (13)).

(4) Awards may now be made under the War Pensions (Mercantile Marine) Scheme, 1946, in respect of disablement although the claim is made more than seven years after the date upon which the qualifying injury was sustained or the end of detention and in respect of the death of certain members of the Merchant Navy although such death occurs more than seven years after the receipt of the injury or end of the detention. (Articles 4 and 6 (5) and (11)).

3. Provision is made, in accordance with the announcement made by the Minister of Pensions in the House of Commons on the 25th March, 1947, for higher assessments of disablement in the case of certain of the specified injuries (Article 6(14)) and for increased gratuities in respect of certain minor injuries. (Article 6(15)).