10. WAR PENSIONS

(1) *Mercantile Marine.* | (2) *Naval Auxiliary Personnel*, p. 3257.

(1) MERCANTILE MARINE

The War Pensions (Mercantile Marine) Scheme, 1949

1949 No. 1852

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CONTENTS

THE SCHEME

Page

PART I.—DEFINITIONS AND INTERPRETATION

Article 1. Definitions 3207
Article 2. Interpretation 3209

PART II.—PERSONS TO WHOM THIS SCHEME APPLIES

Article 3. Members of the Merchant Navy and the sea fishing service ... 3210
Article 4. Members of the pilotage and light vessel services 3211
Article 5. Salvage workers 3211

PART III.—RANKS

Article 6. Equivalent naval ranks 3211
Article 7. Ranks of members of the Merchant Navy and the sea fishing service 3211
Article 8. Ranks of pilots and apprentice pilots 3212
Article 9. Ranks of masters and members of the crews of pilot boats ... 3212
Article 10. Ranks of members of the light vessel service 3212
Article 11. Ranks of salvage workers 3213
Article 12. Ranks of women 3213
Article 13. Adjustment of ranks 3213
Article 14. Cases where disablement or death is due to more than one cause ... 3213

PART IV.—APPLICATION AND MODIFICATION OF THE NAVAL ORDER

Article 15. Interpretation of Part IV and the Naval Order 3213
Article 16. Application of the Naval Order 3213
Article 17. Initial period of disablement 3214
Article 18. Persons previously disabled 3214
Article 19. Temporary allowances for widows and widowers 3215
Article 20. Funeral grants 3215
Article 21. Awards on death 3216

PART V.—MISCELLANEOUS AND GENERAL PROVISIONS

Article 22. Prevention of double payments 3216
Article 23. Modification of awards in certain cases 3217
Article 24. Enemy subjects and persons resident in enemy occupied territory... 3217
Article 25. Power to award lump sum payments 3217
Article 26. Invalidity of assignments 3218
Article 27. Determination of medical questions 3218
Article 28. Declarations and certificates 3218
Article 29. Administration of Scheme 3218
Article 30. Commencement of Scheme and repeal of previous Schemes ... 3218
Article 31. Citation 3220

SCHEDULES

		Page
First Schedule.	War injuries and war risk injuries	3220
Second Schedule.	Qualifying injuries and detention covered by the Scheme ...	3221
Part I.	Qualifying injuries sustained, or detention suffered, by reason of service as a mariner in a British ship	3221
Part II.	Qualifying injuries sustained, or detention suffered, by reason of service as a member of the pilotage or light vessel service	3222
Part III.	Qualifying injuries sustained, or detention suffered, by reason of service as a salvage worker	3222
Third Schedule.	Equivalent naval ranks of members of the Merchant Navy and the sea fishing service	3223
Table I.	British ships other than those covered by Table II, III, IV, VI, VII or VIII	3224
Table II.	Home trade cargo ships of 1,000 tons or less	3225
Table III.	Fishing boats	3225
Table IV.	Cable ships	3225
Table V.	British ships of every description	3226
Table VI.	Admiralty Yard craft	3227
Table VII.	Vessels belonging to the War Department	3227
Table VIII.	Royal Air Force Auxiliary vessels	3228
Fourth Schedule.	Equivalent naval ranks of members of the light vessel service	3228
Table I.	Lightships	3228
Table II.	Lighthouse tenders and lightship tenders	3228
Fifth Schedule.	Equivalent naval ranks of salvage workers	3229

APPENDIX—THE NAVAL ORDER AS APPLIED BY THE SCHEME

PART I.—DEFINITIONS AND INTERPRETATION

Article 1.	Definitions	3230
Article 2.	Interpretation	3233

PART II.—GENERAL PRINCIPLES OF AWARDS

Article 3.	Basic condition of awards	3234
Article 4.	(*Not applicable*).	
Article 5.	(*Not applicable*).	
Article 6.	Serious negligence or misconduct	3234
Article 7.	(*Not applicable*).	

PART III.—AWARDS IN RESPECT OF DISABLEMENT

Article 8.	Application of Part III	3234
Article 9.	General conditions of awards in respect of disablement	3234
Article 10.	Determination of degree of disablement	3234
Article 11.	Pensions for disablement	3235
Article 12.	Gratuities and weekly allowances for minor disablement	3235
Article 13.	Allowances for eligible members of the family	3235
Article 14.	Education allowances	3236
Article 15.	Allowances for constant attendance	3236
Article 16.	Allowances for wear and tear of clothing	3236
Article 17.	Allowances for unemployable pensioners	3237
Article 18.	Allowances for lowered standard of occupation	3238

PART IV.—TREATMENT AND REHABILITATION

Article 19.	Application and interpretation of Part IV	3238
Article 20.	Treatment allowances	3238
Article 21.	Allowance where prolonged abstention from work is necessary following approved institutional treatment	3240
Article 22.	Allowances for part-time treatment	3240
Article 23.	Medical expenses	3240

PART V.—AWARDS IN RESPECT OF DEATH

		Page
Article 24.	Application of Part V	3240
Article 25.	General conditions of awards in respect of death	3240
Article 26.	Pensions to widows	3240
Article 27.	(*Not applicable*).	
Article 28.	Pensions to widows who were separated	3241
Article 29.	Pensions to unmarried dependants living as wives	3241
Article 30.	Rent allowances to widows, and unmarried dependants living as wives, who have children	3241
Article 31.	Pensions to widowers	3242
Article 32.	Allowances in respect of children under the age limit	3242
Article 33.	Pensions to motherless or fatherless children under the age limit...	3243
Article 34.	Awards to or in respect of children over the age limit	3243
Article 35.	Education allowances	3244
Article 36.	Awards for ineligible members of the family of unemployable pensioners	3244
Article 37.	Pensions to parents	3244
Article 38.	Pensions to other dependants	3245
Article 39.	Remarriage of female pensioners, etc.	3246

PART VI.—(*Not applicable*)

PART VII.—GENERAL PROVISIONS

Article 51.	Interpretation of Part VII	3246
Article 52.	Adjustment of awards in respect of other compensation	3246
Article 53.	Pensioners admitted to institutions	3247
Article 54.	Chelsea pensioners	3247
Article 55.	Children whose maintenance is otherwise provided for	3247
Article 56.	Payment of public claims out of pensions	3247
Article 57.	Administration of pensions, etc.	3247
Article 58.	Forfeiture of pensions, etc.	3248
Article 59.	Refusal of treatment	3248
Article 60.	Failure to draw pension	3248
Article 61.	Arrears	3248
Article 62.	Payment of pensions	3248
Article 63.	Review of awards, etc.	3248
Article 64.	Power to dispense with probate	3249
Article 65.	Administration of this Order	3249
Article 66.	(*Not applicable*).	
Article 67.	(*Not applicable*).	
First Schedule.	Assessment of disablement caused by specified injuries and of certain other disablements	3250
Second Schedule.		
Table 1	Yearly rates of pensions for disabled male officers	3251
Table 2	Weekly rates of pensions for disabled male ratings	3251
Table 3	Rates of pensions for disabled women members	3252
Third Schedule.		
Table 1	Gratuities payable for specified minor injuries	3253
Table 2	Gratuities payable to officers for disablement assessed at less than 20 per cent., not being a minor injury specified in Table 1	3254
Table 3	Rates and periods of weekly allowances with terminal gratuities (where appropriate) payable to ratings for disablement assessed at less than 20 per cent., not being a minor injury specified in Table 1	3255
Fourth Schedule.		
Table 1	Yearly rates of pensions for widows of officers	3255
Table 2	Weekly rates of pensions for widows of ratings	3256
Fifth Schedule.	(*Not applicable*).	

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(**a**), as amended by the Pensions (Mercantile Marine) Act, 1942(**b**), hereby makes the following Scheme :—

THE SCHEME

PART I.—DEFINITIONS AND INTERPRETATION

1. Definitions.—In this Scheme the following expressions have, unless the context otherwise requires, the meanings hereby respectively assigned to them—

(1) " the Act " means the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939(**a**), as amended by the Pensions (Mercantile Marine) Act, 1942(**b**) :

(2) " the British Islands " means Great Britain, Northern Ireland, the Channel Islands and the Isle of Man:

(3) " British ship " does not include a ship forming part of His Majesty's Navy but includes—

(*a*) a ship not forming part of His Majesty's Navy which belongs to His Majesty or is held by any person on behalf of or for the benefit of the Crown ;

(*b*) in relation to an injury sustained or detention suffered by a British subject or a British protected person, a ship (other than a ship covered by subparagraph (*a*) of this definition) chartered on behalf of His Majesty's Government in the United Kingdom :

(4) " cable ship " means a British ship engaged in the laying, installing or repairing of submarine cables :

(5) " capture " includes seizure, arrest or other restraint:

(6) " detention ", in relation to any person, means detention which is consequent on the capture of that person or of his ship effected by reason of the existence of a state of war:

(7) " fishing boat " means a British ship which is ordinarily employed in sea fishing or in the sea fishing service:

(8) " harbour " means any harbour, whether natural or artificial, and any port, dock, haven, estuary, tidal or other river, canal or inland navigation to which seagoing ships have access :

(9) " home trade cargo ship " means a British ship (other than a passenger ship) employed in trading or going within the following limits, that is to say, the British Islands, the territory formerly known as Eire and the continent of Europe between the river Elbe and Brest inclusive, and " home trade passenger ship " means a British ship which is a passenger ship and is employed in trading or going within the said limits:

(10) " lighthouse tender " means a tender to a lighthouse belonging to any local or general lighthouse authority within the meaning of the Merchant Shipping Act, 1894(**c**) :

(11) " lightship " means a lightship belonging to a local or general lighthouse authority within the meaning of the Merchant Shipping Act, 1894(**c**) :

(**a**) 2 & 3 Geo. 6. c. 83. (**b**) 5 & 6 Geo. 6. c. 26.
(**c**) 57 & 58 Vict. c. 60.

(12) " lightship tender " means a tender to a lightship:

(13) " mariner ", in relation to a ship, means the master or a member of the crew of the ship, being a person employed or engaged in seagoing service in that ship, and not being a member of His Majesty's naval forces or a person employed or engaged in a ship forming part of His Majesty's Navy or a member of the pilotage or light vessel service:

(14) " material date ", in relation to any claim to an award under this Scheme, means the date of the qualifying injury, or of the commencement of the detention, on which the claim to the award is based:

(15) " member of the light vessel service " means a master or a member of the crew of a lightship, a lighthouse tender or a lightship tender:

(16) " member of the Merchant Navy " means a person who is or has been employed or engaged as, or for service as, a mariner in a British ship and includes a person covered by any directions given by the Minister under Article 3 (3) of this Scheme and a person who, by virtue of Part I of the Second Schedule to this Scheme, is to be treated as having sustained a qualifying injury or suffered detention by reason of his service as a mariner in a British ship, but does not include—

(*a*) a member of the sea fishing service;

(*b*) a person to whom any scheme made by the Minister under section 3 (3) of the Act applies;

(*c*) a person who is employed or engaged as a member of the crew of a ship (otherwise than as a radio officer, apprentice or cadet) for no remuneration or nominal remuneration only:

(17) " member of the pilotage service " means a pilot or apprentice pilot, or a master or a member of the crew of a pilot boat:

(18) " member of the sea fishing service " means a person who is or has been employed or engaged as, or for service as, a mariner in a fishing boat, and includes a person who, by virtue of Part I of the Second Schedule to this Scheme, is to be treated as having sustained a qualifying injury, or suffered detention, by reason of his service as a mariner in a fishing boat:

(19) " the Minister " means the Minister of Pensions:

(20) " the Naval Order " means the Order in Council dated 29th September, 1949, concerning retired pay, pensions and other grants for members of the naval forces and of the nursing and auxiliary services thereof disabled, and for the widows, children, parents and other dependants of such members deceased, in consequence of service after the 2nd September, 1939:

(21) " passenger ship " means a ship in respect of which there is, at the material date, in force—

(*a*) a passenger steamer's certificate issued under Part III of the Merchant Shipping Act, 1894(a);

(*b*) a certificate which, by virtue of section 284 of that Act, has the same force as if it had been granted under that Act; or

(*c*) a certificate issued under Regulation 47BB of the Defence (General) Regulations, 1939:

(22) " pilot " and " apprentice pilot " mean any pilot (other than a senior pilot in an Admiralty Yard Craft) and any person (whether an apprentice or not) training as a pilot, whose normal occupation as such is

(a) 57 & 58 Vict. c. 60.

carried on in or from the British Islands and is that of acting as pilot or apprentice pilot in ships at sea or ships proceeding to or from sea from or to ports or pilotage districts in the British Islands which are at sea at some time while he is so acting:

(23) "pilot boat" has the meaning assigned to it by section 38 of the Pilotage Act, 1913(a), save that it includes any vessel which for the time being is being used in the pilotage service of any pilotage district in the British Islands:

(24) "place" includes any point on land, in the air, or on or in the water:

(25) "port" includes any dock, harbour, pier, quay, wharf, mooring, anchorage or other similar place:

(26) "public funds" means moneys provided by Parliament or the Parliament of Northern Ireland, moneys the payment whereof is a charge on the Consolidated Fund of the United Kingdom or of Northern Ireland, moneys provided by any general or local rate or by a fund established under or by virtue of any public, general or local Act, and moneys payable under any enactment, ordinance, regulation or other instrument forming part of the law of any place outside the United Kingdom:

(27) "qualifying injury" means a war injury or a war risk injury:

(28) "rank" includes rating:

(29) "salvage" means the preservation or recovery of vessels wrecked, stranded or in distress, or their cargo or apparel, or the recovery of any other property from the water and includes the removal of wrecks, and "salvage operations" and "salvage purposes" shall be construed accordingly:

(30) "salvage vessel" means a ship regularly employed, or chartered for the purpose of being employed, in salvage operations:

(31) "salvage worker" means any person, other than a member of His Majesty's naval forces, who, not being the master or a member of the crew of a ship, is regularly employed in salvage operations in or from the British Islands:

(32) "ship" has the same meaning as in the Merchant Shipping Act, 1894(b):

(33) "tidal water" means any part of the sea, and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour:

(34) "tons" and "tonnage" mean respectively gross tons and gross tonnage:

(35) "war injury" and "war risk injury" have the meanings respectively assigned thereto in the First Schedule to this Scheme.

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

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

(a) 2 & 3 Geo. 5. c. 31. (b) 57 & 58 Vict. c. 60.
(c) 52 & 53 Vict. c. 63.

(3) 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.

(4) 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) For the purposes of this Scheme, the detention of a person may be treated as continuing until whichever is the earlier of the two following dates—

(*a*) the date of his death; or

(*b*) the date on which it is first practicable for him to arrive back in the country to which he belongs;

or until such other date as the Minister may direct in relation to that person or to any class of such persons.

PART II.—PERSONS TO WHOM THIS SCHEME APPLIES

3. Members of the Merchant Navy and the sea fishing service.—(1) Subject to the following provisions of this Article, this Scheme applies to any member of the Merchant Navy or sea fishing service whose disablement or death is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship.

(2) The cases in which a member of the Merchant Navy or sea fishing service who has sustained a qualifying injury or suffered detention is to be treated as having sustained the injury or suffered the detention by reason of his service as a mariner in a British ship are set out in Part I of the Second Schedule to this Scheme.

(3) The Minister may give directions, in relation to persons who are British subjects or British protected persons, that their service or employment as mariners in ships which are not British ships shall be treated for the purposes of this Scheme, either in all cases or in any particular case or class of case specified in the directions, as if it were service or employment in British ships.

(4) This Scheme does not apply to a person whose disablement or death is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner—

(*a*) in a British ship—

(i) belonging to His Majesty in right of the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa or the territory formerly known as Eire;

(ii) belonging to His Majesty in right of India before the 15th August, 1947, or in right of India or Pakistan after that date (not being in any such case a ship registered in any of those territories under the Merchant Shipping Acts, 1894 to 1949);

(iii) belonging to His Majesty in right of Ceylon after the 3rd February, 1948;

(iv) which belonged to His Majesty in right of Burma before the 4th January, 1948;

(v) which is, or was, held by any person on behalf of or for the benefit of the Crown in any such right as is mentioned in the foregoing provisions of this paragraph; or

(vi) which is, or was, registered in any such Dominion or country as aforesaid and is not, or was not, a ship registered before the 15th August, 1947, in India, or registered thereafter in India or Pakistan, under the Merchant Shipping Acts, 1894 to 1949;

unless the ship is, or was, for the time being placed at the disposal of or chartered by or on behalf of His Majesty's Government in the United Kingdom; or

(*b*) in a ship which was used for private amusement or pleasure while he was serving or employed therein.

4. Members of the pilotage and light vessel services.—(1) This Scheme applies also to any member of the pilotage or light vessel service whose disablement or death is directly attributable to a qualifying injury sustained or detention suffered by reason of his service.

(2) The cases in which a member of the pilotage or light vessel service who has sustained a qualifying injury or suffered detention is to be treated as having sustained the injury or suffered the detention by reason of his service are set out in Part II of the Second Schedule to this Scheme.

5. Salvage workers.—(1) This Scheme applies also to any salvage worker whose disablement or death is directly attributable to a qualifying injury sustained or detention suffered by reason of his service.

(2) The cases in which a salvage worker who has sustained a qualifying injury or suffered detention is to be treated as having sustained the injury or suffered the detention by reason of his service are set out in Part III of the Second Schedule to this Scheme.

PART III.—RANKS

6. Equivalent naval ranks.—(1) For the purposes of this Scheme, the rank of a member of the Merchant Navy, sea fishing service, pilotage or light vessel service or of a salvage worker shall be determined by reference to the equivalent naval rank or, in the case of a woman, the equivalent naval status, which that person is to be treated, by virtue of the following provisions of this Part of this Scheme, as holding on the material date.

(2) A person to whom none of the following provisions of this Part of this Scheme is applicable shall be treated as holding on the material date such equivalent naval rank or status as the Minister may consider appropriate.

7. Ranks of members of the Merchant Navy and the sea fishing service.—(1) A member of the Merchant Navy or sea fishing service who on the material date was in the service of a British ship as a mariner, or was on leave from a British ship outside the British Islands, or was at any place except on land in the British Islands in the course of proceeding to, or of returning from, or of waiting to proceed to or return from, employment in a British ship as a mariner, shall be treated as holding on that date the equivalent naval rank which is specified in the Third Schedule to this Scheme in relation to the class of the ship, the grade, or grade and circumstances in which he

was serving, or was due to be employed, or had just ceased to be employed, in the ship, and the qualifications which he held on that date for service or employment therein.

(2) A member of the Merchant Navy or sea fishing service who on the material date did not come within paragraph (1) of this Article shall be treated as holding on that date the equivalent naval rank appropriate in his case under that paragraph by reference to the British ship in which he last served and the grade, or grade and circumstances in which he was serving, and the qualifications which he held for service, in that ship immediately before he ceased to serve therein.

8. Ranks of pilots and apprentice pilots.—(1) A pilot shall be treated as holding on the material date the equivalent naval rank which would be appropriate in his case under Article 7 of this Scheme if he were on that date serving as the master of a British ship of the following tonnage and class, namely—

(*a*) where the average tonnage of the ships piloted by him during the period of twelve months expiring on that date exceeds 1,000 tons, a tonnage equal to that average tonnage; or

(*b*) where the average tonnage of the ships piloted by him during the period of twelve months expiring on that date was 1,000 tons or less, a home trade cargo ship of a tonnage equal to that average tonnage:

Provided that, where the average tonnage of the ships piloted by him during the period of three years expiring on that date exceeds the average tonnage of the ships piloted by him during the period of twelve months expiring on that date, this paragraph shall have effect as if the references in subparagraphs (*a*) and (*b*) to twelve months were references to three years.

(2) An apprentice pilot shall be treated as holding on the material date the equivalent naval rank of Chief Petty Officer.

9. Ranks of masters and members of the crews of pilot boats.—(1) The master of a pilot boat shall be treated as holding on the material date the equivalent naval rank of Sub-Lieutenant or Warrant Officer as may be appropriate, in the opinion of the Minister, having regard to the tonnage of the pilot boat of which he was on that date the master, and the qualifications which he held on that date.

(2) A member of the crew of a pilot boat shall be treated as holding on the material date the equivalent naval rank which would be appropriate in his case under Article 7 of this Scheme, in relation to the grade, or grade and circumstances, in which he was serving on that date, and the qualifications which he held on that date, if the pilot boat were a home trade cargo ship.

10. Ranks of members of the light vessel service.—(1) A member of the light vessel service in the service of Trinity House who on the material date was in the service of, or was at any place except on land in the British Islands in the course of proceeding to, or returning from service in, a lightship, lightship tender or lighthouse tender, shall be treated as holding on that date the equivalent naval rank which is specified in the appropriate Table in the Fourth Schedule to this Scheme in relation to the grade, or grade and circumstances, in which he was serving, or was due to serve, or had just ceased to serve, in the ship or tender and the qualifications which he held on that date.

(2) In relation to a member of the light vessel service not in the service of Trinity House, paragraph (1) of this Article shall have effect as if any reference in the Fourth Schedule to this Scheme to a grade included a reference to any capacity which, in the opinion of the Minister, is equivalent to that grade.

11. Ranks of salvage workers.—A salvage worker who on the material date was engaged in salvage operations, or was on leave outside the British Islands during the carrying on of salvage operations, or was at any place except on land in the British Islands in the course of proceeding to or returning from engagement in salvage operations, or of waiting to proceed to or return from engagement in salvage operations, shall be treated as holding on that date the equivalent naval rank which is specified in the Fifth Schedule to this Scheme in relation to the grade, or grade and circumstances, in which he was, or was due to be, or had just ceased to be, engaged in those salvage operations, and the qualifications which he held on that date.

12. Ranks of women.—The equivalent naval status which a woman is to be treated as holding on the material date shall be the status equivalent to the rank which, by virtue of Article 7, 8, 9, 10 or 11 of this Scheme, would have been her equivalent naval rank if she had been a man.

13. Adjustment of ranks.—Where the equivalent naval rank or status which a person is to be treated, by virtue of the provisions of Article 7, 8, 9, 10, 11 or 12 of this Scheme, as holding on the material date is, in the opinion of the Minister, too high or too low, having regard to any circumstances which the Minister may consider relevant to the determination of that person's rank or status, that person shall be treated as holding on that date such equivalent naval rank or status as the Minister may consider appropriate.

14. Cases where disablement or death is due to more than one cause.—Where the disablement or death of a person is directly attributable, not to a single qualifying injury or period of detention, but to two or more such causes, and different ranks would, by virtue of the foregoing provisions of this Part of this Scheme, be applicable to the different causes of the disablement or death—

(*a*) any award under Part III or IV of the Naval Order as applied by this Scheme shall be at such composite rate as the Minister may consider appropriate having regard to the disabling effect of each such cause and the rank applicable thereto ; and

(*b*) any award under Part V of the Naval Order as applied by this Scheme shall be based upon the highest of those different ranks.

PART IV.—APPLICATION AND MODIFICATION OF THE NAVAL ORDER

15. Interpretation of Part IV and the Naval Order.—(1) Unless the context otherwise requires, in this Part of this Scheme and in the Naval Order as applied by this Scheme—

(*a*) any reference to a member of the Merchant Navy or a mariner shall be treated as including a reference to a member of the sea fishing service, a member of the pilotage service, a member of the light vessel service and a salvage worker ; and

(*b*) any reference to service as a mariner in a British ship shall be treated as including a reference to service as a member of the pilotage service, service as a member of the light vessel service and service as a salvage worker.

(2) The Naval Order as applied by this Scheme shall be construed as one with this Scheme.

16. Application of the Naval Order.—(1) Where the disablement or death of a member of the Merchant Navy is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship, the Naval Order shall apply to his case in accordance with the following provisions of this Article.

(2) For the purposes of applying to the case of a member of the Merchant Navy, the Naval Order shall have effect in the modified form in which it is set out in the Appendix to this Scheme and shall be subject to the further modifications and additions contained in this Scheme.

17. Initial period of disablement.—(1) Where a member of the Merchant Navy suffers disablement which is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship, the degree of that disablement may, subject to the provisions of Article 18 of this Scheme, be deemed for the purposes of any award which may be made under the Naval Order as applied by this Scheme, to be 100 per cent., if and for so long as he is at any time during the initial period of his disablement rendered incapable of work as a mariner by that disablement and is also in need of treatment for that disablement.

(2) For the purposes of this Article the initial period of the disablement of a member of the Merchant Navy shall be treated as covering, but shall not, unless the Minister otherwise directs, exceed a period of twenty-six weeks beginning with the date of the qualifying injury, or of the end of the detention, to which the disablement is directly attributable.

18. Persons previously disabled.—(1) Where a member of the Merchant Navy who has suffered disablement which is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship (in this Article referred to as the "relevant disablement") has been awarded a pension or other grant payable out of public funds (otherwise than under this Scheme) in respect of some other disablement however caused, the degree of the relevant disablement shall not exceed the difference between—

(*a*) the degree of the other disablement determined by reference to the assessment on which payment of the said pension or other grant is being made or, where that payment is not based on any specific assessment, the assessment which, in the opinion of the Minister, having regard to the regulations under which that payment is made, is appropriate to that other disablement; and

(*b*) the degree at which the relevant disablement and the other disablement, determined as aforesaid, would together have been assessed on a composite assessment if both disablements had fallen to be assessed under the Naval Order as applied by this Scheme.

(2) Where the relevant disablement might, but for this Article, be deemed, by virtue of the provisions of Article 17 of this Scheme, to be 100 per cent., paragraph (1) of this Article shall have effect as if, for the degree specified in subparagraph (*b*) thereof, there were substituted the degree of 100 per cent.

(3) The Minister may, notwithstanding anything in the Naval Order as applied by this Scheme or in this Scheme, make such award in respect of the relevant disablement as will secure that the aggregate value of the award in respect of that disablement and of the pension or other grant in respect of the other disablement is not less than the value of the award which, if both disablements had come within the scope of this Scheme, would have been made by virtue of Article 14 of this Scheme having regard to the equivalent naval rank of the member in relation to the relevant disablement and the rank which is or should, in the opinion of the Minister, be assumed to be the basis of the pension or other grant in respect of the other disablement.

(4) The provisions of this Article shall not apply where a member of the Merchant Navy to whom an award in respect of the relevant disablement may be made has been awarded a pension or other grant payable, in respect of some other disablement however caused, under the National Insurance (Industrial Injuries) Act, 1946(a), or under any legislation 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.

(5) Where an award may be made under the Naval Order as applied by this Scheme in respect of a member of the disabled person's family in respect of whom an award is not comprised in the pension or other grant in respect of the other disablement, the provisions of this Article shall not apply in relation to that award.

19. Temporary allowances for widows and widowers.—(1) Where the death of a member of the Merchant Navy is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship and takes place within twenty-six weeks from the date of that qualifying injury or of the end of that detention, a temporary allowance may, subject to the provisions of Article 25 of the Naval Order as applied by this Scheme, be awarded in accordance with the following provisions of this Article to the widow of that member if she comes under Article 26 of the Naval Order as applied by this Scheme, or to a widower of that member if he comes under Article 31 of the Naval Order as applied by this Scheme.

(2) A temporary allowance under this Article shall be at the weekly rate of 50s. and shall be paid in respect of the period of ten weeks from the day following the date of the member's death.

(3) Where a widow or widower is in receipt of a temporary allowance under this Article in respect of any period, no payment in respect of the member's death under any of the provisions of Part V of the Naval Order as applied by this Scheme shall be made to the widow or widower in respect of that period:

Provided that where, in respect of the whole or any part of that period, the aggregate rate of the payments which could have been made to the widow or widower under the provisions of Part V of the Naval Order as applied by this Scheme but for the foregoing provisions of this paragraph is in excess of the rate of the temporary allowance, an amount equal to the excess may be paid to the widow or widower, as the case may be.

(4) Except where the Minister in any special case otherwise directs, a temporary allowance under this Article shall not be awarded unless application for the award is made within three months from the date of the member's death.

(5) Any references in the Naval Order as applied by this Scheme to a pension under Part V of that Order (other than the references in Articles 26, 28, 30, 31 and 36 of that Order and the second reference in Article 39 (3) of that Order) shall be treated, unless the context otherwise requires, as including a reference to a temporary allowance under this Article.

20. Funeral grants.—(1) Subject to the following provisions of this Article, where the death of a member of the Merchant Navy is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship and his funeral is carried out privately at the expense of any person, a funeral grant not exceeding £20 may be awarded in respect of the expense incurred by that person.

(a) 9 & 10 Geo. 6. c. 62.

(2) A funeral grant under this Article shall be reduced by the amount of any payment out of public funds which has been or will be made in respect of the expenses incurred in connection with the funeral.

(3) Except where the Minister in any special case otherwise directs, a funeral grant under this Article shall not be awarded unless an application for that award is made within three months from the date of the death of the member of the Merchant Navy.

(4) Any reference in the Naval Order as applied by this Scheme to a gratuity shall, unless the context otherwise requires, be treated as including a reference to a grant under this Article.

21. Awards on death.—(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, and the expression " approved treatment " has the same meaning as in the Naval Order as applied by this Scheme.

PART V.—MISCELLANEOUS AND GENERAL PROVISIONS

22. Prevention of double payments.—(1) Where the Minister is satisfied that a payment (not being a payment in respect of the expenses incurred in connection with a funeral) has been or will be made under an enactment or Order in Council to which this Article applies in respect of an injury which results in disablement or death, no award of a pension, allowance or gratuity in respect of that disablement or death shall be made under the Naval Order as applied by this Scheme or under this Scheme, and any such award which has been made shall be cancelled:

Provided that, where the Minister is satisfied that, in respect of any period, the aggregate annual value of the payments which are being or will be made under the first of the said enactments falls short of the aggregate annual value of the payments which, but for the foregoing provisions of this Article, would have been made in respect of that period under the Naval Order as applied by this Scheme or under this Scheme, the Minister may make such awards under the Naval Order as applied by this Scheme or under this Scheme as he may consider appropriate in order to make good the deficiency.

(2) The enactments and Orders in Council to which this Article applies are—

(*a*) section 1 of the Superannuation Act, 1887(**a**), as amended by section 11 of the Superannuation Act, 1935(**b**), or by section 9 of the Superannuation Act (Northern Ireland), 1935(**c**);

(*b*) section 41 or 56 of the Superannuation Act, 1949(**d**);

(*c*) section 665 of the Merchant Shipping Act, 1894(**e**), as extended by the Superannuation (Various Services) Act, 1938(**f**);

(**a**) 50 & 51 Vict. c. 67.
(**b**) 25 & 26 Geo. 5. c. 23.
(**c**) 1 Edw. 8. c. 2.
(**d**) 12, 13 & 14 Geo. 6. c. 44.
(**e**) 57 & 58 Vict. c. 60.
(**f**) 1 & 2 Geo. 6. c. 13.

(*d*) any Order in Council relating to pensions for men serving in Admiralty Yard Craft or to pensions for officers of the Royal Fleet Auxiliaries ;

(*e*) any enactment relating to persons in the service of a local lighthouse authority within the meaning of the Merchant Shipping Acts, 1894 to 1949.

23. Modification of awards in certain cases.—(1) The rate or amount of any pension, allowance, gratuity or funeral grant which may be awarded under the Naval Order as applied by this Scheme or under this Scheme to or in respect of a person to whom this Article applies may be reduced to such extent as the Minister may consider appropriate, and (unless the Minister, having regard to any circumstances which seem to him relevant, otherwise directs in relation to a person coming within paragraph (2) (*c*) or (*d*) of this Article) shall not exceed two-thirds of the rate or amount which, but for this Article, would have been applicable.

(2) This Article applies to—

(*a*) any person ordinarily resident outside the United Kingdom who, for the performance of his duties in the service, employment or engagement by virtue of which his case comes within this Scheme, was receiving or due to receive remuneration which is shown to the satisfaction of the Minister to be substantially lower than the remuneration customary in the case of a person ordinarily resident in the United Kingdom who undertakes in the United Kingdom to perform similar duties ;

(*b*) any member of the family of a person coming within subparagraph (*a*) of this paragraph ;

(*c*) any person whose country of origin is one where the standards of remuneration applicable for his employment are shown to the satisfaction of the Minister to be substantially lower than the standards of remuneration applicable in the United Kingdom for similar employment, and who is resident in that country or in some other country where the standards of remuneration applicable for his employment are shown to the satisfaction of the Minister to be substantially lower than the standards of remuneration applicable in the United Kingdom for similar employment ;

(*d*) any member of the family of a person whose country of origin is as aforesaid, being a member of the family who is resident in the said country or in some other country such as aforesaid.

24. Enemy subjects and persons resident in enemy occupied territory.—The Minister may withhold or cancel an award of a pension, allowance, gratuity or funeral grant under the Naval Order as applied by this Scheme or under this Scheme if he is satisfied that the person to or in respect of whom that pension, allowance, gratuity or funeral grant may be or has been awarded, possesses the nationality of a state at war with His Majesty or resides (otherwise than by reason of compulsion) in, or in any of the possessions of, or in any territory occupied by, any such state.

25. Power to award lump sum payments.—Where, in the case of any person to whom a pension or allowance may be or has been awarded under the Naval Order as applied by this Scheme or 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 that person such a lump sum as aforesaid, and any reference in the Naval Order as applied by this Scheme or in this Scheme to a gratuity shall be construed as including a reference to a lump sum awarded under this Article.

26. Invalidity of assignments.—Any assignment or charge, and any agreement to assign or charge, any pension, allowance, gratuity or funeral grant which may be or has been awarded under the Naval Order as applied by this Scheme or under this Scheme shall, for the purposes of this Scheme, be void.

27. Determination of medical questions.—The provisions of the Naval Order as applied by this Scheme shall apply in relation to any medical question which arises under this Scheme in like manner as they apply in relation to any matter which is required by the Naval Order to be certified and which involves a medical question.

28. Declarations and certificates.—(1) Any person to whom a pension, allowance or gratuity has been awarded under the Naval Order as applied by this Scheme or 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.

29. Administration of Scheme.—(1) The Minister shall be the sole administrator of this Scheme and, subject to the provisions of the Pensions Appeal Tribunals Acts, 1943 and 1949(**a**), 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.

(2) The Minister may make regulations for giving effect to the purposes of this Scheme.

30. Commencement of Scheme and repeal of previous Schemes.—(1) Subject to the following provisions of this Article, this Scheme shall be deemed to have come into operation on the 1st June, 1949, so, however, that no payment shall be made under this Scheme in respect of any period before that date.

(2) Subject to the following provisions of this Article, the War Pensions (Mercantile Marine) Scheme, 1946(**b**), as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme, 1948(**c**), shall be deemed to have ceased to have effect as from the 1st June, 1949, without prejudice, however, to its operation in respect of any period before that date.

(3) Subject to the following provisions of this Article—

(*a*) where, on the 31st May, 1949, an allowance granted under Article 12 (4) of the Naval Order of the 4th June, 1946(**d**), as applied by the War Pensions (Mercantile Marine) Scheme, 1946(**b**), as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme, 1948(**c**), in respect of an unmarried dependant living as a wife of a member of

(**a**) 6 & 7 Geo. 6. c. 39 and 12, 13 & 14 Geo. 6. c. 12.
(**b**) S.R. & O. 1946 (No. 972) I, p. 1247.
(**c**) S.I. 1948 (No. 203) I, p. 3348.
(**d**) S.R. & O. 1946 (No. 812) I, p. 1100.

the Merchant Navy was being paid, that allowance may be continued until the conditions for the grant of an allowance under the said Article cease to be fulfilled;

(*b*) where an allowance has been continued by virtue of subparagraph (*a*) of this paragraph until the death of the member of the Merchant Navy, an award may be made under Article 28 of the Naval Order of the 4th June, 1946(**a**), as applied by the War Pensions (Mercantile Marine) Scheme, 1946(**b**), as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme, 1948(**c**), if and for so long as the conditions for an award under that Article are fulfilled;

(*c*) an award may be continued under Article 28 (4) of the Naval Order of the 4th June, 1946(**a**), as applied by the War Pensions (Mercantile Marine) Scheme, 1946(**b**), as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme, 1948(**c**), to an unmarried dependant living as a wife if, on the 31st May, 1949, she was in receipt of a pension under Article 28 (2) or 28 (3) of the said Naval Order as so applied and, on the expiration of the period of twelve months beginning with the date of the member's death, or at the date when she ceases to have in her charge a child of the member and to receive an allowance in respect of that child under the provisions of Part V of the said Naval Order as so applied, as the case may be, she is in pecuniary need and incapable of self-support.

(4) Subject to the following provisions of this Article each of the provisions of the Naval Order as applied by this Scheme which are specified in the first column of the following Table shall be deemed to have come into operation on the commencing date specified in the second column of that Table in relation to that provision, so, however, that no payment shall be made by virtue of any of the said provisions in respect of any period before the commencing date as specified in relation to that provision.

TABLE

Article	Commencing Date
1 (5) (*c*)	18th September, 1946
1 (5) (*f*) and (*g*), 16 ...	1st February, 1948
14, 20 (1), 35	1st April, 1948
15	1st September, 1948
17 (2)...	18th August, 1948
17 (3) (*c*) and (*d*), 20 (4) and (5)	1st December, 1948
18	1st May, 1948
21	1st December, 1947

(5) Subject to the following provisions of this Article, Article 20 of this Scheme shall be deemed to have come into operation on the 5th July, 1949, in respect of deaths occurring on or after that date, provided that the said Article shall, with the figure of £10 substituted for the figure of £20, be deemed to have come into operation on the 1st June, 1949, and to have ceased to have effect on the 5th July, 1949.

(6) Subject to the following provisions of this Article, Article 20 (3) of the Naval Order as applied by this Scheme shall be deemed to have come into operation on the 1st March, 1949:

(**a**) S.R. & O. 1946 (No. 812) I, p. 1100. (**b**) S.R. & O. 1946 (No. 972) I, p. 1247.
(**c**) S.I. 1948 (No. 203) I, p. 3348.

Provided that—

(*a*) in relation to a rating, the said Article shall, with the figure of 20s. substituted for the figure of 26s. wherever the latter appears, be deemed to have come into operation on the 18th August, 1948, and to have ceased to have effect on the 1st March, 1949;

(*b*) for the purposes of Article 21 of the Naval Order as applied by this Scheme and with the figure of 20s. substituted for the figure of 26s. wherever the latter appears, the said Article 20 (3) shall be deemed to have come into operation on the 1st December, 1947, and to have ceased to have effect on the 1st March, 1949.

(7) In relation to any award payable weekly, the foregoing references to the 1st December, 1947, the 1st February, 1948, and the 1st April, 1948, shall be construed as references to the first normal weekly pay day for that award following the 1st December, 1947, the 1st February, 1948, or the 1st April, 1948, as the case may be.

(8) Any relevant provision of this Scheme or of the Naval Order as applied by this Scheme shall, as from the commencing date appropriate for that provision, apply to any case where the disablement or death of a member of the Merchant Navy, a member of the sea fishing service, a member of the pilotage service, a member of the light vessel service or a salvage worker was directly attributable to a qualifying injury sustained or detention suffered on or after the 3rd September, 1939, but before that commencing date, whether or not an award has been made under any previous Scheme.

(9) In this Article, the expressions "unmarried dependant living as a wife" and "rating" have the same meaning as in the Naval Order as applied by this Scheme.

31. Citation.—This Scheme may be cited as the War Pensions (Mercantile Marine) Scheme, 1949.

Made by me, the Minister of Pensions, with the consent of the Treasury, this 29th day of September, 1949.

H. A. Marquand,
Minister of Pensions.

FIRST SCHEDULE

War Injuries and War Risk Injuries

1. A war injury is a physical injury—

(*a*) caused by—

(i) the discharge of any missile (including liquids and gas); or

(ii) the use of any weapon, explosive or other noxious thing; or

(iii) the doing of any other injurious act;

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(*b*) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft.

2. A war risk injury is a physical injury sustained on or after 3rd September, 1939, at sea or in any other tidal water or in the waters of any harbour and attributable to—

(*a*) the taking of measures with a view to avoiding, preventing or hindering enemy action against ships, or as a precaution in anticipation of enemy action against ships, or for rescue or salvage purposes in consequence of enemy action against ships; or

(*b*) the absence, by reason of circumstances connected with any war in which His Majesty may be engaged, of any aid to navigation for ships, or of any warning of danger to ships, being an aid or warning which would be normal in time of peace; or

(*c*) the carriage, by reason of circumstances connected with any such war as aforesaid, of any cargo in a manner which would be abnormal in time of peace and involves danger to the ship in which the cargo is carried or to her crew; or

(*d*) the existence on board ship of any other conditions arising out of any such war as aforesaid which would be abnormal in time of peace:

Provided that—

(i) in relation to injuries sustained in the waters of a harbour, the measures specified in subparagraph (*a*) of this paragraph do not include the prohibition or restriction of lights other than navigational lights; and

(ii) in relation to a salvage worker, or the master or member of a crew of a salvage vessel, the reference in subparagraph (*a*) of this paragraph to measures taken for salvage purposes shall not apply.

3. For the purposes of paragraph 2 of this Schedule, an injury shall be treated as being attributable to the matters specified in subparagraph (*a*), subparagraph (*b*), subparagraph (*c*) or subparagraph (*d*) of that paragraph if, but only if, they substantially increased the risk of the peril occurring which caused the injury.

4. In this Schedule—

(*a*) the expression "navigational light" means a light displayed, whether on a ship or otherwise, as an aid to navigation for ships or as a warning of danger to ships; and

(*b*) the expression "physical injury" includes tuberculosis and any other organic disease, and the aggravation thereof.

SECOND SCHEDULE

Qualifying Injuries and Detention covered by the Scheme

Part I

Qualifying Injuries sustained, or Detention suffered, by reason of service as a mariner in a British ship

The cases in which a person who has sustained a qualifying injury, or suffered detention, is to be treated as having sustained the injury, or suffered the detention, by reason of his service as a mariner in a British ship are where the injury, or the capture on which his detention was consequent, as the case may be, occurred—

(*a*) while he was in the service of a British ship as a mariner;

(*b*) in the case of a person normally employed as a mariner, while he was in the service of a seagoing British ship in the British Islands in which he was employed as master or a member of the crew thereof, notwithstanding that he was not employed in seagoing service in the ship;

(*c*) while he was at a place outside the British Islands on leave from a British ship in which he was employed as a mariner and which was at a port outside the British Islands;

(*d*) while he was at a place outside the British Islands in accordance with arrangements made or approved by or on behalf of the Minister of Transport for having persons available for employment as mariners;

(*e*) while he was at any place, except on land in the British Islands, in the course of proceeding to employment in a British ship as a mariner, or to a place to which he was going in accordance with such arrangements as aforesaid;

(*f*) without prejudice to the last preceding paragraph, while he was at any place, except as aforesaid, in the course of returning to any part of the British Islands, to the country to which he belonged, or to any other country approved by or on behalf of the Minister of Transport, from employment in a British ship as a mariner, or from a place at which he had been in accordance with such arrangements as aforesaid, and before he first arrived on land in that part of the British Islands or, as the case may be, in that country; or

(*g*) while he was waiting at any place outside the British Islands to proceed or return as aforesaid, whether the delay was due to sickness or to any other cause outside his control.

PART II

QUALIFYING INJURIES SUSTAINED, OR DETENTION SUFFERED, BY REASON OF SERVICE AS A MEMBER OF THE PILOTAGE OR LIGHT VESSEL SERVICE

1. The cases in which a pilot or apprentice pilot who has sustained a qualifying injury, or suffered detention, is to be treated as having sustained the injury, or suffered the detention by reason of his service are where the injury, or the capture on which his detention was consequent, as the case may be, occurred—

(*a*) at any time during a period while he was on a seagoing ship, if during some part of that period he was acting or was due to act as pilot or apprentice pilot;

(*b*) while he was on board a pilot boat;

(*c*) while he was at any place, except on land in the British Islands, while proceeding to or returning from a seagoing ship in which he was due to act, or had acted, as pilot or apprentice pilot or to or from a pilot boat.

2. The cases in which the master or a member of the crew of a pilot boat, lightship, lighthouse tender or lightship tender who has sustained a qualifying injury, or suffered detention, is to be treated as having sustained the injury, or suffered the detention, by reason of his service are where the injury, or the capture on which his detention was consequent, as the case may be, occurred—

(*a*) while he was in the service of the boat, lightship or tender;

(*b*) while he was at any place, except on land in the British Islands, in the course of—

(i) proceeding to the boat, lightship or tender for the purpose of being in the service thereof; or

(ii) returning from the boat, lightship, or tender after being in the service thereof.

PART III

QUALIFYING INJURIES SUSTAINED, OR DETENTION SUFFERED, BY REASON OF SERVICE AS A SALVAGE WORKER

The cases in which a salvage worker who has sustained a qualifying injury, or suffered detention, is to be treated as having sustained the injury, or suffered the detention, by reason of his service are where the injury, or the capture on which his detention was consequent, occurred—

(*a*) while he was engaged in salvage operations taking place either at sea or in any tidal water or harbour outside the British Islands;

(*b*) while he was on leave at a place outside the British Islands during the carrying on of such salvage operations in which he was engaged;

(*c*) while he was at any place, except on land in the British Islands, in the course of proceeding to or returning from engagement in such salvage operations;

(*d*) while he was waiting at any place outside the British Islands to proceed or return as aforesaid, whether the delay was due to sickness or to any other cause outside his control.

THIRD SCHEDULE

EQUIVALENT NAVAL RANKS OF MEMBERS OF THE MERCHANT NAVY AND THE SEA FISHING SERVICE

For the purposes of this Schedule—

(*a*) a British ship (not being a ship to which Table VI, VII or VIII applies) which is a self-propelled salvage vessel shall be treated—

(i) where her tonnage exceeds 800 tons, as a British ship of a tonnage of 2,501 to 10,000 tons inclusive;

(ii) where her tonnage is 251 to 800 tons inclusive, as a British ship of a tonnage up to and including 2,500 tons, not being a home trade cargo ship of a tonnage of 1,000 tons or less;

(iii) where her tonnage is 250 tons or less, as a home trade cargo ship of a tonnage of 501 to 1,000 tons inclusive;

(*b*) "certificated", in relation to the service of a person in any grade in a ship, means that the person holds under the Merchant Shipping Act, 1894, or is deemed under Regulation 47C of the Defence (General) Regulations, 1939, to hold under that Act—

(i) a valid certificate of competency of that grade for that ship; or

(ii) a valid certificate of competency of a higher grade; or

(iii) a valid certificate of service which allows the person holding it to go to sea in that grade in that ship:

Provided that, where a person is, under the authority of the Minister of Transport, serving as a second class engineer in place of a certificated second class engineer which the ship is, by section 92 of the Merchant Shipping Act, 1894, required to carry, the service of that person shall be treated as being service as a certificated second class engineer in that ship.

TABLE I

BRITISH SHIPS OTHER THAN THOSE COVERED BY TABLE II, III, IV, VI, VII or VIII

Grade, or grade and circumstances, and qualifications	Equivalent naval rank		
	*Ships of a tonnage up to and including 2,500 tons, except home trade cargo ships of a tonnage of 1,000 tons or less	Ships of a tonnage of 2,501 to 10,000 tons inclusive	Ships of a tonnage exceeding 10,000 tons
Master	Lieutenant.	Lieutenant-Commander.	Commander.
Chief Mate and First Mate	Sub-Lieutenant.	Lieutenant.	Lieutenant-Commander.
Second Mate, if certificated	Sub-Lieutenant.	Sub-Lieutenant.	Lieutenant.
Second Mate, if not certificated	Warrant Officer.	Warrant Officer.	—
Third Mate and any Mate junior to Third Mate, if certificated	Sub-Lieutenant.	Sub-Lieutenant.	Sub-Lieutenant.
Third Mate and any Mate junior to Third Mate, if not certificated	Warrant Officer.	Warrant Officer.	Warrant Officer.
Apprentice or Cadet	Chief Petty Officer.	Chief Petty Officer.	Chief Petty Officer.
Chief Engineer	Lieutenant.	Lieutenant-Commander.	Commander.
Second Engineer, if certificated	Sub-Lieutenant.	Lieutenant.	Lieutenant-Commander.
Second Engineer, if not certificated	Warrant Officer.	—	—
Third Engineer, if certificated	Sub-Lieutenant.	Sub-Lieutenant.	Lieutenant.
Third Engineer, if not certificated	Warrant Officer.	Warrant Officer.	Warrant Officer.
Fourth Engineer, if certificated	Sub-Lieutenant.	Sub-Lieutenant.	Sub-Lieutenant.
Fourth Engineer, if not certificated	Warrant Officer.	Warrant Officer.	Warrant Officer.
Junior Engineer, if certificated	Sub-Lieutenant.	Sub-Lieutenant.	Sub-Lieutenant.
Junior Engineer, if not certificated	Warrant Officer.	Warrant Officer.	Warrant Officer.
Senior Boiler Maker	Warrant Officer.	Warrant Officer.	Warrant Officer.
Boiler Maker	Chief Petty Officer.	Chief Petty Officer.	Chief Petty Officer.
Plumber	Chief Petty Officer.	Chief Petty Officer.	Chief Petty Officer.
Surgeon	Lieutenant.	Lieutenant.	Lieutenant-Commander.
Purser	Warrant Officer.	Sub-Lieutenant.	Lieutenant.
Assistant Purser	Warrant Officer.	Warrant Officer.	Warrant Officer.
Radio Officer, having three years' experience or more	Sub-Lieutenant.	Sub-Lieutenant.	Sub-Lieutenant.
Radio Officer, having less than three years' experience but not less than one year's experience.	Warrant Officer.	Warrant Officer.	Warrant Officer.
Radio Officer, having less than one year's experience	Chief Petty Officer.	Chief Petty Officer.	Chief Petty Officer.

* In the case of a home trade passenger ship of under 2,501 tons, of a speed of 15 knots or over, navigating and engineer officers in receipt of " speed money ", also the master, shall be treated as holding the equivalent naval rank which would be appropriate if the ship were of a tonnage of 2,501 to 10,000 tons inclusive.

TABLE II

HOME TRADE CARGO SHIPS OF A TONNAGE OF 1,000 TONS OR LESS

Grade, or grade and circumstances, and qualifications	Equivalent naval rank	
	Ships of a tonnage of 500 tons or less	Ships of a tonnage of 501 to 1,000 tons
Master	*Warrant Officer.	Sub-Lieutenant.
Mates	Chief Petty Officer.	Warrant Officer.
Chief Engineer	*Warrant Officer.	*Warrant Officer.
Other Engineers	Chief Petty Officer.	Warrant Officer.
Radio Officer, having three years' experience or more.	Sub-Lieutenant.	Sub-Lieutenant.
Radio Officer, with less than three years' experience but not less than one year's experience.	Warrant Officer.	Warrant Officer.
Radio Officer, with less than one year's experience.	Chief Petty Officer.	Chief Petty Officer.

* If certificated—Sub-Lieutenant.

TABLE III

FISHING BOATS

Grade, or grade and circumstances, and qualifications	Equivalent naval rank
Skipper	Warrant Officer.
Second Hand	Petty Officer.
Boatswain or Third Hand	Leading Rating.
Engineer	Petty Officer.
Radio Officer or Wireless Operator having one year's experience or more.	Warrant Officer.
Radio Officer or Wireless Operator with less than one year's experience.	Chief Petty Officer.

TABLE IV

CABLE SHIPS

Grade, or grade and circumstances, and qualifications	Equivalent naval rank
Master or Commander	Lieutenant-Commander.
Chief Officer	Lieutenant.
Second Officer and any Officer junior to Second Officer—	
(*a*) if certificated	Sub-Lieutenant.
(*b*) if not certificated	Warrant Officer.
Chief Engineer	Lieutenant.
Second Engineer—	
(*a*) if certificated	Lieutenant.
(*b*) if not certificated	Warrant Officer.
Third Engineer and any Engineer junior to Third Engineer—	
(*a*) if certificated	Sub-Lieutenant.
(*b*) if not certificated	Warrant Officer.
Chief Electrician and Electrician in a cable ship carrying only one Electrician.	Lieutenant.
Electrician in a cable ship carrying also a Chief Electrician.	Sub-Lieutenant.

Grade, or grade and circumstances	Equivalent naval rank
Surgeon	Lieutenant.
Purser	Warrant Officer.
Radio Officer or Wireless Telegraphist—	
(*a*) having three years' experience or more	Sub-Lieutenant.
(*b*) having less than three years' experience, but not less than one year's experience.	Warrant Officer.
(*c*) having less than one year's experience	Chief Petty Officer.
Cable Foreman	Warrant Officer.
Chief Steward	Warrant Officer.
Cable Jointer	Chief Petty Officer.
Assistant Cable Foreman	Chief Petty Officer.
Chief Quartermaster	Petty Officer.
Seaman Cable Jointer	Leading Rating.
Seaman Cable Hand	A.B.
Cable Engine Driver	Leading Rating.
Leading Stoker	Leading Rating.
Stoker	A.B.
Second Cook and Baker	Leading Rating.

TABLE V

BRITISH SHIPS OF EVERY DESCRIPTION

Grade, or grade and circumstances	Equivalent naval rank
Deck Department.	
Boatswain (except in a fishing boat)	Chief Petty Officer.
Carpenter	
Boatswain's Mate	Petty Officer.
Carpenter's Mate	
Painter	Leading Rating.
Craneman	
Lamp Trimmer	
Launchman	
Quartermaster	
Storekeeper	
Winchman	
A.B.	A.B.
O.S.	
Engineers' Department.	
Chief Electrician in a ship (other than a cable ship) carrying two or more Electricians.	Sub-Lieutenant.
Electrician (all other cases except in a cable ship)	Warrant Officer.
Donkeyman	Petty Officer.
Pumpman	
Storekeeper	
Winchman	
Greaser	Leading Rating.
Fireman	A.B.
Trimmer	
Catering Department.	
Chief Steward in a passenger ship of 10,001 tons or more.	Sub-Lieutenant.
Chief Steward in a passenger ship of 2,501 to 10,000 tons (inclusive) who also acts as purser.	
Chief Steward in a passenger ship of 2,501 to 10,000 tons (inclusive) where a purser is also carried.	Warrant Officer.
Chief Steward in a home trade passenger ship of 2,500 tons or under.	

Grade, or grade and circumstances	Equivalent naval rank
Chief Steward in any other case (except in a cable ship).	Chief Petty Officer.
Chief Cook	Chief Petty Officer.
Baker	Petty Officer.
Second Steward	
Ship's Cook	
Second Cook	Leading Rating.
Storekeeper	
Assistant Storekeeper	A.B.
Second Baker	
Assistant Baker	
Assistant Cook	
Assistant Steward	
Boy Steward	

TABLE VI

ADMIRALTY YARD CRAFT

Grade, or grade and circumstances	Equivalent naval rank
Senior Pilot	Sub-Lieutenant.
1st Class Master	Warrant Officer.
Dredging Master	
Dredging Master and Chief Engineer, Suction Dredger	
2nd Class Master	
Navigator of Suction Dredger	
Master of Dredger or Hopper Barge	
Mate	Chief Petty Officer.
Mate of Dredger or Hopper Barge	
1st Class Engineer	Warrant Officer.
2nd Class Engineer	Chief Petty Officer.
3rd Class Engineer	
Chief Stoker	Petty Officer.
Wireless Telegraphy Operator	
Leading Stoker	Leading Rating.
Stoker, 1st Class	A.B.
Stoker, 2nd Class	
Fireman and Stoker (dredging service)	
Able Seaman	
Deck-hand (dredging service)	
Ordinary Seaman	
Boy	

TABLE VII

VESSELS BELONGING TO THE WAR DEPARTMENT

Grade	Equivalent naval rank
Master, 1st or 2nd Class	Warrant Officer.
Mate	Chief Petty Officer.
Engineer, 1st or 2nd Class	
Engineer, 3rd Class	Petty Officer.
Chief Stoker	Leading Rating.
Stoker, leading or ordinary	A.B.
Able Seaman	
Ordinary Seaman	
Boy	

TABLE VIII

ROYAL AIR FORCE AUXILIARY VESSELS

Grade	Equivalent naval rank
Master	Warrant Officer.
Mate	Chief Petty Officer.
Engineer	
Wireless and Electrical Mechanic	Petty Officer.
Wireless Operator	
Cook	
Leading Deck-hand	A.B.
Deck-hand	
Stoker	
Boy	

FOURTH SCHEDULE

EQUIVALENT NAVAL RANKS OF MEMBERS OF THE LIGHT VESSEL SERVICE

In this Schedule " certificated ", in relation to the service of a person in any grade in a tender, means that the person holds a valid certificate of competency under the Merchant Shipping Act, 1894, of that grade or of a higher grade.

TABLE I

LIGHTSHIPS

Grade	Equivalent naval rank
Senior Master	Chief Petty Officer.
Junior Master	
Lamplighter	Leading Rating.
Senior Light and Fog Signal Driver	
Junior Light and Fog Signal Driver	A.B.
Fog Signal Driver	
Seaman	

TABLE II

LIGHTHOUSE TENDERS AND LIGHTSHIP TENDERS

Grade, or grade and circumstances, and qualifications	Equivalent naval rank
Deck Department.	
Master	Lieutenant.
First Officer	Sub-Lieutenant.
Second Officer, if certificated	
Second Officer, if not certificated	Warrant Officer.
Boatswain	Chief Petty Officer.
Carpenter	
Donkeyman	
Coxswain	Leading Rating.
Winchman	
Seaman	A.B.
Seaman Wireless Operator	
Engineers' Department.	
First Engineer	Lieutenant.
Second Engineer, if certificated	Sub-Lieutenant.
Second Engineer, if not certificated	Warrant Officer.

Grade, or grade and circumstances, and qualifications	Equivalent naval rank
Engineers' Department—cont.	
Third Engineer, if certificated	Sub-Lieutenant.
Third Engineer, if not certificated	Warrant Officer.
Senior Fireman	Leading Rating.
Greaser	
Fireman	A.B.
Coal Trimmer	
Catering Department.	
Chief Steward	Chief Petty Officer.
Cook, First Class	Petty Officer.
Cook, Second Class	A.B.
Cook Steward	
Steward	
Assistant Steward	

FIFTH SCHEDULE

Equivalent Naval Ranks of Salvage Workers

In this Schedule "certificated" means:—

(*a*) in relation to the grade of chief motor engineer, the holding of a first class motor certificate of competency or of a first class combined steam and motor certificate of competency; and

(*b*) in relation to the grade of motor engineer, the holding of such a certificate as aforesaid or of a second class motor certificate of competency or of a first class steam certificate of competency with second class motor endorsement or of a second class combined steam and motor certificate of competency;

being in either case a certificate issued by the Minister of Transport or any Minister whose functions are exercisable by the Minister of Transport.

Grade, or grade and circumstances, and qualifications	Equivalent naval rank
Admiralty Chief Salvage Officers and other Chief Salvage Officers of equivalent responsibilities.	Commander.
Other Salvage Officers	Lieutenant.
Chief motor engineer—	
(*a*) if certificated	Sub-Lieutenant.
(*b*) if not certificated	Warrant Officer.
Motor engineer—	
(*a*) if certificated	Warrant Officer.
(*b*) if not certificated	Chief Petty Officer.
Chief diver	Warrant Officer.
First class diver	Chief Petty Officer.
Ordinary diver	Petty Officer.
Foreman rigger	Warrant Officer.
Master rigger	Chief Petty Officer.
Ordinary rigger	Petty Officer.
Shipwright	Chief Petty Officer.
Carpenter	Chief Petty Officer.

APPENDIX

THE NAVAL ORDER AS APPLIED BY THE SCHEME

PART I.—DEFINITIONS AND INTERPRETATION

1. **Definitions.**—In this Order the following expressions have, unless the context otherwise requires, the meanings hereby respectively assigned to them:—

(1) "adult dependant", in relation to a member of the Merchant Navy, for the purposes of Articles 17 and 20, means—

(*a*) a person residing in the member's home who is related to the member in any of the following ways and fulfils the following conditions, namely—

(i) a grandfather or a father (including a stepfather) who is incapable of self-support;

(ii) a grandmother or a mother (including a stepmother) who is either a widow or is married to a husband who is incapable of self-support or has never been married;

(iii) a daughter (including a stepdaughter) who has attained the child's age limit or a sister (including a half-sister or stepsister) who has attained the age of 16 years and has never been married or is married to a husband who is incapable of self-support or is a widow;

(iv) a brother (including a half-brother or stepbrother) who has attained the age of 16 years and is incapable of self-support; or

(*b*) an adult female person who, in the member's home, looks after any child of the member in respect of whom an allowance is being paid under Article 13, 17 or 20;

being in each case a person who is in receipt of regular and substantial support or benefit from the member:

(2) "apprentice" means a person who is undergoing full time training for any trade, business, profession, employment or vocation and is receiving not more than nominal wages:

(3) "approved institutional treatment" means approved treatment in a hospital or similar institution:

(4) "approved treatment" means a course of medical, surgical or rehabilitative treatment which it is certified that a member of the Merchant Navy should receive in consequence of any disablement in respect of which an award may be or has been made under this Order, but does not include any treatment which involves no or only occasional interruptions of the member's normal employment:

(5) "child", in relation to a member of the Merchant Navy, means—

(*a*) a legitimate child of the member;

(*b*) a legitimated child of the member;

(*c*) an illegitimate child of the member, who did not become legitimated upon the marriage of the member to the child's mother or father;

(*d*) an illegitimate child of a male member, whose mother is, or was at the date of her death, an unmarried dependant living as a wife of the member;

(*e*) an illegitimate child of the member, to whom subparagraph (*c*), (*d*) or (*h*) of this paragraph does not apply, who was born not later than nine months after the material date and who—

(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 which was in force at the date of his death ;

(*f*) a stepchild of the member, 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 ;

(*g*) a legally adopted child of the member ;

(*h*) a 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 six months (or such lesser period as the Minister 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 :

(6) " child's age limit ", in relation to a child or juvenile dependant of a member of the Merchant Navy, means—

(*a*) where the member was an officer, the age of 18 years ; or

(*b*) in any other case, the age of 16 years :

(7) " dependent ", in relation to the dependency of a person upon a deceased member of the Merchant Navy before his death, means 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 six months ending with his death ; or

(*b*) in any other case, throughout the period beginning six months prior to the termination of his service and ending with his death ;

or throughout such other period as the Minister may determine in the exceptional circumstances of any case :

(8) " disablement " means physical or mental injury or damage, or loss of physical or mental capacity, and " disabled " shall be construed accordingly :

(9) " eligible dependant ", in relation to a course of approved treatment, means 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 paragraphs (5) and (11) of this Article, and for the date specified in paragraph (29) of this Article as the terminating date of the period therein mentioned, there were substituted the date of the commencement of that course of treatment :

(10) " eligible member of the family ", in relation to a member of the Merchant Navy, means the wife, husband, unmarried dependant living as a wife, or a child, of the member :

(11) " husband ", in relation to a member of the Merchant Navy, means a husband whose marriage to the member took place not later than the material date, and " widower " shall be construed accordingly :

(12) " incapable of self-support ", in relation to any person, means 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 :

(13) " injury " includes wound or disease :

(14) "juvenile dependant", in relation to a deceased member of the Merchant Navy, means a brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild of the member, who has not attained the child's age limit:

(15) "material date" has the meaning assigned to it by Article 1 (14) of the Scheme:

(16) (*Not applicable*):

(17) (*Not applicable*):

(18) "the Minister" means the Minister of Pensions:

(19) "officer" means a male member of the Merchant Navy whose equivalent naval rank is that of a commissioned, subordinate or warrant officer of the Royal Navy and includes, unless the context otherwise requires, a woman member whose equivalent naval status is the status equivalent to the rank of any such officer, and any reference to a commissioned or warrant officer or any particular rank shall be construed accordingly:

(20) "old age", in relation to any person, means the attainment of the age of 65 years by a male person or of the age of 60 years by a female person:

(21) "other dependant", in relation to a deceased member of the Merchant Navy, means a grandparent, step-parent, brother, sister, half-brother, half-sister, stepbrother, stepsister or grandchild of the member:

(22) "parent", in relation to a deceased member of the Merchant Navy, means—

(*a*) a person of whom the member was a legitimate, legitimated or illegitimate child; or

(*b*) a person who had legally adopted the member; or

(*c*) a person who, for a period of five years (or such lesser period as the Minister 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 subparagraph (*c*) of this paragraph, was the spouse (not being a separated spouse) of a person fulfilling the conditions set out in that subparagraph:

(23) (*Not applicable*):

(24) "public funds" has the meaning assigned to it in Article 1 (26) of the Scheme:

(25) "rating" means a male member of the Merchant Navy whose equivalent naval rank is below that of warrant officer, and includes, unless the context otherwise requires, a woman member whose equivalent naval status is a status equivalent to a rank below that of warrant officer:

(26) (*Not applicable*):

(27) "student" means 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 Minister, is a comparable educational establishment:

(28) (*Not applicable*):

(29) "unmarried dependant living as a wife", in relation to a member of the Merchant Navy, means a person wholly or substantially maintained by the member on a permanent bone fide domestic basis throughout the period beginning six months prior to the material date and continuing, 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:

(30) (*Not applicable*):

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

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

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

(*a*) where a Tribunal constituted under the Pensions Appeal Tribunals Act, 1943(b), has given a decision under that Act upon that matter, in accordance with that decision, or, if an appeal from that decision is brought under that Act, in accordance with the decision on that appeal;

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

Provided that, where that question appears to the Minister to raise a serious doubt or difficulty, he may obtain the opinion thereon of one or more of a panel of independent medical experts nominated by the President of the Royal College of Physicians, the Royal College of Surgeons or the Royal College of Obstetricians and Gynaecologists, and in that case the matter involving that question shall be determined in accordance with that opinion.

(4) 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.

(5) For the purposes of this Order—

(*a*) a person may be treated as being in receipt of any pension, allowance or other continuing benefit awarded to him under this Order notwithstanding that the 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 in respect of a child under this Order is withheld or reduced under Article 55, a widow or an unmarried dependant living as a wife of a deceased member of the Merchant Navy 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.

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

(*a*) is the legally adopted child of a member of the Merchant Navy, or a person who has legally adopted a member of the Merchant Navy, shall be determined as if any legal adoption effected by the spouse (not being a separated spouse) of the member or person had been effected by the member or person; or

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

(i) any child legally adopted by two spouses jointly, or by one of two spouses (not being separated spouses), were the legitimate child of those spouses;

(ii) any child legally adopted by a person having no spouse, or separated from his spouse, were the legitimate child of that person;

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

(7) 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

(a) 52 & 53 Vict. c. 63. (b) 6 & 7 Geo. 6. c. 39.

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.

PART II.—GENERAL PRINCIPLES OF AWARDS

3. **Basic condition of awards.**—Under this Order awards may be made where the disablement or death of a member of the Merchant Navy is directly attributable to a qualifying injury sustained, or detention suffered, by reason of his service as a mariner in a British ship.

4. (*Not applicable*).

5. (*Not applicable*).

6. **Serious negligence or misconduct.**—The Minister 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 Merchant Navy in any case in which the injury on which the claim to the award is based was caused or contributed to by the serious negligence or misconduct of the member, or in any case in which the death of the member was so caused or contributed to.

7. (*Not applicable*).

PART III.—AWARDS IN RESPECT OF DISABLEMENT

8. **Application of Part III.**—(1) Under this Part of this Order awards may be made in respect of the disablement of a member of the Merchant Navy which is directly attributable to a qualifying injury sustained, or detention suffered, by reason of his service as a mariner in a British ship.

(2) (*Not applicable*).

9. **General conditions of awards in respect of disablement.**—(1) (*Not applicable.*)

(2) (*Not applicable*).

(3) For the purposes of an award in respect of disablement (which may be made provisionally or upon any other basis), the degree of that disablement shall be assessed on an interim basis, unless the member's condition permits a final settlement of the extent, if any, of that disablement.

10. **Determination of degree of disablement.**—(1) Subject to the following provisions of this Order, the degree of the disablement which is directly attributable to a qualifying injury sustained, or detention suffered, by a member of the Merchant Navy 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:

Provided that, where such disablement is directly attributable, not to a single qualifying injury or period of detention, but to two or more such causes, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all such causes of the disablement.

(2) 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 ten, and a degree of disablement which is less than 20 per cent. shall, except in a case to which Table 1 in the Third Schedule applies, be certified in the manner required by Table 2 or 3 in that Schedule.

(3) Where a disablement is due to an injury specified in the First Schedule 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 Schedule as appropriate to that injury or to that disablement.

(4) Where a member of the Merchant Navy has sustained a minor injury specified in Table 1 in the Third Schedule as well as some other disablement directly attributable to a qualifying injury or detention, 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 12 in respect of the minor injury as well as an award under Article 11 or 12 in respect of the other disablement.

(5) 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.

11. **Pensions for disablement.**—A member of the Merchant Navy the degree of whose disablement is not less than 20 per cent. may be awarded a pension at whichever of the rates set out in the Tables in the Second Schedule is appropriate to his equivalent naval rank or status and the degree of his disablement.

12. **Gratuities and weekly allowances for minor disablement.**—A member of the Merchant Navy the degree of whose disablement is less than 20 per cent. may be awarded a gratuity, or a weekly allowance with or without a terminal gratuity, in accordance with the appropriate Table in the Third Schedule.

13. **Allowances for eligible members of the family.**—(1) Where a member of the Merchant Navy is awarded a pension under Article 11, 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 which may give title to that allowance:—

TABLE

Eligible member of the family	Rate for 100 per cent. disablement	
	Officers (yearly rate)	Ratings (weekly rate)
	£	s. d.
(*a*) wife, husband, or unmarried dependant living as a wife	36	10 0
(*b*) children:—		
(i) if an allowance under (*a*) is in issue—		
each child	30	7 6
(ii) if no allowance under (*a*) is in issue—		
first child	36	10 0
each other child	30	7 6

(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 Minister.

(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 Minister otherwise determines in the exceptional circumstances of any case) not less

than six months prior to the material date, 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 granted in respect of an unmarried dependant living as a wife unless she has in her charge a child of the member in respect of whom an allowance may be awarded under this Article.

(6) Where a woman member has a husband (whether married to her before or after the material date), no allowance shall be awarded to her in respect of any child of whom the husband is the father, or who has been legally adopted by the husband, unless the conditions set out in paragraph (4) of this Article for the award of an allowance in respect of the husband are fulfilled.

(7) Subject to the provisions of paragraph (8) of this Article, an award of an allowance under this Article shall not be made or continued in respect of a child who has attained the child's age limit.

(8) An award of an allowance under this Article may be made or continued in respect of a child who has attained the child's age limit where that 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 of the case are, in the opinion of the Minister, such as to justify the award or its continuance.

14. **Education allowances.**—(1) A member of the Merchant Navy who is in receipt of a pension under Article 11 may be awarded an allowance in respect of a child (including a child to whom Article 17 (3) (*e*) (ii) applies) for the purpose of his 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 Minister is satisfied that the type of education which the child is receiving, or is to receive, is suitable for the child.

(2) The amount of an allowance under this Article shall be determined by the Minister, but the total payments made in respect of any period of twelve months shall not exceed £80 in respect of any one child.

15. **Allowances for constant attendance.**—Where a member of the Merchant Navy is in receipt of a pension under Article 11 in respect of disablement the degree of which is 100 per cent., and it is shown to the satisfaction of the Minister that constant attendance on the member is necessary on account of the disablement, he may be awarded an allowance at a rate not exceeding £100 a year in the case of an officer or 20s. a week in any other case:

Provided that in an exceptional case of very severe disablement the allowance may, subject to such conditions as the Minister may determine, be increased to a rate not exceeding £104 a year in the case of an officer or 40s. a week in any other case.

16. **Allowances for wear and tear of clothing.**—(1) Where a member of the Merchant Navy who is in receipt of a pension under Article 11 in respect of an amputation regularly wears an artificial limb, he may be awarded an allowance in respect of wear and tear of clothing at whichever of the following rates is applicable, namely:—

(*a*) where he wears a single artificial limb (other than a tilting-table limb), £5 a year; or

(*b*) where he wears a tilting-table limb or more than one artificial limb, £8 a year.

(2) In any other case in which the Minister is satisfied that as a result of the pensioned disablement there is exceptional wear and tear of the member's clothing, an allowance not exceeding £8 a year may be awarded.

17. **Allowances for unemployable pensioners.**—(1) *Eligibility.* Where a member of the Merchant Navy is in receipt of a pension under Article 11 in respect of disablement so serious as to make him unemployable, he may be awarded allowances in accordance with such of the provisions of this Article as may be appropriate in his case:

Provided that—

(*a*) such a member may be deemed to be unemployable although in receipt of earnings which are, in the opinion of the Minister, unlikely to exceed £52 a year;

(*b*) such a member shall not be eligible for any award under this Article if he is in receipt of a retirement pension (not being contributory old age pension) under the National Insurance Act, 1946(a), or under any legislation 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.

(2) *Supplementation of pension.* A member of the Merchant Navy coming within paragraph (1) of this Article may be awarded an allowance, by way of supplement to his pension, at the rate of £78 a year in the case of an officer, or 30s. a week in any other case:

Provided that, in computing the said rates, account shall be taken, to such extent as the Minister may think fit, of any of the following benefits for which the member may be eligible—

(*a*) sickness or disablement benefit under the law of any place outside the United Kingdom which, in the opinion of the Minister, is analogous to benefits under the National Insurance Act, 1946(a), or under any corresponding legislation in Northern Ireland;

(*b*) a contributory old age pension or a widow's basic pension under the National Insurance Act, 1946(a), or under any legislation 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.

(3) *Additional allowances for dependants.* Where a member of the Merchant Navy is awarded an allowance in accordance with paragraph (2) of this Article, there may also be awarded to that member additional allowances in accordance with the following provisions of this paragraph—

(*a*) Where an allowance has been awarded under Article 13 in respect of a wife, husband or unmarried dependant living as a wife, and the degree of the disablement of the member is less than 100 per cent., that allowance may be increased to the rate which would be appropriate under that Article if the degree of the disablement of the member were 100 per cent.

(*b*) In the case of a woman member of the Merchant Navy, 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 13 if the husband were an eligible member of the family and the degree of disablement of the woman member were 100 per cent., and any such allowance shall be treated as an allowance under (*a*) of the Table in Article 13 (2) for the purpose of determining the rate of any allowance for a child under Article 13 or under subparagraph (*e*) of this paragraph.

(*c*) Where an allowance has been awarded under Article 13 in respect of a wife, husband or unmarried dependant living as a wife, and the degree of the disablement of the member is 100 per cent., or where an allowance for such a person has been increased or awarded under subparagraph (*a*) or (*b*) of this paragraph, the rate of the allowance may be increased, or further increased, as the case may be, by £6 a year in the case of an officer, or 6s. a week in any other case, if the Minister thinks fit having regard to the financial circumstances of the person in respect of whom the allowance has been granted.

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

(*d*) Where the member is not in receipt of an allowance under Article 13 or under subparagraph (*b*) 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 dependant at the rate of £42 a year in the case of an officer, or 16s. a week in any other case, if the Minister thinks fit having regard to the financial circumstances of the person in respect of whom the allowance is claimed:

Provided that—

(i) the member of the Merchant Navy shall not be awarded an allowance in respect of more than one adult dependant;

(ii) where an additional allowance is awarded under this paragraph and an allowance is payable in respect of a first child under (*b*) (ii) of the Table in Article 13 (2), or under the said (*b*) (ii) as increased by subparagraph (*e*) (i) of this paragraph, or under subparagraph (*e*) (ii) of this paragraph, as the case may be, the aggregate of these allowances shall not exceed £72 a year in the case of an officer or 23s. 6d. a week in any other case.

(*e*) (i) Where an allowance has been awarded under Article 13 in respect of a child and the degree of disablement of the member is less than 100 per cent., that allowance may be increased to the rate which would be appropriate under that Article if the degree of the disablement of the member were 100 per cent.;

(ii) An allowance may be awarded in respect of any child, not being an eligible member of the family, who should, in the opinion of the Minister, be treated as such having regard to the child's relationship to or connection with the member and the other circumstances of the case:

Provided that any such allowance shall be at the rate and subject to the conditions which would be appropriate under Article 13 if the child were an eligible member of the family and the degree of disablement of the member were 100 per cent.

18. **Allowances for lowered standard of occupation.**—(1) Where a member of the Merchant Navy is in receipt of a pension under Article 11 in respect of disablement the degree of which is less than 100 per cent. or has been granted an award under Article 12 in respect of a minor disablement and in either case the disablement is such as to render him incapable, and likely to remain permanently incapable, of following the occupation which was his regular occupation before his service 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 20s. a week, so, however, that the aggregate rate of his pension under Article 11 together with the allowance under this Article shall not exceed the rate of award which would have been appropriate in his case under Article 11 if the degree of his disablement had been 100 per cent.

(2) This Article shall not apply to a member of the Merchant Navy who is eligible for an allowance under Article 17 (2).

PART IV.—TREATMENT AND REHABILITATION

19. **Application and interpretation of Part IV.**—Under this Part of this Order awards may be made where the disablement of a member of the Merchant Navy is directly attributable to a qualifying injury sustained, or detention suffered, by reason of his service as a mariner in a British ship and any condition applicable to an award under Part III shall, where appropriate, be applicable to an award under this Part.

20. **Treatment allowances.**—(1) A member of the Merchant Navy may be awarded in respect of any period during which he receives approved treatment, a treatment allowance consisting of a personal allowance in respect of himself and any additional allowance which may be appropriate in his case in accordance with the following provisions of this Article:

Provided that—

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

(*b*) where a member is in receipt of a treatment allowance under this Article in respect of any period, no payment shall be made in respect of that period of any award under Part III except an award under Article 14, 16 or 17 (2) or, in the case of treatment other than approved institutional treatment, under Article 15.

(2) The personal allowance in respect of the member shall be awarded at the rate of pension which would be appropriate under this Order if the degree of that member's disablement were 100 per cent.

(3) The allowance under paragraph (2) of this Article may be increased by whichever of the following amounts is appropriate, namely—

(*a*) if he is not eligible for any such benefit as is mentioned in paragraph (6) of this Article, 26s. a week;

(*b*) if he is eligible for such benefit at a lower rate than 26s. a week, the amount of the difference between that lower rate and 26s. a week:

Provided that this paragraph shall not apply to—

(i) a member who is in receipt of an allowance under Article 17 (2); or

(ii) a member who is receiving approved institutional treatment and is not entitled to an allowance under the following provisions of this Article.

(4) An additional allowance may be awarded in respect of an eligible dependant at the rate and subject to the conditions which would be appropriate under Article 13 if that dependant were an eligible member of the family and the degree of the member's disablement were 100 per cent.:

Provided that, where that eligible dependant is a wife or a husband (whether married to the member before or after the material date) or an unmarried dependant living as a wife, the rate of the additional allowance in respect of that person may be increased to the rate of £42 a year in the case of an officer, or the rate of 16s. a week in any other case, as the Minister may think fit having regard to the financial circumstances of that person.

(5) Where a member of the Merchant Navy is not in receipt of an allowance under paragraph (4) of this Article 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 rate of £42 a year in the case of an officer, or the rate of 16s. a week in any other case, as the Minister may think fit having regard to the financial circumstances of that adult dependant:

Provided that—

(*a*) the member of the Merchant Navy shall not be awarded an additional allowance in respect of more than one adult dependant;

(*b*) where an additional allowance is awarded under this paragraph, the aggregate of that allowance and any allowance under paragraph (4) of this Article in respect of any child shall not exceed £72 a year in the case of an officer, or 23s. 6d. a week in any other case.

(6) The benefit referred to in paragraph (3) of this Article is personal benefit by way of injury benefit under the National Insurance (Industrial Injuries) Act, 1946(a), sickness benefit, retirement pension or contributory old age pension under the National Insurance Act, 1946(b), or under any legislation in Northern Ireland corresponding to that legislation, or under the law of any place outside the United Kingdom which in the opinion of the Minister is analogous to that legislation.

(a) 9 & 10 Geo. 6. c. 62. (b) 9 & 10 Geo. 6. c. 67.

21. **Allowances where prolonged abstention from work is necessary following approved institutional treatment.**—(1) Where it is certified that a member of the Merchant Navy should on completion of a course of approved institutional treatment abstain from work for a prolonged period in consequence of the condition which necessitated that treatment, he may be treated as if he were eligible throughout that period for a treatment allowance under Article 20.

(2) This Article shall not apply to a member of the Merchant Navy who is in receipt of an allowance under Article 17 (2).

22. **Allowances for part-time treatment.**—Where a member of the Merchant Navy receives treatment which would be approved treatment but for the fact that it involves only occasional interruptions of the member's normal employment, a treatment allowance may be awarded to the member at such rate, not exceeding 21s. in respect of any one day (subject to a maximum payment of 30s. in respect of any one week), as the Minister may think appropriate having regard to any loss of remunerative time by the member as the result of those interruptions:

Provided that the rate of a treatment 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 the member's existing award under Part III (excluding any award under Article 14, 15, 16 or 17 (2)) falls short of the weekly value of the award which would have been appropriate in the case of that member under Article 20 if he had been eligible for an award under that Article.

23. **Medical expenses.**—Any necessary expenses in respect of the medical, surgical or rehabilitative treatment of a member of the Merchant Navy not otherwise provided for may be defrayed by the Minister under such conditions and up to such amount as he may determine.

PART V.—AWARDS IN RESPECT OF DEATH

24. **Application of Part V.**—(1) Under this Part of this Order awards may be made in respect of the death of a member of the Merchant Navy which is directly attributable to a qualifying injury sustained, or detention suffered, by reason of his service as a mariner in a British ship.

(2) (*Not applicable*).

25. **General conditions of awards in respect of death.**—Where, after the death of a member of the Merchant Navy, 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 allotment or similar payment made by the member in his lifetime, no pension, allowance or other grant under this Part shall be paid for that period to or in respect of that person:

Provided that, where the aggregate amount of any pension, allowance or other grant which might, but for this paragraph, 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.

26. **Pensions to widows.**—(1) The widow of a Commander may be awarded a pension at the yearly rate of £210.

(2) The widow of a Lieutenant-Commander, Lieutenant, Sub-Lieutenant or Warrant Officer or the widow of a rating may be awarded a pension—

(*a*) at whichever of the rates specified in column (2) in Table 1 or column (2) in Table 2 in the Fourth Schedule 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 of the mariner under Article 32, 34 or 36, and also, where the child dies before attaining the child's age limit, during the period of thirteen weeks from the date of the child's death; or

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

(*b*) in any other case, at whichever of the rates specified in column (3) in Table 1 or column (3) in Table 2 in the Fourth Schedule is appropriate in her case.

(3) A widow of a member of the Merchant Navy shall only be eligible for a pension under this Article if she was not separated from the member at the date of his death or if, being then separated from him, the separation was, in the opinion of the Minister, caused by his mental instability arising from disablement directly attributable to a qualifying injury sustained, or detention suffered, by reason of his service as a mariner in a British ship.

27. (*Not applicable*).

28. **Pensions to widows who were separated.**—(1) The widow of a member of the Merchant Navy, not being a widow eligible for a pension under Article 26, may be awarded a pension if—

(*a*) she was entitled to periodical payments from her husband under a maintenance or separation order and was, throughout the period of six months expiring on the date of his death or such other period as the Minister may determine in the exceptional circumstances of any case, either receiving those payments or taking reasonable steps to obtain them; or

(*b*) her husband was, throughout any such period as is mentioned in sub-paragraph (*a*) of this paragraph, contributing to a reasonable extent to her support.

(2) The rate of a pension awarded to a widow under this Article shall be at the discretion of the Minister, but shall not exceed—

(*a*) where the conditions specified in paragraph (1) (*a*) of this Article are fulfilled, the rate of the payments which she was entitled to receive from her husband; or

(*b*) where the conditions specified in paragraph (1) (*b*) of this Article are fulfilled, the average amount that her husband was contributing to her support throughout any such period as is mentioned in paragraph (1) (*a*) of this Article;

and shall not in either case exceed the rate of the pension under Article 26 of which she would be in receipt if she were a widow eligible for a pension under that Article.

29. **Pensions to unmarried dependants living as wives.**—(1) An unmarried dependant living as a wife of a member of the Merchant Navy may be awarded a pension in accordance with the following provisions of this Article if the widow of the member is not in receipt of a pension under Article 26.

(2) Where an unmarried dependant of a member 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, a pension may be paid to her until she ceases to have that child in her charge or to be in receipt of such allowance.

(3) The rate of a pension to the unmarried dependant of a member shall be at the discretion of the Minister but shall not exceed £95 a year where the member was an officer or 27s. 6d. a week where the member was a rating.

(4) For the purposes of this Article, an unmarried dependant of a member who 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 shall, where the child dies before attaining the child's age limit, be treated for the period of thirteen weeks from the date of the child's death as though she still had that child in her charge and were still in receipt of that allowance.

30. **Rent allowances to widows, and unmarried dependants living as wives, who have children.**—(1) Where the widow of a rating is in receipt of a pension under Article 26 or 28, or an unmarried dependant living as a wife of a rating is in receipt of a pension under Article 29 and the household of the widow or unmarried dependant includes a child, the widow or unmarried dependant may be awarded an allowance in accordance with the following provisions of this Article at such weekly rate, not exceeding 15s., as the Minister may consider appropriate having regard to the amount by which her weekly rent and rates exceed 8s.

(2) An allowance under this Article to a widow in receipt of a pension under Article 28 shall not exceed the amount by which the pension, together with any allowances awarded to her under the following provisions of this Part in respect of children, falls short of the amount which her husband was, throughout any such period as is mentioned in Article 28 (1) (*a*), contributing, or required by a maintenance or separation order to contribute, to her support and that of her children.

(3) Where an allowance under this Article would cease by reason of the death of a child before attaining the child's age limit, the allowance shall be continued for the period of thirteen weeks from the date of the child's death.

(4) In this Article—

(*a*) " child " means a child of the rating who has not attained the child's age limit, or who, having attained that age limit, is a student or an apprentice or is incapable of self-support by reason of an infirmity which arose before he attained that age limit, and includes any person fulfilling those conditions who should, in the opinion of the Minister, having regard to his relationship to or connection with the rating 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 Minister may, after taking into account all relevant factors and making all necessary apportionments, consider to be the weekly amount which the widow or unmarried dependant is paying or providing either directly or indirectly in respect of rent, or the equivalent thereof, and rates 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.

(5) This Article shall have effect as if any reference to a rating included a reference to a warrant officer, so, however, that the rate of an allowance under this Article to the widow or unmarried dependant of a warrant officer shall not exceed the amount by which the pension of which she is in receipt under this Part, together with any allowances awarded to her under the following provisions of this Part in respect of children, falls short of the pension under this Part, together with any allowances under the following provisions of this Part in respect of children, of which she would be in receipt if the warrant officer had been a sub-lieutenant.

31. **Pensions to widowers.**—(1) The widower of a woman member of the Merchant Navy may, unless he was separated from her at the date of her death, 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 Minister, but shall not exceed £95 a year where the member was an officer or 35s. a week in any other case.

32. **Allowances in respect of children under the age limit.**—(1) Where a child of a member of the Merchant Navy has not attained the child's age limit, an allowance under this Article may be awarded in respect of that child unless a pension is awarded to that child under Article 33.

(2) Subject to the following provisions of this Article, an allowance under this Article in respect of a child shall be at the rate of £36 a year where the member was a commissioned officer, £30 a year where the member was a warrant officer or 11s. a week in any other case.

(3) Where a child of a male member is a child to whom Article 1 (5) (*e*) applies, an allowance under this Article in respect of that child shall be at such rate as the Minister may determine, but shall not exceed £36 a year where the member was a commissioned officer, £30 a year where the member was a warrant officer or 11s. a week in any other case.

(4) Where the widower of a woman member 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 legally adopted by the widower unless the conditions for the award under Article 31 or 36 of a pension to the widower in respect of the death of the member are fulfilled. In this paragraph the word " widower " includes a person married to the member after the material date.

(5) Where—

(*a*) a child of a male member is not under the control of the child's mother or of a person who is or has been in receipt of a pension under Article 26, 28 or 29, in respect of the death of the 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 31 or 36 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—

(i) where the member was a commissioned officer, £60 a year;

(ii) where the member was a warrant officer, £45 a year if the child has not attained the age of 15 years or £52 a year if the child has attained that age; or

(iii) in any other case, 13s. 6d. a week if the child has not attained the age of 15 years or 20s. a week if the child has attained that age.

33. **Pensions to motherless or fatherless children under the age limit.**—Where a child of a male member of the Merchant Navy is or becomes motherless, or 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 be awarded to the child at whichever of the following rates is applicable:—

(*a*) where the member was a commissioned officer, £60 a year;

(*b*) where the member was a warrant officer, £45 a year if the child has not attained the age of 15 years or £52 a year if the child has attained that age;

(*c*) in any other case, 13s. 6d. a week if the child has not attained the age of 15 years or 20s. a week if the child has attained that age:

Provided that, in the case of a male member, a pension under this Article to a child to whom Article 1 (5) (*e*) applies shall be at such rate as the Minister may determine, but shall not exceed the rate which would be appropriate under the foregoing provisions of this Article.

34. **Awards to or 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 32 (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.

35. **Education allowances.**—(1) An allowance in respect of a child of a member of the Merchant Navy 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 Minister is satisfied that the type of education which the child is receiving or is to receive is suitable for the child.

(2) The amount of an education allowance shall be determined by the Minister, but the total payments made in respect of any period of twelve months shall not exceed £80 in respect of any one child.

36. **Awards for ineligible members of the family of unemployable pensioners.**—Where a member of the Merchant Navy was at the date of his death in receipt of an allowance in respect of a child under Article 17 (3) (*d*) (ii) or in respect of a husband under Article 17 (3) (*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 if the child or husband had been an eligible member of the family.

37. **Pensions to parents.**—(1) Subject to the following provisions of this Article, the parent of a member of the Merchant Navy may be awarded a pension if he is in pecuniary need by reason of old age, or infirmity or other adverse condition which is not merely of a temporary character:

Provided that, where the widow, unmarried dependant living as a wife, or widower of a member is in receipt of a pension under this Part, a pension shall not be awarded under this Article unless the parent was dependent on the member.

(2) In determining whether and to what extent a parent is in pecuniary need, the Minister shall take into account the extent to which the member before the material date supported the parent, and the extent to which the member, if he had not died, would have been likely, in the opinion of the Minister, to support the parent thereafter.

(3) The rate of a pension under this Article shall be not less than £15 a year where the member was an officer, or 5s. a week in any other case, and shall not exceed—

(*a*) where the member was a male commissioned officer, £75 a year (if the member was a Commander, £90 a year) where there is only one eligible parent or £100 a year where there is more than one eligible parent;

(*b*) where the member was a woman with commissioned officer status, £75 a year where there is only one eligible parent or £100 a year where there is more than one eligible parent;

(*c*) where the member was a warrant officer, £60 a year where there is only one eligible parent or £85 a year where there is more than one eligible parent;

(*d*) in any other case, 20s. a week where there is only one eligible parent or 27s. 6d. a week where there is more than one eligible parent:

Provided that, in exceptional cases, the rate of the pension may be increased in excess of the foregoing rates by a sum not exceeding—

(i) where the member was an officer, £20 a year;

(ii) in any other case, 7s. 6d. a week where there is only one eligible parent or 12s. 6d. a week where there is more than one eligible parent.

(4) Where an award to a parent may be made under this Article in respect of the death of two or more members of the Merchant Navy—

(*a*) one pension only may be awarded under this Article in respect of the death of those members; and

(*b*) paragraph (2) of this Article shall have effect as if it referred to the support given to the parent by all those members.

(5) 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 Minister 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:

Provided that, where the parents of the member are not living together, a pension may, if the Minister 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.

38. **Pensions to other dependants.**—(1) Subject to the following provisions of this Article, any other dependant of a member of the Merchant Navy may be awarded a pension if he was dependent on the member and is in pecuniary need and incapable of self-support:

Provided that—

(*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, 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 person is the wife or husband of that dependant; and

(*b*) The decision of the Minister 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 who is not a juvenile dependant shall be at such rate as the Minister may determine, but shall not exceed £54 a year where the member was an officer or 20s. a week in any other case, and shall not, in a case where a pension under Article 37 is in payment to one eligible parent of the member, exceed the maximum which, by virtue of paragraph (4) of this Article, is appropriate in such a case.

(3) A pension awarded under this Article to a juvenile dependant of a member shall be at such rate as the Minister may determine, but shall not exceed—

(*a*) where the member was a male commissioned officer, £26 a year for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed £75 a year or, if the member was a Commander, £90 a year;

(*b*) where the member was a woman with commissioned officer status, £26 a year for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed £75 a year;

(*c*) where the member was a warrant officer, £20 a year for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed £65 a year;

(*d*) in any other case, 6s. a week for each juvenile dependant, so, however, that the aggregate rate of the pensions shall not exceed 20s. a week;

and shall not, in a case where a pension under Article 37 is in payment to one eligible parent of the member, exceed the maximum which, by virtue of paragraph (4) of this Article, is appropriate in such a case.

(4) Where a pension under Article 37 is in payment to one eligible parent of the member, the rate of a pension under this Article to an other dependant of the member or, as the case may be, the aggregate rate of the pensions to the other dependants of the 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 paragraph (3) of Article 37 if there were two eligible parents and the case were treated as an exceptional case under the proviso to that paragraph.

39. **Remarriage of female pensioners, etc.**—(1) Any pension to or allowance in respect of a female person awarded under this Part in respect of the death of a member of the Merchant Navy shall cease if that person marries or cohabits with some other person as his wife.

(2) Where a pension awarded under Article 26 to the widow of an officer, or a pension awarded under Article 37 to the female parent of a member of the Merchant Navy, ceases under paragraph (1) of this Article on her marriage, the Minister may, on the death of the husband of that marriage, restore the pension in whole or in part if the circumstances of the widow or parent are, in his opinion, such as to justify its restoration.

(3) Where a pension awarded under Article 26 or 28 to the widow of a rating ceases on her marriage, a gratuity equal to one year's pension may be awarded to her.

(4) An allowance under this Part in respect of the child of a member of the Merchant Navy shall not be affected by the cessation under this Article of a pension awarded to any other person in respect of the death of that member.

PART VI.—(*Not applicable*).

PART VII.—GENERAL PROVISIONS

51. **Interpretation of Part VII.**—In this Part of this Order, except where the context otherwise requires, the expression "pension" means any pension, allowance or other continuing benefit under this Order, and the expression "gratuity" means any gratuity under this Order.

52. **Adjustment of awards in respect of other compensation.**—(1) Where the Minister 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 Minister 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 Minister 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 Minister is of the opinion that such act or omission was unreasonable, the Minister 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 Minister, 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.

53. **Pensioners admitted to institutions.**—Where any person to or in respect of whom a pension or gratuity may be or has been awarded is being maintained in an institution which is supported wholly or partly out of public funds, otherwise than for the purpose of receiving medical, surgical or rehabilitative treatment for a disablement in respect of which a pension or gratuity may be or has been awarded, the Minister may deduct from the pension or gratuity such amount in respect of the maintenance of the person in the institution as he may think fit having regard to all the circumstances of the case, and may pay the amount so deducted to that authority.

54. **Chelsea pensioners.**—Where a member of the Merchant Navy is, by virtue of 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.

55. **Children whose maintenance is otherwise provided for.**—(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 Minister may think fit, where periodical payments out of public funds are being made to or in respect of the child or the child is 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 Merchant Navy, 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.

56. **Payment of public claims out of pensions.**—Where the Minister is satisfied that a sum is due to the Crown, a Secretary of State, a Minister or a Government Department from a person to or in respect of whom a pension or gratuity may be or has been awarded, or that an overpayment has been made to or in respect of any such person by the Crown, a Secretary of State, a Minister or a Government Department, the Minister may deduct from the pension or gratuity in respect of that sum or overpayment such amounts and at such times as he may think fit and may apply the amounts so deducted in or towards paying or repaying that sum or overpayment.

57. **Administration of pensions, etc.**—(1) A pension or gratuity awarded to or in respect of any person may be administered by the Minister if that person—

(*a*) has not attained the age of 21 years; or

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

(*c*) is being maintained in an institution to which Article 53 applies; or

(*d*) is a person in whose case the award can be forfeited or has been restored under Article 58;

or if, in any other case, the Minister 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 Minister 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 Minister considers a fit and proper person so to apply the same.

58. **Forfeiture of pensions, etc.**—(1) Where a person to or in respect of whom a pension or gratuity may be or has been awarded—

(*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, detention, preventive detention or corrective training, or detained in a Borstal institution, approved school or remand home; 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; or

(*c*) being a person to or in respect of whom an award of a pension or gratuity may be or has been made under Part V of this Order, is, in the opinion of the Minister, unworthy of a grant from public funds;

the Minister 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 Minister 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.

59. **Refusal of treatment.**—(1) Where it is certified that a member of the Merchant Navy should in his own interests receive medical, surgical or rehabilitative treatment for a disablement 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 Minister 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, any misconduct on the part of the member which, in the opinion of the Minister, renders it necessary for any treatment that he is receiving to be discontinued, may be treated as a refusal of the member to receive the treatment.

60. **Failure to draw pension.**—Where a person fails for a continuous period of not less than twelve months to draw his pension, the award may be cancelled and payment of any arrears may be withheld:

Provided that the Minister may, in any particular case, restore the award and pay the arrears either in whole or in part.

61. **Arrears.**—Except in so far as the Minister may otherwise direct with respect to any particular case or class of case, payment of a pension shall not be made in respect of any period preceding the date of the application or appeal as a result of which the claim to the award of the pension, or as the case may be, to the continuance or resumption of the payment of the pension, is accepted.

62. **Payment of pensions.**—Payment of a pension under this Order may be made provisionally or upon any other basis and for such period as the Minister may think fit and, except as the Minister 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.

63. **Review of awards, etc.**—(1) Where the Minister makes a final assessment of the degree or nature of the disablement of a member of the Merchant Navy, or a final decision that there is no disablement or that the disablement has

come to an end, any award under Article 11 or 12 made on the basis of that assessment, or any such final decision, shall not, subject to any decision given by a Tribunal under the Pensions Appeal Tribunals Act, 1943(a), and to the provisions of this Part, be reviewed unless—

(*a*) in the case of a final assessment, there is a substantial increase in the degree of disablement which is directly attributable to a qualifying injury sustained, or detention suffered, by reason of the member's service as a mariner in a British ship ; or

(*b*) in the case of a final decision, there is a substantial degree of disablement which is directly attributable to a qualifying injury sustained, or detention suffered, by reason of the member's service as a mariner in a British ship ; or

(*c*) the rate of the pension or other grant has by error been fixed at a figure which is not appropriate under this Order to the assessment of the degree or nature of the disablement ; or

(*d*) the award of the pension or other grant has been made by error ; or

(*e*) the Minister has reason to believe that the award has been obtained by improper means.

(2) Any award under this Order (other than an award made on the basis of such a final assessment as aforesaid) may, subject to any decision given by a Tribunal under the Pensions Appeal Tribunals Act, 1943(a), be reviewed at any time on any of the grounds specified in paragraph (1) of this Article, or on any other ground which, in the opinion of the Minister, having regard to the provisions of this Order, necessitates its review.

(3) On any review under this Article the Minister may continue or vary the award, or make a fresh award in place of it, or cancel it, or in the case of such a final decision as is mentioned in paragraph (1) of this Article may make an award as may be appropriate having regard to the provisions of this Order.

64. **Power to dispense with probate.**—(1) Where a person to whom any payment could have been made under this Order before his death dies before the payment is made, and the amount unpaid does not exceed £100, 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 Minister 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 Minister may have regard to any payments made or expenses incurred by any such person for or on 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.

65. **Administration of this Order.**—This Order shall be administered by the Minister 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 Minister shall be the sole interpreter of this Order and shall be empowered to issue such instructions with reference thereto as he may from time to time deem necessary.

66. (*Not applicable*).

67. (*Not applicable*).

(a) 6 & 7 Geo. 6, c. 39.

FIRST SCHEDULE

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
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
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 interphalangeal joint	30
Loss of all toes of both feet distal to the proximal interphalangeal 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 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

Description of Injury	Assessment
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.

SECOND SCHEDULE

TABLE 1

YEARLY RATES OF PENSIONS FOR DISABLED MALE OFFICERS

Degree of disablement	Equivalent naval rank				
	Commander	Lieutenant-Commander	Lieutenant	Sub-Lieutenant	Warrant Officer
Per cent.	£	£	£	£	£
100 ...	300	270	240	210	180
90 ...	270	243	216	189	162
80 ...	240	216	192	168	144
70 ...	210	189	168	147	126
60 ...	180	162	144	126	108
50 ...	150	135	120	105	90
40 ...	120	108	96	84	72
30 ...	90	81	72	63	54
20 ...	60	54	48	42	36

SECOND SCHEDULE

TABLE 2

WEEKLY RATES OF PENSIONS FOR DISABLED MALE RATINGS

Degree of disablement	Equivalent naval rank			
	Chief Petty Officer	Petty Officer	Leading Rating	A.B.
Per cent.	s. d.	s. d.	s. d.	s. d.
100 ...	55 0	51 8	48 4	45 0
90 ...	49 6	46 6	43 6	40 6
80 ...	44 0	41 4	38 8	36 0
70 ...	38 6	36 2	33 10	31 6
60 ...	33 0	31 0	29 0	27 0
50 ...	27 6	25 10	24 2	22 6
40 ...	22 0	20 8	19 4	18 0
30 ...	16 6	15 6	14 6	13 6
20 ...	11 0	10 4	9 8	9 0

SECOND SCHEDULE

TABLE 3

RATES OF PENSIONS FOR DISABLED WOMEN MEMBERS

Degree of disablement	Officers			Ratings			
	Equivalent naval status			Equivalent naval status			
	Lieutenant-Commander	Lieutenant or Sub-Lieutenant	Warrant Officer	Chief Petty Officer	Petty Officer	Leading Rating	A.B.
Per cent.	Yearly rate £ s.	Yearly rate £ s.	Yearly rate £	Weekly rate s. d.	Weekly rate s. d.	Weekly rate s. d.	Weekly rate s. d.
100 ...	205 0	175 0	150	50 0	48 4	46 8	45 0
90 ...	184 10	157 10	135	45 0	43 6	42 0	40 6
80 ...	164 0	140 0	120	40 0	38 8	37 4	36 0
70 ...	143 10	122 10	105	35 0	33 10	32 8	31 6
60 ...	123 0	105 0	90	30 0	29 0	28 0	27 0
50 ...	102 10	87 10	75	25 0	24 2	23 4	22 6
40 ...	82 0	70 0	60	20 0	19 4	18 8	18 0
30 ...	61 10	52 10	45	15 0	14 6	14 0	13 6
20 ...	41 0	35 0	30	10 0	9 8	9 4	9 0

THIRD SCHEDULE

TABLE 1

GRATUITIES PAYABLE FOR SPECIFIED MINOR INJURIES

Description of Injury	Officers	Other Members
	£	£
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

THIRD SCHEDULE

TABLE 2

GRATUITIES PAYABLE TO OFFICERS FOR DISABLEMENT ASSESSED AT LESS THAN 20 PER CENT., NOT BEING A MINOR INJURY SPECIFIED IN TABLE 1

A.—MALE OFFICERS

Equivalent naval rank or status	Estimated duration of the disablement within the degree referred to														
	Temporary less than a year			Temporary more than a year			Indeterminate			6–14 per cent. / 15–19 per cent.		6–14 per cent. / 15–19 per cent.		15–19 per cent. Temporary less than a year / 15–19 per cent. Temporary more than a year	
	Per cent.			Per cent.			Per cent.			Temporary less than a year followed by 1–5 per cent. indeterminate		Temporary more than a year followed by 1–5 per cent. indeterminate		followed by 6–14 per cent. indeterminate	
	1–5	6–14	15–19	1–5	6–14	15–19	1–5	6–14	15–19						
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
Commander	19	38	56	38	76	112	95	190	280	114	132	133	169	208	226
Lieutenant-Commander	16	32	48	32	64	96	80	160	240	96	112	112	144	176	192
Lieutenant or Sub-Lieutenant ...	15	26	40	26	52	80	75	150	200	86	100	101	129	164	178
Warrant Officer	14	22	33	22	44	66	55	110	165	63	74	77	99	121	132
B.—WOMEN OFFICERS															
Lieutenant-Commander	13	24	36	24	48	72	60	120	180	71	83	84	108	132	144
Lieutenant or Sub-Lieutenant ...	12	22	33	22	44	66	55	110	165	65	76	77	99	121	132
Warrant Officer	11	20	30	20	40	60	50	100	150	59	69	70	90	110	120

THIRD SCHEDULE

TABLE 3

RATES AND PERIODS OF WEEKLY ALLOWANCES WITH TERMINAL GRATUITIES (WHERE APPROPRIATE) PAYABLE TO RATINGS FOR DISABLEMENT ASSESSED AT LESS THAN 20 PER CENT., NOT BEING A MINOR INJURY SPECIFIED IN TABLE 1.

A.—The weekly rates of allowances shall be as follows:—

Male ratings with equivalent naval rank of	s.	d.	Women ratings with equivalent naval status of	s.	d.
Chief Petty Officer	10	0	Chief Petty Officer	9	6
Petty Officer	9	6	Petty Officer	9	2
Leading Rating	9	0	Leading Rating	8	10
A.B.	8	6	A.B.	8	6

With an addition, subject to the same conditions as those laid down with respect to allowances granted under Article 12, as follows:—

	s.	d.
for a wife or unmarried dependant living as a wife	1	0
for a husband	1	0
for each child	1	0

B.—The periods of weekly allowances and amounts of terminal gratuities (where appropriate) shall be as follows:—

Degree of disablement	Estimated duration of the disablement within the degree referred to					
	Temporary less than a year		Temporary more than a year		Indeterminate	
	Number of weeks allowance	Terminal gratuity	Number of weeks allowance	Terminal gratuity	Number of weeks allowance	Terminal gratuity
Per cent.		£		£		£
1–5	18†	—	35	—	52	20
6–14	35	—	70	—	104	40
15–19	52	—	104	—	156	80
6–14 (followed by 1–5 indeterminate) ...	69	20	87	20	—	—
15–19 (followed by 1–5 indeterminate) ...	86	20	121	20	—	—
15–19 (followed by 6–14 indeterminate) ...	121	40	138	40	—	—

† Minimum payment £10.

FOURTH SCHEDULE

TABLE 1

YEARLY RATES OF PENSIONS FOR WIDOWS OF OFFICERS

Equivalent naval rank (1)	Yearly rate of pension (2)	(3)
	£	£
Lieutenant-Commander	180	170
Lieutenant	165	150
Sub-Lieutenant	150	130
Warrant Officer	125	105

TABLE 2

WEEKLY RATES OF PENSIONS FOR WIDOWS OF RATINGS

Equivalent naval rank (1)	Weekly rate of pension (2)	(3)
	s. d.	s. d.
Chief Petty Officer	38 0	25 0
Petty Officer	37 0	23 4
Leading Rating	36 0	21 8
A.B.	35 0	20 0

FIFTH SCHEDULE

(Not applicable).

EXPLANATORY NOTE

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

1. This Scheme replaces the War Pensions (Mercantile Marine) Scheme, 1946 as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme, 1948 and provides, for the Merchant Navy, benefits similar to those provided for the Royal Navy in the Order in Council dated 29th September, 1949. The principal changes made by this Scheme are set out in the following paragraphs.

2. Allowances are now payable for legally adopted children and step-children irrespective of the date of adoption or the date of the pensioner's marriage to the child's mother.

3. The conditions for the grant of education allowances in respect of a child have been varied by removing the requirement that the father would have been able to provide the education had he not become a war casualty.

4. The allowance for wear and tear of clothing caused by the use of an artificial limb has been increased.

5. The allowance for unemployable pensioners has been increased from 20s. to 30s. a week.

6. The maximum rate of the allowance for lowered standard of occupation (formerly called the Special Hardship Allowance) has been increased from 11s. 3d. to 20s. a week.

7. An additional treatment allowance of 26s. a week is now payable where the pensioner is not eligible for National Insurance sickness benefit (or retirement pension or old age pension). The similar allowance payable to a pensioner who has to abstain from work for a prolonged period after undergoing in-patient treatment has been increased from 9s. to 26s. a week.