STATUTORY INSTRUMENTS

1964 No. 2058

PENSIONS

The War Pensions (Mercantile Marine) Scheme 1964

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The Minister of Pensions and National Insurance, with the consent of the Treasury, in exercise of the powers conferred upon her by 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), and of all other powers enabling her in that behalf, hereby makes the following Scheme :—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

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

Definitions

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

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

(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 Her Majesty's Navy but includes—

(*a*) a ship not forming part of Her Majesty's Navy which belongs to Her 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 Her 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 Irish Republic 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):

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

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

(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 Her Majesty's naval forces or a person employed or engaged in a ship forming part of Her 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 4(3) of this Scheme and a person who, by virtue of Part I of Schedule 2 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 Schedule 2 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 and National Insurance :

(20) " the Naval Order " means the Order in Council dated 25th September 1964 concerning pensions and other grants in respect of disablement or death due to service in the naval forces during the 1914 World War and after 2nd September 1939, as for the time being in force, or any Order in Council substituted therefor :

(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 ; or

(*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 " means 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 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 Her 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:

(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 Schedule 1 to this Scheme.

Interpretation

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

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

(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 or to any other enactment, Order or Regulation substituted therefor.

(3) References in this Scheme to Her Majesty shall, unless the context otherwise requires, be construed as references to the Sovereign reigning at any relevant time.

(4) Where a claim under this Scheme other than one specified in the following paragraph of this Article is made, there shall be no onus on the claimant 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.

(5) Where a claim under this Scheme—

(*a*) in respect of disablement is made more than 7 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 7 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.

(6) 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

Members of the Merchant Navy and the sea fishing service

4.—(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 Schedule 2 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 Her Majesty in right of the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa or the Irish Republic ;

(ii) belonging to Her Majesty in right of India before 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 Her Majesty in right of Ceylon after 3rd February 1948 ;

(iv) which belonged to Her Majesty in right of Burma before 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 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 Her 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.

Members of the pilotage and light vessel services

5.—(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 Schedule 2 to this Scheme.

Salvage workers

6.—(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 Schedule 2 to this Scheme.

PART III.—RANKS

Equivalent naval ranks

7.—(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.

Ranks of members of the Merchant Navy and the sea fishing service

8.—(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 Schedule 3 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.

Ranks of pilots and apprentice pilots

9.—(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 8 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 12 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 12 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 3 years expiring on that date exceeds the average tonnage of the ships piloted by him during the period of 12 months expiring on that date, this paragraph shall have effect as if the references in subparagraphs (*a*) and (*b*) to 12 months were references to 3 years.

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

Ranks of masters and members of the crews of pilot boats

10.—(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 8 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.

Ranks of members of the light vessel service

11.—(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 Schedule 4 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 Schedule 4 to this Scheme to a grade included a reference to any capacity which, in the opinion of the Minister, is equivalent to that grade.

Ranks of salvage workers

12. 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 Schedule 5 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.

Ranks of women

13. 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 8, 9, 10, 11 or 12 of this Scheme, would have been her equivalent naval rank if she had been a man.

Adjustment of ranks

14. Where the equivalent naval rank or status which a person is to be treated, by virtue of the provisions of Article 8, 9, 10, 11, 12 or 13 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.

Cases where disablement or death is due to more than one cause

15. 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 in respect of a composite assessment made under subparagraph (*b*) of Article 9(2) of the Naval Order as applied by this Scheme shall be made at a composite rate calculated by reference to the degree of disablement resulting from each such cause and the relevant rank appropriate thereto, so, however, that where the sum of the separate assessments which would have been made in respect of those causes but for the said subparagraph exceeds the amount of the composite assessment, the degree of disablement resulting from the cause to which the lower or lowest of those different relevant ranks is appropriate shall, for the purpose of calculating the said composite rate, be treated as reduced by the amount of the excess, and

(*b*) any award under Part IV of the Naval Order as applied by this Scheme shall be at a rate calculated by reference only to the higher or highest of those different relevant ranks.

PART IV.—APPLICATION AND MODIFICATION OF THE NAVAL ORDER

Interpretation of Part IV, Schedule 6 and the Naval Order

16.—(1) Unless the context otherwise requires, in this Part of this Scheme and in Schedule 6—

(*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.

Application of the Naval Order

17.—(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 their application to the case of a member of the Merchant Navy, the provisions of the Naval Order, in so far as they concern pensions and other grants in respect of disablement or death due to service after 2nd September 1939, shall have effect subject to the modifications and additions contained in this Scheme and in Schedule 6 to this Scheme.

Persons previously disabled

18.—(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) The Minister may, notwithstanding anything in this Scheme or in the Naval Order as applied by 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 15 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.

(3) 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) Acts 1946 to 1964, or under any legislation in Northern Ireland corresponding to those Acts, or under the law of any place outside the United Kingdom which in the opinion of the Minister is analogous to those Acts.

(4) 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.

Funeral grants

19.—(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 £25 may be awarded in respect of the expense incurred by that person.

(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 3 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.

Awards on death

20.—(1) An award under this Scheme in respect of the death of a member of the Merchant Navy, where such death occurs more than 7 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 under this Scheme or any previous Scheme.

(2) For the purposes of this Article, the expression "pension" includes a weekly allowance, a gratuity or an allowance in respect of a period of treatment as defined in Article 21(8) of the Naval Order as applied by this Scheme.

PART V.—MISCELLANEOUS AND GENERAL PROVISIONS

Prevention of double payments

21.—(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 this Scheme or under the Naval Order as applied by 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 this Scheme or under the Naval Order as applied by this Scheme, the Minister may make such awards under this Scheme or under the Naval Order as applied by 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, as extended by the Superannuation (Various Services) Act 1938(**e**);

(*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.

Modification of awards in certain cases

22.—(1) The rate or amount of any pension, allowance, gratuity or funeral grant which may be awarded under this Scheme or under the Naval Order as applied by 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

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

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.

(3) Where, by virtue of any arrangements made with the Government of the United Kingdom, liability for the payment of a pension or allowance of equivalent standard to or in respect of any person is assumed by the Government of India or the Government of Pakistan any award made to or in respect of that person, as modified under the provisions of paragraphs (1) and (2) of this Article, shall thereupon cease to have effect.

(4) For the purposes of this Article, a pension or allowance of equivalent standard means a pension or allowance payable at a rate and subject to conditions not less favourable than the rate at which and the conditions subject to which a pension or allowance was payable to or in respect of a person immediately before the date from which liability for payment thereof is assumed in accordance with any arrangements referred to in paragraph (3) of this Article.

Enemy subjects and persons resident in enemy occupied territory

23. The Minister may withhold or cancel an award of a pension, allowance, gratuity or funeral grant under this Scheme or under the Naval Order as applied by 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, possessed the nationality of or resided (otherwise than by reason of compulsion) in, or in any of the possessions of, or in any territory occupied by, any state at a time when it was at war with Her Majesty.

Power to award lump sum payments

24. Where, in the case of any person to whom a pension or allowance may be or has been awarded under this Scheme or under the Naval Order as applied by 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 this Scheme or in the Naval Order as applied by this Scheme to a gratuity shall be construed as including a reference to a lump sum awarded under this Article.

Invalidity of assignments

25. 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 this Scheme or under the Naval Order as applied by this Scheme shall, for the purposes of this Scheme, be void.

Determination of medical questions

26. 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.

Declarations and certificates

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

Administration of Scheme

28.—(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.

Revocation of previous Schemes and transitional provisions

29.—(1) Subject to the provisions of this Article, the War Pensions (Mercantile Marine) Scheme 1949(**b**) and the War Pensions (Mercantile Marine) (Amendment) Scheme 1963(**c**) are hereby revoked.

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

(3) (*a*) Where, immediately before the coming into operation of this Scheme, an allowance granted under Article 12(4) of the Naval Order of 4th June 1946(**d**) as applied by the War Pensions (Mercantile Marine) Scheme 1946(**e**), as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme 1948(**f**), in respect of an unmarried dependant living as a wife of a member of 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 4th June 1946 as applied by the War Pensions (Mercantile Marine) Scheme 1946, as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme 1948, 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 4th June 1946 as applied by the War Pensions (Mercantile Marine) Scheme 1946, as amended by the War Pensions (Mercantile Marine) (Amendment) Scheme 1948, to an unmarried dependant living as a wife if, immediately before the coming into operation of

(**a**) 6 & 7 Geo. 6. c. 39 and 12, 13 & 14 Geo. 6. c. 12. (**b**) S.I. 1949/1852 (1949 I, p. 3204). (**c**) S.I. 1963/1112 (1963 II, p. 1900). (**d**) S.R. & O. 1946/812 (1946 I, p. 1100). (**e**) S.R. & O. 1946/972 (1946 I, p. 1247). (**f**) S.I. 1948/203 (1948 I, p. 3348).

this Scheme, 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 12 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 IV of the Naval Order as applied by this Scheme, as the case may be, she is in pecuniary need and incapable of self-support.

(4) Any relevant provision of this Scheme or of the Naval Order as applied by this Scheme shall, as from the commencing date of this Scheme, apply to any case where the disablement or death of a member of the 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 3rd September 1939, but before that commencing date, whether or not an award has been made under any previous Scheme.

(5) In this Article, the expression " unmarried dependant living as a wife " has the same meaning as in the Naval Order as applied by this Scheme.

Margaret Herbison,
Minister of Pensions and
National Insurance.

18th December 1964.

We consent.

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

21st December 1964.

SCHEDULE 1

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, Her 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 Her 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.

SCHEDULE 2

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.

SCHEDULE 3

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 3 years' experience or more	Sub-Lieutenant.	Sub-Lieutenant.	Sub-Lieutenant.
Radio Officer, having less than 3 years' experience but not less than 1 year's experience.	Warrant Officer.	Warrant Officer.	Warrant Officer.
Radio Officer, having less than 1 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 3 years' experience or more.	Sub-Lieutenant.	Sub-Lieutenant.
Radio Officer, with less than 3 years' experience but not less than 1 year's experience.	Warrant Officer.	Warrant Officer.
Radio Officer, with less than 1 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 1 year's experience or more.	Warrant Officer.
Radio Officer or Wireless Operator with less than 1 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, and qualifications	Equivalent naval rank
Surgeon	Lieutenant.
Purser	Warrant Officer.
Radio Officer or Wireless Telegraphist—	
(*a*) having 3 years' experience or more	Sub-Lieutenant.
(*b*) having less than 3 years' experience, but not less than 1 year's experience.	Warrant Officer.
(*c*) having less than 1 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	
Craneman	
Lamp Trimmer	
Launchman	Leading Rating.
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	Leading Rating.
Second Cook	
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	

SCHEDULE 4

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	

SCHEDULE 5

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.

SCHEDULE 6

The provisions of the Naval Order shall be modified for the purposes of their application to members of the Merchant Navy in the following respects:—

(i) Articles 1(17), 1(18), 1(19), 1(21), 1(24), 1(28), 1(32), 1(35), 4, 5, 7, 8(2), 8(3), 28, 70 and 71, Part V, Schedule 5 and Schedule 9 shall be deleted;

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

TABLE

Words and phrases in Naval Order (1)	Substitution for application to members of the Merchant Navy (2)
Member of the naval forces	Member of the Merchant Navy.
Officer	Member of the Merchant Navy who is to be treated for the purposes of this Scheme as holding an equivalent naval rank or status which is that of a commissioned, subordinate or warrant officer of the Royal Navy.
Rank	Equivalent naval rank or status as provided in this Scheme.
Commencement of service	Material date.
Termination of her service (in Article 12(4))	Material date.
Due to service	Directly attributable to a qualifying injury sustained or detention suffered by reason of service as a mariner in a British ship.
Material date	Material date as defined in this Scheme.
Injury (in Article 6)	Qualifying injury or detention.
Due to more than one injury (in Article 9(2)(*b*)).	Directly attributable, not to a single qualifying injury or period of detention, but to two or more such causes.
Injuries (in Article 9(2)(*b*))	Causes of the disablement.
Payment made during the member's lifetime in respect of his service as a member (in Article 26).	Allotment or similar payment made by the member in his lifetime.

(iii) any reference to a commissioned officer, warrant officer, rating or other rank shall be construed as a reference to a member of the Merchant Navy who is to be treated for the purposes of this Scheme as holding an equivalent naval rank or status which is that of a commissioned officer, warrant officer or rating, as the case may be, any reference to a specific rank or rating shall be construed as a reference to a member of the Merchant Navy who is to be treated for the purposes of this Scheme as holding an equivalent naval rank or status which is that of that rank or rating, and any reference to retired pay shall be construed as a reference to pension;

(iv) the references in paragraphs (i) and (ii) of the proviso to Article 9(2) to the date of the termination of service shall be construed as references to the date of the qualifying injury or of the termination of the detention, as the case may be.

EXPLANATORY NOTE

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

This Scheme is made in consequence of the Order in Council dated 25th September 1964 which consolidated, inter alia, the provisions, previously contained in the Order in Council dated 29th September 1949 and subsequent amending Orders, relating to pensions and other awards in respect of disablement or death due to service in the naval forces since 2nd September 1939.

The Scheme, in applying the 1964 Order in Council with modifications, provides for members of the Merchant Navy and their dependants benefits similar to those provided for members of the Royal Navy and replaces, with amendments only of a drafting nature or designed to remove minor doubts and inconsistencies, the War Pensions (Mercantile Marine) Scheme 1949, which applied in like manner the provisions of the 1949 Order in Council.