(2) NAVAL AUXILIARY PERSONNEL

The War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme, 1948

1948 No. 204

Made - - - - 6th February, 1948

With the consent of the Treasury, the Minister of Pensions, in exercise of the powers conferred upon him by Sections 5 (1) 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:—

1. This Scheme may be cited as the War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme, 1948.

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

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

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

3. The proviso to Article 1(4) of the principal Scheme (which qualifies the definition of the expression " material date " in relation to any claim to an award under the principal Scheme) shall be deleted.

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

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

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

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

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(a) 2 & 3 Geo. 6. c. 83. (b) 5 & 6 Geo. 6. c. 26.
(c) 52 & 53 Vict. c. 63. (d) S.R. & O. 1946 (No. 1640) I, p. 1298.
(e) S.R. & O. 1946 (No. 812) I, p. 1100.

(*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. To Article 7 of the principal Scheme (which provides for the making of awards in respect of the death of a naval auxiliary member where such death is directly attributable to a qualifying injury or detention) there shall be added the following proviso:—

" Provided that an award under this Article shall not be made where the death of the naval auxiliary member takes place more than seven years after the date of the relevant qualifying injury or end of detention 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.

For the purposes of the proviso to this Article, the expression " pension " includes a weekly allowance, a gratuity or an allowance in respect of a period of approved treatment."

6. In the Third Schedule to the principal Scheme the following amendments shall be made:—

(1) In the said Third Schedule after the figure " 4 " there shall be inserted the figure and letter " 4A " and after the figures " 12(8) " there shall be inserted the figures and letter " 15(6)(a) ".

(2) In the Table to the said Third Schedule, after the words " Material date as defined in this Scheme " there shall be added " (as amended by the War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme, 1948)."

7. Articles 1, 2, 4, 5 and 6 (1) of this Scheme shall be deemed to have come into operation on the 3rd September, 1946, and Articles 3 and 6 (2) of this Scheme on the 1st January, 1947.

Dated this 6th day of February, 1948.

George Buchanan,
Minister of Pensions.

EXPLANATORY NOTE

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

1. The War Pensions (Naval Auxiliary Personnel) Scheme provides, for naval auxiliaries, benefits similar to those for members of the Royal Navy and this Amendment Scheme incorporates certain improvements introduced by two Orders in Council for the Royal Navy dated the 21st May, 1947.

2. These improvements are—

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

(2) The allowance provided for wear and tear of clothing caused by the use of an artificial limb is increased in certain cases. (The improvements referred to in this and the next following subparagraph are effected by Article 2 (2) of this Scheme.)

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

(4) Awards may now be made under the War Pensions (Naval Auxiliary Personnel) Scheme in respect of disablement, although the claim is made more than seven years after the date upon which the qualifying injury was sustained or end of detention, and in respect of the death of certain naval auxiliary members, although such death occurs more than seven years after the receipt of the injury or end of detention.

PETROLEUM

1. *Extension of Petroleum Act to Other Substances.* | 2. *Conveyance*, p. 3359.

1. EXTENSION OF PETROLEUM ACT TO OTHER SUBSTANCES

The Petroleum (Radioactive Substances) (Revocation) Order, 1948

1948 No. 2580

Made - - - - 26th November, 1948
Coming into Operation 1st January, 1949

At the Court at Buckingham Palace, the 26th day of November, 1948

Present,

The King's Most Excellent Majesty in Council

Whereas by section nineteen of the Petroleum (Consolidation) Act, 1928(a), His Majesty is empowered by Order in Council to apply to any substance any of the provisions of the said Act specified in the Order:

And Whereas by the Petroleum (Radioactive Substances) Order, 1948(b), made under the aforesaid powers on the eleventh day of March, one thousand nine hundred and forty-eight, section six of the said Act (which empowers the Secretary of State to make regulations as to the conveyance of petroleum-spirit by road and for protecting persons or property from danger in connection with such conveyance) was applied to radioactive substances:

And Whereas by reason of the provisions of the Radioactive Substances Act, 1948(c), it is no longer necessary that the said section six should apply as aforesaid:

And Whereas by the said section nineteen any Order in Council made under that section may be revoked by a subsequent Order:

(a) 18 & 19 Geo. 5. c. 32 (b) S.I. 1948 No. 494.
(c) 11 & 12 Geo. 6. c. 37.