(2) NAVAL AUXILIARY PERSONNEL

The War Pensions (Naval Auxiliary Personnel) Scheme, 1949

1949 No. 1853

Made - - - - 29th September, 1949

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. 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) "detention", in relation to a naval auxiliary member, means detention which—

(*a*) is consequent on the capture, seizure, arrest or other restraint of the naval auxiliary member or of his ship effected by reason of the existence of a state of war; and

(*b*) is suffered by reason of his service:

(3) "equivalent naval rank", in relation to a naval auxiliary member, means the rank which the naval auxiliary member is, by virtue of Article 4 of this Scheme, to be treated as holding for the purposes of this Scheme:

(4) "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:

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

(6) "naval auxiliary member" means a person who—

(*a*) is subject to the Naval Discipline Act by virtue of section 90 of that Act; and

(*b*) is, in pursuance of a naval engagement—

(i) employed or engaged in seagoing service in a ship forming part of His Majesty's Navy; or

(ii) temporarily employed or engaged in a Depot Ship forming part of His Majesty's Navy either pending his being employed or engaged in seagoing service in pursuance of that engagement or pending termination of that engagement after he has been employed or engaged in seagoing service in pursuance thereof:

(7) "naval engagement", in relation to any person, means an engagement with the Admiralty to serve His Majesty—

(*a*) in a particular ship; or

(a) 2 & 3 Geo. 6. c. 83. (b) 5 & 6 Geo. 6. c. 26.

(*b*) in a particular ship or such ships as the Admiralty may from time to time determine:

Provided that, where a person enters into two or more successive naval engagements which succeed each other without an interval, those engagements shall be deemed for the purposes of this Scheme to constitute a single naval engagement:

(8) " 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:

(9) " 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:

(10) " qualifying injury ", in relation to a naval auxiliary member, means a war injury or a war risk injury, being in either case an injury sustained by the naval auxiliary member by reason of his service:

(11) " rank " includes rating:

(12) " service ", in relation to a naval auxiliary member, means service after the 2nd September, 1939, in pursuance of a naval engagement:

(13) " ship forming part of His Majesty's Navy " means a ship of the Royal Navy in commission:

(14) " 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(a), 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 or Order shall, unless the context otherwise requires, be construed as references to that enactment or Order as amended by or under any other enactment or Order, and to any other enactment or Order substituted therefor.

(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

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

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 naval auxiliary member may be treated as continuing until whichever is the earliest of the following dates, that is to say—

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

(*b*) the date on which it is first practicable for him to go to the place to which he ought to go for the purpose of resuming the performance of his duties under the naval engagement in pursuance of which he was serving at the commencement of the detention ; or

(*c*) the date on which it is first practicable for him, without committing a breach of the naval engagement in pursuance of which he was serving at the commencement of the detention, to return to the country to which he belongs ;

or until such other date as the Minister may direct in relation to that naval auxiliary member or to any class of naval auxiliary members.

3. Persons to whom the Scheme applies.—(1) Subject to the provisions of paragraph (3) of this Article, this Scheme applies to any naval auxiliary member whose disablement or death is directly attributable to a qualifying injury or to detention.

(2) This Scheme applies also, subject to the provisions of paragraph (3) of this Article, to any person employed or engaged in a ship forming part of His Majesty's Navy as an enlisted man of the Royal Navy in whose case it was provided on his enlistment that, in the event of his disablement or death being directly attributable to a war injury, war risk injury or detention, compensation would be payable in accordance with the provisions of the Scheme for the time being in force applying the provisions of the Naval Order to naval auxiliary personnel, and, accordingly, any such person shall be treated for the purposes of this Scheme as if he were a naval auxiliary member, the rank in which he is serving in the Royal Navy being treated as his equivalent naval rank and his service after the 2nd September, 1939, as a man of the Royal Navy being treated as service as a naval auxiliary member.

(3) This Scheme does not apply to any person to whom any Scheme made under subsection (2) of section 5 of the Act applies.

4. Equivalent naval ranks.—(1) For the purposes of this Scheme, a naval auxiliary member shall be treated as holding on the material date the equivalent naval rank which is specified in the Second Schedule to this Scheme in relation to the capacity, or the capacity and circumstances, in which he was rendering service, and the qualifications which he held, on that date:

Provided that where, in the case of a naval auxiliary member holding a commission granted by His Majesty for the purpose of his service, his commissioned rank was on the material date higher than the rank specified in the Second Schedule to this Scheme in relation to the capacity, or the capacity and circumstances, in which he was rendering service, or the qualifications which he held, on that date, the equivalent naval rank which the naval auxiliary member shall for the purposes of this Scheme be treated as holding on that date shall be his commissioned rank.

(2) Where, on the material date, a naval auxiliary member—

(*a*) falls to be treated by virtue of the foregoing provisions of this Article as holding an equivalent naval rank which is, in the opinion of the Minister, too low or too high having regard to any circumstances which the Minister may consider relevant to the determination of the equivalent naval rank of that naval auxiliary member ; or

(*b*) was rendering service in a capacity, or in a capacity and circumstances, not specified in the Second Schedule to this Scheme;

that naval auxiliary member shall be treated for the purposes of this Scheme as holding on that date such equivalent naval rank as is, in the opinion of the Minister, appropriate.

(3) Where the disablement or death of a naval auxiliary member 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 Article, be applicable to the different causes of the disablement or death—

(*a*) any award under the Naval Order as applied by this Scheme in respect of disablement 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 the Naval Order as applied by this Scheme in respect of death shall be based upon the highest of those different ranks.

5. Awards for disablement.—Where the disablement of a naval auxiliary member is directly attributable to a qualifying injury or to detention, the provisions of the Naval Order, modified in the respects indicated in the Third Schedule to this Scheme, shall apply to him so as to secure that, subject to the provisions of this Scheme, there may be made on the termination of the naval engagement in the course of which he sustained the qualifying injury or suffered the detention an award or awards in respect of that disablement of the like nature and amount as would, having regard to his equivalent naval rank, have been made in respect thereof under the Naval Order if he had been a member of the naval forces for the purposes of that Order and his disablement had been due to service as a member of those forces.

6. Persons previously disabled.—(1) Where a naval auxiliary member who has suffered disablement which is directly attributable to a qualifying injury or to detention (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 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 4 (3) 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 naval auxiliary member 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.

(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.

7. Awards on death.—(1) Where the death of a naval auxiliary member is directly attributable to a qualifying injury or to detention, the provisions of the Naval Order, modified in the respects indicated in the Third Schedule to this Scheme, shall apply so as to secure that, subject to the provisions of this Scheme, there may be made an award or awards of the like nature and amount as would, having regard to his equivalent naval rank, have been made under the Naval Order if he had been a member of the naval forces for the purposes of that Order and his death had been due to service as a member of those forces:

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.

(2) In this Article, the expression "pension" includes a weekly allowance, a gratuity or an allowance in respect of a period of approved treatment, and the expression "approved treatment" has the same meaning as in the Naval Order as applied by this Scheme.

8. Prevention of double payments.—Where the Minister is satisfied that a payment (not being a payment in respect of the cost of a funeral) has been or will be made in respect of an injury (whether resulting in disablement or death)—

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

(*b*) under or by virtue of section 41 or 56 of the Superannuation Act, 1949(e); or

(*c*) under any Order in Council relating to pensions for officers of the Royal Fleet Auxiliaries;

no award of a pension, allowance or gratuity on account of any disablement or death which is directly attributable to that injury shall be made under the Naval Order as applied by this Scheme and any such award which has been made shall be cancelled:

(a) 9 & 10 Geo. 6. c. 62. (b) 50 & 51 Vict. c. 67. (c) 25 & 26 Geo. 5. c. 23.
(d) 1 Edw. 8. c. 2. (e) 12, 13 & 14 Geo. 6. c. 44.

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 or by virtue of the said section 1, section 41 or section 56 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.

9. Modification of awards in certain cases.—(1) The rate or amount of any pension, allowance, gratuity or other 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 under the naval 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.

10. Power to make 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 pay to that person such a lump sum, 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 under this Article.

11. Invalidity of assignments.—Any assignment or charge, and any agreement to assign or charge, any pension, allowance, gratuity or other 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.

12. 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.

13. 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.

14. 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.

15. 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 (Naval Auxiliary Personnel) Scheme, 1946(**b**), as amended by the War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme, 1948(**c**), shall be deemed to have ceased to have effect as from the 1st June, 1949, without prejudice, however, to their 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 (Naval Auxiliary Personnel) Scheme, 1946(**b**), as amended by the War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme, 1948(**c**), in respect of an unmarried dependant living as a wife of a naval auxiliary member 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 naval auxiliary member, an award may be made under Article 28 of the Naval Order of the 4th June, 1946(**d**), as applied by the War Pensions (Naval Auxiliary

(**a**) 6 & 7 Geo. 6. c. 39 and 12, 13 & 14 Geo. 6. c. 12.
(**b**) S.R. & O. 1946 (No. 1640) I, p. 1298. (**c**) S.I. 1948 (No. 204) I, p. 3356.
(**d**) S.R. & O. 1946 (No. 812) I, p. 1100.

Personnel) Scheme, 1946(a), as amended by the War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme, 1948(b), 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(c), as applied by the War Pensions (Naval Auxiliary Personnel) Scheme, 1946(a), as amended by the War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme, 1948(b), 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 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 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 those 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
First Schedule, Table 1 to Third Schedule	1st April, 1947

(5) 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:

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.

(a) S.R. & O. 1946 (No. 1640) I, p. 1298. (b) S.I. 1948 (No. 204) I, p. 3356.
(c) S.R. & O. 1946 (No. 812) I, p. 1100.

(6) 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.

(7) 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 naval auxiliary member was directly attributable to a qualifying injury sustained or detention suffered on or after the 3rd September, 1939, but before that commencing date, whether an award has been made under any previous Scheme or not.

(8) 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.

16. Citation.—This Scheme may be cited as the War Pensions (Naval Auxiliary Personnel) 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 the 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 a member of the crew of a salvage vessel, the references 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, the following expressions have, except where the context otherwise requires, the meanings hereby respectively assigned to them, that is to say—

(*a*) "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;

(*b*) "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;

(*c*) "physical injury" includes tuberculosis and any other organic disease, and the aggravation thereof;

(*d*) "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;

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

(*f*) "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;

(*g*) "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.

SECOND SCHEDULE

Equivalent Naval Ranks of Naval Auxiliary Members for the Purposes of this Scheme

In this Schedule, except where otherwise expressly provided,—

(*a*) "ship" does not include a commissioned auxiliary vessel not exceeding 1,000 tons formerly a home trade cargo ship, or an Admiralty cable ship or small craft;

(*b*) "certificated", in relation to a deck officer, means holding a certificate of competency for a foreign-going ship;

(*c*) "tons" means gross tons.

TABLE I

DECK OFFICERS, ENGINEERS, PURSERS AND RADIO OFFICERS

Capacity, or capacity and circumstances, and qualifications	Equivalent naval rank		
	In ships not exceeding 2,500 tons	In ships exceeding 2,500 tons but not exceeding 10,000 tons	In ships exceeding 10,000 tons
DECK OFFICERS			
Chief Navigating Officer	Lieutenant ...	Lieut.-Commander	Commander
First Mate			
Certificated:—			
(1) Master ...	Lieutenant ...	Lieutenant ...	Lieut.-Commander
(2) Mate ...	Sub-Lieutenant ...	Sub-Lieutenant ...	—
Uncertificated ...	Acting Sub-Lieutenant	Acting Sub-Lieutenant	—
Second Mate			
Certificated:—			
(1) Master if over 30 years of age.	Lieutenant ...	Lieutenant ...	Lieutenant
(2) Master if 30 years of age or under.	Sub-Lieutenant ...	Sub-Lieutenant ...	Lieutenant
(3) Mate ...	Sub-Lieutenant ...	Sub-Lieutenant ...	Sub-Lieutenant
Uncertificated ...	Acting Sub-Lieutenant	Acting Sub-Lieutenant	Acting Sub-Lieutenant
Third Mate			
Certificated:—			
(1) Master ...	Sub-Lieutenant ...	Sub-Lieutenant ...	Lieutenant
(2) Mate ...	Sub-Lieutenant ...	Sub-Lieutenant ...	Sub-Lieutenant
Uncertificated ...	Acting Sub-Lieutenant	Acting Sub-Lieutenant	Acting Sub-Lieutenant
Other Mates			
Certificated ...	Sub-Lieutenant ...	Sub-Lieutenant ...	Sub-Lieutenant
Uncertificated ...	Acting Sub-Lieutenant	Acting Sub-Lieutenant	Acting Sub-Lieutenant
Apprentice or Cadet			
With three years' experience or more.	Midshipman ...	Midshipman ...	Midshipman
With less than three years' experience.	Cadet	Cadet	Cadet
ENGINEERS			
Chief Engineer ...	Lieutenant ...	Lieut.-Commander	Commander
2nd Engineer ...	Sub-Lieutenant ...	Lieutenant ...	Lieut.-Commander
3rd Engineer			
Certificated ...	Sub-Lieutenant ...	Sub-Lieutenant ...	Lieutenant
Uncertificated ...	Acting Sub-Lieutenant	Acting Sub-Lieutenant	Acting Sub-Lieutenant
4th and Junior Engineers			
Certificated ...	Sub-Lieutenant ...	Sub-Lieutenant ...	Sub-Lieutenant
Uncertificated ...	Acting Sub-Lieutenant	Acting Sub-Lieutenant	Acting Sub-Lieutenant

Capacity, or capacity and circumstances, and qualifications	Equivalent naval rank		
	In ships not exceeding 2,500 tons	In ships exceeding 2,500 tons but not exceeding 10,000 tons	In ships exceeding 10,000 tons
ENGINEERS—*cont.*			
Chief Refrigerating Engineer			
Certificated:—			
1st Class ...	—	Lieutenant ...	Lieutenant
2nd Class ...	—	Sub-Lieutenant ...	Sub-Lieutenant
Uncertificated ...	—	Acting Sub-Lieutenant	Acting Sub-Lieutenant
Other Refrigerating Engineers			
Certificated ...	—	Sub-Lieutenant ...	Sub-Lieutenant
Uncertificated ...	—	Acting Sub-Lieutenant	Acting Sub-Lieutenant
PURSERS			
Purser	Sub-Lieutenant ...	Lieutenant ...	Lieut.-Commander
Senior Assistant Purser	—	Sub-Lieutenant ...	Lieutenant
Junior Assistant Purser	—	Sub-Lieutenant ...	Sub-Lieutenant
RADIO OFFICERS			
Radio Officer			
With 3 years' sea service or more.	Sub-Lieutenant ...	Sub-Lieutenant ...	Sub-Lieutenant
With less than 3 years' sea service.	Warrant Officer...	Warrant Officer...	Warrant Officer
Radio Cadet			
With over 1 year's sea service.	Midshipman ...	Midshipman ...	Midshipman
With 1 year's sea service or less.	Cadet	Cadet	Cadet

The foregoing Table is subject in the following cases to the following variations:—

(*a*) where, in a ship exceeding 2,500 tons but not exceeding 10,000 tons, the First Mate is engaged as Chief Navigating Officer, his equivalent naval rank shall be Lieutenant;

(*b*) where an Engineer Officer holds only a second class certificate, his equivalent naval rank shall not in any case be higher than Sub-Lieutenant;

(*c*) where, in a Home Trade passenger ship not exceeding 2,500 tons, being a ship of 15 knots or over, the Chief or Second Engineer holds a first class certificate, his equivalent naval rank shall be Lieutenant-Commander in the case of the Chief Engineer and Lieutenant in the case of the Second Engineer;

(*d*) where, in a ship exceeding 2,500 tons but not exceeding 10,000 tons, being a ship with a complement of 200 hands or over, the Purser has two or more subordinate accounting officers, the equivalent naval ranks of the Purser and the Senior Assistant Purser shall be Lieutenant-Commander and Lieutenant, respectively.

TABLE II

ELECTRICIANS

Capacity	Equivalent naval rank		
	In ships where two or one are borne*	In ships where three are borne*	In ships where four or more are borne*
Chief Electrician ...	Acting Sub-Lieutenant	Sub-Lieutenant ...	Lieutenant
2nd Electrician ...	Acting Sub-Lieutenant	Acting Sub-Lieutenant	Sub-Lieutenant
Other Electricians ...	—	Acting Sub-Lieutenant	Acting Sub-Lieutenant

* The ranks of electricians in ships where electrical assistants are borne in place of electricians will be determined as if the electrical assistants were electricians.

TABLE III

BOILERMAKERS

Capacity and qualifications	Equivalent naval rank	
	In ships of less than 8,000 tons	In ships of 8,000 tons or more
Boilermaker		
Certificated	Chief Petty Officer ...	Sub-Lieutenant
Uncertificated ...	Chief Petty Officer ...	Acting Sub-Lieutenant

TABLE IV

OFFICERS IN COMMISSIONED RESCUE TUGS

Capacity, or capacity and qualifications	Equivalent naval rank
Towing Master	Lieutenant
Other Deck Officers	
Certificated	Sub-Lieutenant
Uncertificated	Acting Sub-Lieutenant
Chief Engineer	
Certificated 1st Class	Lieutenant
,, 2nd Class	Sub-Lieutenant
Other Engineers	
Certificated	Sub-Lieutenant
Uncertificated	Acting Sub-Lieutenant

TABLE V

RATINGS OTHER THAN THOSE COVERED BY TABLE VI

Capacity, or capacity and circumstances	Equivalent naval rank
DECK DEPARTMENT	
Boatswain	Chief Petty Officer
Carpenter	
Plumber	
Boatswain's Mate	Petty Officer
Carpenter's Mate	
Craneman	Leading Rating
Lamp Trimmer	
Launchman	
Painter	
Quartermaster	
Storekeeper	
Winchman	
A.B.	A.B.
O.S.	
ENGINEER'S DEPARTMENT	
Sanitary Engineer	Chief Petty Officer
Donkeyman	Petty Officer
First Leading Fireman	
Leading Hand Diesel	
Electrical Assistant	
Pumpman	
Storekeeper	
Winchman	
Greaser	Leading Rating
Leading Fireman	
Storekeeper Engine-room Assistant	
Fireman	A.B.
Trimmer	
Cleaner and Wiper	
CATERING DEPARTMENT	
Chief Steward in a ship exceeding 10,000 tons	Warrant Officer
Chief Steward in a ship not exceeding 10,000 tons	Chief Petty Officer
Chief Cook	
Baker	Petty Officer
Butcher	
First Writer or No. 1 Purser's Clerk	
Head Waiter	
Hospital Attendant	
Saloon Steward*	
Second Steward	
Ship's Cook (including rating signed as "second Cook and ship's Cook")	
Pantry Man	Leading Rating
Cook	
Leading Steward	
Second Writer or No. 2 Purser's Clerk	
Storekeeper†	

* The equivalent naval rank of a Saloon Steward engaged as a Chief Steward in a Commissioned Rescue Tug carrying 40 hands and over shall be Chief Petty Officer.

† The equivalent naval rank of a Storekeeper 1st Class in a vessel carrying 200 hands and over shall be Petty Officer.

TABLE V—*continued*

Capacity, or capacity and circumstances	Equivalent naval rank
Second Baker	A.B.
Assistant Baker	
Assistant Butcher	
Assistant Cook (rated as such)	
Assistant Pantryman	
Steward or Assistant Steward (where so described) ...	
Boy Steward	
Assistant Storekeeper	

TABLE VI

RATINGS IN ADMIRALTY CABLE SHIPS

Capacity, or capacity and circumstances	Equivalent naval rank
Cable Foreman	Warrant Officer
Boatswain (not described as Cable Foreman)	Chief Petty Officer
Assistant Cable Foreman	Chief Petty Officer
Leading Hand (not described as Assistant Cable Foreman)	Petty Officer
Cable Jointer	Chief Petty Officer
Chief Quartermaster (rated as such in a ship carrying three Quartermasters)	Petty Officer
Quartermaster	Leading Rating
Storekeeper	Leading Rating
Leading Seaman	Leading Rating
A.B.	A.B.
Chief Stoker	Chief Petty Officer
Leading Stoker	Leading Rating
Stoker	A.B.
Chief Steward (with or without an assistant)	Chief Petty Officer
Senior Steward (in a ship with two or more Stewards in addition to a Chief Steward)	Petty Officer
Steward	Leading Rating
Officers' Cook (with or without an assistant)	Petty Officer
Crew's Cook	Leading Rating
Captain's Writer	Petty Officer
Wireless Operator	A.B.
O.S.	A.B.

THIRD SCHEDULE

The provisions of the Naval Order shall, except where the context otherwise requires, be modified for the purposes of their application to naval auxiliary members by deleting Articles 1 (11), 1 (16), 1 (17), 1 (28), 1 (30), 4, 5, 7, 8 (2), 13 (4), 13 (6), 17 (3) (*b*), 31, 32 (4), 32 (5) (*b*), 37 (3) (*b*), 38 (3) (*b*), 67 and the whole of Part VI, and by substituting for the words, phrases and provisions set out in the first column of the following Table the words, phrases and provisions set out in the second column of that Table.

TABLE

Provision in Naval Order	Modification for application to naval auxiliary members
Member of the naval forces ...	Naval auxiliary member.
Officer	Naval auxiliary member who is to be treated for the purposes of this Scheme as holding an equivalent naval rank which is that of a commissioned, subordinate or warrant officer of the Royal Navy.
Commissioned Officer or Warrant Officer	Naval auxiliary member who is to be treated for the purposes of this Scheme as holding an equivalent naval rank which is that of a Commissioned Officer or Warrant Officer as the case may be.
Rating, other rank	Naval auxiliary member who is to be treated for the purposes of this Scheme as holding an equivalent naval rank which is that of a rating of the Royal Navy.
Any specific rank or rating ...	Naval auxiliary member who is to be treated for the purposes of this Scheme as holding an equivalent naval rank which is that of that rank or rating.
Rank	Equivalent naval rank as defined in this Scheme.
Retired pay or pension	Pension.
Service	Service as defined in this Scheme.
Commencement of service ...	Commencement of the first naval engagement after the 2nd September, 1939.
Termination of service	Termination of the naval engagement in the course of which the naval auxiliary member sustained the qualifying injury or suffered the detention to which his disablement or death is, or is claimed to be, directly attributable.
Due to service	Directly attributable to a qualifying injury or to detention.
During service	While serving on a naval engagement.
Material date as therein defined...	Material date as defined in this Scheme.
Injury (in Article 6)	Qualifying injury or detention.
Due to more than one injury (in Article 10 (1) proviso)	Directly attributable, not to a single qualifying injury or period of detention, but to two or more such causes.
Payment made during the member's lifetime in respect of his service as a member (in Article 25)	Allotment or similar payment made by the member in his lifetime.

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 (Naval Auxiliary Personnel) Scheme, 1946, as amended by the War Pensions (Naval Auxiliary Personnel) (Amendment) Scheme, 1948, and provides, for naval auxiliaries, benefits similar to those contained in the Order in Council dated 29th September, 1949, for members of the Royal Navy. The principal changes made by the Order in Council of the 29th September, 1949, which apply also to naval auxiliaries, are set out in the following paragraphs.

2. Allowances are now payable for legally adopted children and stepchildren 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.

PETROLEUM

CONVEYANCE

The Petroleum-Spirit (Conveyance) Regulations, 1949

1949 No. 1949

Made - - - -	19*th October*, 1949
Laid before Parliament	21*st October*, 1949
Coming into Operation	1*st November*, 1949

In pursuance of the powers conferred on me by section six of the Petroleum (Consolidation) Act, 1928(a), I hereby make the following Regulations:—

1. In sub-paragraph (*b*) of paragraph (2) of Regulation 13 of the Petroleum-Spirit (Conveyance) Regulations, 1939(b), as amended by the Petroleum-Spirit (Conveyance) Regulations, 1947(c) (which Regulation contains requirements as to attendance upon a vehicle engaged in the conveyance of

(a) 18 & 19 Geo. 5. c. 32. (b) S.R. & O. 1939 (No. 1209) II, p. 2732.
(c) S.R. & O. 1947 (No. 1593) I, p. 1682.