



Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939

1939 CHAPTER 83 2 and 3 Geo 6

3 Awards to mariners in respect of war injuries and detention.

- [^{F1}(1) The Minister may, with the consent of the Treasury, make a scheme for—
- (a) applying the provisions of any Naval War Pensions Order to persons in cases where their death or disablement is directly attributable to their having sustained war injuries, or suffered detention, by reason of their service as mariners in British ships;
 - (b) the payment of allowances to or for the benefit of persons who have suffered detention as aforesaid or to or for the benefit of their dependants.
- (2) The cases in which a person who has sustained an injury, or suffered detention, is to be treated as having sustained the injury, or suffered the detention, by reason of his service in a British ship as a mariner 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 War 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

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on behalf of the Minister of War 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.]

- (3) If it appears to the Minister that the awards that could be authorised by the provisions of a scheme made by virtue of paragraph (a) of subsection (1) of this section would, in the case of mariners of any particular class, be inappropriate to the conditions of their employment or engagement, he may, with the consent of the Treasury, in lieu of making provision for the application in their case of a Naval War Pensions Order, make a scheme authorising in their case awards on account of the like matters as if the scheme were made under those provisions, [^{F2}but of such amount and character as may be determined by or under the scheme.]

Textual Amendments

- F1** S. 3(1)(2) substituted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), s. 2\(1\)](#)
F2 Words substituted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), Sch.](#)

Modifications etc. (not altering text)

- C1** S. 3 amended by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), s. 2\(3\)](#) and [Pensions Appeal Tribunals Act 1943 \(c. 39\), s. 2](#); applied by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), ss. 1, 2\(3\)](#)
C2 Functions of Minister of War Transport under this Act now exercisable by Secretary of State: S.R. & O. 1946/375 (Rev. XV, p. 229; 1946 I, p. 1009), [S.I. 1953/1204](#) (1953 I, p. 1225), 1959/1768 (1959 I, p. 1793) and 1970/1681
C3 Functions of Treasury under s. 3 now exercisable by Minister for the Civil Service: [S.I. 1968/1650](#)

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