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STATUTORY INSTRUMENTS

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**1964 No. 1985**

**The War Pensions (Naval Auxiliary Personnel) Scheme 1964**

**Equivalent naval ranks**

5.—(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 Schedule 2 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 Schedule 2 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 Schedule 2 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 in respect of a composite assessment made under sub-paragraph ( 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 sub-paragraph 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.