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STATUTORY INSTRUMENTS

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**1964 No. 2058**

**The War Pensions (Mercantile Marine) Scheme 1964**

**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 member 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:

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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 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 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.