
STATUTORY INSTRUMENTS

1964 No. 2058

The War Pensions (Mercantile Marine) Scheme 1964

PART IV

APPLICATION AND MODIFICATION OF THE NAVAL ORDER

Interpretation of Part IV, Schedule 6 and the Naval Order

- 16.**—(1) Unless the context otherwise requires, in this Part of this Scheme and in Schedule 6—
- (a) any reference to a member of the Merchant Navy or a mariner shall be treated as including a reference to a member of the sea fishing service, a member of the pilotage service, a member of the light vessel service and a salvage worker; and
 - (b) any reference to service as a mariner in a British ship shall be treated as including a reference to service as a member of the pilotage service, service as a member of the light vessel service and service as a salvage worker.
- (2) The Naval Order as applied by this Scheme shall be construed as one with this Scheme.

Application of the Naval Order

17.—(1) Where the disablement or death of a member of the Merchant Navy is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship, the Naval Order shall apply to his case in accordance with the following provisions of this Article.

(2) For the purposes of their application to the case of a member of the Merchant Navy, the provisions of the Naval Order, in so far as they concern pensions and other grants in respect of disablement or death due to service after 2nd September 1939, shall have effect subject to the modifications and additions contained in this Scheme and in Schedule 6 to this Scheme.

Persons previously disabled

18.—(1) Where a member of the Merchant Navy who has suffered disablement which is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship (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 this Scheme or in the Naval Order as applied by 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 15 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 member of the Merchant Navy 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) Acts 1946 to 1964, or under any legislation in Northern Ireland corresponding to those Acts, or under the law of any place outside the United Kingdom which in the opinion of the Minister is analogous to those Acts.

(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.

Funeral grants

19.—(1) Subject to the following provisions of this Article, where the death of a member of the Merchant Navy is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship and his funeral is carried out privately at the expense of any person, a funeral grant not exceeding £25 may be awarded in respect of the expense incurred by that person.

(2) A funeral grant under this Article shall be reduced by the amount of any payment out of public funds which has been or will be made in respect of the expenses incurred in connection with the funeral.

(3) Except where the Minister in any special case otherwise directs, a funeral grant under this Article shall not be awarded unless an application for that award is made within 3 months from the date of the death of the member of the Merchant Navy.

(4) Any reference in the Naval Order as applied by this Scheme to a gratuity shall, unless the context otherwise requires, be treated as including a reference to a grant under this Article.

Awards on death

20.—(1) An award under this Scheme in respect of the death of a member of the Merchant Navy, where such death occurs more than 7 years after the date of the relevant qualifying injury or end of detention, shall not be made 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 under this Scheme or any previous Scheme.

(2) For the purposes of this Article, the expression “pension” includes a weekly allowance, a gratuity or an allowance in respect of a period of treatment as defined in Article 21(8) of the Naval Order as applied by this Scheme.