
STATUTORY INSTRUMENTS

1964 No. 1985

The War Pensions (Naval Auxiliary Personnel) Scheme 1964

Definitions

2. In this Scheme, unless the context otherwise requires—

(1) “the Act” means the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, as amended by the Pensions (Mercantile Marine) Act 1942:

(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 affected 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 5 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 and National Insurance :

(6) “naval auxiliary member” means a person who—

(a) was subject to the Naval Discipline Act(1) by virtue of section 90 of that Act; and

(b) was, 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

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

Provided that, where a person entered into two or more successive naval engagements which succeeded 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 25th September 1964 concerning pensions and other grants in respect of disablement or death due to service in the naval forces during the 1914 World War and after 2nd September 1939, as for the time being in force, or any Order in Council substituted therefor:

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(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 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 Schedule 1 to this Scheme.