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STATUTORY INSTRUMENTS

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**1964 No. 1985**

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

**Interpretation**

3.—(1) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply in relation to this Scheme and in relation to the revocation effected by it as if this Scheme and the Scheme revoked by it were Acts of Parliament and as if the revocation were a repeal.

(2) References in this Scheme to any enactment or Order shall, unless the context otherwise requires, be construed as references to that enactment or Order as amended by or under any other enactment or Order, or to any other enactment or Order substituted therefor.

(3) Where a claim under this Scheme other than one specified in the following paragraph of this Article is made, there shall be no onus on the claimant to prove that disablement or death is directly attributable to the relevant qualifying injury or detention and the benefit of any reasonable doubt on those questions shall be given to the claimant.

(4) Where a claim under this Scheme—

- (a) in respect of disablement is made more than 7 years after the date of the relevant qualifying injury or end of detention; or
- (b) is made in respect of the death of a person, such death having occurred more than 7 years after the date of the relevant qualifying injury or end of detention;

and, upon reliable evidence, a reasonable doubt exists whether the disablement is, or the death was, directly attributable to the relevant qualifying injury or detention, the benefit of that reasonable doubt shall be given to the claimant.

(5) For the purposes of this Scheme, the detention of a naval auxiliary member may be treated as continuing until whichever is the earliest of the following dates, that is to say—

- (a) the date of his death; or
- (b) the date on which it was first practicable for him to go to the place to which he ought to have gone for the purpose of resuming the performance of his duties under the naval engagement in pursuance of which he was serving at the commencement of the detention; or
- (c) the date on which it was first practicable for him, without committing a breach of the naval engagement in pursuance of which he was serving at the commencement of the detention, to return to the country to which he belonged;

or until such other date as the Minister may direct in relation to that naval auxiliary member or to any class of naval auxiliary members.