
STATUTORY INSTRUMENTS

1964 No. 1985

The War Pensions (Naval Auxiliary Personnel) Scheme 1964

Persons previously disabled

7.—(1) Where a naval auxiliary member who has suffered disablement which is directly attributable to a qualifying injury or to detention (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 5(3) 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 naval auxiliary member 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.