

SCHEDULE 1

War Injuries and War Risk Injuries

1. A war injury is a physical injury—
 - (a) caused by—
 - (i) the discharge of any missile (including liquids and gas); or
 - (ii) the use of any weapon, explosive or other noxious thing; or
 - (iii) the doing of any other injurious act;either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or
 - (b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from any such aircraft.
2. A war risk injury is a physical injury sustained on or after 3rd September 1939 at sea or in any other tidal water or in the waters of any harbour and attributable to—
 - (a) the taking of measures with a view to avoiding, preventing or hindering enemy action against ships, or as a precaution in anticipation of enemy action against ships, or for rescue or salvage purposes in consequence of enemy action against ships; or
 - (b) the absence, by reason of circumstances connected with any war in which His Majesty may be engaged, of any aid to navigation for ships, or of any warning of danger to ships, being an aid or warning which would be normal in time of peace; or
 - (c) the carriage, by reason of circumstances connected with any such war as aforesaid, of any cargo in a manner which would be abnormal in time of peace and involves danger to the ship in which the cargo is carried or to her crew; or
 - (d) the existence on board ship of any other conditions arising out of any such war as aforesaid which would be abnormal in time of peace:Provided that—
 - (i) in relation to injuries sustained in the waters of a harbour, the measures specified in subparagraph (a) of this paragraph do not include the prohibition or restriction of lights other than navigational lights; and
 - (ii) in relation to a salvage worker, or the master or a member of the crew of a salvage vessel, the references in subparagraph (a) of this paragraph to measures taken for salvage purposes shall not apply.
3. For the purposes of paragraph 2 of this Schedule, an injury shall be treated as being attributable to the matters specified in subparagraph (a), subparagraph (b), subparagraph (c) or subparagraph (d) of that paragraph if, but only if, they substantially increased the risk of the peril occurring which caused the injury.
4. In this Schedule, the following expressions have, except where the context otherwise requires, the meanings hereby respectively assigned to them, that is to say—
 - (a) “harbour” means any harbour, whether natural or artificial, and any port, dock, haven, estuary, tidal or other river, canal or inland navigation to which seagoing ships have access;
 - (b) “navigational light” means a light displayed, whether on a ship or otherwise, as an aid to navigation for ships or as a warning of danger to ships;
 - (c) “physical injury” includes tuberculosis and any other organic disease, and the aggravation thereof;

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- (d) “salvage” means the preservation or recovery of vessels wrecked, stranded or in distress, or their cargo or apparel, or the recovery of any other property from the water and includes the removal of wrecks, and “salvage operations” and “salvage purposes” shall be construed accordingly;
- (e) “salvage vessel” means a ship regularly employed, or chartered for the purposes of being employed, in salvage operations;
- (f) “salvage worker” means any person, other than a member of His Majesty's naval forces, who, not being the master or a member of the crew of a ship, is regularly employed in salvage operations;
- (g) “tidal water” means any part of the sea, and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour .