
STATUTORY INSTRUMENTS

1964 No. 2007

The Pensions (Polish Forces) Scheme 1964

Entitlement

5.—(1) Subject to the provisions of this Article, the disablement or death of a member of the Polish forces shall be accepted as due to service provided it is certified that—

- (a) the disablement is due to an injury which—
 - (i) is attributable to service; or
 - (ii) existed before or arose during service and has been and remains aggravated thereby;
 - (b) the death was due to or substantially hastened by—
 - (i) an injury which was attributable to service; or
 - (ii) the aggravation by service of an injury which existed before or arose during service;
- and provided further that where the death of the member occurs after the expiration of the period of 7 years beginning with the end of his service he then was, or at any time previously thereto had been, in receipt of a pension under this Scheme or any previous Scheme made under the Act.

(2) A disablement or death shall be certified in accordance with paragraph (1) of this Article if it is shown by reliable corroborative evidence that the conditions set out therein and applicable thereto are fulfilled.

(3) The condition set out in paragraph (1)(a)(ii) of this Article, namely, that the injury on which the claim is based remains aggravated by service, shall not be deemed to be fulfilled unless the injury remains so aggravated at the time when the claim is made, but this paragraph shall be without prejudice, in a case where an award is made, to the subsequent operation of Article 2(8) of the Royal Warrant as applied by this Scheme in relation to that condition.

(4) For the purposes of this Article, the expression “pension” shall include a weekly allowance or gratuity, or an allowance in respect of a period of treatment as defined in Article 21(8) of the Royal Warrant as applied by this Scheme.