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STATUTORY INSTRUMENTS

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**1964 No. 2007**

**The Pensions (Polish Forces) Scheme 1964**

**Citation and commencement**

1. This Scheme may be cited as the Pensions (Polish Forces) Scheme 1964, and shall come into operation on 1st January 1965.

**Definitions**

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

(1) “the Act” means the Polish Resettlement Act 1947:

(2) “disablement” means physical or mental injury or damage, or loss of physical or mental capacity:

(3) “equivalent British rank” and “equivalent British status”, in relation to a member of the Polish forces, mean respectively the rank or status which the member is, by virtue of Article 7 of this Scheme, to be treated as holding for the purposes of this Scheme:

(4) “injury” includes wound or disease:

(5) “member of the Polish forces” means—

(a) a member of the Polish naval detachment mentioned in the agreement made between His Majesty's Government in the United Kingdom and the Government of Poland on 18th November 1939;

(b) a member of the Polish armed forces organised and employed under British command in pursuance of the agreement made as aforesaid on 5th August 1940;

(c) a member of the Polish resettlement forces;

and, except where the context otherwise requires, any provision of this Scheme relating to a member of the Polish forces shall be construed as relating also to a woman member of the Polish forces and as relating to a person whose service as such a member or woman member has terminated:

(6) “the Minister” means the Minister of Pensions and National Insurance:

(7) “officer” means a male member of the Polish forces whose equivalent British rank is that of a commissioned officer of the British Army, or of a warrant officer or midshipman of the Royal Navy, and includes, unless the context otherwise requires, a woman member whose equivalent British status is the status equivalent to the rank of such an officer, and any reference to a commissioned officer or to a warrant officer (Royal Navy) or to any particular rank or status shall be construed accordingly:

(8) “the Polish resettlement forces” means—

(a) the Polish Resettlement Corps;

(b) the Polish Resettlement Corps (Royal Air Force);

(c) the Polish Resettlement Section of the Auxiliary Territorial Service;

(d) the Polish Resettlement Section of the Women's Auxiliary Air Force:

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(9) “the Royal Warrant” means the Royal Warrant dated 19th September 1964(1), concerning pensions and other grants in respect of disablement or death due to service in the military forces during the 1914 World War and after 2nd September 1939, as for the time being in force, or any Royal Warrant substituted therefor:

(10) “service”, in relation to a member of the Polish forces, means service as such a member under British command for any period after 2nd September 1939:

(11) “soldier” means a male member of the Polish forces who is not an officer and includes, unless the context otherwise requires, a woman member of the Polish forces whose equivalent British status is not that of an officer:

(12) “woman member of the Polish forces” means a member of the Polish forces who, being a woman, is—

- (a) a medical or dental practitioner employed with the Polish forces with relative rank as an officer; or
- (b) employed in the nursing service of the Polish forces; or
- (c) enrolled in any women's section of the said forces including the Polish Resettlement Section of the Auxiliary Territorial Service and the Polish Resettlement Section of the Women's Auxiliary Air Force.

### **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) Where any matter is required by this Scheme to be certified and the matter involves a medical question, that matter shall be determined in accordance with a certificate on that question of a medical officer or board of medical officers appointed or recognised by the Minister for the purpose.

### **Persons to whom this Scheme applies**

**4.** This Scheme applies to members of the Polish forces whose disablement or death is due to service.

### **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.

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(1) Cmnd. 2467.

(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.

### **Application of provisions of the Royal Warrant**

6.—(1) Where the disablement or death of a member of the Polish forces is due to service, provisions of the Royal Warrant, in so far as they concern pensions and other grants in respect of disablement or death due to service after 2nd September 1939 and modified in the respects indicated in Schedule 2 to this Scheme, shall apply to his case, subject to the conditions, limitations and exceptions contained in this Scheme.

(2) The said provisions of the Royal Warrant so applied shall be construed as one with this Scheme.

### **Ranks of members of the Polish forces**

7. For the purposes of this Scheme, a member of the Polish forces shall be treated as holding on any date the rank or status in the British forces which is set out in the appropriate Table in Schedule 1 to this Scheme as the equivalent British rank of the rank he held on that date in the Polish forces.

### **Declarations and certificates which may be required**

8.—(1) Any person to whom a pension, allowance or gratuity has been awarded under this Scheme, and any person to whom payment of that pension, allowance or gratuity is to be made, shall, if and when required by the Minister so to do, subscribe such declaration as the Minister may from time to time direct.

(2) Where a declaration is subscribed under paragraph (1) of this Article by a person who is not the person to whom the pension, allowance or gratuity has been awarded, there shall be furnished, if and when required by the Minister, such certificate as the Minister may from time to time direct.

(3) If such a declaration or certificate as may have been required by the Minister under this Article to be subscribed or furnished is not subscribed or furnished, payment of the pension, allowance or gratuity shall be withheld until the requirements of the Minister under this Article have been satisfied.

### **Power to award lump sum payments**

9. Where, in the case of any person to whom a pension or allowance may be, or has been, awarded under this Scheme, the Minister is satisfied that the payment of a lump sum in lieu of that pension or allowance is justified by the circumstances of the case, the Minister may award to the person such lump sum as aforesaid, and any reference in this Scheme to a gratuity shall be construed as including a reference to a lump sum awarded under this Article.

### **Invalidity of assignments**

10. Any assignment of, or charge on, and any agreement to assign or charge, any pension, allowance or gratuity which may be, or has been, awarded under this Scheme shall, for the purposes of this Scheme, be void.

### **Awards not payable to or in respect of persons in Poland**

11. Where the Minister is satisfied that a person to or in respect of whom a pension, allowance or gratuity may be or has been awarded under this Scheme, is resident in Poland or, since the termination of the service of the member of the Polish forces concerned, has been or has become so resident, no award, payment or further payment, as the case may be, of such pension, allowance or gratuity shall be made and any award of pension, allowance or gratuity which has been made to or in respect of such a person shall be terminated finally:

Provided that nothing in the foregoing provisions of this Article shall preclude the making or restoration of an award, and the making of payments thereunder, to or in respect of a person not resident in Poland—

- (a) who is an eligible member of the family of a member of the Polish forces; or
- (b) who is the widow, parent, child or other dependant of a deceased member of the Polish forces and who has not been or become resident in Poland since the date of his death—

for any period during which that person is not resident in Poland.

### **Recall to the Polish resettlement forces**

12. The Minister may withhold or cancel any award which may be or has been made under this Scheme in respect of the disablement of a member of the Polish resettlement forces in any case where that member is recalled to paid service in those forces.

### **Administration of Scheme**

13. The Minister shall be the sole administrator of this Scheme and all questions with respect to the effect or operation of this Scheme shall be determined by the Minister, and his decision thereon shall be final and conclusive.

### **Revocation of previous Scheme, duration of this Scheme and transitional provisions**

14.—(1) Subject to the provisions of this Article, this Scheme shall be substituted for the Pensions (Polish Forces) Scheme 1949<sup>(2)</sup> (hereinafter referred to as “the previous Scheme”) which is hereby revoked, and accordingly payments under this Scheme shall be limited to such as fall due for payment before 27th March 1967, being the terminal date of the extended period specified in the Pensions (Polish Forces) Scheme (Amendment and Extension) Order 1962<sup>(3)</sup>, or before the expiration of such extended period after that date as the Minister, with the consent of the Treasury, may from time to time by order specify.

(2) Subject to the provisions of this Scheme and of the Royal Warrant as applied by this Scheme and to such conditions as the Minister may determine, payments which were due before the date or, as the case may be, within the extended period mentioned in paragraph (1) of this Article but not drawn before that date or during that extended period may be drawn thereafter.

(3) Where, after the date or the end of the extended period mentioned in paragraph (1) of this Article, proceedings were pending on a claim such proceedings may be completed and, if the claim

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(2) (1949 I, p. 3156).

(3) (1962 I, p. 508).

is successful, payments may, subject to such conditions as the Minister may determine, be made of any sums which, under the provisions of this Scheme, would have fallen due before that date or, as the case may be, within the said extended period had the claim been then accepted.

(4) Any thing made or done under or in pursuance of any provision of the previous Scheme shall be deemed to have been made or done under or in pursuance of the corresponding provision of this Scheme, and anything begun under any provision of the previous Scheme may be continued under this Scheme as if begun under this Scheme.

(5) Any relevant provision of this Scheme or of the Royal Warrant as applied by this Scheme shall, as from the commencing date of this Scheme, apply to any case where the disablement or death of a member of the Polish forces was due to service before the commencing date of this Scheme, whether an award has been made under any previous Scheme made under the Act or not.

16th December 1964

*Margaret Herbison*  
Minister of Pensions and National Insurance

We consent.

16th December 1964

*G. H. R. Rogers*  
*J. McCann*  
Two of the Lords Commissioners of Her  
Majesty's Treasury