
STATUTORY INSTRUMENTS

1964 No. 2058

The War Pensions (Mercantile Marine) Scheme 1964

PART II

PERSONS TO WHOM THIS SCHEME APPLIES

Members of the Merchant Navy and the sea fishing service

4.—(1) Subject to the following provisions of this Article, this Scheme applies to any member of the Merchant Navy or sea fishing service whose disablement or death is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner in a British ship.

(2) The cases in which a member of the Merchant Navy or sea fishing service who has sustained a qualifying injury or suffered the detention is to be treated as having sustained the injury or suffered the detention by reason of his service as a mariner in a British ship are set out in Part I of Schedule 2 to this Scheme.

(3) The Minister may give directions, in relation to persons who are British subjects or British protected persons, that their service or employment as mariners in ships which are not British ships shall be treated for the purposes of this Scheme, either in all cases or in any particular case or class of case specified in the directions, as if it were service or employment in British ships.

(4) This Scheme does not apply to a person whose disablement or death is directly attributable to a qualifying injury sustained or detention suffered by reason of his service as a mariner—

(a) in a British ship—

- (i) belonging to Her Majesty in right of the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa or the Irish Republic;
- (ii) belonging to Her Majesty in right of India before 15th August 1947, or in right of India or Pakistan after that date (not being in any such case a ship registered in any of those territories under the Merchant Shipping Acts 1894 to 1949);
- (iii) belonging to Her Majesty in right of Ceylon after 3rd February 1948;
- (iv) which belonged to Her Majesty in right of Burma before 4th January 1948;
- (v) which is, or was, held by any person on behalf of or for the benefit of the Crown in any such right as is mentioned in the foregoing provisions of this paragraph; or
- (vi) which is, or was, registered in any such Dominion or country as aforesaid and is not, or was not, a ship registered before 15th August 1947 in India, or registered thereafter in India or Pakistan, under the Merchant Shipping Acts 1894 to 1949;

unless the ship is, or was, for the time being placed at the disposal of or chartered by or on behalf of Her Majesty's Government in the United Kingdom; or

(b) in a ship which was used for private amusement or pleasure while he was serving or employed therein.