



Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939

1939 CHAPTER 83 2 and 3 Geo 6

An Act to make provision for the transfer to the Minister of Pensions of powers and duties with respect to pensions and grants vested in certain Naval, Military and Air Force authorities, to amend section nine of the War Pensions (Administrative Provisions) Act, 1918, to make provision for awards in respect of war injuries to, and the detention of, mariners and other seafaring persons and war damage to their effects, and for purposes connected with the matters aforesaid. [3rd September 1939]

Modifications etc. (not altering text)

- C1 “the Minister” means Minister of Pensions whose functions are now exercisable by Secretary of State: [S.I. 1953/1198](#) (1953 I, p. 1228), [Ministry of Social Security Act 1966](#) (c. 20), [s. 2](#) and [S.I. 1968/1699](#)
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948](#) (c. 62), [s. 3](#)
- C3 Act excluded (E.W.S.) by [Forfeiture Act 1982](#) (c. 34, SIF 116:1), [ss. 4, 5](#) and by [S.I. 1982/1082](#) (N.I. 14), [arts. 6, 7](#)

1 F1

Textual Amendments

- F1 [S. 1](#) repealed by [S.I. 1964/488](#)

2 F2

Textual Amendments

- F2 [S. 2](#) repealed by [War Orphans Act 1942](#) (c. 8), [s. 2\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939. (See end of Document for details)

3 Awards to mariners in respect of war injuries and detention.

- [^{F3}(1) The Minister may, with the consent of the Treasury, make a scheme for—
- (a) applying the provisions of any Naval War Pensions Order to persons in cases where their death or disablement is directly attributable to their having sustained war injuries, or suffered detention, by reason of their service as mariners in British ships;
 - (b) the payment of allowances to or for the benefit of persons who have suffered detention as aforesaid or to or for the benefit of their dependants.
- (2) The cases in which a person who has sustained an injury, or suffered detention, is to be treated as having sustained the injury, or suffered the detention, by reason of his service in a British ship as a mariner are where the injury, or the capture on which his detention was consequent, as the case may be, occurred—
- (a) while he was in the service of a British ship as a mariner;
 - (b) in the case of a person normally employed as a mariner, while he was in the service of a seagoing British ship in the British Islands in which he was employed as master or a member of the crew thereof, notwithstanding that he was not employed in seagoing service in the ship;
 - (c) while he was at a place outside the British Islands on leave from a British ship in which he was employed as a mariner and which was at a port outside the British Islands;
 - (d) while he was at a place outside the British Islands in accordance with arrangements made or approved by or on behalf of the Minister of War Transport for having persons available for employment as mariners;
 - (e) while he was at any place, except on land in the British Islands, in the course of proceeding to employment in a British ship as a mariner, or to a place to which he was going in accordance with such arrangements as aforesaid;
 - (f) without prejudice to the last preceding paragraph, while he was at any place, except as aforesaid, in the course of returning to any part of the British Islands, to the country to which he belonged, or to any other country approved by or on behalf of the Minister of War Transport, from employment in a British ship as a mariner, or from a place at which he had been in accordance with such arrangements as aforesaid, and before he first arrived on land in that part of the British Islands or, as the case may be, in that country; or
 - (g) while he was waiting at any place outside the British Islands to proceed or return as aforesaid whether the delay was due to sickness or to any other cause outside his control.]
- (3) If it appears to the Minister that the awards that could be authorised by the provisions of a scheme made by virtue of paragraph (a) of subsection (1) of this section would, in the case of mariners of any particular class, be inappropriate to the conditions of their employment or engagement, he may, with the consent of the Treasury, in lieu of making provision for the application in their case of a Naval War Pensions Order, make a scheme authorising in their case awards on account of the like matters as if the scheme were made under those provisions, [^{F4}but of such amount and character as may be determined by or under the scheme.]

Textual Amendments

F3 S. 3(1)(2) substituted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\)](#), [s. 2\(1\)](#)

F4 Words substituted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\)](#), [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939. (See end of Document for details)

Modifications etc. (not altering text)

- C4** S. 3 amended by Pensions (Mercantile Marine) Act 1942 (c. 26), s. 2(3) and Pensions Appeal Tribunals Act 1943 (c. 39), s. 2; applied by Pensions (Mercantile Marine) Act 1942 (c. 26), ss. 1, 2(3)
- C5** Functions of Minister of War Transport under this Act now exercisable by Secretary of State: S.R. & O. 1946/375 (Rev. XV, p. 229: 1946 I, p. 1009), S.I. 1953/1204 (1953 I, p. 1225), 1959/1768 (1959 I, p. 1793) and 1970/1681
- C6** Functions of Treasury under s. 3 now exercisable by Minister for the Civil Service: S.I. 1968/1650

4 Awards to pilots, &c.

- (1) The Minister may with the consent of the Treasury make a scheme for—
- (a) applying the provisions of any Naval War Pensions Order to persons to whom this section applies in cases where their death or disablement is directly attributable to war injuries sustained by reason of their service, or to detention caused by reason of their service; and
 - (b) the payment of allowances to or for the benefit of any such persons detained as aforesaid, or to or for the benefit of the dependants of such persons so detained.
- (2) This section applies to the following persons, namely—
- (a) pilots and apprentice pilots; and
 - (b) masters and members of the crew of pilot boats, lightships, lighthouse tenders and lightship tenders.
- (3) For the purpose of this section, a person to whom this section applies shall be deemed to have sustained a war injury, or to have been detained, by reason of his service, if he sustained the injury, or if the capture in consequence of which the detention occurs is effected—
- (a)^{F5}
 - (b) in the case of a master or member of the crew of a pilot boat, lighthouse tender or lightship tender, while he is in the service of the boat or tender [^{F6}or is at any place, except on land in the British Islands, in the course of proceeding to the boat or tender for the purpose of being in the service thereof, or of returning from the boat or tender after being in the service thereof.]
 - (c) in the case of a master or member of the crew of a lightship, while he is in the service of the lightship or [^{F7}is at any place, except on land in the British Islands, in the course of proceeding] to the lightship for the purpose of being in the service thereof [^{F7}or of returning from the lightship] after being in the service thereof.
- (4) In this section the following expressions have the meanings hereby respectively assigned to them:—
- “Lightship” means a lightship belonging to a local or general lighthouse authority within the meaning of the [^{F8}Merchant Shipping Act 1995];
 - “Lighthouse tender” means a tender to a lighthouse belonging to any such authority;
 - “Lightship tender” means a tender to a lightship;
 - “Pilot boat” has the meaning assigned to it by [^{F9}section 6 of the Pilotage Act 1987], [^{F6}save that it includes any vessel which for the time being is being used in the pilotage service of any pilotage district in the British Islands.]

Changes to legislation: There are currently no known outstanding effects for the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939. (See end of Document for details)

Textual Amendments

- F5** S. 4(3)(a) repealed by Pensions (Mercantile Marine) Act 1942 (c. 26), s. 3(2)
- F6** Words added by Pensions (Mercantile Marine) Act 1942 (c. 26), Sch.
- F7** Words substituted by Pensions (Mercantile Marine) Act 1942 (c. 26), Sch.
- F8** Words in the definition of "lightship" in s. 4(4) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), Sch. 13 para. 19(a) (with s. 312(1))
- F9** Words substituted by virtue of Pilotage Act 1987 (c. 21, SIF 111), s. 32(4), Sch. 2 para. 1

Modifications etc. (not altering text)

- C7** S. 4 amended by Pensions (Mercantile Marine) Act 1942 (c. 26), s. 3(2) and Pensions Appeal Tribunals Act 1943 (c. 39), s. 2; applied by Pensions (Mercantile Marine) Act 1942 (c. 26), ss. 1, 3, 4
- C8** Functions of Treasury under s. 4 now exercisable by Minister for the Civil Service: S.I. 1968/1650

5 Awards to certain persons serving on naval ships.

- (1) The Minister may, with the consent of the Treasury, make a scheme for—
- applying the provisions of any Naval War Pensions Order to persons employed or engaged on ships forming part of [^{F10}the Royal Navy](being persons to whom the provisions of the Order would not otherwise apply) in cases where their death or disablement is directly attributable to war injuries sustained in such circumstances as may be specified in the scheme, or to detention caused by reason of their service in such ships; and
 - the payment of allowances to or for the benefit of any such persons detained as aforesaid, or to or for the benefit of the dependants of such persons so detained.
- (2) If it appears to the Minister that the awards that could be authorised by the provisions of a scheme made by virtue of paragraph (a) of the foregoing subsection would, in the case of any such persons of any particular class, be inappropriate to the conditions of their employment or engagement, he may, with the consent of the Treasury, in lieu of making provision for the application in their case of a Naval War Pensions Order, make a scheme authorising in their case awards on account of the like matters as if the scheme were made under those provisions, [^{F11}but of such amount and character as may be determined by or under the scheme.]

Textual Amendments

- F10** Words substituted by Armed Forces Act 1981 (c. 55, SIF 7:1), s. 20, Sch. 3 Pt. II para. 7
- F11** Words substituted by Pensions (Mercantile Marine) Act 1942 (c. 26), Sch.

Modifications etc. (not altering text)

- C9** S. 5 applied by Pensions (Mercantile Marine) Act 1942 (c. 26), s. 1; amended by Pensions Appeal Tribunals Act 1943 (c. 39), s. 2
- C10** Functions of Treasury under s. 5 now exercisable by Minister for the Civil Service: S.I. 1968/1656

6 Compensation for war damage to effects.

- (1) The Board of Trade may with the consent of the Treasury make a scheme for compensating—

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- [^{F12}(a) persons for war damage to their effects sustained by reason of their service as mariners in British ships, that is to say, sustained in any of the circumstances mentioned in paragraphs (a) to (g) of subsection (2) of section three of this Act.] and
- (b) a person to whom section four of this Act applies, for war damage to his effects sustained in such of the circumstances mentioned in subsection (3) of that section as are applicable in his case; and
- (c) persons to whom section five of this Act applies, for war damage to their effects sustained in such circumstances as may be specified in the scheme.
- (2) A scheme made by virtue of this section may fix the maximum amount that shall be payable thereunder in different circumstances specified in the scheme.
- ^{F13}(3)
- (4) In this section the expression “effects”, in relation to any person, means any property carried on his person or in the ship in which he is serving or in the ship or other conveyance in which he is travelling, or otherwise accompanying him, at the time when the war damage in question occurs.

Textual Amendments

F12 S. 6(1)(a) substituted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), s. 2\(2\)](#)

F13 S. 6(3) repealed (1.1.1996) by [1995 c. 21, ss. 314\(1\), 316\(2\), Sch. 12](#) (with s. 312(1), Sch. 14 para. 1)

Modifications etc. (not altering text)

C11 S. 6 applied by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), ss. 1\(1\), 2\(3\)](#)

C12 Functions of Board of Trade under s. 6 now exercisable by Secretary of State concurrently with Board of Trade: S.R. & O. 1939/1470 (Rev. XV, p. 214: 1939 II, p. 3051), S.R. & O. 1941/654 (Rev. XV, p. 228: 1941 I, p. 1221), S.R. & O. 1946/375 (Rev. XV, p. 229: 1946 I, p. 1009), [S.I. 1953/1204](#) (1953 I, p. 1225), 1959/1768 (1959 I, p. 1793), 1965/145 and 1970/1537

C13 S. 6(1)(a) amended by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), s. 2\(3\)](#)

7 General provisions as to schemes.

- (1) A scheme made by the Minister or the Board of Trade under this Act (hereafter in this Act referred to as “a scheme”) may contain any such provisions as appear to him or them to be necessary or expedient for giving effect to the purpose of the scheme, and, without prejudice to the generality of the foregoing words, may make provision—
- (a) for the determination of questions with respect to the effect or operation of the scheme, and
- (b) for empowering the Minister or the Board of Trade, as the case may be, to make regulations for giving effect to the purposes of the scheme.
- (2) A scheme may provide that it shall come into operation, or shall be deemed to have come into operation, on such date as may be specified therein, whether before or after the commencement of this Act.
- (3) A scheme may be amended or revoked by a subsequent scheme or by an order made by the Minister or the Board of Trade, as the case may be.
- (4) A scheme and any regulations made thereunder, and any order made under this Act, shall, for the purpose of section three of the ^{M1}Rules Publication Act, 1893 (which

Changes to legislation: There are currently no known outstanding effects for the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939. (See end of Document for details)

relates to the printing of statutory rules), be deemed to be statutory rules within the meaning of that Act.

- (5) A scheme applying the provisions of a Naval War Pensions Order to mariners or other persons in the cases mentioned in this Act may apply the Order subject to—
- (a) [^{F14}such additions and modifications] as appear to the Minister to be appropriate, having regard to the differences in the conditions of service of mariners and other persons and of officers and men of His Majesty's naval forces respectively or to other circumstances; and
 - (b) such conditions, limitations and exceptions as appear to the Minister to be expedient.
- (6) All sums to be paid in respect of a pension or other payment awarded by virtue of a scheme shall be paid out of moneys provided by Parliament.

Textual Amendments

F14 Words substituted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), Sch.](#)

Modifications etc. (not altering text)

C14 [S. 7](#) saved by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\), s. 8](#)

C15 Functions of Board of Trade under s. 7 now exercisable by Secretary of State concurrently with Board of Trade: S.R. & O. 1939/1470 (Rev. XV, p. 214: 1939 II, p. 3051), S.R. & O. 1941/654 (Rev. XV, p. 228: 1941 I, p. 1221), S.R. & O. 1946/375 (Rev. XV, p. 229: 1946 I, p. 1009), [S.I. 1953/1204](#) (1953 I, p. 1225), 1959/1768 (1959 I, p. 1793), 1965/145 and 1970/1537

Marginal Citations

M1 [1893 c. 66.](#)

8

F15

Textual Amendments

F15 [S. 8](#) repealed (E.W.) (S.) by [Theft Act 1968 \(c. 60\), s. 33\(3\), Sch. 3 Pt. I](#) and (N.I.) by [Theft Act \(Northern Ireland\) 1969 \(c. 16\), s. 31\(2\), Sch. 3 Pt. I](#)

9

F16

Textual Amendments

F16 [S. 9](#) repealed by [S.I. 1965/145](#)

10 Interpretation.

In this Act the following expressions have the meanings hereby respectively assigned to them:—

“British Islands” means Great Britain, Northern Ireland, the Channel Islands and the Isle of Man;

Changes to legislation: There are currently no known outstanding effects for the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939. (See end of Document for details)

“British ship” [^{F17}does not include a ship forming part of [^{F18}the Royal Navy], but includes a ship] not forming part of [^{F18}the Royal Navy] which belongs to His Majesty or is held by any person on behalf of or for the benefit of the Crown;

“Capture” includes seizure, arrest or other restraint;

“Detention,” in relation to a mariner or other person, means detention consequent on the capture of the mariner or other person or of his ship effected by reason of the existence of a state of war;

“Mariner,” in relation to a . . . ^{F19} ship, means the master or a member of the crew of the ship, being a person employed or engaged in seagoing service [^{F20}in that ship] and not being a member of His Majesty’s naval forces or a person to whom the provisions of section four or section five of this Act apply;

“Naval War Pensions Order” means an Order in Council whereby provision is made as respects officers and men of His Majesty’s naval forces for the award of pensions or other payments on account of death or disablement attributable to service in those forces during war;

[^{F21}“Place” includes any point on land, in the air, or on or in the water]

[^{F22}“Port” includes any dock, harbour, pier, quay, wharf, mooring, anchorage or other similar place]

[^{F21}“Ship” has the same meaning as in the [^{F23}Merchant Shipping Act 1995]]

“War injuries” means physical injuries—

(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;

and the expression “war damage”, in relation to the effects of any person, means loss of or damage to his effects caused as aforesaid or caused by or in consequence of his capture or the capture of the effects.

Textual Amendments

- F17** Words substituted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\)](#), [Sch.](#)
- F18** Words substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 20, [Sch. 3 Pt. II para. 7](#)
- F19** Words repealed by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\)](#), [Sch.](#)
- F20** Words inserted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\)](#), [Sch.](#)
- F21** Definition inserted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\)](#), [Sch.](#)
- F22** Definition substituted by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\)](#), [Sch.](#)
- F23** Words in the definition of "ship" in s. 10 substituted (1.1.1996) by [1995 c. 21](#), [ss. 314\(2\), 316\(2\)](#), [Sch.](#) 13 para. 19(b)(with s. 312(1))

Modifications etc. (not altering text)

- C16** [S. 10](#) explained by [Pensions \(Mercantile Marine\) Act 1942 \(c. 26\)](#), [s. 5](#)

Changes to legislation: *There are currently no known outstanding effects for the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939. (See end of Document for details)*

11 Short title and extent.

- (1) This Act may be cited as the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939.
- (2) It is hereby declared that this Act extends to Northern Ireland.

Changes to legislation:

There are currently no known outstanding effects for the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939.