



Pensions (Mercantile Marine) Act 1942

1942 CHAPTER 26

1 Additional injuries and damage in respect of which compensation may be paid.

- (1) Sections three, four and five of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939 (hereafter in this Act referred to as " the principal Act ") (which sections empower the Minister of Pensions to make schemes for awards in respect of war injuries to mariners, pilots and other persons, and certain persons employed or engaged in ships forming part of His Majesty's Navy) shall, as amended by the subsequent provisions of this Act, apply in relation to injuries falling within this section which are not war injuries as defined by section ten of the principal Act as they apply in relation to war injuries as so defined ; and section six of the principal Act (which provides for compensation for war damage to effects) shall, as amended by the subsequent provisions of this Act, apply in relation to loss and damage falling within this section which is not war damage as so defined as it applies in relation to war damage as so defined.
- (2) The injuries falling within this section are physical injuries sustained on or after the third day of September, nineteen hundred and thirty-nine, 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,

and the loss and damage falling within this section is loss and damage sustained and attributable as aforesaid :

Status: This is the original version (as it was originally enacted).

Provided that in relation to injuries, loss or damage sustained in the waters of a harbour the measures specified in paragraph (a) of this subsection do not include the prohibition or restriction of lights other than navigational lights.

- (3) For the purposes of this section an injury or any loss or damage shall be treated as being attributable to the matters specified in paragraph (a), in paragraph (b), in paragraph (c), or in paragraph (d) of the last preceding subsection if, but only if, they substantially increased the risk of the peril occurring which caused the injury, loss or damage.
- (4) In this section the expression " 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.