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 STATUTORY INSTRUMENTS
 

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## 1982 No. 1023

## MERCHANT SHIPPING

**The Merchant Shipping (Compensation to Seamen—War  
Damage to Effects) Scheme 1982**

*Made* - - - 22nd July 1982

*Coming into Operation* 23rd July 1982

The Secretary of State with the consent of the Treasury, in exercise of the powers conferred by sections 6 and 7 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(a) (“the Act of 1939”) and now vested in him(b) and of all other powers enabling him in that behalf hereby makes the following Scheme:

1.—(1) This Scheme may be cited as the Merchant Shipping (Compensation to Seamen—War Damage to Effects) Scheme 1982 and shall come into operation on 23rd July 1982.

(2) The Compensation to Seamen (War Damage to Effects) Scheme 1945(c) is hereby revoked.

2. In this Scheme:

“mariner to whom this Scheme applies” means a person for whom the Secretary of State is authorised to provide compensation by a Scheme made under section 6(1)(a) of the Act of 1939;

“war damage” means in relation to the effects of a mariner to whom this Scheme applies, loss of or damage to his effects:

(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 Her Majesty, or any part of, or anything dropped from any such aircraft

and sustained while he was in the service of a British registered ship as a mariner in the circumstances arising out of the unlawful occupation of the Falkland Islands and their Dependencies by the Argentine Republic.

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(a) 1939 c.83; sections 6 and 7 were amended by the Pensions (Mercantile Marine) Act 1942 (c.26).

(b) S.R. & O. 1939/1470, 1941/654, 1946/375; S.I. 1953/1204, 1959/1768, 1965/145, 1970/1537.

(c) S.I. 1945/1164.

3. Every person who, as a mariner to whom this Scheme applies, sustained war damage to his effects may make a claim to the Secretary of State for compensation in respect thereof; and the Secretary of State may pay to that person in respect of such claim an amount not exceeding the maximum amount payable to him as follows:

Personal effects	£670
Uniforms	£450
Tools, instruments and technical books required in connection with shipboard duties	£350

4. In the event of the death of a person who, if he had survived, could have made a claim for compensation in respect of war damage to his effects, such claim may be made by his legal personal representative, or, in any case where the amount of the claim when added to the value of any other property of the deceased in the hands of the Secretary of State does not exceed £1,000 by any person who is proved to the satisfaction of the Secretary of State to be the widow or a child of the deceased, or to be entitled to the personalty of the deceased either by will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out; and if more than one person is enabled by the foregoing provisions of this Article to make any such claim the Secretary of State may determine by which of such persons the claim may be made and may pay to that person in respect of such claim the amount that would have been payable to the deceased if he had survived and made the claim.

5. In determining the amount to be paid to any person in respect of a claim for compensation made under this Scheme, the Secretary of State shall take into account any sum which he is satisfied that that person has received or is entitled to receive in respect of the loss of or damage to the effects in respect of which the claim is made, unless he is also satisfied that such sum ought not in the circumstances fairly to be taken into account.

6. Every claim for compensation made under this Scheme shall be made in such form and manner as may be approved by the Secretary of State and except by leave of the Secretary of State no claim shall be entertained unless made within a period of 6 months from the time when the war damage was sustained.

20th July 1982.

*Gerard Vaughan,*  
Minister of State,  
Department of Trade.

We consent to the making of this Scheme.

22nd July 1982.

*J. A. Cope,*  
*P. L. Brooke,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

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**EXPLANATORY NOTE**

*(This Note is not part of the Scheme.)*

This Scheme revokes the Compensation to Seamen (War Damage to Effects) Scheme 1945 and provides for compensation (up to specified limits) to be paid to or in respect of mariners on British registered ships who sustained war damage to their personal effects, uniforms, tools, instruments and technical books in the circumstances arising out of the unlawful occupation of the Falkland Islands and their Dependencies by the Argentine Republic. Any claim for compensation under this Scheme must be submitted to the Secretary of State within a period of 6 months from the time when the war damage was sustained.

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