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ADMIRALTY FLEET ORDER
POSITION OF CIVIL SERVANTS IN REGARD TO WAR
AND OTHER INJURIES DURING THE EMERGENCY PERIOD

ADMIRALTY, S.W.1,
28th May, 1942.

The following Order having been approved by My Lords Commissioners of the Admiralty is hereby promulgated for information and guidance and necessary action.

By Command of their Lordships,

J. V. Markham

Distribution Limited

To Commanders-in-Chief, Flag Officers, Senior Naval Officers Ashore, Superintendents or Officers in Charge of H.M. Naval Establishments, and Admiralty Overseers concerned. (See A.F.O. 3338/40.)

NOTE :—The scale of distribution is half that shown in the revised Admiralty Fleet Order Volume Instructions—A.F.O. 4544/41, paragraph 10.

~~HEAD OF "P" BRANCH~~

2586.—Position of Civil Servants in Regard to War and Other Injuries During the Emergency Period

(C.E. 6777/42.—28.5.1942.)

The undermentioned Circular and Statutory Rules and Orders are promulgated for information and guidance.

Any question of doubt or difficulty should be referred to the Admiralty for instructions :—

Treasury Circular T.C. No. 4/42, dated 16th May, 1942.

Statutory Rules and Orders, 1942 No. 871. Injury Warrant, dated 6th May, 1942.

(T.C. No. 4/42, P./2/76890/36.)

Sir, 16th May, 1942.

Adverting to Treasury Circulars No. 3/40 of 22nd February, 1940 and 9/41 of 29th April, 1941, I am directed by the Lords Commissioners of His Majesty's Treasury to transmit herewith copy of a further amending Injury Warrant. (The Injury Warrant, 1942, S.R. & O. No. 871 of 1942.)

2. It was stated in paragraph 12 of Treasury Circular No. 3/40 (*see A.F.O. 1035/40*) that as the Personal Injuries (Civilians) Scheme did not apply to persons who were not normally resident in the United Kingdom, local entrants into the Civil Service recruited outside the United Kingdom would continue to be dealt with under the existing (i.e. the Principal) Injury Warrants in respect of all injuries sustained on duty, whether or not they were war injuries.

A scheme which provides for compensation for war and war service injuries is now in force in Malta* and similar Schemes have been or may be enacted in other British territories, applicable to civilians, civil defence workers and in some cases local defence forces, which may possibly include units comparable to Departmental units of the Home Guard.

The new Injury Warrant accordingly provides that if such a Scheme is in force in relation to any British overseas territory, persons resident or normally resident in that territory who are injured on duty in the employment of the United Kingdom Government, or their dependants, shall be compensated on lines similar to those applicable to or in respect of corresponding civil servants serving in or recruited in the United Kingdom, but with the substitution of the terms of the local Scheme or Schemes for those of the Personal Injuries (Civilians) Scheme or other appropriate instrument.

3. In such circumstances those local entrants who are pre-war entrants, or their dependants, will be eligible, in respect of war, war service, or possibly local defence injuries sustained on duty, for compensation either on the scale of the Injury Warrants or on that of the Local Scheme, subject to the conditions of that Scheme, whichever is more favourable. A local entrant recruited on or after 1st September, 1939, or his dependants, will receive the local Scheme rate if his injury is one covered by the local Scheme; in respect of an injury which is not covered by a local Scheme the compensation payable under the Injury Warrant is not to exceed what would have been payable under the local Scheme if it had been a local war injury, without prejudice however to any awards already made which have not been so limited.

4. It has been agreed that local entrants in the service of the United Kingdom Government who are resident or normally resident in Malta shall continue to be dealt with under the Injury Warrants in respect of war or war service injuries sustained on duty, the cost of their compensation being borne by the British Government.

Under other Schemes however such persons may not be excluded from the operation of the local Scheme. Provision is therefore made for setting off any compensation payable under a local Scheme against any compensation payable under the Injury Warrants.

* This covers war injuries sustained outside Malta by persons normally resident in Malta.

5. The exception made in paragraph 3 (1) (a) of the Warrant is to cover the possible case of a local entrant who becomes an officer of the Mercantile Marine with remuneration in excess of the limit for workmen's compensation. The words "not being a workman" in paragraph 2 (f) are inserted to cover a similar case in which the remuneration is within that limit.

6. The opportunity has been taken of correcting two drafting errors in earlier Warrants :—

(1) Paragraph 14 of Treasury Circular 3/40 (*see A.F.O. 1035/40*) stated that preferential rates of compensation would not be granted in respect of war injuries to officers or their dependants.

Paragraph 6 of the Injury Warrant, 1940 however omitted to deal with the latter case.

(2) Paragraph 5 of Treasury Circular 9/41 (*see A.F.O. 414/42*) provided that members of a Departmental Unit of the Home Guard should be treated *mutatis mutandis* on the same lines as members of Departmental A.R.P. (now Civil Defence) Organisations. Technically however injuries sustained by the former on duty or during training are not "war service injuries". Words have accordingly been added to paragraph 2 of the Injury Warrant, 1940, to cover the Home Guard cases.

I am,

Your obedient Servant,
R. V. NIND HOPKINS.

STATUTORY RULES AND ORDERS

1942 No. 871

PENSION

Injury Warrant

THE INJURY WARRANT, 1942. DATED MAY 6, 1942

By virtue of the powers conferred upon Us by Section 1 of the Superannuation Act, 1887 (a), (as amended by Section 11 of the Superannuation Act, 1935) (b), and by Section 5 of the Superannuation Act, 1909 (c). We, being two of the Lords Commissioners of His Majesty's Treasury, do hereby direct as follows :—

1. This Warrant may be cited as the Injury Warrant 1942 and shall be construed as one with the Injury Warrant, 1940 (d), and the Injury Warrant, 1941 (e).

2. In this Warrant, unless the context otherwise requires, the following expressions have the meanings hereinafter respectively assigned to them, that is to say

- (a) "The No. 3 Warrant" means the Injury Warrant 1940;
- (b) "The No. 4 Warrant" means the Injury Warrant 1941;
- (c) "British overseas territory" means any of the following territories, that is to say—
 - (i) Any Dominion;
 - (ii) Any part of His Majesty's Dominions outside the United Kingdom;
 - (iii) Any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom or in any Dominion; and
 - (iv) Any British Protectorate or Protected State;
- (d) "Local Defence Guard", in relation to any British overseas territory, means any military organisation formed by the Government in that territory for local defence;
- (e) "Local Scheme", in relation to any British overseas territory, means any Injury Scheme or other instrument in force in relation to that

(a) 50 & 51 Vict. c. 67.

(b) 25 & 26 Geo. 5. c. 23.

(c) 9 Edw. 7. c. 10.

(d) S.R. & O., 1940 (No. 215), I, p. 741.

(e) S.R. & O., 1941 (No. 573), I, p. 740.

territory providing for the grant of compensation for injuries attributable to the war sustained by persons resident or ordinarily resident in that territory or injuries sustained by members of any organisation formed by the Government in that territory in connection with the civil defence thereof or injuries sustained by members of the Local Defence Guard ;

- (f) "Local Entrant of any British overseas territory" means any person (not being a workman or a person recruited in the United Kingdom) who is resident or ordinarily resident in that territory and is employed in a civil capacity by His Majesty's Government in the United Kingdom ;
- (g) "Local war injury", in relation to a local entrant of any British overseas territory, means any injury in respect of which compensation may be awarded to or in respect of him under any local scheme in force in relation to that territory providing for the grant of compensation for injuries attributable to the war sustained by persons resident or ordinarily resident in that territory, being an injury which, in the opinion of the Treasury, is comparable to a war injury ;
- (h) "Local war service injury", in relation to a local entrant of any British overseas territory, means any injury in respect of which compensation may be awarded to or in respect of him under any local scheme in force in relation to that territory providing for the grant of compensation for injuries sustained by members of any organisation formed by the Government in that territory in connection with the civil defence thereof, being an injury which, in the opinion of the Treasury, is comparable to a war service injury ;
- (i) "Local Defence service injury", in relation to a local entrant of any British overseas territory, means any injury in respect of which compensation may be awarded to or in respect of him under any local scheme in force in relation to that territory providing for the grant of compensation for injuries sustained by members of the Local Defence Guard in that territory, being an injury sustained by him (whether a local war injury or not) in the course of his duties or of training as a member of a unit of the Local Defence Guard in that territory formed for the protection of premises of Government Departments in that territory.

For the purposes of sub-paragraphs (g) (h) and (i) of this paragraph an injury may be treated as one in respect of which compensation may be awarded to or in respect of any local entrant under any local scheme if the injury is one in respect of which compensation might have been awarded to or in respect of that local entrant under that local scheme if the conditions for such an award had been fulfilled and if no award were made under the Principal Warrants in respect of the injury.

3. (1) If a local scheme is in force in relation to any British overseas territory and any local entrant of that territory suffers any injury during the period for which the local scheme has effect, then the Principal Warrants, the No. 3 Warrant, the No. 4 Warrant and paragraph 4 of this Warrant shall have effect in relation to that local entrant and his dependants—

- (a) if the injury is a local war injury, as if for any reference in the No. 3 Warrant, the No. 4 Warrant or paragraph 4 of this Warrant to a war injury there were (except in a case where the injury is a war injury sustained by such a person and in such circumstances as are mentioned in Sections 3 and 4 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939 (a)) substituted a reference to a local war injury ;
- (b) if the injury is a local war service injury, as if for any reference in the No. 3 Warrant, the No. 4 Warrant or paragraph 4 of this Warrant to a war service injury there were substituted a reference to a local war service injury ;
- (c) as if for any reference in the No. 3 Warrant or the No. 4 Warrant to Part III of the Scheme there were substituted a reference to the corresponding provisions in the local scheme applicable to him ;

(a) 2 & 3 Geo. 6. c. 83.

- (d) in the case of a member of an organisation formed by the Government in that territory in connection with the civil defence thereof, as if he were a civil defence volunteer ;
- (e) if the injury is a local defence service injury, as if he were enrolled in a unit of the Home Guard formed in a Government Department for the protection of the Department's premises and as if for the purposes of paragraph 4 (3) of the No. 3 Warrant (as amended by the No. 4 Warrant) the appropriate compensation provision in relation to him was the local scheme providing for compensation for injuries sustained by members of the Local Defence Guard ;
- (f) in the case of a person who entered the employment which rendered him a local entrant of that territory during the period of the present emergency, as if paragraph 4 of the No. 3 Warrant (as amended by the No. 4 Warrant) did not apply to him, and

- (i) the amount of the annual allowance or gratuity which might be granted under the Principal Warrants in respect of a local war injury or a local war service injury or a local defence service injury was to be the annual value or the gratuity value of the pensions and allowances, or the gratuity or the annual value of the gratuity, as the case may be, which might have been awarded under the corresponding provisions in the local scheme applicable to him in respect of the injury if the conditions for such an award had been fulfilled and if no award were made under the Principal Warrants in respect of the injury ;

Provided that if he is such a person, and sustains a war injury in such circumstances, as are mentioned in Sections 3 and 4 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, the amount of the annual allowance or gratuity which might be granted under the Principal Warrants in respect of the injury shall be the annual value or gratuity value of the pensions and allowances, or the gratuity or the annual value of the gratuity, as the case may be, which might have been awarded under the corresponding provisions in any scheme made by the Minister of Pensions under the said Sections in respect of the injury if the conditions for such an award had been fulfilled and if no award were made under the Principal Warrants in respect of the injury ;

- (ii) the amount of the annual allowance or gratuity which might be granted under the Principal Warrants in respect of other injuries was not to exceed the annual value or gratuity value of the pensions and allowances, or the gratuity or the annual value of the gratuity, as the case may be, which might have been awarded under the corresponding provisions of the local scheme providing compensation for local war injuries if the conditions for such an award had been fulfilled and if no award were made under the Principal Warrants in respect of the injury.

(2) If a local scheme is in force in relation to any British overseas territory and any local entrant of that territory suffers any injury during the period for which the local scheme has effect and any allowance or gratuity has been, or may be, awarded under the local scheme in respect of the injury, the amount of the annual allowance or gratuity which may be granted in respect of the injury under the Principal Warrants, the No. 3 Warrant, the No. 4 Warrant and this Warrant shall be reduced by the annual value or gratuity value of the pensions and allowances, or the gratuity or the annual value of the gratuity, as the case may be, which has been, or may be, awarded under the local scheme.

(3) For the purposes of this paragraph the annual value of a gratuity shall be such annual sum as the Government Actuary estimates to be the actuarial equivalent of that gratuity.

4. If a person to whom either of the Principal Warrants, as amended by paragraph 2 of the No. 3 Warrant applies, having sustained a war injury which is

not a war service injury, dies within seven years after the date of the injury as a direct result thereof, the No. 1 Warrant or the No. 2 Warrant, as the case may be, shall have effect in relation to his widow or mother or in respect of his children, if he was an established officer to whom Scale I of the No. 1 Warrant or the No. 2 Warrant applied, as if he had been a person to whom Scale II of the No. 1 Warrant applied, and, if he was an unestablished officer to whom Scale II of the No. 1 Warrant or the No. 2 Warrant applied, as if he had been a person to whom Scale III of the No. 1 Warrant applied.

5. Paragraph 2 of the No. 3 Warrant shall be amended by adding at the end thereof the words "or who, being enrolled in a unit of the Home Guard formed in a Government Department for the protection of the Department's premises, sustains an injury in the course of his duties or of training as a member of such unit (whether a war injury or not)".

J. P. L. Thomas,
A. S. L. Young,

Two of the Lords Commissioners
of His Majesty's Treasury.

Treasury Chambers,
6th May, 1942.

(A.F.Os. 1035/40, 2744/40, 3283/40, 4261/40, 414/42.)