

CHAPTER 184.**WAR PENSIONS.**

P.N.
57 of 1952.

ORDER

made by the Governor in Council under section 2.

Citation.

1. This Order may be cited as the War Pensions (Termination of War Service) Order in Council.

Appointed date.

2. The 2nd day of January, 1952, is hereby appointed as the date of termination, for the purposes of the War Pensions Ordinance, of the service of persons as members of the forces and services mentioned in sub-section (1) of section 3 of the said Ordinance.

WAR PENSIONS RULES

made by the Governor in Council with the sanction of the Secretary of State under section 3.

P.N.
76 of 1945.
77 of 1949.

**EUROPEAN MILITARY PERSONNEL
RULES.**

Citation.

1. These rules may be cited as the War Pensions (European Military Personnel) Rules.

Interpreta-
tion.

2. In these rules, unless the context otherwise requires—

“ European ” means a person both of whose parents are of European descent; and in the case of any question arising as to whether a person is to be regarded as a European for the purposes of these Rules the question shall be determined by the Governor whose decision thereon shall be final and conclusive;

“ European member ” means a European member of the Royal West African Frontier Force or of any unit established under the Military Units Ordinance, who—

(a) was recruited direct into such force or unit in Sierra Leone; and

(b) was at the time of his recruitment resident in Sierra Leone; and

(c) met his death or suffered his disablement while serving with such force or unit;

“ Royal Warrant ” means the Royal Warrant which was given at His Majesty’s Court of Saint James’s the 24th day of May, 1949, and which is described as the Royal Warrant concerning Retired Pay, pensions and other grants for members of the Military forces and of the Nursing and Auxiliary Services thereof disabled, and for the widows, children, parents and other dependants of such members deceased, in consequence of service after the 2nd September, 1939, and includes any subsequent Royal Warrant superseding or modifying the same.

3. (1) Subject to the provisions of these rules, the provisions of the Royal Warrant as respects pensions, gratuities and other allowances payable in respect of death or disablement shall be applied in the case of all European members and their dependants.

Provisions
of Royal
Warrant
applied.

(2) For the purpose of facilitating the application of the provisions of the Royal Warrant in the case of European members and their dependants, the provisions thereof shall be construed—

(a) as if for the word “ Minister ” wheresoever the same occurs throughout the Royal Warrant, in so far as the provisions thereof are applicable by virtue of paragraph (1) of this rule, the word “ Governor ” were substituted; and

(b) with all such verbal alterations and modifications, not affecting the substance of such provisions, as may be necessary to render such provisions conveniently applicable in the case of such European members and their dependants.

4. The Governor may, from time to time, by notice published in the *Gazette*, appoint any person or body of persons, to discharge and exercise, subject to any directions given in any particular case or any class of case, all or any of the duties or powers upon the Governor imposed or conferred by these Rules.

Administra-
tion.

P.N.
62 of 1945.
89 of 1952.

AFRICAN MILITARY AND AIR FORCE PERSONNEL RULES.

PRELIMINARY.

Citation.
and
application.

1. These rules may be cited as the War Pensions (African Military and Air Force Personnel) Rules, and shall apply in the case of any person of African descent (other than a commissioned officer) enlisted in the Sierra Leone Regiment of the Royal West African Frontier Force or any unit established under the Military Units Ordinance.

Interpreta-
tion.

2. In these rules, unless the context otherwise requires—

“Board” means the Pensions Board constituted under paragraph (1) of rule 4 of these rules;

“member” means a person who is or has been a member of the Sierra Leone Regiment of the Royal West African Frontier Force or of a unit mentioned in rule 1 of these rules to whom these rules apply by virtue of that rule;

“termination” in relation to the service of a member means termination of full pay service as such a member by reason of release, discharge, demobilisation, transfer to the Reserve or in any other manner.

Categories of
personnel.

3. For the purposes of these rules, the categories of personnel shall be those set forth in Schedule 1 to these rules, and a member shall be placed in the category appropriate to his rank.

In this rule “rank” means paid rank held at the time of the wound or injury or removal from duty on account of the disability, or, if higher, the substantive or war-substantive rank held at the date of death.

Pensions
Assessment
Boards.

4. (1) For the purpose of assessing and awarding pensions and gratuities in accordance with the provisions of these rules, the Governor may from time to time constitute a Pensions Board which shall sit at such times and in such places as the Governor may from time to time determine.

(2) The Board shall consist of an administrative officer and a medical officer appointed by the Governor and a representative of the authorities of the service concerned.

5. (1) The appropriate authorities of the service concerned (or, if this course is not practicable, the District Commissioner of the district wherein the member ordinarily resides or ordinarily last resided during his lifetime) shall report to the Board all cases of disablement or death which in the opinion of the appropriate authorities (or such District Commissioner, as the case may be) may entitle a member or his dependants to an award under these rules and shall forward to the Board all applications for an award under these rules.

(2) Each report or application shall be accompanied by all documents material to the consideration of the particular case, and the Board may call for such further information as it requires.

AWARDS IN RESPECT OF DISABLEMENT.

6. (1) An award in respect of the disablement of a member shall not be made to take effect before the termination of that member's service.

(2) An award in respect of the disablement of a member shall not be made unless a claim in respect of that disablement is made within seven years from the termination of that member's service.

(3) An award in respect of disablement shall, unless the member's condition permits a final settlement of the degree of the disablement, be made on a temporary basis until a final settlement of the degree of that disablement can be made.

7. (1) The category of disablement shall be in accordance with the table set forth in Schedule 2 to these rules.

(2) The Board shall assess the degree of disablement, due regard being had to the provision of paragraph (3) of this rule, and for this purpose, may require the applicant to be medically examined.

(3) The degree of disablement due to war service of a member shall be assessed by making a comparison between the condition of the member as so disabled and the condition of a normal healthy person of the same age, without taking into account the earning capacity of the member in his disabled condition in his own or any other specific trade or occupation, and without taking into account the effect of any individual factors or extraneous circumstances:

Service concerned to report cases and forward applications to the Board.

General conditions of awards in respect of disablement.

Determination of degree of disablement.

Provided that where a disablement is due to an injury specified in Schedule 3 or is a disablement so specified, and, in either case, has reached a settled condition, the degree of that disablement shall, in the absence of any special features, be certified for the purposes of this rule by reference to the percentage specified in that Schedule as appropriate to that injury or to that disablement:

Provided further that, where such disablement is due to more than one wound, injury or disease, a composite assessment of the degree of disablement shall be made by reference to the combined effect of all such causes of the disablement.

Award of pension where disablement not less than 20 per cent.

8. Where the degree of disablement is not less than 20 per centum, the Board may award a pension in accordance with the table set forth in Schedule 4 to these rules.

Award of gratuity where disablement not less than 20 per cent.

9. Where the degree of disablement is not less than 20 per centum, the Board may, in addition to any award made under rule 8 of these rules, award a gratuity in accordance with the table set forth in Schedule 5 to these rules.

Award of gratuity where disablement less than 20 per cent.

10. Where the degree of disablement is less than 20 per centum, the Board may award a gratuity in accordance with the table set forth in Schedule 6 to these rules.

Surgical appliances to be supplied free.

11. In cases where the nature of the disablement renders surgical appliances necessary, such appliances shall be supplied free of cost to the member.

Payment of balance of pension of deceased person.

12. Where a pensioner dies and at the time of his death there is due to him any pension, such pension shall be distributed by the District Commissioner of the district wherein the deceased ordinarily resided in such proportion and manner (including distribution by instalments) as the District Commissioner, in his absolute discretion, may think fit due regard being had to the native customary law or any other law applicable to the particular case.

AWARDS IN RESPECT OF DEATH.

Limitation of time of claim.

13. An award in respect of the death of a member shall not be made unless his death takes place within seven years from the termination of his service.

14. In the case of the death of a member, the Board may award a gratuity at the appropriate rate set forth in column A of Schedule 5 to these rules, and the District Commissioner of the district wherein the deceased had ordinarily resided shall distribute the same in such proportions and manner (including distribution by instalments) as he, in his absolute discretion, may think fit, due regard being had to the native customary law or any other law applicable to the particular case.

Award of
gratuity in
respect of
death.

GENERAL PROVISIONS.

15. (1) Where the Board is satisfied that compensation has been or will be paid to or in respect of a person to or in respect of whom a pension or gratuity is being or may be paid or that any compensation which has been or will be paid will benefit such a person, the Board may take the compensation into account against the pension or gratuity in such manner and to such extent as it may think fit and may withhold or reduce the pension or gratuity accordingly.

Adjustment
of awards in
respect of
other com-
pensation.

(2) Where the Board in any case considers that it is by reason of some act or omission by or on behalf of a person to or in respect of whom a pension or gratuity is being or may be paid that—

(a) there is no compensation to be taken into account against that pension or gratuity under paragraph (1) of this rule; or

(b) the amount of compensation so to be taken into account against that pension or gratuity is less than it would otherwise have been;

and the Board is of the opinion that such act or omission was unreasonable, the Board may assess the amount of the compensation which, in its opinion, would have fallen to be taken into account as aforesaid but for such act or omission, and may, for the purpose of paragraph (1) of this rule, treat the amount so assessed as if it were compensation which could be taken into account under paragraph (1) of this rule against that pension or gratuity.

(3) In this rule " compensation " means—

(a) any periodical or lump sum payment in respect of the disablement or death of any member, or in respect of any injury, disease or incapacity sustained or suffered by any member, being a payment—

- (i) for which provision is made by any Ordinance, scheme or other instrument whatsoever; or
- (ii) which is recoverable as damages at common law; or
- (b) any periodical or lump sum payment which, in the opinion of the Board, is recoverable or payable—
 - (i) under any enactment, scheme, Ordinance, regulation or other instrument whatsoever promulgated or made in any place outside Sierra Leone; or
 - (ii) under the law of any such place;

and is analogous to any payment falling within sub-paragraph (a) of this paragraph; or

- (c) any periodical or lump sum payment made in settlement or composition of, or to avoid the making of, any claim to any payment falling within sub-paragraph (a) or (b) of this paragraph, whether liability on any such claim is or is not admitted.

Power of Governor to review or order review.

16. (1) The Governor may at any time direct the Board to review any award made under these rules in any case where—

- (a) there is a substantial increase in the degree of disablement which is due to the original cause;
- (b) the rate of the pension or other award has by error been fixed at a figure which is not appropriate to the assessment of the degree of disablement;
- (c) the award has been made by error; or
- (d) the Governor has reason to believe that the award has been obtained by improper means.

(2) On any review under this rule, the Board may confirm or vary the award, or make a fresh award in place of it, or cancel it, as may be appropriate having regard to the provisions of these rules.

Administration of pensions, etc.

17. (1) Subject to the provisions of section 10 of the Ordinance (which relates to the forfeiture of pensions and allowances) and the provisions of rule 14 of these rules (which provide for the distribution of awards made in respect of death), the Board may give such directions as it thinks fit for the administration of any pension or gratuity awarded to or in respect of any person, if that person—

- (a) is a minor; or
- (b) is, in the opinion of the Board, incapable of managing his own affairs; or
- (c) is detained in a public institution.

(2) Subject to the provisions of rule 14 and subject to any directions of the Board given under paragraph (1) of this rule, the payment of pensions awarded under these rules shall be made monthly, and the payment of gratuities awarded under these rules shall be made in single payments, by instalments or in such other manner as the Board may direct.

18. The Board may withhold or reduce any award which may be made, and the Governor may withhold, cancel or reduce any award which has been made, under these rules in respect of the disablement or death of a member in any case in which the wound, injury or disease on which the claim to the award is based was caused or contributed to by the serious negligence or misconduct of the member, or in any case in which the death of the member was so caused or contributed to.

Serious neglect or misconduct.

19. (1) Where the Board is of opinion that a member should in his own interests receive surgical, medical or rehabilitative treatment for a disablement in respect of which a pension may be or has been awarded to him, and the member refuses or neglects to receive the treatment, the Board may, if it considers that such refusal or neglect is unreasonable, reduce any pension in respect of the member's disablement by such an amount, not exceeding one-half of any such pension, as it may think fit.

Refusal of treatment.

(2) For the purpose of this rule, any misconduct on the part of the member which, in the opinion of the Board, renders it necessary for any treatment that he is receiving to be discontinued, may be treated as a refusal of the member to receive the treatment.

20. Where a payment of pension is not claimed within one year of the date upon which it became due and payable it shall lapse:

Unclaimed pension to lapse.

Provided that the Governor may, in any case where he is satisfied that the failure to make the claim within the period prescribed by this rule is due to circumstances beyond the control of the pensioner or to any other good and sufficient cause, direct that such payment be made notwithstanding the failure to claim it within the prescribed period.

21. Except in so far as the Governor may otherwise direct Arrears. with respect to any particular case or class of case, payment of a pension shall not be made in respect of any period preceding the date of the application for an award.

Award of
temporary
treatment
allowance.

22. (1) Notwithstanding anything in these rules, the Board may award to any member whose service has been terminated a temporary treatment allowance in respect of any period for which the member is receiving hospital treatment.

(2) Such allowance, together with any pension awarded under these rules, shall not exceed the amount of the pension for which the member would have eligible if his degree of disablement had been assessed at 100 per centum.

r. 3.

SCHEDULE 1.

CATEGORIES OF PERSONNEL.

<i>Category.</i>	<i>Army.</i>	<i>West African Air Corps.</i>
I. Regimental Sergeant-major or equivalent rank.		
II. Company Sergeant-major or equivalent rank.		
III. Staff Sergeant or equivalent rank		Flight Sergeant.
IV. Sergeants and Lance Sergeants or equivalent rank		Sergeant.
V. Corporal or equivalent rank		Corporal.
VI. Lance Corporal or equivalent rank ...		
VII. Privates or equivalent rank		Leading Airman, Airman, Classes I. and II.

r. 7(1).

SCHEDULE 2.

CATEGORIES OF DISABLEMENT.

<i>Category.</i>	<i>Degree of Disablement.</i>				
A.	100	per	centum.		
B.	Less	than	100	per	centum
C.	„	90	„	„	80
D.	„	80	„	„	70
E.	„	70	„	„	60
F.	„	60	„	„	50
G.	„	50	„	„	40
H.	„	40	„	„	30
I.	„	30	„	„	20
J.	Less	than	20	per	centum.

SCHEDULE 3.

r. 7.

ASSESSMENT OF DISABLEMENT DUE TO SPECIFIED INJURIES AND CERTAIN OTHER DISABLEMENTS.

<i>Description of Injury.</i>	<i>Assessment.</i>
AMPUTATION CASES—UPPER LIMBS.	per cent.
Loss of both hands or amputation at higher sites ...	100*
	<i>Right arm</i> per cent. <i>Left arm</i> per cent.
Amputation at shoulder or below shoulder with stump less than 8 inches from tip of acromion ...	80 70
Amputation from 8 inches from tip of acromion to less than 4½ inches from tip of olecranon ...	70 60
From 4½ inches below tip of olecranon ...	60* 50*
Loss of thumb ...	30 20
Loss of 4 fingers ...	40 30
Loss of 3 fingers ...	30 20
Loss of 2 fingers ...	20 20
Loss of terminal phalanx right thumb ...	20 —

*The loss of a thumb and 4 fingers of a hand has the same assessment as the loss of that hand.

AMPUTATION CASES—LOWER LIMBS.	per cent.
Double amputation, through thigh or through thigh on one side and loss of other foot, or double amputation below thigh to 4 inches below knee ...	100
Double amputation through leg lower than 4 inches below knee	100
Amputation of one leg lower than 4 inches below knee and loss of other foot ...	100
Modified Syme amputation, both feet ...	80
Amputation at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter ...	80
Amputation of leg below hip with stump exceeding 5 inches in length, measured from tip of great trochanter but not beyond middle thigh ...	70
Below middle thigh to 4 inches below knee ...	60
Below knee with stump exceeding 4 inches...	40
Modified Syme amputation, one foot ...	30
Loss of all toes of both feet proximal to the proximal interphalangeal joint ...	30
Loss of all toes of both feet distal to the proximal interphalangeal joint ...	20
Loss of all toes of one foot proximal to the interphalangeal joint	20

Description of Injury.										Assessment.	
OTHER SPECIFIC INJURIES.										per cent.	
Loss of one eye, the other being normal	40
Loss of vision of one eye, the other being normal	30
Loss of sight	100
Loss of hand and foot	100
OTHER DISABILITIES.										per cent.	
Very severe facial disfigurement	100
Absolute deafness	100

NOTE. In the case of left-handed person certified to be such, the degree of disablement appropriate to an injury specified above affecting the left arm, hand, etc., shall be that indicated above as appropriate to an injury affecting the right arm, hand, etc., and vice versa.

r. 8.

SCHEDEULE 4.

MONTHLY RATES OF PENSIONS WHERE DEGREE OF DISABILITY IS NOT LESS THAN 20 PER CENTUM.

CATEGORY OF DISABILITY.

Rank Cate- gories	Category of Disability.										I
	A	B	C	D	E	F	G	H	I		
I	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.
I	97	6	87	9	78	0	68	3	58	6	48
II	90	0	81	0	72	0	63	0	54	0	45
III	82	6	74	3	66	0	57	9	49	6	41
IV	75	0	67	6	60	0	52	6	45	0	37
V	67	6	60	9	54	0	47	3	40	6	33
VI	63	9	57	4½	51	0	44	7½	38	3	31
VII	60	0	54	0	48	0	42	0	36	0	30

r. 9.

SCHEDEULE 5.

TABLE OF GRATUITIES PAYABLE WHERE DEGREE OF DISABILITY IS NOT LESS THAN 20 PER CENTUM.

Rank Cate- gories	Table of Gratuities Payable.										I
	A	B	C	D	E	F	G	H	I		
I	£	s.	£	s.	£	s.	£	s.	£	s.	£
I	105	0	94	10	84	0	73	10	63	0	52
II	97	10	87	15	78	0	68	5	58	10	48
III	90	0	81	0	72	0	63	0	54	0	45
IV	82	10	74	5	66	0	57	15	49	10	41
V	75	0	67	10	60	0	52	10	45	0	37
VI	67	10	60	15	54	0	47	5	40	10	33
VII	60	0	54	0	48	0	42	0	36	0	30

SCHEDULE 6.

r. 10.

TABLE OF GRATUITIES PAYABLE WHERE THE DEGREE OF
DISABLEMENT IS LESS THAN 20 PER CENTUM (CATEGORY J).

<i>Rank Categories.</i>		<i>Amount of Gratuity.</i>
		£ s.
I	...	21 0
II	...	19 10
III	...	18 0
IV	...	16 10
V	...	15 0
VI	...	13 10
VII	...	12 0