



Isle of Man

Ellan Vannin

AT 1 of 1943

**THE PERSONAL INJURIES (EMERGENCY
PROVISIONS) ACT 1943**

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<i>Received Royal Assent:</i>	<i>10 February 1943</i>
<i>Passed:</i>	<i>23 March 1943</i>
<i>Commenced:</i>	<i>23 March 1943</i>

AN ACT to amend the Personal Injuries (Emergency Provisions) Act, 1939.

1 Short title and construction

This Act may be cited as “The Personal Injuries (Emergency Provisions) Act, 1943” and shall be construed as one with the *Personal Injuries (Emergency Provisions) Act, 1939* (hereinafter referred to as “the principal Act”), and such Act and this Act together may be cited as “The Personal Injuries (Emergency Provisions) Acts, 1939 and 1943”.

2 Meaning of “physical injury”

For the removal of doubt, it is hereby declared that the expression “physical injury” in the principal Act includes tuberculosis and any other organic disease, and the aggravation thereof.

3 Extension of s 3 of principal Act

- (1) Section 3 of the principal Act (which as respects war injuries provides for relief from liability to pay compensation under the enactments relating to Workmen’s Compensation, and certain other enactments, or to pay compensation or damages for negligence, nuisance or breach of duty under any enactment or contract, or at common law), shall apply in relation to any such injury as is mentioned in sub-section (2) of this section, sustained after the 29th day of July, 1942, not being a war injury, as it applies in relation to a war injury.
- (2) The injuries hereinbefore referred to are physical injuries sustained on or after the 3rd day of September, 1939, 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 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 certified by the Minister of Pensions to have been sustained by such a person, and in such a case that an award could be made in respect thereof under any scheme made, or which could be made, under section 3, section 4, or section 5 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, as amended by the Pensions (Mercantile Marine) Act, 1942, Acts of Parliament.

Provided that in relation to injuries 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.

Provided also that in relation to a salvage worker or to the master or a member of the crew of a ship regularly employed, or chartered for the purpose of being employed, in salvage operations, the reference in paragraph (a) of this sub-section to measures taken for salvage purposes shall not apply.

For the purposes of this sub-section an injury shall be treated as being attributable to the matters specified in paragraph (a), in paragraph (b), in paragraph (c), or in paragraph (d) of this sub-section if, but only if, they substantially increased the risk of the peril occurring which caused the injury.¹

4 Definitions

In this Act —

“**harbour**” means any harbour, whether natural or artificial, and any port, dock, haven, estuary, tidal or other river, canal or inland navigation to which sea-going ships have access;

“**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;

“**salvage**” means the preservation or recovery of vessels wrecked, stranded or in distress, or their cargo or apparel, or the recovery of any other property from the water and includes the removal of wrecks, and “salvage operations” and “salvage purposes” shall be construed accordingly;

“**salvage worker**” means any person, other than a member of His Majesty’s naval forces, who, not being the master or a member of the crew of a ship, is regularly employed in salvage operations in or from the British Islands.

“**tidal water**” means any part of the sea, and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour.

5 Commencement

This Act shall come into operation on the Royal Assent thereto being by the Governor announced to Tynwald and a certificate thereof being signed by the Governor and the Speaker of the House of Keys.

ENDNOTES

Table of Endnote References

¹ Subs (2) amended by Interpretation Act 2015 s 106.