

HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

(Denning, J.)

12th November, 1947

STANDEN v. THE MINISTER OF PENSIONS

JUDGMENT

MR. JUSTICE DENNING:- In this case Frederick Standen served in the Royal Air Force in the war, from June, 1940 to August, 1945. He was discharged unfit for any form of Air Force service in consequence of an old compound fracture, so, there is a compelling presumption in his favour, but the facts are plain. Whilst he was off duty riding a bicycle along a road with his wife, he was knocked down by a car from behind. He had either the day off or was on sleeping out pass. At all events, he was on short pass, riding along the road on a bicycle with his wife when he was knocked down by a car from behind. He claimed damages against the car driver and the claim was settled for £450 in November, 1942. Now he claims a pension. It is plain to me that this accident was in no way attributable to his war service. The war service was not a cause at all. This was an accident in the course of his own personal affairs and it is not attributable in any way to war service. The cause of it was, apparently, the negligence of the car driver. At all events, the war service was not a cause at all.

The Tribunal considered the application of Command White Paper 1943 No. 6459 which purports to lay down certain respects in which the Government will pay pensions to men in respect of accidents sustained whilst on leave. I have said before and I repeat that that White Paper is not a matter for consideration whether by the Tribunals or by this Court. The Tribunals and this Court are only governed by the Warrant and by the interpretation of the Warrant, and so, we need not take up time considering the White Paper. This accident was plainly not attributable to war service, and the appeal is dismissed.