



# Pensions Appeal Tribunals Act 1943

1943 CHAPTER 39 6 and 7 Geo 6

## **1 Appeals against rejection of war pension claims made in respect of members of the naval, military or air forces.**

(1) Where any claim in respect of the disablement of any person made under any such Royal Warrant, Order in Council or Order of His Majesty as is administered by the Minister [<sup>F1</sup>or under a scheme made under section 1 of the Polish Resettlement Act 1947] is rejected by the Minister on the ground that the injury on which the claim is based—

- (a) is not attributable to [<sup>F2</sup>any relevant service]; and
- (b) does not fulfil the following conditions, namely, that it existed before or arose during [<sup>F2</sup>any relevant service] and has been and remains aggravated thereby;

the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to [<sup>F3</sup>the appropriate tribunal] on the issue whether the claim was rightly rejected on that ground.

(2) Where, for the purposes of any such claim as aforesaid, the injury on which the claim is based is accepted by the Minister as fulfilling the conditions specified in paragraph (b) of the last foregoing subsection but not as attributable to [<sup>F2</sup>any relevant service], the Minister shall notify the claimant of his decision, specifying that the injury is so accepted, and thereupon an appeal shall lie to the [<sup>F4</sup>appropriate tribunal] on the issue whether the injury was attributable to such service.

(3) Where any claim in respect of the death of any person made under any such Royal Warrant, Order in Council [<sup>F5</sup>, Order of Her Majesty or scheme] as aforesaid is rejected by the Minister on the ground that neither of the following conditions is fulfilled, namely—

- (a) that the death of that person was due to or hastened by an injury which was attributable to [<sup>F2</sup>any relevant service];
- (b) that the death was due to or hastened by the aggravation by [<sup>F2</sup>any relevant service] of an injury which existed before or arose during [<sup>F2</sup>any relevant service];

the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the [<sup>F6</sup>appropriate tribunal] on the issue whether the claim was rightly rejected on that ground.

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*Changes to legislation: There are currently no known outstanding effects for the Pensions Appeal Tribunals Act 1943, Section 1. (See end of Document for details)*

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[<sup>F7</sup>(3A) The last foregoing subsection shall not apply to any claim made under any such Royal Warrant, Order in Council [<sup>F5</sup>, Order of Her Majesty or scheme] as aforesaid in respect of the death of a person who dies after the expiration of the period of seven years beginning with the end of <sup>F8</sup> . . . [<sup>F9</sup>any relevant service] of that person, but where any such claim is rejected by the Minister on the ground that neither of the following conditions is fulfilled, namely—

- (a) that the death of that person was due to or substantially hastened by an injury which was attributable to [<sup>F9</sup>any relevant service];
- (b) that the death was due to or substantially hastened by the aggravation by [<sup>F9</sup>any relevant service] of an injury which existed before or arose during [<sup>F9</sup>any relevant service];

the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the [<sup>F10</sup>appropriate tribunal] on the issue whether the claim was rightly rejected on that ground.]

- (4) Where, in connection with the determination, for the purposes of any such claim as if referred to in the foregoing provisions of this section, of—
- (i) the date by reference to which the rank of the disabled or deceased person is to be determined, or
  - (ii) in the case of a claim by or in respect of a widow, widower [<sup>F11</sup>surviving civil partner,], wife, [<sup>F12</sup>husband, civil partner] or child, the date before which any marriage [<sup>F13</sup>or civil partnership] or any birth, legitimation or adoption of a child must have taken place [<sup>F14</sup>or been formed],

it is contended that, as the result of a particular period of [<sup>F2</sup>any relevant service], the disabled or deceased person suffered aggravation of the injury on which the claim is based, being aggravation which in the case of death persisted until death, the Minister shall, if he rejects the said contention, notify the claimant of his decision, and thereupon an appeal shall lie to the [<sup>F15</sup>appropriate tribunal] on the issue whether, as a result of such service during that period, the disabled or deceased person suffered such aggravation.

#### Textual Amendments

- F1** Words in s. 1(1) inserted (E.W.S.) (2.10.1995) by 1995 c. 26, s. 169(2)(a); S.I. 1995/2548, art. 2
- F2** Words substituted by Pensions Appeal Tribunals Act 1949 (c. 12), s. 1(1)
- F3** Words in s. 1(1) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 5(a)
- F4** Words in s. 1(2) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 5(b)
- F5** Words in s. 1(3)(3A) substituted (E.W.S.) (2.10.1995) by 1995 c. 26, s. 169(2)(b); S.I. 1995/2548, art. 2
- F6** Words in s. 1(3) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 5(b)
- F7** S. 1(3A) inserted after subsection (3) by S.R. & O. 1947/1143, art. 1 and as amended as indicated
- F8** Word in s. 1(3A) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), ss. 1(1), 2(1), Sch. 1 Pt. 11
- F9** Words substituted by Pension Appeals Tribunals Act 1949 (c. 12, SIF 101A:3), s. 1(1)
- F10** Words in s. 1(3A) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 5(b)
- F11** Words in s. 1(4)(ii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 257, 263, Sch. 26 para. 15(a); S.I. 2005/1375, art. 2(1), Sch. 1

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- F12** Words in s. 1(4)(ii) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 257, 263, **Sch. 26 para. 15(b)**; S.I. 2005/1375, **art. 2(1)**, Sch. 1
- F13** Words in s. 1(4)(ii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 257, 263, **Sch. 26 para. 15(c)**; S.I. 2005/1375, **art. 2(1)**, Sch. 1
- F14** Words in s. 1(4)(ii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 257, 263, **Sch. 26 para. 15(d)**; S.I. 2005/1375, **art. 2(1)**, Sch. 1
- F15** Words in s. 1(4) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 5(b)**

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**Modifications etc. (not altering text)**

- C1** S. 1 restricted by Pensions Appeal Tribunals Act 1949 (c. 12), **s. 1(2)**; extended by *ibid.*, s. 2
- C2** S. 1 amended by S.I. 1980/1082, **arts. 3, 5**

**Changes to legislation:**

There are currently no known outstanding effects for the Pensions Appeal Tribunals Act 1943, Section 1.