



Pensions Appeal Tribunals Act 1943

1943 CHAPTER 39 6 and 7 Geo 6

[^{F1}6A [^{F2}Appeals from Pensions Appeal Tribunal for Scotland or Northern Ireland]

^{F3}(1) Subject to the provisions of this section, an appeal shall lie to the appropriate body from any decision of a Pensions Appeal Tribunal for Scotland or Northern Ireland under any of sections 1 to 5A of this Act on the ground that the decision was erroneous in point of law.

(1A) For the purposes of this section “the appropriate body” means—

- (a) in relation to a decision of a Pensions Appeal Tribunal for Scotland, the Upper Tribunal; and
- (b) in relation to a decision of a Pensions Appeal Tribunal for Northern Ireland—
 - (i) the Upper Tribunal in the case of a decision under section 5 of this Act; and
 - (ii) a Northern Ireland Social Security Commissioner in any other case.]

(2) An appeal shall lie under this section at the instance of the person who appealed to the [^{F4}Pensions Appeal Tribunal for Scotland or Northern Ireland] or of the Minister.

(3) If each of the parties to [^{F5}an appeal under this section to a Northern Ireland Social Security Commissioner] expresses the view that the decision appealed against was erroneous in point of law, the Commissioner may set aside the decision and refer the case to [^{F6}a Pensions Appeal Tribunal for Northern Ireland] with directions for its determination.

(4) Where [^{F7}an appeal is made to a Northern Ireland Social Security Commissioner and] the Commissioner holds that the decision appealed against was erroneous in point of law, he shall set it aside and—

- (a) he shall have power—
 - (i) to give the decision which he considers [^{F8}the Pensions Appeal Tribunal for Northern Ireland] should have given, if he can do so without making fresh or further findings of fact; or
 - (ii) if he considers it expedient, to make such findings and give such decision as he considers appropriate in the light of them;

and

Changes to legislation: There are currently no known outstanding effects for the Pensions Appeal Tribunals Act 1943, Section 6A. (See end of Document for details)

- (b) in any other case he shall refer the case to [^{F9}a Pensions Appeal Tribunal for Northern Ireland] with directions for its determination.

[Section 12 of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal ^{F10}(4A) to Upper Tribunal) applies in relation to appeals to the Upper Tribunal under this section as it applies in relation to appeals to it under section 11 of that Act, but as if references to the First-tier Tribunal were references to the Pensions Appeal Tribunal for Scotland or Northern Ireland.]

- (5) Subject to any direction of [^{F11}the Northern Ireland Social Security Commissioner], a reference under subsection (3) or (4)(b) above shall be to a differently constituted [^{F12}Pensions Appeal Tribunal for Scotland or Northern Ireland].

[No appeal lies under this section to the Upper Tribunal without the leave of the ^{F13}(5A) Pensions Appeal Tribunal for Scotland or Northern Ireland concerned, or of the Upper Tribunal, on an application by the party.]

- (6) No appeal lies under this section [^{F14}to a Northern Ireland Social Security Commissioner] without the leave—

- (a) of the person who constituted, or was the chairman of, [^{F15}the tribunal concerned] when the decision was given;
- (b) of the President or Deputy President of Pensions Appeal Tribunals for [^{F16}Northern Ireland]; or
- (c) subject to and in accordance with regulations, of [^{F17}a Northern Ireland Social Security Commissioner].

- (7) Regulations may make provision as to the manner in which, and the time within which, appeals [^{F18}to a Northern Ireland Social Security Commissioner] are to be brought and applications made for leave [^{F19}to bring such appeals].

- (8) Subject to section 6C of this Act, a decision of a [^{F20}Northern Ireland Social Security Commissioner] under this Act shall be final and conclusive.

- (9) ^{F21}

- (10) Where it appears convenient to do so by reason of a subsequent change of residence by the person who appealed to the [^{F22}appropriate tribunal under section 1, 2, 3, 4 or 5A, the Upper Tribunal may direct that an application or appeal to it] under this section be transferred to a Northern Ireland Social Security Commissioner; and vice versa.]

Textual Amendments

- F1** Ss. 6A-6D inserted (22.2.2005 for certain purposes and otherwise 6.4.2005) by [Armed Forces \(Pensions and Compensation\) Act 2004 \(c. 32\), ss. 5, 8, Sch. 1 para. 4](#) (with transitional provisions in S.I. 2005/660, [art. 2](#)); S.I. 2005/356, [art. 2](#), Schs. 1, 2
- F2** S. 6A heading substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 9\(1\)](#), [Sch. 3 para. 13\(2\)](#)
- F3** S. 6A(1)(1A) substituted (3.11.2008) for s. 6A(1) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 9\(1\)](#), [Sch. 3 para. 12\(3\)](#)
- F4** Words in s. 6A(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 9\(1\)](#), [Sch. 3 para. 13\(4\)](#)
- F5** Words in s. 6A(3) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 9\(1\)](#), [Sch. 3 para. 13\(5\)\(a\)](#)
- F6** Words in s. 6A(3) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 9\(1\)](#), [Sch. 3 para. 13\(5\)\(b\)](#)

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- F7** Words in s. 6A(4) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(6)(a)**
- F8** Words in s. 6A(4)(a)(i) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(6)(b)**
- F9** Words in s. 6A(4)(b) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(6)(c)**
- F10** S. 6A(4A) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(7)**
- F11** Words in s. 6A(5) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(8)(a)**
- F12** Words in s. 6A(5) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(8)(b)**
- F13** S. 6A(5A) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(9)**
- F14** Words in s. 6A(6) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), arts. 1(4), 9(1), **Sch. 3 para. 13(10)(a)**
- F15** Words in s. 6A(6)(a) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(10)(b)**
- F16** Words in s. 6A(6)(b) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(10)(c)**
- F17** Words in s. 6A(6)(c) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(10)(d)**
- F18** Words in s. 6A(7) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(11)(a)**
- F19** Words in s. 6A(7) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(11)(b)**
- F20** Words in s. 6A(8) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(12)**
- F21** S. 6A(9) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(13)**
- F22** Words in s. 6A(10) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 13(14)**

Changes to legislation:

There are currently no known outstanding effects for the Pensions Appeal Tribunals Act 1943, Section 6A.