

2005 No. 660

PENSIONS

**The Armed Forces (Pensions and Compensation) Act 2004
(Transitional Provision) Order 2005**

Made - - - 10th March 2005

Laid before Parliament

14th March 2005

Coming into force - -

6th April 2005

The Secretary of State, in exercise of the powers conferred upon him by section 10(3) of the Armed Forces (Pensions and Compensation) Act 2004(a), hereby makes the following Order:

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Armed Forces (Pensions and Compensation) Act 2004 (Transitional Provision) Order 2005.

(2) In this Order—

(a) “the 1943 Act” means the Pensions Appeal Tribunals Act 1943(b);

(b) “the 2004 Act” means the Armed Forces (Pensions and Compensation) Act 2004.

(3) This Order comes into force on 6th April 2005.

Transitional provision

2. The amendments made to the 1943 Act by paragraphs 3 and 4 of Schedule 1 to the 2004 Act, and the repeal of section 6(2) to (2B) in Schedule 3 to that Act, shall not have effect in relation to any appeal against a decision of a Pensions Appeal Tribunal under section 1, 2, 3, 4, or 5A of the 1943 Act where that decision is made before 6th April 2005.

10th March 2005

Ivor Caplin
Parliamentary Under Secretary of State
Ministry of Defence

(a) 2004 c. 32.

(b) 1943 c. 39. Section 5A was inserted by section 57(1) of the Child Support, Pensions and Social Security Act 2000 (c. 19), and was amended by paragraph 2 of Schedule 1 to the Armed Forces (Pensions and Compensation) Act 2004. Other amendments have been made to the Act which are not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains transitional provision in relation to the commencement of paragraphs 3 and 4 of Schedule 1 to the Armed Forces (Pensions and Compensation) Act 2004 (“the 2004 Act”) which amend the Pensions Appeal Tribunals Act 1943 (“the 1943 Act”).

Under the 1943 Act a Pensions Appeal Tribunal (“a Tribunal”) hears appeals on certain decisions made in relation to claims for war pensions and compensation. The 1943 Act also provides for appeals from those decisions. The amendments to the 1943 Act referred to in article 2 of this Order change the route of appeal against decisions of a Tribunal. After the commencement of paragraphs 3 and 4 of Schedule 1 to the 2004 Act, the 1943 Act will provide that the right of appeal is to a Social Security Commissioner (with a further right of appeal to the Court of Appeal or Court of Session) rather than to the High Court.

This Order provides that, in any case where a Tribunal has made a decision before 6th April 2005, the amendments to the 1943 shall not have effect. The right of appeal to the High Court is therefore preserved in such a case.

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