

War Pensions (Administrative Provisions)
Act, 1919.

[9 & 10 GEO. 5. CH. 53.]

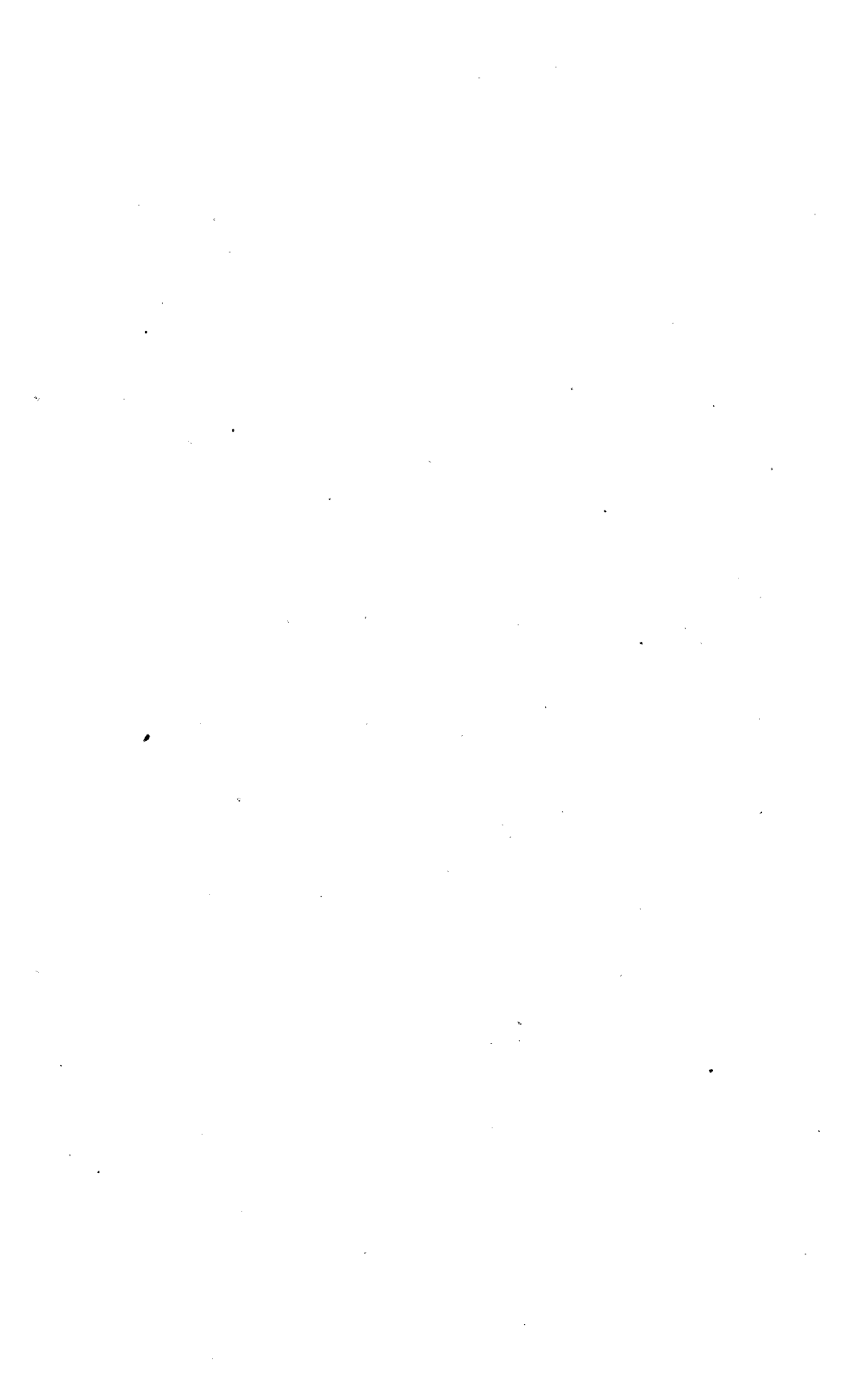


ARRANGEMENT OF SECTIONS.

A.D. 1919.

Section.

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CHAPTER 53.

An Act to make further provision for the administration of the enactments relating to Naval, Military and Air Force War Pensions, Grants and Allowances, and for certain other purposes connected with such Pensions, Grants and Allowances. A.D. 1919.
[19th August 1919.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1.—(1) Where a scheme framed under the Injuries in War (Compensation) Act, 1914, as amended by the Injuries in War (Compensation) Act, 1914 (Session 2), is to be administered by the Minister of Pensions—

Administration of pensions, &c. under Injuries in War (Compensation) Acts.

(a) the provisions of the War Pensions Acts, 1915 to 1918, and any amendments thereof, except provisions relating to separation allowances, shall apply to and in respect of the officers and men specified in such scheme as they apply to and in respect of officers and men in the naval service of His Majesty ; and

4 & 5 Geo. 5. c. 30.
5 & 6 Geo. 5. c. 18
(Session 2).

(b) Notwithstanding anything to the contrary in the said Injuries in War (Compensation) Acts, such scheme may be so framed as to provide that pensions, grants and other allowances in the nature thereof may be granted in the like circumstances and on the like terms and conditions as are set forth in the regulations annexed to any Order in Council relating to pensions under section three of the Naval and Marine Pay and Pensions Act, 1865, and administered by the Minister of Pensions.

28 & 29 Vict. c. 73.

(2) This section shall be deemed to have had effect as from the first day of May nineteen hundred and eighteen.

2. The power of the Minister of Pensions under section fourteen of the War Pensions (Administrative Provisions) Act,

Information from employers.

A.D. 1919. 1918, to require information from employers and others for the purpose of ascertaining the pre-war earnings of a disabled person, shall be extended so as to include power to require information for the purpose of ascertaining the earning capacity of any such person and for ascertaining the pre-war earnings of a deceased person, and it shall be the duty of employers, and of any other person having knowledge thereof, to furnish any such information, and that section shall have effect accordingly.

Extension of power to pay pensions in advance.

3.—(1) Notwithstanding anything in any Act, Order in Council, Royal Warrant, or other order to the contrary, any pension administered by or under the authority of the Minister of Pensions, the Army Council, or the Air Council may, in special circumstances, be issued in advance for such period not exceeding six months, and subject to such conditions as may be prescribed by rules made by the Minister of Pensions, the Army Council, or the Air Council, as the case may be, with the approval of the Treasury.

(2) Nothing in this section shall affect any other right of issuing pensions in advance.

Further provision as to audit of accounts of committees. 8 & 9 Geo. 5. c. 57. 7 & 8 Geo. 5. c. 62.

4. Regulations made by the Minister under paragraph (f) of subsection (1) of section five of the War Pensions (Administrative Provisions) Act, 1918, may apply, with the necessary modifications, any of the provisions of the Third Schedule to the National Health Insurance Act, 1918 (which relates to the accounts of Insurance Committees and the audit of such accounts).

Provision in case of transference of powers as to training, &c.

5. In the event of any functions of the Minister of Pensions in relation to provision for the care of disabled officers and men after they have left the service, or for their health, training, or employment, being transferred by Order in Council, under any statutory powers, to any other Government department, the functions of local committees in relation to the matters transferred shall, except to such extent (if any) as may be arranged between the Ministry of Pensions and the Department to which the functions are transferred, cease and determine.

Application of 8 & 9 Geo. 5. c. 57. s. 13, to Ireland.

6. In the application to Ireland of section thirteen of the War Pensions (Administrative Provisions) Act, 1918 (which relates to the power of taking possession of land), the Commissioners of Public Works in Ireland shall be substituted for the Commissioners of Works.

Statutory right to pensions.

7. Every officer or man suffering from a disability attributable to or aggravated by naval, military, or air force service during the present war, and not due to his serious negligence or misconduct, shall be entitled to receive such pension, gratuity, or allowance as shall be awarded by the Minister of Pensions

under any Warrant or Order in Council in respect of such disability, and for the payment whereof money shall have been provided by Parliament; but the award of any such pension, gratuity, or allowance shall be subject to the conditions contained in the Warrant or Order in Council. A.D. 1919.

8.—(1) Where the claim of an officer or man under any Royal Warrant or Order in Council administered by the Minister of Pensions is rejected on the ground that the disability on which the claim is based, Appeals to Pensions Appeal Tribunals.

(a) is not attributable to or aggravated by service during the present war, or

(b) is due to the serious negligence or misconduct of the claimant;

or where such disability, although admitted to be aggravated by, is certified not to be attributable to such service; or where the claim of the widow or the motherless child of an officer or man under any such Royal Warrant or Order in Council is rejected on the ground

(i) that the death of the officer or man was not due to, or that the disease from which he died was not attributable to or aggravated by, such service, nor, in the case of a man, contracted or commenced while he was on active service, or

(ii) that the death of the officer or man was due to his serious negligence or misconduct,

an appeal shall lie to a Pensions Appeal Tribunal established under this section, whose decision shall be final, provided that no appeal shall lie in the case of any claim already heard and rejected by a Ministry Appeal Tribunal.

(2) Pensions Appeal Tribunals shall be established for such parts of the United Kingdom as may be determined, in accordance with the provisions of the Schedule to this Act. The provisions of that schedule shall have effect in relation to the constitution, jurisdiction and procedure of Pensions Appeal Tribunals.

(3) "Ministry Appeal Tribunal" shall mean, as the case may be, an Officers' Appeal Board or a Pensions Appeal Tribunal set up by the Minister of Pensions before the first day of November nineteen hundred and nineteen.

(4) This section shall come into operation on the first day of November nineteen hundred and nineteen.

9. Unless the context otherwise requires—

The expression "Royal Warrant" in this Act and in the War Pensions (Administrative Provisions) Act, 1918, shall include any Order under the Air Force (Constitution) Act, 1918; and

The provisions of the Naval and Military War Pensions, &c., Act, 1915, and any Act amending the same, including Extension of Acts.
5 & 6 Geo. 5.
c. 83.

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this Act, which are applicable to officers, shall extend so as to be applicable to nurses ; and, accordingly in those Acts any reference to officers shall be construed as including a reference to nurses.

Short title.

10. This Act may be cited as the War Pensions (Administrative Provisions) Act, 1919, and the War Pensions Acts, 1915 to 1918, and this Act may be cited together as the War Pensions Acts, 1915 to 1919.

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Section 8.

CONSTITUTION, JURISDICTION, AND PROCEDURE OF PENSION
APPEAL TRIBUNALS.

1. Pensions appeal tribunals shall be constituted for such parts of, or places in, the United Kingdom as the Lord Chancellor, after consultation with the Minister of Pensions, may determine.

2. The members of each tribunal shall be appointed by the Lord Chancellor, and shall consist of—

- (i) one legal representative, being a barrister or solicitor, in either case of not less than seven years' standing; and
- (ii) a disabled officer who has retired or been demobilised from His Majesty's forces during the present war while suffering impairment; or a disabled man who has similarly been discharged or demobilised; and
- (iii) a duly qualified medical practitioner.

3. In the case of a casual vacancy on a pensions appeal tribunal the Lord Chancellor may appoint a similarly qualified person to fill the vacancy.

4. The legal representative shall be the chairman of each tribunal.

5. The number of members of a tribunal to hear any particular case shall be three. Where the claim is that of an officer the second member shall be an officer, and where the claim to be heard is that of a man, the second member shall be a man.

6. There shall be paid to the members of pensions appeal tribunals such remuneration as the Treasury may determine, and any such remuneration and any expenses which may be incurred by a tribunal up to such amount as is sanctioned by the Treasury shall be paid out of moneys provided by Parliament.

7. No court fees shall be charged on the hearing of any case before a pensions appeal tribunal.

8. Subject as aforesaid, the Lord Chancellor may make regulations with respect to the procedure of pensions appeal tribunals, and may by such regulations provide for the transfer to such tribunals of claims pending before a Ministry Appeal Tribunal at the first day of November nineteen hundred and nineteen the summoning of expert and other witnesses, the representation of the claimants and the Ministry at the hearing of any appeal, the arrangements for the sittings of the tribunals (including the sitting of more than one tribunal in the same area) the particular

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A.D. 1919. cases which any tribunal shall hear, and such other matters as may be required for the due and speedy determination of appeals.

9. "Lord Chancellor" shall mean, in the application of this schedule to Scotland, the Lord President of the Court of Session, and in its application to Ireland, the Lord Chancellor of Ireland.

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FOR

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