



# War Pensions (Administrative Provisions) Act 1919

1919 CHAPTER 53 9 and 10 Geo 5

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. [19th August 1919]

## Modifications etc. (not altering text)

- C1 Functions of Minister of Pensions now exercisable by Secretary of State: S.I. 1953/1198 (1953 I, p. 1228), [Ministry of Social Security Act 1966 \(c. 20\), s. 2](#) and S.I. 1968/1699
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C3 Act amended (women's services) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\), s. 20, Sch. 3 para. 1](#)
- C4 [Act transfer of functions \(3.11.2008\) by First-tier Tribunal and Upper Tribunal \(Chambers\) Order 2008 \(S.I. 2008/2684\), arts. 1, 4](#)

<sup>F1</sup> Administration of pensions, &c. under Injuries in War (Compensation) Acts.

## Textual Amendments

- F1 [S. 1](#) repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\), Sch. 1 Pt. 1](#) Group 4

2 ..... <sup>F2</sup>

## Textual Amendments

- F2 [S. 2](#) repealed by [Statute Law Revision Act 1953 c. 5 \(2 & 3 Eliz. 2\)](#)

*Changes to legislation:* There are currently no known outstanding effects for the War Pensions (Administrative Provisions) Act 1919. (See end of Document for details)

**3 Extension of power to pay pensions in advance.**

- (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.

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

**C5** Functions of Army Council and Air Council now exercisable by Defence Council: [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), s. 1\(3\)](#)

**C6** Functions of Treasury under s. 3 now exercisable by Minister for the Civil Service: [S.I. 1968/1656](#)

**4—6** ..... <sup>F3</sup>

**Textual Amendments**

**F3** [Ss. 1\(2\), 4—6, 8\(4\)](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

**7 Statutory right to pensions.**

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.

**8 Appeals <sup>F4</sup> . . .**

- (1) ..... <sup>F5</sup> where the claim of the widow or <sup>F6</sup> surviving civil partner or the orphan, <sup>F7</sup> parent or dependant] 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 <sup>F8</sup> the appropriate tribunal, whose decision shall be final (subject, in the case of a decision of the First-Tier Tribunal, to provision made by or under Chapter 2 of Part 1 of the Tribunals, Courts and Enforcement Act 2007).]

<sup>F9</sup>(1A) For the purposes of subsection (1) above “the appropriate tribunal” means—

- (a) in relation to England and Wales, the First-tier Tribunal;

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- (b) in relation to Scotland, a Pensions Appeal Tribunal for Scotland established under this section; and
  - (c) in relation to Northern Ireland, a Pensions Appeal Tribunal for Northern Ireland established under this section.]
- (2) Pensions Appeal Tribunals shall be established for [<sup>F10</sup>Scotland and Northern Ireland], 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 [<sup>F11</sup>of those tribunals].
- (3) ..... <sup>F12</sup>
- (4) ..... <sup>F13</sup>

**Textual Amendments**

- F4** Words in s. 8 omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 2(a)**
- F5** Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. III**
- F6** Words in s. 8(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 10**; S.I. 2005/3175, art. 2(1), Sch. 1
- F7** Words inserted by War Pensions Act 1920 (c. 23), **s. 8(2)**
- F8** Words in s. 8(1) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 2(b)**
- F9** S. 8(1A) inserted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 2(c)**
- F10** Words in s. 8(2) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 2(d)(i)**
- F11** Words in s. 8(2) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 2(d)(ii)**
- F12** S. 8(3) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. III**
- F13** Ss. 1(2), 4—6, 8(4) repealed by Statute Law Revision Act 1927 (c. 42)

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

- C7** S. 8 amended by War Pensions Act 1921 (c. 49), **s. 6**
- C8** S. 8(2) transfer of functions (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), arts. 1(1), 3(1), 4, 5, **Sch. 1** Table 1 (with Sch. 4)

**9 Extension of Acts.**

Unless the context otherwise requires—

<sup>F14</sup>  
...

The provisions of the <sup>M1</sup>Naval and Military War Pensions, &c., Act, 1915, and any Act amending the same, including 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.

**Textual Amendments**

- F14** Words repealed by War Pensions Act 1920 (c. 23), **s. 12(2)**

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**Changes to legislation:** There are currently no known outstanding effects for the War Pensions (Administrative Provisions) Act 1919. (See end of Document for details)

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#### Marginal Citations

**M1** 1915 c. 83.

#### 10 Short title.

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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## SCHEDULE

Section 8.

### CONSTITUTION, JURISDICTION, AND PROCEDURE OF PENSIONS APPEAL TRIBUNALS

- 1 [F15] Such number of pensions appeal tribunals shall be constituted for Scotland and Northern Ireland] as the Lord Chancellor, after consultation with the Minister of Pensions, may determine.

#### Textual Amendments

**F15** Words in [Sch. para. 1](#) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 3](#)

- 2 The members of each tribunal shall be appointed by the Lord Chancellor, and shall consist of—
- (i) one legal representative, . . . <sup>F16</sup>; and
  - [F17](ii) a person who has served in Her Majesty’s Forces]
  - (iii) a duly qualified medical practitioner.

#### Textual Amendments

**F16** Words repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 2\(1\)](#), [Sch. 20](#)

**F17** [Para. 2\(ii\)](#) substituted by [Administration of Justice Act 1965 \(c. 2\)](#), s. 29

- [F18]2A For the purposes of paragraph 2(i) the legal representative shall be—
- [F19](a) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis;]
  - (b) an advocate or solicitor in Scotland of at least [F20]5 years’ standing; or
  - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least [F21]5 years’ standing.]

#### Textual Amendments

**F18** [Sch. para. 2A](#) inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 2\(2\)](#)

**F19** [Sch. para. 2A\(a\)](#) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 1\(2\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)

**F20** Word in [Sch. para. 2A\(b\)](#) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 1\(3\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)

**F21** Word in [Sch. para. 2A\(c\)](#) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 1\(3\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)

- 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.

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**Changes to legislation:** *There are currently no known outstanding effects for the War Pensions (Administrative Provisions) Act 1919. (See end of Document for details)*

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- 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 . . .  
<sup>F22</sup>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 cases which any tribunal shall hear, and such other matters as may be required for the due and speedy determination of appeals.

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**Textual Amendments**

**F22** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. III**

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

**C9** Office of Lord Chancellor of Ireland abolished by [Irish Free State \(Consequential Provisions\) Act 1922 \(Session 2.\) \(c. 2\)](#), s. 2, Sch. 2 Pt. II and this Act in its application to Northern Ireland amended with the substitution for references in Sch. to Lord Chancellor of Ireland of references to Secretary of State by [S.R. & O. 1923/359 \(Rev. XVII, p. 666: 1923, p. 764\)](#)

**Changes to legislation:**

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