



# Pensions Appeal Tribunals Act 1943

## 1943 CHAPTER 39

### 5 Appeals against assessment of extent of disablement

- (1) Where, in the case of any such claim as is referred to in section one, section two or section three of this Act in respect of the disablement of any person, the Minister makes an interim assessment of the degree of the disablement, he shall notify the claimant thereof and if, at the expiration of two years from the time when he first notified such an interim assessment, he has not made such a final decision or assessment as is referred to in the next following subsection, an appeal shall lie to the Tribunal from the interim assessment in force at the expiration of the said period of two years and from any subsequent interim assessment, and the Tribunal on any such appeal may uphold the Minister's assessment or may assess the disablement at such higher or lower degree as they think proper.

In this subsection the expression " interim assessment " means any assessment other than such a final assessment as is referred to in the next following subsection.

- (2) Where, in the case of any such claim as is referred to in section one, section two or section three of this Act in respect of the disablement of any person, it appears to the Minister that the circumstances of the case permit a final settlement of the question to what extent, if any, the said person is disabled, and accordingly—
- (a) he decides that there is no disablement or that the disablement has come to an end or, in the case of any such claim as is referred to in section three of this Act, that the disablement is not or is no longer serious and prolonged ; or
  - (b) he makes a final assessment of the degree or nature of the disablement;
- he shall notify the claimant of the decision or assessment, stating that it is a final one, and thereupon an appeal shall lie to the Tribunal on the following issues, namely—
- (i) whether the circumstances of the case permit a final settlement of the question aforesaid;
  - (ii) whether the Minister's decision referred to in paragraph (a) hereof or, as the case may be, the final assessment of the degree or nature of the disablement, was right ;

and the Tribunal on any such appeal may set aside the said decision or assessment on the ground that the circumstances of the case do not permit of such a final settlement, or may uphold that decision or assessment, or may make such final assessment of the

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*Status: This is the original version (as it was originally enacted).*

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degree or nature of the disablement as they think proper, which may be either higher or lower than the Minister's assessment, if any.

- (3) This section shall not come into operation until such date as may be appointed by Order in Council, and different dates may be appointed for subsection (1) and subsection (2) respectively and for different classes of cases to which those respective subsections apply.