



# Pensions Act 1995

## 1995 CHAPTER 26

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *War Pensions*

#### **168 War pensions for widows: effect of remarriage**

- (1) In determining whether a pension is payable to a person as a widow under any of the enactments mentioned in subsection (3) in respect of any period beginning on or after the commencement of this section, no account may be taken of the fact that the widow has married another if, before the beginning of that period, the marriage has been terminated or the parties have been judicially separated.
- (2) For the purposes of this section—
  - (a) the reference to the termination of a marriage is to the termination of the marriage by death, dissolution or annulment, and
  - (b) the reference to judicial separation includes any legal separation obtained in a country or territory outside the British Islands and recognised in the United Kingdom;and for those purposes a divorce, annulment or legal separation obtained in a country or territory outside the British Islands must, if the Secretary of State so determines, be treated as recognised in the United Kingdom even though no declaration as to its validity has been made by any court in the United Kingdom.
- (3) The enactments referred to in subsection (1) are—
  - (a) The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983, and any order re-enacting the provisions of that order,
  - (b) The Personal Injuries (Civilians) Scheme 1983, and any subsequent scheme made under the Personal Injuries (Emergency Provisions) Act 1939,

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*Status: This is the original version (as it was originally enacted).*

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- (c) any scheme made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 or the Polish Resettlement Act 1947 applying the provisions of any such order as is referred to in paragraph (a),
- (d) the order made under section 1(5) of the Ulster Defence Regiment Act 1969 concerning pensions and other grants in respect of disablement or death due to service in the Ulster Defence Regiment.

## **169 Extensions of Pensions Appeal Tribunals Act 1943**

- (1) The Pensions Appeal Tribunals Act 1943 is amended as follows.
- (2) In section 1 (appeals against rejection of war pension claims made in respect of members of armed forces)—
  - (a) in subsection (1), after “administered by the Minister” there is inserted “or under a scheme made under section 1 of the Polish Resettlement Act 1947”, and
  - (b) in subsections (3) and (3A), for “or Order of His Majesty” there is substituted “, Order of Her Majesty or scheme”.
- (3) In section 7 (application of Act to past decisions and assessments)—
  - (a) in subsection (2), at the beginning there is inserted “Subject to subsection (2A) of this section,”, and
  - (b) after that subsection, there is inserted—
 

“(2A) Subsection (2) of this section shall not apply in relation to any decision given by the Minister before the passing of this Act which corresponds, apart from any difference of the kind referred to in that subsection, with such a decision as is referred to in section 1 of this Act in respect of claims made under the scheme referred to in that section.”
- (4) In section 10 (power to modify sections 1 to 4 by Order in Council), in subsections (1) and (2), for “or Order of His Majesty” there is substituted “, Order of Her Majesty or scheme”.
- (5) In section 12 (interpretation), in the definition of “relevant service”—
  - (a) for “or Order of His Majesty” there is substituted “, Order of Her Majesty or scheme”, and
  - (b) for “or Order” there is substituted “, Order or scheme”.
- (6) In the Schedule (constitution, jurisdiction and procedure of Pensions Appeal Tribunals), in paragraph 3(2), after paragraph (b) there is inserted—
  - “(ba) if the claim was made under the scheme referred to in section 1 of this Act in respect of a person who is treated under the scheme as an officer, shall be a retired or demobilised officer of Her Majesty’s naval, military or air forces;
  - “(bb) if the claim was made under the aforesaid scheme in respect of a person who is treated under the scheme as a soldier, shall be a discharged or demobilised member of any of the said forces who was not at the time of his discharge or demobilisation an officer;”.