



# Pensions Appeal Tribunals Act 1943

## 1943 CHAPTER 39

### **1 Appeals against rejection of war pension claims made in respect of members of the naval, military or air forces**

(1) Where any claim in respect of the disablement of any person made under any such Royal Warrant, Order in Council or Order of His Majesty as is administered by the Minister is rejected by the Minister on the ground that the injury on which the claim is based—

- (a) is not attributable to war service ; and
- (b) does not fulfil the following conditions, namely, that it existed before or arose during war service and has been and remains aggravated thereby ;

the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to a Pensions Appeal Tribunal constituted under this Act (hereafter in this Act referred to as " the Tribunal ") on the issue whether the claim was rightly rejected on that ground.

(2) Where, for the purposes of any such claim as aforesaid, the injury on which the claim is based is accepted by the Minister as fulfilling the conditions specified in paragraph (b) of the last foregoing subsection but not as attributable to war service, the Minister shall notify the claimant of his decision, specifying that the injury is so accepted, and thereupon an appeal shall lie to the Tribunal on the issue whether the injury was attributable to such service.

(3) Where any claim in respect of the death of any person " made under any such Royal Warrant, Order in Council or Order of His Majesty as aforesaid is rejected by the Minister on the ground that neither of the following conditions is fulfilled, namely—

- (a) that the death of that person was due to or hastened by an injury which was attributable to war service ;
- (b) that the death was due to or hastened by the aggravation by war service of an injury which existed before or arose during war service ;

the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the Tribunal on the issue whether the claim was rightly rejected on that ground.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where, in connection with the determination, for the purposes of any such claim as is referred to in the foregoing provisions of this section, of—
- (i) the date by reference to which the rank of the disabled or deceased person is to be determined, or
  - (ii) in the case of a claim by or in respect of a widow, widower, wife, husband or child, the date before which any marriage or any birth, legitimation or adoption of a child must have taken place,

it is contended that, as the result of a particular period of war service, the disabled or deceased person suffered aggravation of the injury on which the claim is based, being aggravation which in the case of death persisted until death, the Minister shall, if he rejects the said contention, notify the claimant of his decision, and thereupon an appeal shall lie to the Tribunal on the issue whether, as a result of such service during that period, the disabled or deceased person suffered such aggravation.