



# Pensions Appeal Tribunals Act 1943

1943 CHAPTER 39 6 and 7 Geo 6

## 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 . . . . .<sup>F1</sup> an appeal shall lie to the [<sup>F2</sup>appropriate tribunal] from the interim assessment . . .<sup>F1</sup> and from any subsequent interim assessment, and the [<sup>F2</sup>appropriate tribunal] on any such appeal may uphold the Minister's assessment or may [<sup>F3</sup>alter the assessment in one or both of the following ways, namely—
- (a) by increasing or reducing the degree of disablement it specifies; and
  - (b) by reducing the period for which the assessment is to be in force.]

In [<sup>F4</sup>this section] 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 [<sup>F5</sup>appropriate 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 [<sup>F5</sup>appropriate 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

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*Changes to legislation:* There are currently no known outstanding effects for the Pensions Appeal Tribunals Act 1943, Section 5. (See end of Document for details)

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a final settlement, or may uphold that decision or assessment, or may make such final assessment of the degree or nature of the disablement as they think proper, which may be either higher or lower than the Minister's assessment, if any [<sup>F6</sup>and if the [<sup>F5</sup>appropriate tribunal] so set aside the Minister's decision or assessment they may, if they think fit, make such interim assessment of the degree or nature of the disablement, to be in force until such date not later than two years after the making of the [<sup>F7</sup>appropriate tribunal's] assessment, as they think proper].

<sup>F8</sup>(3) .....

#### Textual Amendments

- F1** Words repealed by [Chronically Sick and Disabled Persons Act 1970 \(c. 44\), s. 23\(2\)\(a\)](#)
- F2** Words in s. 5(1) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 9\(1\), Sch. 3 para. 9\(a\)](#)
- F3** Words substituted by [Social Security Act 1980 \(c. 30, SIF 113:1\), s. 16\(3\)](#)
- F4** Words substituted by [Chronically Sick and Disabled Persons Act 1970 \(c. 44\), s. 23\(2\)\(b\)](#)
- F5** Words in s. 5(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 9\(1\), Sch. 3 para. 9\(b\)\(i\)](#)
- F6** Words added by [Chronically Sick and Disabled Persons Act 1970 \(c. 44\), s. 23\(2\)\(c\)](#)
- F7** Words in s. 5(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 9\(1\), Sch. 3 para. 9\(b\)\(ii\)](#)
- F8** S. 5(3) repealed by [Chronically Sick and Disabled Persons Act 1970 \(c. 44\), s. 23\(2\)\(d\)](#)

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

- C1** S. 5 extended by [Pensions Appeal Tribunals Act 1949 \(c. 12\), s. 2](#)
- C2** S. 5 amended by [S.I. 1980/1082, arts. 5, 6](#)
- C3** S. 5: functions transferred (3.11.2008) by [The First-tier Tribunal and Upper Tribunal \(Chambers\) Order 2008 \(S.I. 2008/2684\), art. 7\(a\)\(ii\)](#);

**Changes to legislation:**

There are currently no known outstanding effects for the Pensions Appeal Tribunals Act 1943, Section 5.