



Pensions Appeal Tribunals Act 1943

1943 CHAPTER 39 6 and 7 Geo 6

6A Appeals from Tribunal to Social Security Commissioner

- (1) Subject to the provisions of this section, an appeal shall lie to an appropriate Social Security Commissioner from any decision of the Tribunal under section 1, 2, 3, 4 or 5A of this Act on the ground that the decision was erroneous in point of law.
- (2) An appeal shall lie under this section at the instance of the person who appealed to the Tribunal or of the Minister.
- (3) If each of the parties to the appeal expresses the view that the decision appealed against was erroneous in point of law, the Commissioner may set aside the decision and refer the case to the Tribunal with directions for its determination.
- (4) Where the Commissioner holds that the decision appealed against was erroneous in point of law, he shall set it aside and—
 - (a) he shall have power—
 - (i) to give the decision which he considers the Tribunal should have given, if he can do so without making fresh or further findings of fact; or
 - (ii) if he considers it expedient, to make such findings and give such decision as he considers appropriate in the light of them;
 - and
 - (b) in any other case he shall refer the case to the Tribunal with directions for its determination.
- (5) Subject to any direction of the Commissioner, a reference under subsection (3) or (4) (b) above shall be to a differently constituted Tribunal.
- (6) No appeal lies under this section without the leave—
 - (a) of the person who constituted, or was the chairman of, the Tribunal when the decision was given;
 - (b) of the President or Deputy President of Pensions Appeal Tribunals for the part of the United Kingdom for which the Tribunal was appointed; or

Status: Point in time view as at 21/01/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Pensions Appeal Tribunals Act 1943, Section 6A. (See end of Document for details)

- (c) subject to and in accordance with regulations, of an appropriate Social Security Commissioner.
- (7) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.
- (8) Subject to section 6C of this Act, a decision of a Commissioner under this Act shall be final and conclusive.
- (9) In this section “appropriate Social Security Commissioner” means—
 - (a) if the appeal tribunal which made the decision was appointed for Northern Ireland, a Northern Ireland Social Security Commissioner;
 - (b) otherwise, a Great Britain Social Security Commissioner.
- (10) Where it appears convenient to do so by reason of a subsequent change of residence by the person who appealed to the Tribunal, a Great Britain Social Security Commissioner may direct that an application or appeal to him under this section be transferred to a Northern Ireland Social Security Commissioner; and vice versa.

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Changes to legislation:

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