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STATUTORY INSTRUMENTS

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**2001 No. 3506**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (War Pensions etc.) Order 2001**

*Made* - - - - *31st October 2001*  
*Laid before Parliament* *12th November 2001*  
*Coming into force* - - *3rd December 2001*

At the Court at Buckingham Palace, the 31st day of October 2001

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1 and 2 of the Ministers of the Crown Act 1975(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Transfer of Functions (War Pensions etc.) Order 2001.
- (2) This Order comes into force on 3rd December 2001.
- (3) In this Order, “the war pensions functions” means such of the functions of the Secretary of State as—
  - (a) immediately before 7th June 2001, were entrusted to the Secretary of State for Social Security, and
  - (b) have, before the making of this Order, been entrusted to the Secretary of State for Defence.

**Transfer of functions**

2. There are transferred to the Secretary of State the functions of the Secretary of State for Social Security under—
  - (a) the Pensions Appeal Tribunals Act 1943(2), and
  - (b) section 315(3) of the Income and Corporation Taxes Act 1988(3).

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(1) 1975 c. 26.  
(2) 1943 c. 39.  
(3) 1988 c. 1.

### **Transfer of property, rights and liabilities**

3. All property, rights and liabilities to which the Secretary of State for Social Security is entitled or subject at the coming into force of this Order in connection with the war pensions functions or the functions transferred by article 2 are transferred to the Secretary of State for Defence.

### **Supplementary and consequential**

4.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State for Social Security before the coming into force of this Order.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Social Security may, so far as it relates to any of the war pensions functions or to anything transferred by this Order, be continued by or in relation to the Secretary of State for Defence.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State for Social Security for the purposes of or in connection with any of the war pensions functions or anything transferred by this Order has effect, if in force at the coming into force of this Order, as if done by or in relation to the Secretary of State for Defence so far as is required for continuing its effect after the coming into force of this Order.

(4) Documents or forms printed for use in connection with the war pensions functions or the functions transferred by article 2 may be used in connection with those functions even though they contain, or are to be read as containing, references to the Secretary of State for Social Security, the Department of Social Security or an officer of the Secretary of State for Social Security; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Defence, the Ministry of Defence or an officer of the Secretary of State for Defence (as appropriate).

(5) Any enactment or instrument passed or made before the coming into force of this Order has effect—

(a) so far as is necessary for the purposes of or in consequence of article 2, as if references to (and references which are to be read as references to) the Secretary of State for Social Security, his department or officers were references to the Secretary of State, his department or officers (as appropriate),

(b) so far as is necessary for the purposes of or in consequence of article 3, or of the entrusting to the Secretary of State for Defence of the war pensions functions, as if references to (and references which are to be read as references to) the Secretary of State for Social Security, his department or officers were references to the Secretary of State for Defence, the Ministry of Defence or officers of the Secretary of State for Defence (as appropriate).

(6) In paragraph (5) “instrument”, without prejudice to the generality of that expression, includes in particular Orders in Council, judgments, decrees, orders, rules, regulations, schemes, contracts and other agreements, memoranda and articles of association, warrants, certificates and other documents.

5. The Schedule to this Order (consequential amendments) has effect.

*A. K. Galloway*  
Clerk of the Privy Council

SCHEDULE

Article 5

CONSEQUENTIAL AMENDMENTS

*Pensions Appeal Tribunals Act 1943 (c. 39)*

1. In section 12(1) of the Pensions Appeal Tribunals Act 1943, for the definition of “the Minister”<sup>(4)</sup> substitute—

““the Minister” means the Secretary of State;”

*Income and Corporation Taxes Act 1988 (c. 1)*

2. In section 315(3) of the Income and Corporation Taxes Act 1988<sup>(5)</sup>, for “Secretary of State for Social Security” substitute “Secretary of State”.

*Social Security Act 1989 (c. 24)*

3. In section 25 of the Social Security Act 1989, in the definition of “war pension”, for the words from “, the Minister” to “Chelsea;” substitute “or the Commissioners for the Royal Hospital for Soldiers at Chelsea, or a pension or benefit administered by the Minister of the Crown with responsibility for defence (except one administered by him in the exercise of functions transferred to him from the Secretary of State for Social Security);”.

*Social Security Administration Act 1992 (c. 5)*

4.—(1) Schedule 4 to the Social Security Administration Act 1992 is amended as follows.

(2) In Part 1, under “Government departments”, after paragraph (c) insert—

“(d) the Ministry of Defence.”

(3) In Part 2, after paragraph 3 insert—

“**3A.** The reference in Part 1 of this Schedule to the Ministry of Defence is a reference to it only to the extent that the functions carried out in it relate to war pensions.”

*Pensions Appeal Tribunals (Posthumous Appeals) Order 1980 (S.I.1980/1082)*

5. In article 1(2) of the Pensions Appeal Tribunals (Posthumous Appeals) Order 1980<sup>(6)</sup>, omit the definition of “Secretary of State”.

*Pensions Appeal Tribunals Rules*

6. In—

(a) rule 4(3) of the Pensions Appeal Tribunals (England and Wales) Rules 1980<sup>(7)</sup>,

(4) The definition was substituted by the Pensions Appeal Tribunals Act (Modification) Order 1981, S.I. 1981/1541; and amended by the Transfer of Functions (Health and Social Security) Order 1988, S.I. 1988/1843, Sched. 3 para. 2(a).

(5) Section 315(3) was amended by the Transfer of Functions (Health and Social Security) Order 1988, S.I. 1988/1843, Sched. 3, para. 2(d).

(6) Article 1(2) was amended by the Pensions Appeal Tribunals (Posthumous Appeals) Amendment Order 2001, S.I. 2001/408, Sched. para. 1.

(7) S.I. 1980/1120; rule 4(3) was substituted by the Pensions Appeal Tribunals (England and Wales) (Amendment) Rules 1998, S.I. 1998/1201, r. 4(3)(b).

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(b) rule 4(3) of the Pensions Appeal Tribunals (Scotland) Rules 1981(8), and  
(c) rule 4(3) of the Pensions Appeal Tribunals (Northern Ireland) Rules 1981(9),  
for the words from “Secretary of State” to the end substitute “Secretary of State for Defence”.

*Regulation of Investigatory Powers (Prescription of  
Offices, Ranks and Positions) Order 2000 (S.I. 2000/2417)*

7. In Part 1 of the Schedule to the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000, omit—

- (a) in column 2, “Senior Executive Officer in War Pensions Agency”,
- (b) in column 3, “Higher Executive Officer in War Pensions Agency”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order transfers to the Secretary of State functions of the Secretary of State for Social Security relating to war pensions.

Article 3 transfers to the Secretary of State for Defence property, rights and liabilities to which the Secretary of State for Social Security is entitled or subject in connection with the functions transferred by article 2 and other war pensions functions formerly entrusted to him.

Articles 4 and 5 and the Schedule contain supplementary and consequential provision in connection with the transfers made by the Order and the entrusting to the Secretary of State for Defence of war pensions functions formerly entrusted to the Secretary of State for Social Security.

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(8) S.I. 1981/500; rule 4(3) was substituted by the Pensions Appeal Tribunals (Scotland) (Amendment) Rules 1998, S.I. 1998/1225 (S. 65), r. 4(b).  
(9) S.R. 1981/231.