



War Pensions Act 1920

1920 CHAPTER 23

An Act to amend the War Pensions Acts, 1915 to 1919, and the Ministry of Pensions Act, 1916. [4th August 1920.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1 Amendment of 6 & 7 Geo.5 c.65

- (1) The powers and duties transferred from the Admiralty, the Commissioners of the Royal Hospital for Soldiers at Chelsea, the Army Council, and the Secretary of State for War to the Minister by the Ministry of Pensions Act, 1916, shall, except in so far as those powers and duties relate to pensions or grants to which the War Pensions Acts as amended by this Act apply, or to pensions or grants awarded in respect of wounds, disabilities, or other matters suffered, incurred, or happening in any war which occurred before the fourth day of August, nineteen hundred and fourteen, be re-transferred to the Admiralty, the Commissioners, the Army Council, and the Secretary of State respectively, and all powers and duties with respect to the administration of pensions vested in the Minister under subsection (3) of section two of the Air Force (Constitution) Act, 1917, other than powers with respect to pensions to which the War Pensions Acts as amended by this Act apply, shall be transferred to the Air Council, and the expressions " the present war," " the great war," or " the war " in any Warrants or Orders in Council relating to pensions, grants or allowances administered by the Minister shall have the same meaning as by virtue of this Act the expression " the present war" has in the War Pensions Acts, and all such Warrants and Orders in Council shall be construed and have effect accordingly.
- (2) The expression " pension " in the Ministry of Pensions Act, 1916, and in subsection (3) of section two of the Air Force (Constitution) Act, 1917, shall, in relation to officers, include a wounds pension awarded to an officer who is at any time after the date on which this subsection comes into operation in receipt of retired pay, or in the case of a naval warrant officer of a pension, granted under a Warrant or Order in Council administered by the Minister.

- (3) If any question arises as to whether any pension, grant or allowance is a pension, grant, or allowance to which the War Pensions Acts as amended by this Act apply, that question shall be referred to the Minister, and the decision of the Minister thereon shall be conclusive.
- (4) The provisions of subsection (2) of this section shall have effect as from the first day of August, nineteen hundred and twenty, and the other provisions of this section shall have effect as from the thirtieth day after the date fixed under the Termination of the Present War (Definition) Act, 1918, as the date of the termination of the present war.

2 Application of War Pensions Acts

The expression " the present war " in the War Pensions Acts shall mean any war carried on by His Majesty at any time during the period from the fourth day of August, nineteen hundred and fourteen, to the thirtieth day after the date fixed under the Termination of the Present War (Definition) Act, 1918, as the date of the termination of the present war, both inclusive, and accordingly, unless the context otherwise requires, references in those Acts to pensions, grants, and allowances, and to deceased or disabled officers or men, shall respectively be construed as references to pensions, grants, and allowances, granted, made, or awarded in respect of wounds, disablements or other matters suffered, incurred, or happening during the said period, whether the officers or men to or in respect of whom the pensions, grants, or allowances are granted, made or awarded, retired or are discharged from the service, or die before the expiration of the said period, or whether they so retire or are discharged or die after the expiration of the said period, and to officers and men who have died or been disabled through causes arising out of their service during that period, whether they retire or are discharged from the service or die before the expiration of the said period, or whether they so retire, or are discharged, or die after the expiration of the said period :

Provided that nothing in this section shall affect the operation of section three of the War Pensions (Administrative Provisions) Act, 1919.

3 Power to divide county area into districts and to establish committees for districts

- (1) Where it appears to the Minister that, with a view to the better administration of the War Pensions Acts in any county, it is expedient so to do, he may by order make a scheme for dividing the area of the county into such number of districts as he thinks proper, and for establishing for each of those districts a committee to act as a committee for the purposes of the War Pensions Acts in that district, or in the case of any such district for amalgamating the district with the area of an existing local committee : Provided that, where the Minister proposes to make a scheme under this section, he shall give notice of the proposed scheme to the committee of any county affected, and, if the committee within fourteen days after the receipt of the notice make to the Minister in writing any representations with respect to the proposed scheme, the Minister shall take those representations into consideration before making the scheme.
- (2) Committees established by the Minister under this section shall be deemed to be local committees within the meaning of the War Pensions Acts, and the scheme establishing any such committee shall provide for the representation on and inclusion among the members of the committee of persons who are required to be represented on, or included among, the members of local committees constituted under the Act of 1915, and may also provide for the inclusion among the members of the committee

of persons appointed by any local authorities whose area or any part of whose area is comprised in the district.

- (3) Every order by which a scheme is made under this section shall provide for the dissolution of the local committee established for the county, and for the transfer to or distribution among the committees comprising the area of the dissolved committee of any business pending before and for securing so far as practicable that officers in the employment of the dissolved committee shall be transferred to the said committees and employed by those committees in posts suitable to their standing and qualifications, and any such order may contain such other supplemental and consequential provisions as the Minister thinks necessary for the purpose of securing the due administration of the War Pensions Acts in that area.
- (4) Where the local committee for a county is dissolved under this section, any local committee established for any borough or urban district in the county in pursuance of the provisions of section three of the Naval and Military War Pensions, &c. (Administrative Expenses) Act, 1917, shall exercise the functions of a local committee set forth in paragraph (f) of section four of the Act of 1915 without being so directed by the Minister in pursuance of section eleven of the Act of 1918.
- (5) If the local committee for the County of London is dissolved under this section, the provisions of section four of the Naval and Military War Pensions, &c. (Administrative Expenses) Act, 1917, shall, as from the date of the order, cease to have effect, and provision shall be made by the scheme under subsection (1) of this section for the establishment of a separate local committee for the City of London and for each metropolitan borough.
- (6) Every order made under this section shall be laid before each House of Parliament as soon as may be after it is made, and, if an address is presented to His Majesty by either House within the next subsequent twenty-one days on which that House has sat next after the said order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.
- (7) Any order made under this section may be varied or revoked by a subsequent order made in like manner and subject to the like conditions.
- (8) In this section the expression " county " means the area of a local committee for a county.

4 Amendment of s.2 of 8 & 9 Geo.5 c.57

Section two of the Act of 1918 shall have effect subject to the following amendments :

- (1) The powers of the Minister under subsection (1) of section two may be exercised not only for the purpose of securing the proper exercise and performance of the powers and duties of local committees, but also for the purpose of securing greater economy in the administration of the War Pensions Acts, if the Minister is satisfied that those powers can be so exercised without prejudice to the due execution of those Acts :
- (2) Where any person has, by reason of a declaration made by the Minister under paragraph (g) of subsection (1). of section two, vacated his office as a member of a committee, that person shall not be re-appointed a member of the committee except with the consent of the Minister :

- (3) The Minister may by order under section two at any time, and in the case of an order made under paragraph (f) of subsection (1) of the said section without any further public local enquiry, revoke, vary or amend an order made under the said section.

5 Appointment of person to act as finance officer to local committee

If the Minister is satisfied that any committee has failed to keep proper and sufficient accounts or that any moneys provided by Parliament for the purpose of the payment of or otherwise in connection with any pensions, grants, or allowances to which the War Pensions Acts apply, have been irregularly or improperly applied, he may by order direct that the issue and payment of money by that committee shall be subject to the sole control of an officer of the Ministry of Pensions appointed for the purpose, and any such order may prescribe the functions to be exercised by the officer thereby appointed.

6 Power of officer holding local inquiry with respect to witnesses, &c

The power to make regulations under paragraph (c) of subsection (1) of section five of the Act of 1918 shall include the power to make regulations applying, with or without modification, for the purposes of any local inquiry held under the War Pensions Acts, any of the provisions of section twenty-one or section twenty-six of the Poor Law Board Act, 1847 (which relate respectively to the power of inspectors to summon and examine witnesses and to penalties on persons refusing or neglecting to attend or give evidence), or any of the provisions of any corresponding enactments applying to Scotland or Ireland, and any regulations made under this section shall, (subject to any provision therein to the contrary), apply throughout the United Kingdom.

7 Restoration of forfeited pensions

- (1) The Minister may, in his discretion and upon such terms as he thinks fit, restore, either in whole or in part, any pension which has been forfeited under the Forfeiture Act, 1870.
- (2) During such time as any person whose pension has been forfeited, whether under the Forfeiture Act, 1870, or otherwise, is undergoing imprisonment, the Minister may in his discretion pay or apply any part of the pension which may be restored under the foregoing provision or otherwise, or any allowance payable to that person during the continuance of the pension, to, or for the benefit of, the wife, children, or other dependants of that person.
- (3) In this section the expression " pension " means any pension awarded or administered by the Minister in pursuance of any Warrant or Order in Council.

8 Statutory right of widow and children to a pension

- (1) The widow or dependant of a deceased officer or man shall be entitled to receive such pension, gratuity, or allowance as is awarded by the Minister under any Warrant or Order in Council for the time being in force in respect of that officer or man, and for the payment whereof money has been provided by Parliament, but the award of any such pension, gratuity, or allowance shall be subject to the conditions contained in the Warrant or Order.

- (2) Section eight of the War Pensions (Administrative Provisions) Act, 1919 (which provides for appeals to pensions appeal tribunals), shall have effect as though the words " or parent or dependant " were inserted therein after the words " motherless child. "

9 Amendment of s.9 of 8 & 9 Geo.5 c.57

The following subsection shall be substituted for subsection (4) of section nine of the Act of 1918 :—

- “(4) Any child for the care of whom it is the duty of the Minister under this section to make provision may be committed to the care of the Minister or any person appointed by him for the purposes of this subsection by an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, as if the Minister or the person so appointed were named in those sections as a person to whose care a child may be committed.”

10 Exemption from stamp duty

Any order, receipt, or other document used in relation to the payment of any pension, grant, or allowance to which the War Pensions Acts apply shall, unless otherwise provided by the Warrant, or Order in Council, under which the pension, grant, or allowance is granted, made, or awarded, be exempt from stamp duty.

11 Interpretation

- (1) Unless the context otherwise requires, the expression " Royal warrant " or " Warrant " in the War Pensions Acts shall include any order under the Air Force (Constitution) Act, 1917, relating to pensions the administration of which is vested in the Minister.
- (2) In this Act, unless the context otherwise requires—
- The expression " the Minister " means the Minister of Pensions :
- The expression " the War Pensions Acts " means the War Pensions Acts, 1915 to 1919, and this Act:
- The expression " the Act of 1915 " means the Naval and Military War Pensions, &c. Act, 1915 :
- The expression " the Act of 1918 " means the War Pensions (Administrative Provisions) Act, 1918.
- (3) This Act shall be construed as one with the War Pensions Acts, 1915 to 1919.

12 Short title and repeal

- (1) This Act may be cited as the War Pensions Act, 1920, and the War Pensions Acts, 1915 to 1919, and this Act may be cited together as the War Pensions Acts, 1915 to 1920.
- (2) The words in section nine of the War Pensions (Administrative Provisions) Act, 1919, from " the expression " to " 1918 and " are hereby repealed.