



Chronically Sick and Disabled Persons Act 1970

1970 CHAPTER 44

Miscellaneous provisions

23 War pensions appeals

- (1) The Pensions Appeal Tribunals Act 1943 shall have effect with the amendments specified in the subsequent provisions of this section.
- (2) In section 5—
 - (a) so much of subsection (1) as prevents the making of an appeal from an interim assessment of the degree of a disablement before the expiration of two years from the first notification of the making of an interim assessment (that is to say, the words from " if" to " subsection " where first occurring, and the words " in force at the expiration of the said period of two years ") is hereby repealed except in relation to a claim in the case of which the said first notification was given before the commencement of this Act;
 - (b) in the second paragraph of subsection (1) (which defines " interim assessment" for the purposes of that subsection), for the words " this subsection " there shall be substituted the words " this section " ;
 - (c) in subsection (2) (which provides for an appeal to a tribunal from a Ministerial decision or assessment purporting to be a final settlement of a claim) at the end there shall be added the words " and if the 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 Tribunal's assessment, as they think proper " ;
 - (d) subsection (3) (which makes provision as to the coming into operation of section 5) is hereby repealed.
- (3) In section 6, after subsection (2) there shall be inserted the following subsection—

Status: This is the original version (as it was originally enacted).

- “(2A) Where, in the case of such a claim as is referred to in section 1, 2, 3 or 4 of this Act—
- (a) an appeal has been made under that section to the Tribunal and that appeal has been decided (whether with or without an appeal under subsection (2) of this section from the Tribunal's decision); but
 - (b) subsequently, on an application for the purpose made (in like manner as an application for leave to appeal under the said subsection (2)) jointly by the appellant and the Minister, it appears to the appropriate authority (that is to say, the person to whom under rules made under the Schedule to this Act any application for directions on any matter arising in connection with the appeal to the Tribunal fell to be made) to be proper so to do—
 - (i) by reason of the availability of additional evidence; or
 - (ii) (except where an appeal from the Tribunal's decision has been made under the said subsection (2)), on the ground of the Tribunal's decision being erroneous in point of law,the appropriate authority may, if he thinks fit, direct that the decision on the appeal to the Tribunal be treated as set aside and the appeal from the Minister's decision be heard again by the Tribunal”.
- (4) In subsection (3) of section 6 (under which, subject to subsection (2) of that section, a tribunal's decision is final and conclusive) for the words " subject to the last foregoing subsection " there shall be substituted the words " subject to subsections (2) and (2A) of this section ".
- (5) In consequence of the Secretary of State for Social Services Order 1968, in section 12(1), for the definition of " the Minister " there shall be substituted the following:—
- “ the Minister ' means the Secretary of State for Social Services”.
- (6) This section extends to Northern Ireland.